#191

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May 15, 2012

Erin R. McCormick
Fowler White Boggs P.A.
501 E. Kennedy Blvd., Suite 1700
Tampa, FL 33602

RE: Fishhawk Ranch Development of Regional Impact – DRI #191
Build Out Date Extension per HB 7207 & Extension of Time Pursuant to Section 252.363, F.S and Executive Order Numbers 11-128, 11-172 & 11-202

Dear Ms. McCormick:

We have received your letters notifying the County that you intend to utilize the provisions of Sections 73 and 54 of House Bill (HB) 7207 and Section 252.363, F.S and Executive Order Numbers 11-128, 11-172 and 11-202 to extend the build out dates for specifically approved Phase II and conceptually approved Phase III, and the date to which the project shall not be subject to downzoning or intensity reduction of the Fishhawk Ranch DRI.

The current build out dates and the date to which the project shall not be subject to downzoning or intensity reduction are:

Phase II	December 29, 2012*
Phase III	December 29, 2015
Downzoning or intensity reduction	December 29, 2025

Pursuant to Sections 73 and 54 of HB 7202, and Section 252.363, F.S and Executive Order Numbers 11-128, 11-172 and 11-202, the County acknowledges that the above dates are extended as shown below:

Phase II	November 19, 2019
Phase III	November 19, 2022**
Downzoning or intensity reduction	November 18, 2032

If you have any questions, please call me at 813.276.8393.

Sincerely,

John E. Healey, AICP

* In a letter dated February 16, 2010 the County acknowledged that the build out date for Phase II was extended to December 29, 2012, pursuant to Senate Bill 360.

** Phase II remains conceptually approved and subject to further DRI review should specific approval be sought.

cc: John Meyer, Tampa Bay Regional Planning Council (via e-mail)
Nancy Takemori, County Attorney's office (via e-mail)

191

BOARD OF COUNTY COMMISSIONERS
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michael S. Merrill
Manus J. O' Donnell
Edith M. Stewart

February 16, 2010

Ms. Erin McCormick Larrinaga Esq.
Fowler White Boggs
501 East Kennedy Blvd.
Suite 1700
Tampa, FL 33602

RE: Fishhawk Ranch, Development of Regional Impact #191
Build Out Date Extension per Senate Bill 360

Dear Ms. Larrinaga:

We have received your request, dated December 23, 2009, to extend the build out date for specifically approved Phase II of the Fishhawk Ranch Development of Regional Impact (DRI) for two (2) years as authorized by Senate Bill 360 for development orders with build out dates that expire between September 1, 2008 and January 1, 2012.

The current build out date of Phase II is December 29, 2010. Phase II is eligible for the two-year extension and therefore the build out date for Phase II is extended to December 29, 2012. Phase III remains conceptually approved and subject to further DRI review should specific approval be sought.

If you have any questions, you may call me at 813.276.8393 or e-mail me at healeyj@hillsboroughcounty.org

Sincerely,

John E. Healey, AICP

cc: John Meyer, Tampa Bay Regional Planning Council (via e-mail)
Nancy Takemori, County Attorney's Office (via e-mail)

191

FOWLER WHITE BOGGS
Attorneys at Law
Est 1943

December 23, 2009

Mr. John Meyer – **VIA FEDERAL EXPRESS**
Principal Planner, DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd.
Suite 100
Pinellas Park, Florida 33782

Mr. John Healey – **VIA HAND DELIVERY**
Hillsborough County DRI Coordinator
Planning and Growth Management
P.O. Box 1110
Tampa, FL 33601-1110

Re: Fishhawk Ranch DRI – No. 191, Extension of Time pursuant to SB 360

Dear Messrs. Meyer and Healey:

On behalf of Fishhawk Communities Limited Partnership, I am providing this notice of extension pursuant to Senate Bill 360 (Section 14, Chapter 2009-96). Specifically, we are providing notice of exercise of the two (2) year extension for the build out date for specifically approved Phase II of the Fishhawk DRI. Specifically, the current expiration date is December 29, 2010, which shall be extended to December 29, 2012.

Please let me know if you have any questions regarding this matter.

Sincerely yours,

FOWLER WHITE BOGGS P.A.

Erin McCormick Larrinaga

cc: Mr. Rick Harcrow
Mr. Thomas Panaseny

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#191

FOWLER WHITE BOGGS
Attorneys at Law
Est 1943

Erin McCormick Larrinaga
Direct Dial: 813-222-1180
Direct Fax:
elarrinaga@fowlerwhite.com

June 8, 2009

Mr. John Meyer
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard
Suite 100
Pinellas Park, FL 33781

Re: Responses to Comments Regarding Fishhawk Ranch DRI 2007-2008 Annual Report, dated March 19, 2009

Dear John:

Following are our responses to your comments, transmitted on March 19, 2009:

1. Please immediately submit Land Use Equivalency Matrix conversion request(s) to account for previously constructed Warehouse or re-classify the Warehouse as a currently approved use.

Attached hereto is the "Notice of Land Use Equivalency Matrix Conversion" for the conversion of 3,431 sq. ft. of commercial uses to 48,315 sq. ft. of mini-warehouse uses.

2. Please quantify the size of the recently constructed "Fishhawk Afterschool Center" and confirm that this would be classified as a Retail facility. In addition, please confirm that this would constitute the fourth day care facility.

The Fishhawk Afterschool Center, which constitutes the fourth day care facility within the Fishhawk Ranch DRI consists of 6,696 sq. ft. of heated space.

3. It has be previously identified that 45,878 sq. ft. of Office had been constructed. This is contrary to the 30,351 sq. ft. currently reported (i.e. 16,766 sq. ft. Town Center Office & 13,585 sq. ft. Fishhawk Professional Office Center). Please explain.

Exhibit B (Development Activity) to the 2007-2008 Annual Report has been updated, and is attached. The correct amount of office constructed is 45,878 sq. ft.

Should you have any additional questions, please contact me at.

Very truly yours,

FOWLER WHITE BOGGS P.A.

Erin McCormick Larrinaga

Enclosure

cc: Mr. John Healey (w/encl)
Mr. Tom Panaseny (w/encl)

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Notice of Land Use Equivalency Matrix Conversion

1. Notice is hereby provided, in accord with the Amended and Restated Fishhawk Ranch DRI Development Order (R.08-102), Specific Condition No. IV.A.8.b., that the Developer is converting 3,431 sq. ft of commercial uses for 48,315 sq. ft of mini-warehouse uses. This conversion is consistent with the approved Land Use Equivalency Matrix, as follows:

2. (.071) x 1,000 sq. ft. of Mini-warehouse uses = 1,000 sq. ft. of Retail A/Commercial uses

   (.071) x 48,315 sq. ft. of Mini-warehouse uses = 3,431 sq. ft. of Retail A/Commercial uses

3. The revised Land Use Schedule, to be included on Map H and on the General Site Development Plan, is set forth below:

PHASE (YEARS)	OFFICE (Sq. Ft.)	COMMERCIAL (Sq. Ft.)	RESIDENTIAL (Units)		MINI-WAREHOUSE (Sq. Ft.)
			Single-Family/ Townhomes	Multi-Family	
Phase 1 (1993-12/29/2005)	0	110,000	2,131	160	0
Phase 2 (2002-12/29/2010)	50,000	276,369	2,368	0	48,315
Phase 3* (2007-12/29/2015)	42,000	0	4	500	0
TOTAL	92,000	386,569	4,503	660	48,315

4. No changes to the to land uses, from those shown on the approved Map H are proposed.

Submitted by: _____

Name: Erin Larrinaga
As: Authorized Agent
Date: June 8, 2009

#191

PAT FRANK

Clerk of the Circuit Court
13th Judicial Circuit

August 7, 2008

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

Re: Resolution No. R08-102 – Amended and Restated Development Order for the Fishhawk Ranch (DRI #191)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on July 22, 2008.

We are providing this original for your files.

Sincerely,

Midge Dixon for
Gail M. Letzring,
Manager, BOCC Records

md
Certified Mail Receipt # 7003 3110 0004 4684 6739
Attachment
Cc: Board files (orig.)
Charles Gauthier, Chief, DCA Bureau of State Planning (orig. ltr.)
Andrea E. Zelman, Esq., Fowler White Boggs Banker, P.A. (orig. ltr.)
Nancy Y. Takemori, Assistant County Attorney
Elaine Lund, Planning and Growth Management
Sandra Davidson, County Attorney's Office
Christopher Weiss, Property Appraiser's Office
Mary Mahoney, Management and Budget

RESOLUTION NO. R08-102

RESOLUTION OF THE BOARD OF COUNTY

COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA,

AMENDING AND RESTATING THE DEVELOPMENT

ORDER FOR FISHHAWK RANCH DRI #191

Upon motion by Commissioner Ferlita, seconded by Commissioner Norman, the following Resolution was adopted by a vote of 7 to 0.

WHEREAS, on July 11, 1989, the Board of County Commissioners adopted Resolution No. R89-0172 approving the Fishhawk Ranch DRI #191 Development Order, which became effective July 25, 1989 (the "Development Order"); and

WHEREAS, the Board of County Commissioners has amended the Development Order by adopting Resolution R91-0085 on May 7,1991; Resolution R92-0166 on July 14,1992; Resolution R92-0306 on December 8, 1992; Resolution R98-091 on April 21, 1998; Resolution R99-136 on July 29, 1999; Resolution R01-208 on October 9, 2001; Resolution R03-075 on April 22, 2003; Resolution R03-240 on November 18, 2003; and Resolution R05-107 on May 10, 2005; and

WHEREAS, on August 30, 2006, Fishhawk Communities Limited Partnership (hereinafter referred to as the "Applicant" or "Developer") submitted a Notice of Proposed Change to a Previously Approved Development of Regional Impact for Fishhawk Ranch (hereinafter the "NOPC"), by and through its authorized agent, Erin M. Larrinaga, Attorney at Law, Fowler White Boggs Banker, P.A., located at 501 E. Kennedy Blvd., Suite 1700, Tampa, FL 33602; and

WHEREAS, the changes proposed in the NOPC include, but are not limited to, adding approximately 35.56 acres to the DRI as Tract 47; designating Tract 15A, and transferring approved uses to this Tract; modifying the Land Use Conversion Matrix to include Mini-Warehouses; removing the proposed Library site, and in accordance with 2007 HB 7203 amending Section 380.06 (19)(c) Florida Statutes (authorizing a three year extension for all phase, buildout and expiration dates of any development of regional impact under active construction as of July 1, 2007 and not subject to further development-of-regional impact review) extending the buildout date for all phases, and the expiration date for the DRI by three years; and

WHEREAS, pursuant to Section 380.06, Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners, to consider the NOPC; and

WHEREAS, on July 22, 2008, the Board of County Commissioners held a duly noticed public hearing on said NOPC and heard and considered testimony, reports, recommendations and other documents from the Tampa Bay Regional Planning Council, the Hillsborough County

Planning and Growth Management Department, other state and local government agencies, and interested citizens.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 22nd DAY OF JULY, 2008, AS FOLLOWS:

I. THAT THE FOLLOWING FINDINGS OF FACT ARE MADE:

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

B. A comprehensive review of the impacts generated by the NOPC has been conducted by the Hillsborough County Planning and Growth Management Department, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission (the "Planning Commission"), the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

C. All procedural requirements of Section 380.06, Florida Statutes, and the Hillsborough County Land Development Code have been complied with.

D. The impacts of the changes requested in the NOPC are adequately addressed by the terms and conditions of this Resolution pursuant to the requirements of Section 380.06, Florida Statutes.

II. THAT THE FOLLOWING CONCLUSIONS OF LAW ARE MADE:

A. The changes proposed in the NOPC are consistent with local land development regulations and the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and the state and regional comprehensive plans.

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

C. The changes proposed in the NOPC will not unreasonably interfere with the achievement of the objectives of the Land Development Plan adopted by the State of Florida as it may be applicable to the area.

D. In considering whether the NOPC should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in Section 380.06 and more specifically, Subsection 380.06(14), Florida Statutes.

E. The review by Hillsborough County Administration, the Planning Commission, TBRPC, and other participating agencies and interested citizens indicates that project impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order.

F. Based on the above Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby approves the NOPC, including the amended Fishhawk Ranch Master Development Plan ("Map H"), revised on May 9, 2008, as set forth in Composite Exhibit "A"; the revised legal description of the real property included within the DRI as set forth in Exhibit `"B"; the Amended and Restated General Conditions and Specific Conditions as set forth below; the Multi-Use Conversion Matrix as set forth in Exhibit "C' ; and the Developer commitments as set forth in Exhibit "D". Exhibits "A", "B", "C", and "D" are attached to and incorporated into this Resolution by reference.

III. GENERAL PROVISIONS

A. This Resolution shall constitute the Amended and Restated Development Order of Hillsborough County for the Fishhawk Ranch DRI. The provisions of Resolutions No. R890172, R91-0085, R92-0166, R92-0306, R98-091, R99-136, R01-208, R03-075, R03-240 and R05-107 are incorporated into this Amended and Restated Development Order by reference and are hereby reaffirmed in their entirety except as specifically amended herein.

B. All development within the Fishhawk Ranch DRI shall occur in accordance with this Amended and Restated Development Order.

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

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

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

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

G. Whenever this Amended and Restated Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of.

Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.

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

I. Development activity constituting a substantial deviation from the terms or conditions of this Amended and Restated Development Order as defined by the criteria of Subsection 380.06 (19) (b), Florida Statutes, or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other type of regional impact not previously reviewed by Hillsborough County and TBRPC, shall result in further Development of Regional Impact review pursuant to Section 380.06, Florida Statutes.

J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Amended and Restated 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 Amended and Restated Development Order. In the event of a deviation, the County Administrator may issue a notice of such noncompliance to the Developer, or 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, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85, as amended. Such report shall be due on the anniversary of the effective date of this Amended and Restated Development Order for each following year until and including such time as all terms and conditions of this Amended and Restated Development Order are satisfied. Such report shall be submitted to the Planning and Growth Management 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 Amended and Restated Development Order. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Amended and Restated Development Order. This report shall contain:

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

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

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

4. A statement setting forth the name(s) and address(es) of any successors or assigns to this Amended and Restated Development Order; and

5. A statement describing how the Developer has complied with each term and condition of this Amended and Restated Development Order applicable when the Annual Report was prepared.

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

M. This Development Order, as Amended and Restated herein, became effective on July 25, 1989, the date of the transmittal of Resolution R89-0172 to the parties specified in Subsection 380.07(2), Florida States, as amended.

N. The Developer has elected, pursuant to Subsection 380.06 (5)(c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 and each Chapter's respective implementing rules and regulations in effect as of the effective date of this Development Order, as Amended and Restated herein. Accordingly, to the extent that the provisions of Subsection 380.06(5) (c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Amended and Restated Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

Years *	Office ** (Sq. Ft.)	Commercial ** (Sq. Ft.)	Residential (Dwelling Units)
Phase 1 1993-Dec. 29, 2005	--	110,000	2,131 SF 160 MF
Phase II Dec. 30, 2002 Dec. 29, 2010	50,000	280,000	2,368 SF
Phase III Dec. 30, 2007- Dec 29, 2015	42,000		4 SF 500 MF
TOTAL	92,000	390,000	4,503 SF 660 MF

* The years shown are estimates only and do not prohibit development at a slower or faster rate, subject to the other conditions of this Amended and Restated Developer Order.

** The commercial and office square footages for each phase shall be limited to the maximum square footages permitted under the Horizon 2000 Plan or the Future of Hillsborough Plan, as applicable.

2. Specific final development approval is accorded to Phase I and Phase II, subject to the conditions contained herein. Specific approval of Phase III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Amended and Restated Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts. Notwithstanding anything herein to the contrary, such mitigation shall include a requirement that improvements be made to ensure that Fishhawk Boulevard continues to operate at an acceptable level of service (LOS "D" peak hour).

3. For purposes of this Amended and Restated Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the phase.

4. Any amendments to the proposed phasing schedule shall be submitted to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Amended and Restated Development Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

5. The physical development of Fishhawk has commenced.

6. This Amended and Restated Development Order shall remain in effect for a period up to and including December 29, 2025. No new construction shall commence after expiration of the Amended and Restated Development Order except as authorized pursuant to an amendment of this Amended and Restated Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Amended and Restated Development Order may be completed in accordance with the requirements of the Development order, if approved. This Amended and Restated Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County, TBRPC and the Department of Community Affairs ("DCA") a minimum of thirty (30) days prior to the expiration date of this Development Order.

7. This Development shall not be subject to downzoning or intensity reduction until December 29, 2025, unless the local government can demonstrate a substantial changes in the conditions underlying the approval of the Development Order, as Amended and Restated have occurred, or the Amended and Restated Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the local government to be essential to the public health, safety, or welfare.

8. The approved land uses within the project may be interchanged subject to the conversion matrix attached hereto as Exhibit "C", and the following conditions:

a. The use of the conversion matrix shall be subject to the following minimum and maximum limits and the requirement that the resulting development does not exceed the approved p.m. peak hour new external trip ends (4109 trip ends) for Phases I and II:

Approved Uses	Minimum Quantities	Maximum Quantities
Single Family	3,500	7,000
Multi-Family	500	3,000
Commercial	110,000	500,000
Office	50,000	200,000
Mini-warehouse	0	150,000

b. Prior to any use of the conversion matrix, the Developer shall file a revised Map H with Hillsborough County, Tampa Bay Regional Planning

Council and the Department of Community Affairs, and a revised General Site Plan for zoning purposes with Hillsborough County, and shall include a land use schedule identifying what conversions have been made. If the use of the conversions results in an amendment to the location of land uses from those on the approved Master Plan, the revised Master Plan shall be subject to a substantial deviation review and determination. If no such location changes are proposed, no further DRI or zoning review shall be required in connection with the use of the conversion matrix.

c. The Developer shall also include in the Annual Report required pursuant to Section III.K. above a table showing what conversions were made during the reporting period, a cumulative summary of conversions made and the resulting revised land use table for the project.

B. Transportation

1. General Transportation Conditions

a. Monitoring. When Certificates of Occupancy have been issued for 1,500 single family residential units (or the equivalent thereof in terms of trip generation), an annual monitoring program to provide peak-hour traffic counts at the Development's entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. The Developer may perform a more detailed engineering survey to more accurately evaluate the results of the monitoring program. Counts shall be performed on an annual basis through build-out of Phase I. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, may amend the Amended and Restated Development Order to require additional roadway improvements or other mitigation measures according to the results of a revised transportation analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

The methodology for a new traffic analysis required during the additional review shall be based upon the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

b. TSM. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of Certificates of Occupancy for 1,500 single family residential units (or the

equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the PM peak-hour which is consistent with the assumptions used to prepare the Application. Such a program shall be reviewed by Hillsborough County, the Hillsborough County Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), TBRPC and the Florida Department of Transportation ("FDOT").

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the implementation of each TSM measure. The results of the TSM program shall be included in the Annual Report.

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

Development of such a TSM program shall be in cooperation with FDOT, Hillsborough County, MPO, HART and TBRPC. Such a program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ride sharing by public and private sector employees.

OBJECTIVES:
* Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ride-sharing efforts.

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

c. Boyette Road Extension. The Boyette Road extension, to which traffic from this Development has been assigned, has been built, as set forth in this Amended and Restated Development Order.

d. By July 29, 2004, or the issuance of a building permit for the 1700th unit, whichever is later, the Developer shall conduct a marketing study to evaluate whether market demand would support an increase in the project's entitlements for retail or other office uses. To the extent such additional entitlements are supported by the market study, the Developer

agrees to file an application to amend the DRI Development Order to secure approval of said additional entitlements. This provision incorporates, amends and supersedes the September 6, 1989 letter agreement between the Shimberg Cross Company as the Developer and the Department of Community Affairs regarding the objective of increasing office and retail uses in the project to increase job opportunities.

2. Mitigation Alternatives. The Developer has selected Option 3 to mitigate the Development's transportation impacts for Phases I and II. If Option 3 is selected but not performed as required in this section, mitigation of transportation impacts shall be governed by either Option 1 or Option 2.

a. Option 1

(1) Approval of any detailed site plans for Phase I of the Development shall require funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements indicated in Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(2) Subphasing of the Development is acceptable subject to agreement by Hillsborough County and TBRPC as to the amount of development in the subphase and the existence of funding commitments for roadway improvements on affected roadways that would operate below LOS D at peak hour (C peak in rural areas) and the development consumes five percent or more of the existing LOS D peak hour (C peak rural) service volume of the facility.. At the point in the development of Phase I at which roadway improvements are required pursuant to TBRPC policy for which --no funding commitments can be assured, development in the project shall be subject to a stop order. The stop order shall require a new traffic analysis or monitoring as appropriate.

Table 1

PHASE 1(1995) REQUIRED LINK IMPROVEMENTS FOR FISHHAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
Bloomingdale Ave.	Kings Ave. Bell Shoals Rd.	E	6.5	Construct 4-lane divided arterial
Bell Shoals Rd.	Bloomingdale Ave. to Boyette Rd.	E	23.7	Construct 4-lane divided arterial

Lithia-Pinecrest Rd.	SR 60 to Lumsden Rd.	E	16.0	Construct 4-lane divided arterial
Boyette Rd.	Bell Shoals Rd. to site entrance	(not existing)	100.0	Construct 4-lane divided arterial

Table 2

PHASE 1(1995) REQUIRED INTERSECTION IMPROVEMENTS FOR FISHHAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
SR 60 at Lithia-Pinecrest Rd.	F	16.3	Construct an EB right-turn lane. Construct NB left-turn lane.
US 301 at Bloomingdale Avenue	F	5.8	Construct an additional EB through-lane. Construct an additional SB left-turn lane and an additional through-lane.
Bloomingdale Ave. at Bell Shoals Road	F	14.2	Construct EB through-lane. Construct WB through-lane and exclusive right-turn lane. Construct SB right-turn lane.
Boyette Road at Bell Shoals Rd.	F	33.8	Signalize. Construct WB right, through and left-turn lanes. Construct EB right- and left-turn lanes. Construct NB left-turn lane. Construct SB right-turn lane.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the Fishhawk transportation study network, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, FDOT and TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of construction of any previously approved portion of Phase I plus that to be generated by

the portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in option 1 at a satisfactory LOS D at peak hour (C peak in rural' areas). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak in rural areas), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak in rural areas).

c. Option 3

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

(1) This pipeline option may be elected as full and complete satisfaction of the Developer's obligation to mitigate Phases I and II transportation impacts of the Development. Upon request of the Developer, prior to development beyond Phases I and II, a determination shall be made by Hillsborough County and coordinated by the County in writing with the other appropriate agencies whether or not a pipeline option for mitigation for the next Phase or Phases of the Development is permitted by then existing rules and regulations. If so, the Amended and Restated Development Order may be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the next Phase or Phases of the Development with due consideration given for all improvements and contributions made by the Developer to mitigate traffic impacts. If Hillsborough County determines that a pipeline option is not appropriate, transportation mitigation for the next Phase or Phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

(2) The Required Pipeline Improvement (the "Required Improvement") under this Option 3, which includes the "Required

Design", the "Required Right-of-Way Acquisition" and the "Required Construction" as defined below, shall be as follows:

(a) Developer has designed the 4.7 mile extension of Boyette Road from Bell Shoals Road to Lithia-Pinecrest Road (the "Boyette Road Extension") as a four-lane, divided, arterial roadway consistent with Hillsborough County design standards including appropriate transitional geometric improvements at the intersection of Bell Shoals/Boyette Road Extension and Lithia Pinecrest/Boyette Road Extension to maintain at least level of service D peak hour, at buildout of Phase I, at these intersections (the "Required Design").

(b) Developer has constructed two lanes of the Boyette Road Extension in accordance with the Required Design in two segments (the "Required Construction"). The first segment ("Segment A") consists of a 1.7 mile segment from Bell Shoals Road to the west boundary of the Development. The second segment ("Segment B") consists of a 3.0 mile segment from the west boundary of the Development to Lithia-Pinecrest Road.

(c) To accommodate the four-lane divided arterial roadway approved as the Required Design, the bridges over Fish Hawk Creek and Little Fish Hawk Creek shall be designed as two-lane bridges at each of the four creek crossings. Developer has constructed the two-lane bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, to accommodate the two-lane roadway constructed by Developer under Required Construction.

Developer shall fund and construct the two remaining bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, only if transportation analyses, required pursuant to the provisions of Section 380.06, Florida Statutes (per Section IV.A.2 of the Amended and Restated Development Order) and prepared for Phase III of Fishhawk, identify the need for the Boyette Road Extension to be four-laned. The transportation analyses shall be done in accordance with generally accepted engineering practices and shall account for both background traffic and project traffic. Developer shall not be required to fund or construct the two remaining bridges if the transportation analyses required per Section IV.A.2 for development beyond Phases I and II do not indicate the need to four-lane the Boyette Road Extension to accommodate traffic generated by Fishhawk Ranch DRI

Developer shall be required to construct or fund construction of the two remaining bridges only in conjunction with and at the same time as the construction of the four-laning of the Boyette Road Extension on or before the buildout of Fishhawk. The intent of this condition is to prevent

Developer from constructing or committing funds to construct said bridges if the road said bridges will serve will not be constructed on or before the buildout of Fishhawk. For purposes of this Amended and Restated Development Order, the term "buildout" shall mean the issuance of the last certificate of occupancy to complete the final phase of the project according to the phasing schedule set out in Article IV.A. of the Amended and Restated Development Order, as it may be amended from time to time. Developer hereby assumes no obligation or liability to construct or fund the construction of the four-laning of the Boyette Road Extension.

The Developer has entered into an agreement with Hillsborough County to specify the rights and obligations of each party with regard to the Boyette Road Extension. Said agreement shall not be inconsistent with the requirements of this Amended and Restated Development Order. Said agreement shall be executed by both parties prior to commencement of the Required Construction.

(d) Hillsborough County shall provide the necessary right-of-way for the Required Improvement, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed for the Required Improvement, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the Required Improvement, including the exercise of its powers of eminent domain. Unless otherwise approved by the Hillsborough County Engineering Services Department, the right-of-way shall be 176 feet wide for a rural section or 128 feet wide for an urban section.

(e) The Hillsborough County Road Network impact fee, in accordance with Ordinance 86-4 as amended by Ordinances 87-19, 89-4 and 89-6 (Roadway Improvements), and Ordinance 85-24E as amended by Ordinances 86-5, 87-17 and 89-3 (Right-of-Way), has been determined to be Two Million Fifty Thousand and No/100ths Dollars ($2,050,000.00) for Phase I and Seven Million Fourteen Thousand and No/100ths Dollars ($7,014,000.00) for the entire Development (hereinafter said ordinances shall be together referred to as the "Transportation Impact Fee Ordinances").The "Proportionate Share" contribution by the Developer for Phase I, in accordance with Section 380.06, Florida Statutes, Rule 9J-2.0255, Florida Administrative Code, and Section 19.8.14, Future of the Region, has been determined to be Three Million Four Hundred Thirty-Five Thousand Five Hundred Sixteen and No/100ths Dollars ($3,435,516.00).

(f) The cost of Segment A has been determined to be Three Million Eight Hundred Twenty-Eight Thousand Twenty-

One and No/100ths Dollars ($3,828.021.00), which amount exceeds the Developer's Proportionate Share obligation for Phase I. The total cost of the Required Improvement has been determined to be Eight Million Two Hundred Twenty-Eight Thousand One Hundred Fifty-Five and No/100ths Dollars ($8,228,155.00), which amount includes design, right-of-way acquisition, construction and construction inspection. The total contribution by the Developer for the Required Improvement, therefore, exceeds the Phase I Pipeline Proportionate Share Amount by Four Million Seven Hundred Ninety-Two Thousand Six Hundred Thirty-Nine and No/100ths Dollars ($4,792,639.00), exceeds the Phase I Transportation Impact Fee amount by six million one Hundred Seventy-Eight Thousand One Hundred Fifty-Five and No/100ths Dollars ($6,178,155.00), and exceeds the Development buildout Transportation Impact Fee amount by One Million Two Hundred Fourteen Thousand One Hundred Fifty-Five and No/100ths Dollars ($1,214,155.00).

(g) Buildings within Fishhawk shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable transportation contributions, costs and expenses borne by the Developer pursuant to this Development Order including but not limited to costs for right-of-way acquisition, design, construction and construction inspection of the Required Improvement ("Developer Pipeline Expenses") shall be applied toward and be a credit against impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder. To the extent that Developer Pipeline Expenses exceed the Phase I proportionate share contribution under this condition, such excess shall, in accordance with then applicable law, be applied toward and be a credit against then applicable transportation impact fees and proportionate share or pipeline assessments for Phases II and III of the Development. If permitted by applicable regulations, said excess impact fee credits shall also be transferable to other projects of the Developer subject to a case-by-case approval by the Board of County Commissioners. Subject to approval of the Board of County Commissioners, any excess credits not otherwise recovered as provided above shall be recoverable from transportation and right-of-way impact fees paid by all other development which uses any portion of the Required Improvement as a direct access point. For purposes of this paragraph, "direct access point" shall mean any point of ingress or egress from the boundaries of the development which connects directly to the Required Improvement or to any new connector road to the Required Improvement that

does not now exist. Developer may apply to recover such excess credits on a quarterly basis after completion of the Required Improvement.

(h) The Developer has complied with the time schedule, for design, permitting, and construction of the bridge structures that are part of the Required Improvement:

3. Additional Mitigation for Phase II.

a. The Developer has made proportionate share contributions of $8,228,155 as compared to a proportionate share obligation for both Phases I and II of approximately $6,921,219. Specific approval of Phase II is conditioned upon the Developer completing and paying for the following additional improvements (the "Phase II Improvements"):

	Location	Improvement
1.	Intersection of Fishhawk Boulevard and Lithia Pinecrest Road	Geometric: Southbound right turn lane. COMPLETED Signalization: When warranted and approved, including interconnects if required. COMPLETED
2.	Intersection of Fishhawk Boulevard and Bell Shoals Road	Geometric: Southbound right turn lane. COMPLETED Westbound right turn lane. COMPLETED Signalization: When warranted and approved, including interconnects if required. COMPLETED
3.	Intersection of Fishhawk Boulevard and Osprey Ridge West	Geometric: Westbound left turn lane. Eastbound right turn lane.

		Northbound exclusive right turn lane. Northbound exclusive left turn lane. Signalization: When warranted and approved, including interconnects if required.
4.	Intersection of Fishhawk Boulevard and Osprey Ridge East	Geometric: Westbound left turn lane. COMPLETED Eastbound right turn lane. COMPLETED Northbound exclusive right turn lane. COMPLETED Northbound exclusive left turn lane. COMPLETED Signalization: When warranted and approved, including interconnects if required.

The schedule for completion of the geometric Phase II Improvements shall be determined based on the results of an annual traffic analysis to be submitted with the Annual Report. The installation of signals shall be required when signalization is warranted and approved by Hillsborough County.

b. When any subphase of development within a development pod is submitted for preliminary commercial site plan approval or subdivision plat approval, the Developer shall provide, to Hillsborough County and Tampa Bay Regional Planning Council, a transportation analysis that demonstrates that Boyette Road Extension (Fishhawk Boulevard) from Lithia Pinecrest Road to Bell Shoals Road will operate at an acceptable level of service in both the AM and PM peak hour with the addition of the proposed development as well as at each proposed intersection or access point.

c. Hillsborough County shall provide the necessary right-of-way for any required improvements, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the required improvement, including the exercise of its powers of eminent domain.

C. Air Quality

1. The Developer and its successors or assigns shall be required to employ the fugitive dust emission abatement procedures referenced on page 13-6 of the Application.

2. Approval of Phase III shall require further review of air quality, in the form of an updated air quality impact analysis as required by Chapter 380, Florida Statutes, and applicable rules and regulations of the Florida Department of Environmental Protection ("FDEP") and the Hillsborough County Environmental Protection Commission ("EPC"), with review and comment by TBRPC, and amendment of the Amended and Restated Development Order to incorporate necessary measures to alleviate project impact.

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

D. Land

1. The methods identified on pages 14-1 and 14-4 of the ADA to overcome problems associated with particular soil types shall be implemented as appropriate.

2. The erosion control methods referenced on pages 14-4 and 14-5 of the ADA shall be implemented as appropriate.

E. Stormwater Management and Water Quality

1. Master Stormwater Management Plan. Prior to construction plan approval for any development parcel and the subsequent issuance of any site alteration/building permits, the Master Stormwater Management (drainage) Plan for said parcel shall be submitted to TBRPC and FDEP for review and to

Hillsborough County and the Southwest Florida Water Management District ("SWFWMD") for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such Master Stormwater Management Plans:

a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in effect at the time of construction plan submittal and review for a particular phase of the project.

b. The stormwater management system shall be designed, constructed and maintained to meet or exceed the requirements of Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD; and pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978), where applicable. In the absence of dedication of the stormwater management systems to Hillsborough County, the Developer shall be responsible for the operation and maintenance of the systems and shall provide for periodic sediment and vegetation removal operations as required. The Developer shall provide a copy of the operation and maintenance schedule with the Annual Report.

c. Incorporation of isolated wetlands within the stormwater management facilities shall be in compliance with requirements of FDEP pursuant to Chapter 373, F.S. and Chapter 302, Florida Administrative Code, and the requirements of SWFWMD pursuant to Chapter 40D-4, Florida Administrative Code, subject to Section III.N. above.

d. Best Management Practices for reducing water quality impacts, as required by Hillsborough County and SWFWMD, shall be implemented, including a street cleaning program as necessary for private parking and roadway areas within the Development.

e. Biological treatment of stormwater shall be used wherever feasible.

2. Monitoring. In order to protect water quality in the Alafia River and its watershed, there shall be no degradation of applicable water quality standards by the Development's stormwater exiting the site. Groundwater monitoring wells maintained by West Coast Regional Water Supply Authority ("WCRWSA"), or its successor, presently exist in two locations on site as shown on Figure SR23-1 of the ADA. In addition to the existing groundwater monitoring, wells, the Developer shall implement a semi-annual surface water quality monitoring

program, to be instituted before any construction activity implementing Phase I approvals takes place and to continue through build-out of the Development, at minimum. Any violation of Chapter 373, F.S., or Chapter 62-302, Florida Administrative Code, determined to be caused by the Development shall require corrective measures as set forth by FDEP. The following shall apply:

a. Sampling locations shall be in the areas where Fish Hawk Creek and Little Fish Hawk Creek intersect the project boundary, with the specific location to be determined in cooperation with Hillsborough County, FDEP, and SWFWMD.

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

c. The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met by the Developer, or its assigns, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

d. Monitoring shall be conducted semi-annually for one year during May and September, following issuance of the Development Order and following construction of 25 percent, 50 percent, 75 percent and 100 percent of the units in each Phase until build-out of the Development. Monitoring parameters shall include the following:

- Total phosphorous
- Total nitrogen
- Orthophosphate P
- Organic N
- Ammonia N
- Chlorophyll-a
- Dissolved oxygen
- Lead
- Zinc Copper
- Biological oxygen demand (5 day)
- Oil and grease
- Entercocci spp.
- Fecal coliforms
- Ph
- Specific conductivity

3. Maintenance. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County.

4. Easements. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated 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.

5. Flood Plains.

a. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.

b. All encroachments into the 100-year floodplain shall require that loss of hydrologic storage capacity is compensated on-site in accordance with the requirements of Hillsborough County and SWFWMD.

c. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways or easements, including grade level walkways, bicycle paths and similar facilities.

6. Wellhead Protection.

a. The Developer shall work with the West Coast Regional Water Supply Authority (the "Authority") or its successor to maintain access for Authority staff or duly appointed agents to the CUP-required monitor wells located in Sections 21 and 29 T30 R21 for the purposes of maintenance and monitoring, until such time as monitoring of the wells is not required under CUP No. 204352. If either monitor well requires repair or replacement as a result of damages caused by development activities, the Developer will bear the cost of such repair or replacement.

b. Any interim wastewater treatment facilities or disposal site located on the project site shall comply with all existing Federal, State and County regulations as they relate to the construction and operation of wastewater facilities and the disposal of waste. No interim wastewater treatment facilities or disposal sites shall be located wholly. or in part within 2,500 feet of a South Central Hillsborough Regional Wellfield potable water supply well (referred to hereinafter as a "SCHRW wellhead") without approval from the Authority and Hillsborough County.

c. No stormwater detention/retention ponds or septic tanks shall be located within 200 feet of any then existing SCHRW wellhead property boundary. All retention/detention ponds located wholly or in part within 400 feet of any SCHRW wellhead property boundary shall be lined in all areas, other than littoral shelves, with an impermeable liner (clay or man-made material), unless otherwise approved by the Authority.

d. All excavations made on-site shall not remove the confining clay unit; not breach the limestone aquifer, regardless of the circumstances; not allow the discharge of toxic or hazardous substances into the excavated site at any time; and, for excavations located wholly or in part within 500 feet of any SCHRW wellhead, include provisions for collecting water samples and analyzing water quality for the purpose of protecting public health in accordance with applicable rules and regulations and include an analysis of the excavation's dewatering impact on the surficial aquifer and neighboring wells during the county review process.

e. The Developer shall institute and implement groundwater monitoring within the project area to ensure maintenance of the water quality of the surficial aquifer, the Floridan aquifer, and adjacent public supply wells (i.e., the South Central Hillsborough Regional Wellfield) in accordance with the rules and regulations of the Florida Department of Environmental Protection and the Southwest Florida Water Management District. Copies of all data, including the Groundwater Monitoring Plan and the location of a possible new well to address the proposed 20 acre expansion parcel located on the eastern boundary of the project, adjacent to Dorman Road, and an additional monitoring site within Tract 47, shall be furnished to the appropriate agencies including the Department of Environmental Protection and Tampa Bay Water, within thirty (30) days of receipt by the Developer, its successors and assigns.

f. No hazardous wastes shall be discharged or disposed of on the property, nor shall any hazardous waste be stored within 500 feet of any SCHRW wellhead property boundary.

g. If, at any time during the monitoring process instituted in accordance with the requirements of the Florida Department of Environmental Protection or the Southwest Florida Water Management District, any monitor well on-site indicates the confirmed presence of pollutants in exceedance of regulatory standards during the monitoring period under the approved monitoring plan, the Authority or other jurisdictional agencies may require intensified monitoring and data collection. If a source of pollution persists, then the Authority or other jurisdictional agencies may request modification of the Development Order based on action deemed necessary to protect the region's water supply, including the South Central Hillsborough Regional Wellfield, as determined by the Authority or any other jurisdictional regulatory agency.

h. The developer agrees to be bound by Federal and local rules and regulations and by rules and regulations adopted pursuant to Chapters 403 and 373, Florida Statutes, which rules and regulations govern groundwater classification, usage, reclassification and aquifer protection.

i. If the recommended protections listed above become redundant or unnecessary because local ordinances, state rules, and federal regulatory provisions are more strict or provide adequate assurances of groundwater protection, the Authority and other appropriate agencies may mutually agree to eliminate those requirements deemed unnecessary.

F. Vegetation and wildlife.

1. Wetlands.

a. The approximate locations of the portions of the Development which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be designated on the Revised General Site Plan for Zoning Petition No. 89-0098 S and Zoning Petition No. PD 07-1130 (Tract 47).

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

(1) Except as otherwise required by agencies having jurisdiction:

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

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

(c) All on-site conservation area(s) shall be conserved unless a mitigation plan is approved by the Environmental Protection Commission and submitted to the Planning and Growth Management Department. The plan shall be implemented prior to or concurrent with the wetlands being disturbed. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

(d) All losses of conservation/preservation areas shall require in kind replacement on a 1:1 basis. Mitigation for

conservation/preservation area losses shall be implemented prior to or concurrent with the wetlands being disturbed.

(e) Within the 35.56+/- acre tract added pursuant to Resolution No. _____, the Developer shall not conduct any construction activities within the wetlands except as may be approved by applicable agencies. The applicant shall maintain a setback from the wetland areas, as required by the Hillsborough County Land Development Code and the SWFWMD ERP Guidelines.

2. Upland Preservation.

a. The representative tracts of major upland vegetative communities shall be preserved on-site as shown on Exhibit "C" in a manner which will protect or enhance their natural function and value. The Developer shall dedicate approximately 705 acres of upland and wetland preservation areas and wildlife corridors as shown on Exhibit "C", attached hereto, to Hillsborough County for use as a resource oriented regional park. The dedication of this park land shall occur on or before the platting and construction of the north-south roadway crossing Fish Hawk Creek, as shown on the Revised General Site Plan. Along boundaries where upland preservation areas abut residential development, the Developer shall fence or otherwise delineate the boundaries of said preservation areas to discourage uncontrolled pedestrian traffic.

3. Protected Species.

a. In the event that any species listed in Section 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 Fish and Wildlife Conservation Commission.

b. Gopher Tortoises.

(1) The designation of 326.5 acres of developable uplands as uplands preservation areas for gopher tortoise habitat (located south of Fish Hawk Creek, and sold to Hillsborough County under ELAP), in conjunction with the design of wildlife corridors incorporating ±1822 acres of upland and wetland habitats,(on-site and off-site after FLAP sales), and including buffers along Fish Hawk Creek and Little Fish Hawk Creek, all as shown on Exhibit "C" attached hereto, has been determined to mitigate the impacts of disturbing other gopher tortoise habitat on site. The Developer shall provide for relocation of gopher tortoises to achieve maximum carrying capacities of tortoises per acre as determined by the

Florida Fish and Wildlife Conservation Commission for all upland preservation areas.

(2) Prior to construction plan approval for development within Tract 47, the Developer shall perform a detailed listed species survey and obtain any appropriate permits. Copies of permits relative to gopher tortoises, if applicable, shall be provided to Hillsborough County and TBRPC in the Annual Report.

c. Southeastern Kestrel.

i. The Developer shall implement a Southeastern Kestrel nest box program for the TECO easement in cooperation with the Florida Fish and Wildlife Conversation Commission.

ii. If required by the Florida Fish and Wildlife Conservation Commission and Hillsborough County, the developer shall submit a survey for Southeastern Kestrels within Tract 47, at the time that it submits for preliminary plat approval, and, if required based upon such survey, shall implement a plan to address any impacts to Southeastern Kestrels, in cooperation with the Florida Fish and Wildlife Conservation Commission.

d. Sandhill Crane. If required by the Florida Fish and Wildlife Conservation Commission and Hillsborough County, the Developer shall submit a survey for Sandhill Cranes within Tract 47, at the time it submits for preliminary plat approval, and if required, based upon such survey, shall implement a plan to address any impacts to Sandhill Cranes, in cooperation with the Florida Fishhawk and Wildlife Conservation Commission.

4. Recreation and Open Space.

a. The Developer, its successors or assigns, shall be responsible for maintaining all recreation and open space areas within the Development other than those for which Hillsborough County has assumed maintenance responsibilities.

b. A linear greenway bike path/pedestrian trail system interconnecting the residential, non-residential, and public uses with each other and with the various habitat areas shall be permitted and located generally as depicted on the Master Plan. The ultimate location and design, including materials (boardwalk, asphalt, concrete, mulch, etc.) of each trail shall be determined as part of any preliminary plan approval and shall require the approval of the Hillsborough County Planning and Growth Management Department as well appropriate other agencies.

When the trail enters wetland areas, the approval shall include the Hillsborough County Environmental Protection Commission, the Southwest Florida Water Management District, the Florida Fish and Wildlife Conservation Commission, and the Army Corps of Engineers. When the trail enters upland habitat areas, the approval shall include the Florida Fish and Wildlife Conservation Commission.

c. To comply with the park property assessment requirements of the Hillsborough County Park Site Improvement Program (Ordinances 85-23 and 85-25E, as amended), the Developer shall dedicate to Hillsborough County the neighborhood and district park sites identified on the Revised General Site Plan. The Developer shall dedicate those park sites in conjunction with the platting of the first lots abutting said sites. The district park site shall be dedicated as a resource oriented park.

d. The designated public parks and recreation facilities within the Development shall be accessible to the elderly, handicapped and economically disadvantaged. The location of park sites may be changed subject to approval by the County, but any overall decrease in the acreage set aside for parks as shown on the Revised General Site Plan shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the County Parks and Recreation Department should decide that one or more of the park sites are not required or the locations are inappropriate, then the Developer shall be able to use the applicable parcel for residential development provided the number of dwelling units approved for the Development is not increased.

G. Archaeological and Historical Resources.

1. If archaeological sites 8Hi3393 or 8Hi3392 are to be impacted through development activities, archaeological test excavations shall be conducted to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing development activities at the sites. The final determination of significance shall be made in conjunction with the Florida Division of Historical Resources and Hillsborough County. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historic Resources Review Board and TBRPC. These sites shall be included on the Revised General Site Plan.

2. If sites 8Hi3393 or 8Hi3392 are to be impacted by development activities and either or both are found to be significant, excavation of the significant sites shall be undertaken in accordance with guidelines of the Division of Historical Resources prior to the commencement of any ground-disturbing activities at the significant sites. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historic Resources Review Board and TBRPC. Following review of the report by these agencies, notification of approval of the report by the Division of Historical Resources and the

Hillsborough County Historic Resources Review Board shall allow ground-disturbing activities to commence.

3. The discovery of any additional 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 Hillsborough County.

H. Economics/Equal Opportunity.

1. The Developer shall encourage the promotion of entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities within the Development. A report on equal opportunity employment programs utilized by Development businesses and the program's effect should be incorporated into the Annual Report following issuance of the first Certificates of Occupancy for Development businesses.

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

3. The Developer shall encourage employers in the Development to institute programs to provide child care facilities at the place of employment or as a cooperative effort with other businesses. A report on child care programs utilized by Development business employees shall be incorporated into the Annual Report following issuance of the first Certificate of Occupancy for Development businesses.

I. Public Facilities.

1. Water.

a. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall stipulate to the satisfaction of Hillsborough County, in accordance with applicable regulations, the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the Development. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for the building construction which is the subject of the building permit.

b. On-site wells shall be operated and maintained by the Developer, its successors or assigns, or by the entity or agency permitted to install and operate said wells by SWFWMD.

c. The Developer, its successors or assigns, shall be responsible for maintenance of all on-site water facilities unless otherwise required or agreed to by Hillsborough County.

d. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall ensure the provision of adequate fire hydrants (in number and appropriate location), fire flows and water pressure to serve each building for which fire protection is required in accordance with applicable regulations. The installation of a sprinkler system, fire hydrants or fire plan shall be options to meet these requirements. No building permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve such building is available.

e. Development within the Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses. The Developer shall submit a plan to Hillsborough County and TBRPC for the use of non-potable water on-site in the first Annual Report following issuance of the first Certificate of Occupancy.

f. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act, Section 533.14, Florida Statutes, and native vegetation shall be used in landscaping to the greatest extent possible.

g. The Developer shall dedicate to Hillsborough County a two (2) acre fire station site to be co-located with the District Park, as shown on the revised General Site Plan. The Developer shall be eligible for impact fee credits in accordance with Hillsborough County Ordinance 88-23. Dedication of the fire station shall occur upon written request of the County.

2. Wastewater.

a. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years by the Developer until said lines are dedicated to Hillsborough County. Faulty lines shall be replaced as quickly as feasible.

b. The Developer shall be required to take back effluent utilizing a functional recovered water system capable of taking back an amount at least equal to the quantity of wastewater generated by the Development in accordance with any uniformly applicable Hillsborough County ordinance or policy.

c. The selection of spray irrigation sites for the Development shall be based on a complete analysis in accordance with applicable regulations

including the anticipated treatment level of the effluent and detailed hydrogeological analysis of the sites to determine the potential for groundwater contamination from any hazardous waste or other pollutants.

d. The Developer shall pursue with Hillsborough County private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development and future surrounding development prior to application for permits to construct a project-specific package plant.

e. If an interim wastewater treatment plant becomes necessary, it shall only be located where a detailed hydrogeological analysis of the site in accordance with applicable rules and regulations determines low potential for groundwater contamination. Development within the Development shall be required to connect to public wastewater treatment facilities when said treatment becomes available to the site, at which time the interim plant shall be removed by the Developer.

3. Other Public Facilities. Prior to issuance of Building Permits, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, water, wastewater, electricity, fire, emergency medical services and police capabilities and facilities are available for the building(s) that are the subject of such Building Permits.

J. Energy Conservation.

1. All Development tenants, businesses and residents shall be encouraged to do the following:

a. Establish energy policies, energy use monitoring and energy conservation, using a qualified energy use analyst;

b. Institute programs to promote energy conservation by employees, buyers, suppliers and the public;

c. Institute programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to encourage the use of energy efficient cooling, heating and lighting systems;

d. Institute recycling programs;

e. Employ innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

f. Install total energy systems on large facilities, when cost effective;

g. Use the most energy efficient technology economically feasible in the construction and operation of the Development's facilities;

h. Use landscaping and retention of existing vegetation as a means for energy conservation;

i. Use energy audits provided by energy companies or other qualified agencies;

j. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

k. Use landscaping and building orientation to reduce heat gain, where feasible;

l. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate; and

m. Utilize energy efficient packaging and/or recyclable materials.

2. A report on the status of implementation of the energy conservation measures referenced on pages 25.5 and 25.9 of the ADA and other such measures shall be included in each Annual Report.

3. The Developer should work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for Development businesses.

K. Education.

1. The Developer shall dedicate to the Hillsborough County School Board three (3) 15-acre elementary school sites and one (1) 25-acre junior high school site as shown on the Revised General Site Plan, or as otherwise approved by the School Board. Credits for said dedications shall be given pursuant to the Hillsborough County School Site Dedication Program Ordinance, No. 86-20. In the event that one of the elementary sites is located with a park site, the acreage may be modified, subject to an agreement between the Parks Department and the School Board.

2. The Developer shall incorporate the water and wastewater requirements for the five (5) school sites into the design of its water and wastewater systems.

3. If the County School Board should decide that one or more of the school sites is not required or that the location(s) is inappropriate, then the Developer shall be able to use the applicable parcel(s) for residential development provided the number of dwelling units approved for the Development is not increased.

L. Housing.

1. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

3. Residential areas of the Development 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.

4. The Developer shall encourage the development of neighborhood watch programs in the Development. A report on such programs shall be included in each Annual Report following occupancy of the 500th dwelling unit.

5. In order to ensure adequate housing opportunities exist at locations reasonably accessible to places of work and to address the housing policies of the state land development plan, prior to commencement of Phase II, the Developer shall conduct an analysis of the affordable housing needs to be generated by the Development, including the need for affordable housing for Phase I, (using a methodology approved by Hillsborough County and reviewed by DCA). If the analysis shows that the Development will generate significant affordable housing needs which will not be, met in the South Hillsborough County area, the Developer shall prepare a Housing Affordability Plan ("HAP") and shall submit the HAP to Hillsborough County for incorporation as an amendment to this Development Order, which amendment shall not be considered a substantial deviation. The HAP shall be consistent with the County comprehensive plan and applicable County land development regulations.

At a minimum, the HAP shall address:

a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.

b. Specific mechanism for HAP implementation.

c. Monitoring.

d. Location and placement of affordable units.

e. An assessment of the HAP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

f. Provisions for crediting the Developer for activities that address affordable housing.

M. General

1. Developer Commitments. The Developer's commitments set forth in the Application are summarized in Exhibit "D" entitled "Developer Commitments", and these commitments shall be honored, except as they may be superseded by specific terms of the Amended and Restated Development Order.

2. Substantial Deviations. Pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the Development as described in the Application shall require a substantial deviation determination.

3. Notice of Adoption. The Developer shall record a notice of adoption of this Amended and Restated Development Order pursuant to Section 380.06(15), Florida Statutes.

4. Excess Infrastructure. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve latter phases of the Development, shall be at the Developer's risk and shall not operate to relieve the Developer from conditions which must be complied with prior to commencement of the latter phases.

5. Date Rendered. This Amended and Restated Development Order shall be deemed rendered and effective as of the postmark date of the transmittal of copies of Resolution No. R08-102 to DCA, TBRPC and the Developer.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of July 22, 2008, as the same appears of record in Minute Book 386 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 7th day of August, 2008.

PAT FRANK
Clerk of the Circuit Court

By: _____
Deputy Clerk

Approved by County Attorney

By: _____
Approved As To Form And Legal Sufficiency

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

FISHHAWK RANCH

FISHHAWK COMMUNITIES
LIMITED PARTNERSHIP

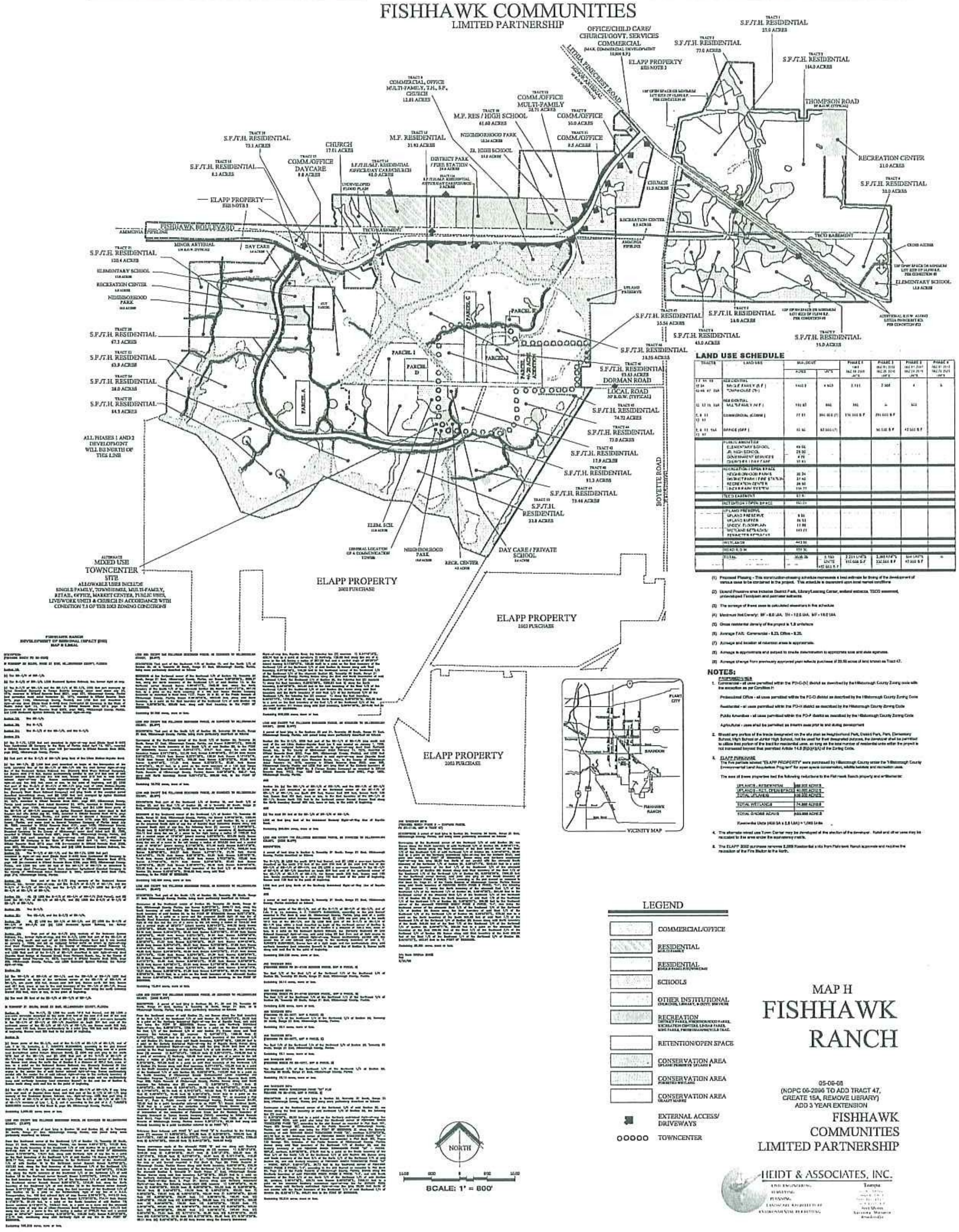


EXHIBIT "A"

FISHHAWK RANCH
DEVELOPMENT OF REGIONAL IMPACT (DRI)
MAP H LEGAL

DESCRIPTION:
(FISHHAWK RANCH PD 89-0098)

IN TOWNSHIP 30 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 15:

(a) The SW-1/4 of NW-1/4.

(b) The N-1/2 of SW-1/4, LESS Seaboard System Railroad, Inc. former right of-way.

(c) The S-1/2 of SW-1/4 and the SW-1/4 of SE-1/4, LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida. and LESS Seaboard System Railroad, Inc. former right-of-way.

Section 19: The SE-1/4.

Section 20: The S-1/2.

Section 21: The S-1/2 of the NE-1/4, and the S-1/2.

Section 22:

(a) The E-1/2, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

(b) That part of the E-1/2 of SW-1/4 lying East of the Lithia Station-Boyette Road.

(c) The NW-1/4, (i) LESS that part described as begin at the intersection of the north boundary line of the SE-1/4 of NW-1/4 with the east former right-of-way line of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company), run thence east 210 feet, thence southwesterly parallel to and 210 feet east of said former railroad right-of-way line 630 feet, thence west 210 feet to said former railroad right-of-way line, thence northeasterly along said former railroad right-of-way line 630 feet, more or less, to the point of beginning, and (ii) LESS that part of the W-3/4 of SE-1/4 of NW-1/4 lying west of Lithia Station-Boyette Road and lying east of the former right-of-way of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company) and lying South of the excepted parcel described immediately above, and (iii) LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and (iv) LESS those parts of the SE-1/4 of NW-1/4 conveyed by Agrico Chemical Company under deed to Bud Sanders and wife dated July 20, 1983, recorded in Official Records Book 4178, page 520, Hillsborough County, Florida, and under deed to Michael J. Brannon and wife dated July 20, 1983, recorded in Official Records Book 4178, page 522, Hillsborough County, Florida, and under deed to General Telephone Company of Florida dated July 20, 1983, recorded in Official Records Book 4161, page 1439, Hillsborough County, Florida, and (v) LESS those parts of the NW-1/4 of NW-1/4 conveyed by Agrico Chemical Company to the County of Hillsborough under deed dated April 29, 1985, recorded in Official Records Book 4557, page 1919, Hillsborough County, Florida, and (vi) LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and (vii) LESS Seaboard System Railroad, Inc. former right-of-way.

EXHIBIT "B"

Section 23: The W-1/2 of NW-1/4, and the SW-1/4, LESS that part
described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and LESS the north 25 feet of the NW-1/4 of NW-1/4 as described in right-of-way deed (Thompson Road) from American Agricultural Chemical Company to the County of Hillsborough dated November 9, 1954, recorded in Deed Book 1854, page 316, Hillsborough County, Florida.

Section 28: That part of the S-1/2 lying westerly of the Seaboard System Railroad, Inc., former right-of-way, and the W-3/4 of N-1/2 of NE-1/4, and the W-3/4 of W-1/2 of NW-1/4, and the E-1/2 of NW-1/4 LESS the E-1/2 of SE-1/4 of NE-1/4 of NW-1/4.

Section 29: All, (i) LESS the E-1/2 of NE-1/4 of NW-1/4 (Out Parcel), and (ii) LESS the SE-1/4 of SE-1/4 of NE-1/4, and (iii) LESS the E-1/2 of W-1/2 of NE-1/4 of SW-1/4.

Section 30: The E-1/2.

Section 31: The NE-1/4, and the E-1/2 of SE-1/4.

Section 32: All, (i) LESS the SW-1/4 of SW-1/4, and (ii) LESS the W-1/2 of NW-1/4 of SW-1/4 and (iii) LESS Seaboard System Railroad, Inc. former right-of-way.

Section 33: That part of the N-1/2 lying westerly of the Seaboard System Railroad, Inc., former right-of-way, and the S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of old Lithia Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida), and LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida, and LESS Seaboard System Railroad, Inc. former right-of-way.

Section 34:

(a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run south 209 feet, thence east 209 feet, thence north 109 feet, thence east 451 feet, more or less to the east boundary of the NW-1/4 of SW-1/4, thence north 100 feet to the northeast corner thereof, thence west along the north boundary thereof 660 feet, more or less, to the point of beginning.

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

IN TOWNSHIP 31 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 4: The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning.

Section 5:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) former right-of-way, said point being 50 feet from and at right angles to the center line of said former railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

(b) The NE-1/4 of NW-1/4, and that part of the SE-1/4 of NW-1/4, if any, lying north and west of Boyette-Balm Road, and that part of the N-1/2 of NE-1/4 lying westerly of the Seaboard System Railroad, Inc., right-of-way, LESS that part lying in the S-1/2 of SW-1/4 of NE-1/4 of NE-1/4. (The S-1/2 of SE-1/4 of NW-1/4 of NE-1/4 consists of Lots 1, 2, 3, and 4 according to the plat of A. F. TURNER'S SUBDIVISION recorded in Plat Book 8, page 26, Hillsborough County, Florida.)

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY. (ELAPP)

DESCRIPTION: A parcel of land lying in Section 15 and Section 22, all in Township 30 South, Range 21 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

From the Southwest corner of the Southwest 1/4 of Section 15, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.89°41'37"E., 122.32 feet, along the South boundary of the Southwest 1/4 of said Section 15 to a point on the Northerly right of way line of Lithia-Pinecrest Road and the POINT OF BEGINNING; thence N.43°03'59"W., 178.67 feet, along said Northerly right of way line to a point on the West boundary of the Southwest 1/4 of said Section 15; thence N.00°08'13"E., 2536.17 feet, along said West boundary to the Northwest corner of the Southwest 1/4 of said Section 15 to the Northwest corner thereof; thence N.00°05'32"E., 1323.83 feet, along the West boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Northwest corner thereof; thence N.89°35'13"E., 1319.30 feet, along the North boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Northeast corner thereof; thence S.00°37'54"E., 1353.79 feet, along the East boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Southeast corner thereof; thence N.89°42'51"E., 1318.59 feet, along the North boundary of the Southwest 1/4 of said Section 15 to the Northeast corner thereof; thence S.00°17'22"E., 1097.46 feet, along the East boundary of the Southwest 1/4 of said Section 15 to a point on the Northwesterly right of way line of a C.S.X. Transportation, Inc. 100 foot railroad right of way; thence S.28°54'31"W., 1419.12 feet, along said Northwesterly right of way line; thence S.71°24'42"W., 714.14 feet; thence S.12°25'51"W., 81.19 feet, to a point on the South boundary of said Section 15; thence continue S.12°25'51"W., 1005.43 feet, to a point on a curve and the aforesaid Northerly right of way line of Lithia-Pinecrest Road; thence Northwesterly, 444.15 feet along the arc of a curve to the left having a radius of 3769.72 feet and a central angle of 06°45'02" (chord bearing N.46°26'31"W., 443.89 feet); thence N.43°03'59"W., 916.75 feet, continuing along said Northerly right of way line to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY. (ELAPP)

DESCRIPTION: That part of the Southeast 1/4 of Section 19, and the South 1/2 of Section 20, all in Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast 1/4 of Section 19, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence S.89°25'59"E., 2659.31 feet, along the North boundary of the Southeast 1/4 of said Section 19, to the Northeast corner thereof; thence N.89°46'17"E., 1868.68 feet, along the North boundary of the South 1/2 of the aforesaid Section 20; thence S.00°14'27"W., 897.75 feet, to a point on the North boundary of a 160 foot Tampa Electric Company Easement as described in Deed Book 1737, Pages 19 & 20, of the Public Records of Hillsborough County, Florida; thence N.89°35'08"W., 4523.56 feet, along said North boundary, to a point on the West boundary of the Southeast 1/4 of said Section 19; thence N.00°02'24"W., 883.88 feet, along said West boundary, to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY. (ELAPP)

DESCRIPTION: That part of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.89°46'17"E., 1968.68 feet, along the North boundary of the South 1/2 of said Section 20, to the POINT OF BEGINNING; thence continue N.89°46'17"E., 676.71 feet, along the said North boundary; thence S.14°17'09"E., 121.75 feet; thence S.06°45'08"E., 127.24 feet; thence S.01°43'02"E., 118.16 feet; thence S.22°01'30"E., 125.24 feet; thence S.13°10'57"W., 110.09 feet; thence S.22°54'48"E., 190.56 feet; thence S.35°12'22"W., 53.98 feet; thence S.42°07'49"E., 111.31 feet; thence N.67°08'31"E., 67.62 feet; thence S.46°34'05"E., 68.37 feet, to a point on the North boundary of a 160 foot Tampa Electric Company Easement as described in Deed Book 1737, Pages 19 & 20, of the Public Records of Hillsborough County, Florida; thence N.89°35'08"W., 980.61 feet, along said North boundary; thence N.00°14'27"E., 898.88 feet, to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY. (ELAPP)

DESCRIPTION: That part of the Southeast 1/4 of Section 19, and South 1/2 of Section 20, and the East 1/2 of Section 30, all in Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

BEGINNING at the Southwest corner of the Southeast 1/4 of Section 19, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.00°02'24"W., 1362.64 feet, along the West boundary of the Southeast 1/4 of said Section 20, to a point on the proposed South right of way line of Boyette Road Extension; thence along said proposed South right of way line, the following three (3) courses; 1) S.88°50'07"E., 759.85 feet; 2) S.89°35'08"E., 2578.63 feet, to a point of curvature; 3) Southeasterly, 324.19 feet along the arc of a curve to the right having a radius of 1489.02 feet and a central angle of 12°28'28" (chord bearing S.83°20'54"E., 323.55 feet); thence S.33°24'52"W., 187.79 feet, to a point of curvature; thence Southwesterly, 572.32 feet along the arc of a curve to the left having a radius of 3015.00 feet and a central angle of 10°52'34" (chord bearing S.27°58'35"W., 571.46 feet); thence N.89°16'18"W., 2023.53 feet; thence S.00°07'27"E., 2558.78 feet; thence S.38°14'14"W., 1009.94 feet; thence S.00°05'49"E., 844.27 feet; thence S.67°42'11"W., 21.70 feet; thence S.04°44'45"E., 75.72 feet; thence S.26°16'35"W., 54.81 feet; thence S.86°49'51"W., 74.48 feet; thence S.66°00'44"W., 63.62 feet; thence S.70°27'36"W., 103.02 feet; thence S.71°00'44"W., 82.74 feet; thence S.57°49'50"W., 87.93 feet; thence N.54°46'44"W., 32.78 feet; thence S.46°40'07"W., 95.32 feet; thence N.84°06'42"W., 123.40 feet, to a point on the West boundary of the East 1/2 of the aforesaid Section 30; thence N.00°05'49"W., 3845.82 feet, along said West boundary, to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY. (ELAPP)

DESCRIPTION: That part of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence S.89°37'09"E., 2688.77 feet, along the South boundary of said Section 20; thence N.89°40'29"E., 278.98 feet, along the South boundary of said Section 20, to the POINT OF BEGINNING; thence N.00°19'32"W., 555.96 feet, to a point on a curve and the proposed South right of way line of Boyette Road Extension; thence Northeasterly, 553.85 feet along said proposed South right of way line and the arc of a curve to the left having a radius of 1248.92 feet and a central angle of 25°24'31" (chord bearing N.68°44'37"E., 549.32 feet); thence S.33°57'38"E., 158.90 feet; thence N.53°03'56"E., 292.27 feet; thence S.45°16'02"E., 33.19 feet; thence S.36°44'37"E., 25.26 feet; thence S.03°41'09"E., 27.08 feet; thence S.28°08'08"E., 46.00 feet; thence S.63°51'30"E., 31.64 feet; thence S.09°58'42"W., 25.01 feet; thence S.20°37'58"E., 22.65 feet; thence S.39°45'01"E., 33.46 feet; thence S.60°42'43"E., 31.73 feet; thence S.27°08'22"E., 35.51 feet; thence N.84°43'45"E., 26.98 feet; thence N.20°44'14"E., 35.03 feet; thence N.31°32'55"E., 37.55 feet; thence N.05°44'44"E., 46.05 feet; thence S.87°48'56"E., 16.35 feet; thence S.40°57'37"E., 40.90 feet; thence S.04°26'54"W., 48.86 feet; thence N.84°27'57"E., 31.61 feet; thence N.67°11'04"E., 13.88 feet; thence S.33°04'38"E., 34.36 feet; thence S.02°24'04"E., 53.18 feet; thence S.62°21'52"W., 66.53 feet; thence N.47°21'48"W., 80.46 feet; thence S.41°31'21"W., 53.59 feet; thence

S.26°55'41"E., 67.53 feet; thence S.53°53'09"E., 56.36 feet; thence N.81°52'41"E., 33.53 feet; thence S.21°03'49"W., 69.53 feet; thence S.13°18'54"W., 56.88 feet; thence S.57°21'44"W., 100.87 feet; thence S.14°35'16"W., 73.81 feet; thence S.25°25'12"W., 67.39 feet; thence S.24°35'44"W., 83.06 feet; thence S.30°03'24"W., 25.14 feet, to a point on the South boundary of the aforesaid Section 20; thence S.89°40'29"W., 896.67 feet, along said South boundary, to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY. (2002 ELAPP)

DESCRIPTION: A parcel of land lying in Sections 30, 31, 32 and 33, Township 30 South, Range 21 East, Section 5, Township 31 South, Range 21 East, all in Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of said Section 31, run thence along the East boundary of the East 1/2 of the Southeast 1/4 of said Section 31, N.00°54'18"E., 30.00 feet to a point on the Northerly Maintained Right-of-way line of Boyette Road, said point also being the POINT OF BEGINNING; thence along said Northerly Maintained Right-of-way line, S.89°55'37"W., 1389.78 feet to a point on the West boundary of the East 1/2 of the Southeast 1/4 of said Section 31; thence along said West boundary, the following two (2) courses: 1) N.01°05'17"E., 1259.25 feet; 2) N.01°03'23"E., 1282.84 feet to a point on the South boundary of the Northeast 1/4 of said Section 31; thence along said South boundary, N.89°01'48"W., 1352.59 feet to a point on the Easterly Maintained Right-of-way line of Boyette Road; thence along said Easterly Maintained Right-of-way line, said line lying 30.00 feet East of and parallel to the West boundary of the Northeast 1/4 of said Section 31, the following three (3) courses: 1) N.01°13'14"E., 1292.41 feet; 2) N.01°14'37"E., 1046.56 feet to a point of curvature; 3) Northerly, 128.49 feet along the arc of a curve to the left having a radius of 270.00 feet and a central angle of 27°15'58" (chord bearing N.12°23'22"W., 127.28 feet) to a point on said West boundary of the Northeast 1/4 of Section 31; thence along said West boundary, N.01°14'37"E., 122.09 feet to a point on the South boundary of the aforesaid Section 30; thence along the West boundary of the Southeast 1/4 of said Section 30, N.00°05'49"W., 1437.89 feet to a point on the South boundary of Hillsborough County Environmental Lands Acquisition and Protection Program "E.L.A.P.P." property, as recorded in Official Records Book 6365, Page 658, Public Records of Hillsborough County, Florida; thence along said South boundary the following nine (9) courses: 1) S.84°06'42"E., 123.41 feet; 2) N.46°40'07"E., 95.32 feet; 3) S.54°46'44"E., 32.78 feet; 4) N.57°49'50"E., 87.93 feet; 5) N.71°00'44"E., 82.74 feet; 6) N.70°27'36"E., 103.02 feet; 7) N.66°00'44"E., 63.62 feet; 8) N.86°49'51"E., 74.48 feet; 9) N.26°16'35"E., 54.81 feet to a point on the Southwesterly boundary of FISHHAWK RANCH PHASE 2 PARCEL "N", as recorded in Plat Book 91, Page 4, Public records of Hillsborough County, Florida; thence SOUTH, 150.00 feet to a point hereinafter referred to as POINT "A"; thence continue South, 72.42 feet to a point on the centerline of Fishhawk Creek; thence along said centerline of Fishhawk Creek, Southeasterly, Northeasterly and Southeasterly to a point of intersection of the centerline of Fishhawk Creek and the Westerly boundary of Property Conveyed to Tampa Electric Company (TECO), according to Official Records Book 9413, Page 1853 and Official Records Book 9461, Page 1805, all in Public Records of Hillsborough County, Florida; thence S.32°13'13"W., 82.90 feet along said Westerly boundary to a point hereinafter referred to as POINT "B";

Reference lines between said POINT "A" and POINT "B" is described by the following seven (7) courses: 1) S.59°00'33"E., 570.20 feet; 2) S.29°50'03"E., 1696.92 feet; 3) S.41°14'52"E., 1967.69 feet; 4) N.56°03'23"E., 1941.68 feet; 5) S.85°02'42"E., 1768.43 feet; 6) S.74°53'35"E., 1524.62 feet; 7) S.64°27'35"E., 1660.93 feet);

thence commence again at the aforesaid POINT "B" and run along said Westerly Tampa Electric Company boundary, the following six (6) courses: 1) S.32°13'13"W., 3229.89 feet; 2) N.89°06'38"W., 40.97 feet; 3) S.32°13'13"W., 460.66 feet; 4) S.32°13'46"W., 940.66 feet; 5) N.57°48'14"W., 15.00 feet; 6) S.32°13'46"W., 419.69 feet to a point on the North boundary of A.F. TURNER'S SUBDIVISION, according to the map or plat thereof recorded in Plat Book 8, Page 26, Public Records of Hillsborough County, Florida; thence along said North boundary, N.89°52'39"W., 226.79 feet to a point on the East boundary of the Northwest 1/4 of the Northeast 1/4 of the aforesaid Section 5, Township 31 South Range 21 East, Hillsborough County. Florida; thence along said East boundary, S.01°39'42"W., 322.91 feet to a point on the Northerly Maintained Right-of-way line, Boyette Road according to Hillsborough County Right-of-Way Book 2, Page 31; thence along said Northerly Maintained Right-of-way line, the following twenty-eight (28) courses: 1) N.89°19'29"W., 45.70 feet; 2) N.89°43'33"W., 100.00 feet; 3) N.89°53'52"W., 100.00 feet; 4) N.89°50'26"W., 100.00 feet; 5) S.89°48'57"W., 100.00 feet; 6) N.89°43'33"W., 100.00 feet; 7) N.89°53'52"W., 100.00 feet; 8) N.89°43'33"W., 100.00 feet; 9) N.89°50'26"W., 200.00 feet; 10) S.89°59'15"W., 100.00 feet; 11) N.89°36'41"W., 100.00 feet; 12) N.89°43'33"W., 100.00 feet; 13) S.89°52'23"W., 100.00 feet; 14) N.89°43'33"W., 100.00 feet; 15) N.89°40'07"W., 100.00 feet; 16) N.89°53'52"W., 100.00 feet; 17) S.89°59'15"W., 100.00 feet; 18) N.89°40'07"W., 100.00 feet; 19) N.89°53'52"W., 100.00 feet; 20) N.89°50'26"W.,

300.00 feet; 21) N.89°36'41"W., 100.00 feet; 22) N.89°24'51"W., 72.54 feet; 23) N.77°13'41"W., 62.36 feet; 24) N.63°40'12"W., 38.53 feet; 25) N.50°00'23"W., 57.15 feet; 26) N.37°55'18"W., 53.45 feet; 27) N.18°15'04"W., 55.11 feet; 28) N.02°45'09"W., 61.83 feet; thence along the Easterly Maintained Right-of-way line, Boyette Road, the following two (2) courses: 1) N.01°19'15"E., 826.74 feet to a point of curvature; 2) Northerly, 138.06 feet along the arc of a curve to the left having a radius of 297.00 feet and a central angle of 26°38'04" (chord bearing N.11°59'47"W., 136.82 feet) to a point on the West boundary of the Northeast 1/4 of the Northwest 1/4 of said Section 5; thence along said West boundary, N.01°18'48"E., 134.28 feet to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of the aforesaid Section 32, Township 30 South, Range 21 East, Hillsborough County, Florida; thence along the East and North boundaries of said Southwest 1/4 of the Southwest 1/4 of Section 32, the following two (2) courses: 1) along the East boundary, N.00°52'50"E., 1285.93 feet; 2) along the North boundary, S.89°28'55"W., 663.84 feet to the East boundary of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 32; thence along said East boundary, and the North boundary of said West 1/2 of the Northwest 1/4 of the Southwest 1/4, the following two (2) courses: 1) along the East boundary, N.00°53'17"E., 1278.88 feet; 2) along the North boundary, S.89°00'01"W., 663.80 feet to a point on the East boundary of the East 1/2 of the Southeast 1/4 of the aforesaid Section 31; thence along said East boundary, S.00°54'18"W., 2516.62 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY. (2002 ELAPP)

A parcel of land lying in the Sections 33 and 34, Township 30 South, Range 21 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

Section 33: The S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of the old Lithia Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, Page 566, Hillsborough County, Florida), and LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida and LESS that part lying West of the Easterly boundary of 200 foot wide BUFFER STRIP No. 2 (Tampa Electric Company) as recorded in Official Records Book, 9413, Page 1853 and Official Records Book 9461, Page 1805, Hillsborough County, Florida.

AND

Section 34: (a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the Northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run South 209 feet, thence East 209 feet, thence North 109 feet, thence East 451 feet, more or less, to the East boundary of the NW-1/4 of SW-1/4, thence North 100 feet to the Northeast corner thereof, thence West along the North boundary thereof 660 feet, more or less, to the point of beginning.

AND

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

LESS all that lying East of the Maintained Westerly Right-of-Way Line of Boyette Road.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY. (2002 ELAPP)

DESCRIPTION:

A parcel of land lying in Section 4, Township 31 South, Range 21 East, Hillsborough County, Florida described as follows:

The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning.

LESS that part lying North of the Southerly Maintained Right-of-Way Line of Boyette Road.

AND

A parcel of land lying in Section 5, Township 31 South, Range 21 East, Hillsborough County, Florida described as follows:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) right-of-way, said point being 50 feet from and at right angles to the center line of said railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

AND TOGETHER WITH:
(FISHHAWK RANCH PD 01-0148 WESTERN PARCEL MAP H PARCEL A)

The East 1/2 of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 29, Township 30 South, Range 21 East, Hillsborough County, Florida.

AND TOGETHER WITH:
(FISHHAWK RANCH PD 01-0148 EASTERN PARCEL, MAP H PARCEL B)
The East 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 28, Township 30 South, Range 21 East, Hillsborough County, Florida.

AND TOGETHER WITH:
(FISHHAWK PD 03-0977, MAP H PARCEL C)
The East 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 28, Township 30 South, Range 21 East, Hillsborough County, Florida.

AND TOGETHER WITH:
(FISHHAWK PD 03-0977, MAP H PARCEL C)

The East 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28, Township 30 South, Range 21 East, Hillsborough County, Florida.

AND TOGETHER WITH:
(FISHHAWK RANCH PD 03-0977, MAP H PARCEL D)

The Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 29, Township 30 South, Range 21 East, Hillsborough County, Florida.

AND TOGETHER WITH:
(FISHHAWK RANCH TOWNCENTER PHASE "2C" PLAT
FISHHAWK PD 05-0105, MAP H PARCEL E)

DESCRIPTION: A parcel of land lying in Section 28, Township 30 South, Range 21 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of the Northeast 1/4 of said Section 28, run thence along the West boundary of said Northeast 1/4 of Section 28, the following two (2) courses:

1) N.00°02'00"W., 25.00 feet to a point on the Northerly maintained right-of-way line for DORMAN ROAD, said point also being the Southeast corner of FISHHAWK RANCH TOWNCENTER PHASE "2A", according to the plat thereof as recorded in Plat Book 101, Pages 100 through 107, inclusive, of the Public Records of Hillsborough County, Florida, and said point also being the POINT OF BEGINNING; 2) along the Easterly boundary of said FISHHAWK RANCH TOWNCENTER PHASE "2A", continue N.00°02'00"W., 923.10 feet to the Southeast corner of FISHHAWK RANCH TOWNCENTER PHASE "2A" - PARTIAL REPLAT, according to the plat thereof as recorded in Plat Book 107, Pages 102 through 104, inclusive, of the Public Records of Hillsborough County, Florida; thence along said West boundary of the Northeast 1/4 of Section 28, and the Easterly boundary of said FISHHAWK RANCH TOWNCENTER PHASE "2A" - PARTIAL REPLAT, continue, N.00°02'00"W., 375.49 feet to a point on the South boundary of the West 3/4 of the North 1/2 of the Northeast 1/4 of said Section 28; thence along said South boundary of the West 3/4 of the North 1/2 of the Northeast 1/4 of said Section 28, and said Easterly boundary of FISHHAWK RANCH TOWNCENTER PHASE "2A" - PARTIAL REPLAT, S.89°44'15"E., 38.73 feet to the Southwest corner of FISHHAWK RANCH PHASE 2 PARCEL "I-I", according to the plat thereof as recorded in Plat Book 94, Page 21, of the Public Records of Hillsborough County, Florida; thence along the Southerly boundary of said FISHHAWK RANCH PHASE 2 PARCEL "I-I", and said South boundary of the West 3/4 of the North 1/2 of the Northeast 1/4 of said Section 28, continue, S.89°44'15"E., 625.74 feet; thence S.00°03'26"E., 1298.22 feet to a point on the aforesaid Northerly maintained right-of-way line for DORMAN ROAD; thence along said Northerly maintained right-of-way line lying 25.00 feet North of and parallel with the South boundary of the Southeast 1/4 of said Northwest 1/4 of Section 28, N.89°46'11"W., 665.01 feet to the POINT OF BEGINNING.

AND TOGETHER WITH:
(FISHHAWK RANCH PHASE 2 - CHAPMAN PARCEL
PD 07-1130, MAP H TRACT 47)

DESCRIPTION: A parcel of land lying in Section 28, Township 30 South, Range 21 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of the Northeast 1/4 of said Section 28, run thence along the South boundary of said Northeast 1/4 of Section 28, N.89°46'11"W., 950.02 feet; thence along the West boundary of the East 285.00 feet of the West 1/2 of the Southeast 1/4 of said Northeast 1/4 of Section 28, N.00°03'07"W., 25.00 feet to a point on the Northerly maintained right-of-way line for DORMAN ROAD, said point also being the **POINT OF BEGINNING**; thence along said Northerly maintained right-of-way line, lying 25.00 feet North of and parallel with the aforesaid South boundary of the Northeast 1/4 of Section 28, N.89°46'11"W., 1045.04 feet to a point on the West boundary of the East 1/2 of the Southwest 1/4 of the aforesaid Northeast 1/4 of Section 28; thence along said West boundary of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 28, N.00°03'26"W., 1298.22 feet to the Northwest corner thereof, said point also lying on the South boundary of FISHHAWK RANCH PHASE 2 PARCEL "I-I", according to the plat thereof as recorded in Plat Book 94, Page 21, of the Public Records of Hillsborough County, Florida; thence along said South boundary of FISHHAWK RANCH PHASE 2 PARCEL "I-I", the following two (2) courses: 1) along the North boundary of the aforesaid East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 28, S.89°43'30"E., 664.48 feet to the Northwest corner of the aforesaid West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 28; 2) along the North boundary of said West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 28, S.89°52'01"E., 665.68 feet to the Southeast corner of the aforesaid FISHHAWK RANCH PHASE 2 PARCEL "I-I", also being the Northeast corner of the aforesaid West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 28; thence along the East boundary of said West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 28, S.00°03'07"E., 675.82 feet to a point on the North boundary of the South 648.00 feet of said West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 28; thence along said North boundary of the South 648.00 feet of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 28, N.89°46'11"W., 285.00 feet to a point on the aforesaid West boundary of the East 285.00 feet of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 28; thence along said West boundary of the East 285.00 feet of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 28, S.00°03'07"E., 623.01 feet to the **POINT OF BEGINNING**.

Info from DRI(New 2008)
PAD
3/25/08

Exhibit C

MULTI-USE CONVERSION FACTORS (1)

Convert to

Convert From	Single Family (DU) (2)	Multi-Family (DU) (2)	Retail A (1,000 SF)	Retail B (1,000 SF)	Office (1,000 SF)	Mini-Warehouse (1,000 SF) (2)
Single Family (DU)	-	1.49	0.173	0.225	0.372	-
Multi-Family (DU) (2)	.67	-	0.116	0.151	0.250	-
Retail A (1,000 SF)	5.77	8.59	-	1.299	2.146	0.071
Retail B (1,000 SF)	4.44	6.61	0.770	-	1.652	0.092
Office (1,000 SF)	2.69	4.00	0.466	0.605	-	-

(1) Based on PM peak hour external trip end data.

(2) Based on ITE Trip Generation, 6th Edition, 1997 trip ratio for single family and multi-family land uses applied to single family peak PM hour external trip end data.

(3) The use of the conversion matrix shall be subject to the following minimum and maximum limits and the requirement that the resulting development does not exceed the approved p.m. peak hour new external trip ends (4109 trip ends) for Phases I and II:

APPROVED USES	**APPROVED ENTITLEMENTS**	**MINIMUM QUANTITIES**	**MAXIMUM QUANTITIES**
Single Family	4,503	3,500	7,000
Multi-Family	660	500	3,000
Commercial	390,000	110,000 sq. ft.	500,000 sq. ft.
Mini-Warehouse	(See Note 4)	0 sq. ft.	150,000 sq. ft.
Office	92,000	50,000 sq. ft.	200,000 sq. ft.

(4) Mini-Warehouse is a type of Commercial Use. In use of the conversion matrix, no more than 150,000 sq. ft. of the total 500,000 sq. ft. maximum Commercial may be Mini-Warehouse.

DRI #151 - Fish Hawk Ranch

DEVELOPER COMMITMENTS

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

General Project Description

The Fish Hawk and Little Fish Hawk Creek floodplains will be preserved and setbacks from the wetland jurisdictional limits will be maintained primarily in natural vegetation. (ADA page 12-3) (Developer Clarification: Except as specifically permitted,...)

The Master Drainage System will utilize natural percolation for the treatment of stormwater or, for areas surrounding low-lying wetlands, biological treatment will be incorporated into the drainage design. (ADA page 12-7)

Scattered commercial development within the residential areas or along the Boyette Road extension (Developer Clarification: within the project) will not be permitted. (SR page 11 & 12-28)

The internal roadway network will provide access for each of the outparcels. (SR page 11 & 12-31)

Post-development stormwater runoff will be treated prior to discharge to Fish Hawk and Little Fish Hawk Creeks. (ADA page 12-7)

The only development proposed within the floodplain is one single family parcel east of Boyette Road. Any loss of floodplain storage will be mitigated for in the design of the Master Drainage System. (ADA page 12-8)

The Developer will develop the major internal roadways and the major water and sewer transmission mains. (ADA page 12-8)

The parcels north of the Boyette Road extension will have emergency evacuation procedures in case of an ammonia pipeline rupture. (SR 12-35)

Child care facilities will be a requested use for the PD-MU zoning district. (SR page 12-37)

EXHIBIT "D"

ENVIRONMENTAL AND NATURAL RESOURCES

Air

The contractor will be required to sod, seed, mulch or plant with landscape material the cleared and disturbed areas as soon as possible after clearing. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. The contractor will also be required to control wind erosion through sprinkling or other appropriate measures. (ADA page 13-6)

Land

To alleviate the erosive effects of wind and water, the following steps will be implemented during construction:

- Only those portions of the site ready for construction will be cleared.
- Sediment basins will be constructed at the start of each drainage system phase.
- Areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other landscape material, sodded, or planted with other landscape material as soon after the construction as possible. Areas adjacent to the roadways or where slopes are 3:1, or greater, will be sodded or landscaped.
- Construction areas will have interim water quality control features, such as hay bales, as needed to reduce turbidity.
- Embankment areas of stormwater filtration ponds will be seeded, sodded, or planted to stabilize shorelines and to filter runoff.
- If wind erosion becomes significant during construction, the contractor will sprinkle the problem area with water. Following construction, the planted ground cover and the drainage system vegetation and configuration will effectively control wind and water erosion.
- Landscaping will be initiated before development work is completed to ensure that bare soil is not unnecessarily exposed to wind and water erosion. (ADA pages 14-5 and 14-6)

Any springs or boils that might occur on-site in or along creek bottoms at the lower ground elevations will be included in conservation areas or passive recreational areas. (ADA page 14-6)

During the permitting of construction and actual development of the site a thorough investigation will take place to locate existing wells. (SR page 14-2).

Water Quality

Prior to discharge to the Alafia River, filtration resulting from conveyance through a network of extended detention ponds and, where feasible, grassed swale sections and additional secondary treatment through freshwater swamp will be used to minimize the potential for the degradation of overall water quality discharged off-site. (ADA page 15-11) (Developer Clarification: ...as required by applicable regulations.)

The stormwater management system will treat stormwater runoff before discharging off-site or to wetlands on-site. (ADA pages 15-18 and 15-19)

Wetlands

Mitigation wetlands will be located so as to be contiguous to the same wetland system and will be designed to recreate the type of wetland displaced. (ADA page 16-3) (Developer Clarification:...except as permitted or required by permitting agencies.)

Development will be set back at least thirty feet from the jurisdictional wetland line. (ADA page 16-4)

During the construction phase efforts will be taken to protect the integrity of all wetland systems, primarily by preventing the erosion of uplands. Hay bale barriers or similar erosion control devices will be placed adjacent to wetlands to provide further erosion protection. Physical barriers will be located around wetlands to prevent access by vehicular equipment which may result in disturbance to the wetland. Silt screens will be placed in the creek channel during any bridge construction. (ADA pages 16-4 and 16-5)

All man-made ponds will be hydrologically compatible with adjacent natural wetlands. (SR page 16-1)

There shall be no net loss of wetland acreage post-development. (SR page 16-3)

There shall be no encroachment into floodplain wetlands other than for roadway crossings. (ADA page 18-17) (Developer Clarification: easements and grade-level bicycle paths and walkways and similar facilities.)

Floodplains

The finished floor elevations of all buildings within the project site will be constructed at or above the 100-year flood elevation as determined by the Master Drainage Study completed for the project. (ADA page 17-1)

The loss of any of the 100-year floodplain storage volume will be compensated by providing additional storage volume within the detention ponds. (SR page 17-1)

Vegetation and Wildlife

All large marshes and their natural hydroperiods, cypress wetlands and forested floodplain will be maintained on the property and buffered with appropriate setbacks from high intensity uses. (ADA page 18-33)

Only passive recreation will be allowed within the 67.8-acre sand pine preserve. Walking and bicycle trails will be clearly marked and signage used to inform the public of the unique habitat and wildlife as well as to discourage random pedestrian usage. (SR page 18-36)

An initial burn of the sand pine area will be conducted prior to development. (SR page 18-37) (Developer Clarification: An initial burn may be conducted.)

The roadway crossings will minimize right-of-way clearing to the extent feasible. The golf course will be designed to maintain natural features, particularly adjacent to the Fish Hawk Creek floodplain. (SR page 18-41)

Historical and Archaeological Sites

If either Site 8Hi59 or 8Hi3352 are verified as significant resources, the first course of action would be to preserve the site. If an alternate roadway alignment is not practical or feasible such as to avoid impacting the sites, excavation of the sites will be undert n in accordance with guidelines of the Division of Historic Resource (SR page 19-5)

ECONOMY

No capital improvement costs in excess of developer contributions for wastewater, Health/EMS, water, or fire protection facilities will be borne by Hillsborough County as a result of the Fish Hawk Ranch development. (SR pages 20-3, 20-4 and 20-5)

PUBLIC FACILITIES

Wastewater Management

The applicant intends that there will be no permanent septic tanks within the project site. Septic tanks may be used for the construction phases. (ADA page 21-5)

Prior to any development of sprayfields or percolation ponds, a detailed hydrogeologic investigation of the site(s) will be performed. No sprayfields or percolation ponds will be located in areas where the

placement of sprayfields and/or percolation ponds will increase the potential for sinkhole formation. (SR page 21-2)

If, for any reason, non-domestic waste will be generated, a specific permit for handling and/or treatment will be obtained from the appropriate regulatory agencies. (SR page 21-6)

Drainage

The proposed drainage system for Fish Hawk Ranch will be designed to maintain the water quality of the downstream waterways and to maintain the pre-development hydraulic and hydrologic characteristics of the watersheds. (ADA page 22-1)

Lakes will be designed to attenuate and convey stormwater runoff and provide water quality treatment for the site. (ADA page 22-2)

The drainage systems will be operated and maintained by the Developer or its heirs or assigns. (ADA Page 22-8)

The design of the stormwater detention ponds will take into account the tailwater conditions of the creek. (SR page 22-2)

Water Supply

In addition to potable water demands, the water distribution system will be designed to provide fire flow service as required by Hillsborough County. (ADA page 23-1)

The water distribution system, including fire hydrant locations, will be designed to provide fire protection in accordance with applicable Hillsborough County standards. Hydrant flow testing and pressure surveys will be completed after the system is installed to verify performance of the system. Testing will be conducted periodically to insure that the system is operating at the required pressure and flows. (ADA page 23-6)

The developer will encourage the use of water conservation devices by others. (SR page 23-1)

Natural vegetation will be incorporated into the project where feasible. (SR page 23-1)

Green space and rights-of-way within the development will be landscaped incorporating xeriscape techniques to minimize irrigation requirements. (SR page 23-3)

No percolation ponds will be located within 2500 feet of any South Central Hillsborough Regional Wellfield facility. All interim wastewater treatment facilities will provide advanced secondary treatment with dual media, deep-bed filtration. (SR page 23-21)

Stormwater retention/detention ponds or septic tanks will not be located within 200 feet of any South Central Hillsborough Regional Wellfield well site property boundary without a permit from SWFWMD. (SR page 23-22)

The developer or a Homeowner's Association or other designated entity will operate and maintain the internal non-potable water well system. (SR page 23-23)

Solid Waste

No hazardous wastes will be disposed of on-site. The only storage of hazardous wastes would be temporary, prior to off-site transfer and proper disposal by qualified and permitted hazardous waste handlers such as GSX Services, Inc. (SR page 15-1)

Energy

The applicant will cooperate with TECO regarding the location of a site for a future substation. (SR page 11 and 12 -34)

Recreation and Open Space

Open space areas outside the dedicated parks will be maintained by the Developer or its successors or assigns. (ADA page 27-2)

The landscaping for boulevards and/or entranceways will be maintained by the Developer or by a Homeowner's Association or designated entity. (SR page 27-2)

Transportation

The developer will cooperate with HART to encourage transit usage by the Fish Hawk Ranch patrons. (ADA page 27-2)

Construction of the Boyette Road extension will occur as development of the project proceeds through Phase I. (SR page 31-20)

#191

Pat Frank
Clerk of the Circuit Court
Hillsborough County, Florida

P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

June 6, 2005

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

Re: Resolution No. R05-107 - Amending the Development Order for Fish Hawk Ranch Development of Regional Impact (DRI #191)

Dear Mr. Myer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on May 10, 2005.

We are providing this original for your files.

Sincerely,

Gail M. Letzring

Gail M. Letzring,
Manager, BOCC Records

jg
Attachment
Certified Mail 7002 2410 0001 4265 0525
cc: Board files (orig.)
Charles Gauthier, Chief, DCA Bureau of State Planning
Erin Larrinaga, Attorney at Law, Fowler White(orig.ltr.)
Susan Fernandez, Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Sandra Davidson, County Attorney's Office
Jim Glaros, Assistant Chief Deputy, Valuation, Property Appraiser's Office
Mary Mahoney, Management & Budget

RESOLUTION NO. R05-107

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING AND RESTATING THE DEVELOPMENT ORDER FOR FISHHAWK RANCH DRI #191

Upon motion by Commissioner Sharpe, seconded by Commissioner Hagan, the following Resolution was adopted by a vote of 5 to 1, Commissioner(s) Storms voting "No".

WHEREAS, on July 11, 1989, the Board of County Commissioners adopted Resolution No. R89-0172 approving the Fishhawk Ranch DRI #191 Development Order, which became effective July 25, 1989 (the "Development Order"); and

WHEREAS, the Board of County Commissioners has amended the Development Order by adopting Resolution R91-0085 on May 7, 1991; Resolution R92-0166 on July 14, 1992; Resolution R92-0306 on December 8, 1992; Resolution R98-091 on April 21, 1998; Resolution R99-136 on July 29, 1999; Resolution R01-208 on October 9, 2001; Resolution R03-075 on April 22, 2003; and Resolution R03-240 on November 18, 2003; and

WHEREAS, on January 6, 2005, Fishhawk Communities Limited Partnership (hereinafter referred to as the "Applicant" or "Developer") submitted a Notice of Proposed Change to a Previously Approved Development of Regional Impact for Fishhawk Ranch (hereinafter the "NOPC"), by and through its authorized agent, Erin M. Larrinaga, Attorney at Law, Fowler White Boggs Banker, P.A., located at 501 E. Kennedy Blvd., Suite 1700, Tampa, FL 33602; and

WHEREAS, the changes proposed in the NOPC include, but are not limited to, adding additional approved uses to Tract 14; converting 107 single family units to 160 multi-family units; adding 200 single family units to Phase 2 and deleting 200 single family units from Phase 3; and adding an adjacent 20 acre parcel to the DRI; and

WHEREAS, pursuant to Section 380.06, Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners, to consider the NOPC; and

WHEREAS, on May 10, 2005, the Board of County Commissioners held a duly noticed public hearing on said NOPC and heard and considered testimony, reports, recommendations and other documents from the Tampa Bay Regional Planning Council, the Hillsborough County Planning and Growth Management Department, other state and local government agencies, and interested citizens.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 10th DAY OF MAY, 2005, AS FOLLOWS:

I. THAT THE FOLLOWING FINDINGS OF FACT ARE MADE:

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

B. A comprehensive review of the impacts generated by the NOPC has been conducted by the Hillsborough County Planning and Growth Management Department, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission (the "Planning Commission"), the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

C. All procedural requirements of Section 380.06, Florida Statutes, and the Hillsborough County Land Development Code have been complied with.

D. The impacts of the changes requested in the NOPC are adequately addressed by the terms and conditions of this Resolution pursuant to the requirements of Section 380.06, Florida Statutes.

II. THAT THE FOLLOWING CONCLUSIONS OF LAW ARE MADE:

A. The changes proposed in the NOPC are consistent with local land development regulations and the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and the state and regional comprehensive plans.

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

C. The changes proposed in the NOPC will not unreasonably interfere with the achievement of the objectives of the Land Development Plan adopted by the State of Florida as it may be applicable to the area.

D. In considering whether the NOPC should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in Section 380.06 and more specifically, Subsection 380.06(14), Florida Statutes.

E. The review by Hillsborough County Administration, the Planning Commission, TBRPC, and other participating agencies and interested citizens indicates that project impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order.

F. Based on the above Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby approves the NOPC, including the amended Fishhawk Ranch Master Development Plan ("Map H"), last revised on April 26, 2005, as set forth in Composite **Exhibit "A";** the revised legal description of the real property included within the DRI as set forth in **Exhibit "B";** the Amended and Restated General Conditions and Specific Conditions as set forth below; the Multi-Use Conversion Matrix as set forth in **Exhibit "C"**; and the Developer commitments as set forth in **Exhibit "D"**. Exhibits "A", "B", "C", and "D" are attached to and incorporated into this Resolution by reference.

III. GENERAL PROVISIONS

A. This Resolution shall constitute the Amended and Restated Development Order of Hillsborough County for the Fishhawk Ranch DRI. The provisions of Resolutions No. R89-0172, R91-0085, R92-0166, R92-0306, R98-091, R99-136, R01-208, R03-075, and R03-240 are incorporated into this Development Order by reference and are hereby reaffirmed in their entirety except as specifically amended herein.

B. All development within the Fishhawk Ranch DRI shall occur in accordance with this Development Order.

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

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

E. This Development Order shall be binding upon the Developer and its successors and assigns, 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 successor-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 Fishhawk, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate body created to perform such responsibilities, provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Subsection 380.06 (19) (b) , Florida Statutes, or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other type of regional impact not previously reviewed by Hillsborough County and TBRPC, shall result in further Development of Regional Impact review pursuant to Section 380.06, Florida Statutes.

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 issue a notice of such noncompliance to the Developer, or 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, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85, as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Planning and Growth Management 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; and

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

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

4. A statement setting forth the name(s) and address(es) of any successors or assigns 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, except as otherwise provided herein, to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order became effective on July 25, 1989, the date of the transmittal of Resolution R89-0172 to the parties specified in Subsection 380.07(2), Florida States, as amended.

N. The Developer has elected, pursuant to Subsection 380.06 (5)(c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 and each Chapter's respective implementing rules and regulations in effect as of the effective date of this Development Order. Accordingly, to the extent that the provisions of Subsection 380.06(5) (c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

Years *	Office ** (Sq. Ft.)	Commercial ** (Sq. Ft.)	Residential (Dwelling Units)
Phase I 1993-Dec. 29, 2002	--	110,000	2,131 SF 160 MF
Phase II Dec. 30, 2002- Dec. 29, 2007	50,000	280,000	2,368 SF
Phase III Dec. 30, 2007- Dec 29, 2012	42,000	--	4 SF 500 MF
TOTAL	92,000	390,000	4,503 SF 660 MF

* The years shown are estimates only and do not prohibit development at a slower or faster rate, subject to the other conditions of this Developer Order.

** The commercial and office square footages for each phase shall be limited to the maximum square footages permitted under the Horizon 2000 Plan or the Future of Hillsborough Plan, as applicable.

2. Specific final development approval is accorded to Phase I and Phase II, subject to the conditions contained herein. Specific approval of Phase III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts. Notwithstanding anything herein to the contrary, such mitigation shall include a requirement that improvements be made to ensure that Fishhawk Boulevard continues to operate at an acceptable level of service (LOS "D" peak hour).

3. For purposes of this Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the phase.

4. Any amendments to the proposed phasing schedule shall be submitted to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Development Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

5. The physical development of Fishhawk has commenced.

6. This Development Order shall remain in effect for a period up to and including December 29, 2022. No new construction shall commence 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, TBRPC and the Department of Community Affairs ("DCA") a minimum of thirty (30) days prior to the expiration date of this Development Order.

7. This Development shall not be subject to downzoning or intensity reduction until December 29, 2022, unless the local government can demonstrate a substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the local government to be essential to the public health, safety, or welfare.

8. The approved land uses within the project may be interchanged subject to the conversion matrix attached hereto as Exhibit "C", and the following conditions:

a. The use of the conversion matrix shall be subject to the following minimum and maximum limits and the requirement that the resulting development does not exceed the approved p.m. peak hour new external trip ends (4109 trip ends) for Phases I and II:

Approved Uses	Minimum Quantities	Maximum Quantities
Single Family	3,500	7,000
Multi-Family	500	3,000

Commercial	110,000	500,000
Office	50,000	200,000

b. Prior to any use of the conversion matrix, the Developer shall file a revised Map H with Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs, and a revised General Site Plan for zoning purposes with Hillsborough County, and shall include a land use schedule identifying what conversions have been made. If the use of the conversions results in an amendment to the location of land uses from those on the approved Master Plan, the revised Master Plan shall be subject to a substantial deviation review and determination. If no such location changes are proposed, no further DRI or zoning review shall be required in connection with the use of the conversion matrix.

c. The Developer shall also include in the Annual Report required pursuant to Section III.K. above a table showing what conversions were made during the reporting period, a cumulative summary of conversions made and the resulting revised land use table for the project.

B. Transportation

1. General Transportation Conditions

a. Monitoring. When Certificates of Occupancy have been issued for 1,500 single family residential units (or the equivalent thereof in terms of trip generation), an annual monitoring program to provide peak-hour traffic counts at the Development's entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. The Developer may perform a more detailed engineering survey to more accurately evaluate the results of the monitoring program. Counts shall be performed on an annual basis through build-out of Phase I. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, may amend the Development Order to require additional roadway improvements or other mitigation measures according to the results of a revised transportation analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development order amendments.

The methodology for a new traffic analysis required during the additional review shall be based upon the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

b. TSM. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of Certificates of Occupancy for 1,500 single family residential units (or the equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the PM peak-hour which is consistent with the assumptions used to prepare the Application. Such a program shall be reviewed by Hillsborough County, the Hillsborough County Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), TBRPC and the Florida Department of Transportation ("FDOT").

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the implementation of each TSM measure. The results of the TSM program shall be included in the Annual Report.

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

Development of such a TSM program shall be in cooperation with FDOT, Hillsborough County, MPO, HART and TBRPC. Such a program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ride sharing by public and private sector employees.

OBJECTIVES:

* Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ride-sharing efforts.

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

c. Boyette Road Extension. The Boyette Road extension, to which traffic from this Development has been assigned, has been built, as set forth in this Development Order.

d. By July 29, 2004, or the issuance of a building permit for the 1700th unit, whichever is later, the Developer shall conduct a marketing study to evaluate whether market demand would support an increase in the project's entitlements for retail or other office uses. To the extent such additional entitlements are supported by the market study, the Developer agrees to file an application to amend the DRI Development Order to secure approval of said additional entitlements. This provision incorporates, amends and supersedes the September 6, 1989 letter agreement between the Shimberg Cross Company as the Developer and the Department of Community Affairs regarding the objective of increasing office and retail uses in the project to increase job opportunities.

2. Mitigation Alternatives. The Developer has selected Option 3 to mitigate the Development's transportation impacts for Phases I and II. If Option 3 is selected but not performed as required in this section, mitigation of transportation impacts shall be governed by either Option 1 or Option 2.

a. Option 1

(1) Approval of any detailed site plans for Phase I of the Development shall require funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements indicated in Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(2) Subphasing of the Development is acceptable subject to agreement by Hillsborough County and TBRPC as to the amount of development in the subphase and the existence of funding commitments for roadway improvements on affected roadways that would operate below LOS D at peak hour (C peak in rural areas) and the development consumes five percent or more of the existing LOS D peak hour (C peak rural) service volume of the facility.. At the point in the development of Phase I at which roadway improvements are required pursuant to TBRPC policy for which --no funding commitments can be assured, development in the project shall be subject to a stop order. The stop order shall require a new traffic analysis or monitoring as appropriate.

Table 1

PHASE I (1995) REQUIRED LINK IMPROVEMENTS FOR FISHHAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
Bloomingdale Ave.	Kings Ave. Bell Shoals Rd.	E	6.5	Construct 4-lane divided arterial
Bell Shoals Rd.	Bloomingdale Ave. to Boyette Rd.	E	23.7	Construct 4-lane divided arterial
Lithia-Pinecrest Rd.	SR 60 to Lumsden Rd.	E	16.0	Construct 4-lane divided arterial
Boyette Rd.	Bell Shoals Rd. to site entrance	(not existing)	100.0	Construct 4-lane divided arterial

Table 2

PHASE I (1995) REQUIRED INTERSECTION IMPROVEMENTS FOR FISHHAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
SR 60 at Lithia-Pinecrest Rd.	F	16.3	Construct an EB right-turn lane. Construct NB left-turn lane
US 301 at Bloomingdale Avenue	F	5.8	Construct an additional EB through-lane. Construct an additional SB left-turn lane and an additional through-lane.
Bloomingdale Ave. at Bell Shoals road	F	14.2	Construct EB through-lane. Construct WB through-lane and exclusive right-turn lane. Construct SB right-turn

			lane.
Boyette Road at Bell Shoals Rd.	F	33.8	Signalize. Construct WB right, through and left-turn lanes. Construct EB right- and left-turn lanes. Construct NB left-turn lane. Construct SB right-turn lane.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the Fishhawk transportation study network, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, FDOT and TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of construction of any previously approved portion of Phase I plus that to be generated by the portion for which the Developer is seeking approval. Each updated traffic analysis .shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in option 1 at a satisfactory LOS D at peak hour (C peak in rural' areas). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak in rural areas), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak in rural areas).

c. Option 3

In lieu of Option 1 or 2 above, the Developer has elected Option 3 as set out herein. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phases I and II

of the Development on the regionally significant transportation highway facilities within the primary impact area. Any approval of this mitigation/curing mechanism is based on the Development's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

(1) This pipeline option may be elected as full and complete satisfaction of the Developer's obligation to mitigate Phases I and II transportation impacts of the Development. Upon request of the Developer, prior to development beyond Phases I and II, a determination shall be made by Hillsborough County and coordinated by the County in writing with the other appropriate agencies whether or not a pipeline option for mitigation for the next Phase or Phases of the Development is permitted by then existing rules and regulations. If so, the Development Order may be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the next Phase or Phases of the -Development with due consideration -given for all improvements and contributions made by the Developer to mitigate traffic impacts. If Hillsborough County determines that a pipeline option is not appropriate, transportation mitigation for the next Phase or Phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

(2) The Required Pipeline Improvement (the "Required Improvement") under this option 3, which includes the "Required Design", the "Required Right-of-Way Acquisition" and the "Required Construction" as defined below, shall be as follows:

(a) Developer has designed the 4.7 mile extension of Boyette Road from Bell Shoals Road to Lithia-Pinecrest Road (the "Boyette Road Extension") as a four-lane, divided, arterial roadway consistent with Hillsborough County design standards including appropriate transitional geometric improvements at the intersection of Bell Shoals/Boyette Road Extension and Lithia Pinecrest/Boyette Road Extension to maintain at least level of service D peak hour, at buildout of Phase I, at these intersections (the "Required Design").

(b) Developer has constructed two lanes of the Boyette Road Extension in accordance with the Required Design in two segments (the "Required Construction"). The first segment ("Segment A") consists of a 1.7 mile segment from Bell Shoals Road to the west boundary of the Development. The second segment ("Segment B")

consists of a 3.0 mile segment from the west boundary of the Development to Lithia-Pinecrest Road.

(c) To accommodate the four-lane divided arterial roadway approved as the Required Design, the bridges over Fish Hawk Creek and Little Fish Hawk Creek shall be designed as two-lane bridges at each of the four creek crossings. Developer has constructed the two-lane bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, to accommodate the two-lane roadway constructed by Developer under Required Construction.

Developer shall fund and construct the two remaining bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, only if transportation analyses, required pursuant to the provisions of Section 380.06, Florida Statutes (per Section IV.A.2 of the Development Order) and prepared for Phase III of Fishhawk, identify the need for the Boyette Road Extension to be four-laned. The transportation analyses shall be done in accordance with generally accepted engineering practices and shall account for both background traffic and project traffic. Developer shall not be required to fund or construct the two remaining bridges if the transportation analyses required per Section IV.A.2 for development beyond Phases I and II do not indicate the need to four-lane the Boyette Road Extension to accommodate traffic generated by Fishhawk Ranch DRI

Developer shall be required to construct or fund construction of the two remaining bridges only in conjunction with and at the same time as the construction of the four-laning of the Boyette Road Extension on or before the buildout of Fishhawk. The intent of this condition is to prevent Developer from constructing or committing funds to construct said bridges if the road said bridges will serve will not be constructed on or before the buildout of Fishhawk. For purposes of this Development Order, the term "buildout" shall mean the issuance of the last certificate of occupancy to complete the final phase of the project according to the phasing schedule set out in Article IV.A. of the Development Order, as it may be amended from time to time. Developer hereby assumes no obligation or liability to construct or fund the construction of the four-laning of the Boyette Road Extension.

The Developer has entered into an agreement with Hillsborough County to specify the rights and obligations of each party with regard to the Boyette Road Extension. Said agreement shall not be inconsistent with the requirements of this Development Order. Said agreement shall be executed by both parties prior to commencement of the Required Construction.

(d) Hillsborough County shall provide the necessary right-of-way for the Required Improvement, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed for the Required Improvement, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the Required Improvement, including the exercise of its powers of eminent domain. Unless otherwise approved by the Hillsborough County Engineering Services Department, the right-of-way shall be 176 feet wide for a rural section or 128 feet wide for an urban section.

(e) The Hillsborough County Road Network impact fee, in accordance with ordinances 86-4 as amended by ordinances 87-19, 89-4 and 89-6 (Roadway Improvements), and Ordinance 85-24E as amended by Ordinances 86-5, 87-17 and 89-3 (Right-of-Way), has been determined to be Two Million Fifty Thousand and No/100ths Dollars ($2,050,000.00) for Phase I and Seven Million Fourteen Thousand and No/100ths Dollars ($7,014,000.00) for the entire Development (hereinafter said ordinances shall be together referred to as the "Transportation Impact Fee Ordinances").The "Proportionate Share" contribution by the Developer for Phase I, in accordance with Section 380.06, Florida Statutes, Rule 9J-2.0255, Florida Administrative Code, and Section 19.8.14, Future of the Region, has been determined to be Three Million Four Hundred Thirty-Five Thousand Five Hundred Sixteen and No/100ths Dollars ($3,435,516.00).

(f) The cost of Segment A has been determined to be Three Million Eight Hundred Twenty-Eight Thousand Twenty-One and No/100ths Dollars ($3,828.021.00), which amount exceeds the Developer's Proportionate Share obligation for Phase I. The total cost of the Required Improvement has been determined to be Eight Million Two Hundred Twenty-Eight Thousand One Hundred Fifty-Five and No/100ths Dollars ($8,228,155.00), which amount includes design, right-of-way acquisition, construction and construction inspection. The total contribution by the Developer for the Required Improvement, therefore, exceeds the Phase I Pipeline Proportionate Share Amount by Four Million Seven Hundred Ninety-Two Thousand Six Hundred Thirty-Nine and No/100ths Dollars ($4,792,639.00), exceeds the Phase I Transportation Impact Fee amount by six million one Hundred Seventy-Eight Thousand One Hundred Fifty-Five and No/100ths Dollars ($6,178,155.00), and

exceeds the Development buildout Transportation Impact Fee amount by One Million Two Hundred Fourteen Thousand One Hundred Fifty-Five and No/100ths Dollars ($1,214,155.00).

(g) Buildings within Fishhawk shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable transportation contributions, costs and expenses borne by the Developer pursuant to this Development Order including but not limited to costs for right-of-way acquisition, design, construction and construction inspection of the Required Improvement ("Developer Pipeline Expenses") shall be applied toward and be a credit against impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder. To the extent that Developer Pipeline Expenses exceed the Phase I proportionate share contribution under this condition, such excess shall, in accordance with then applicable law, be applied toward and be a credit against then applicable transportation impact fees and proportionate share or pipeline assessments for Phases II and III of the Development. If permitted by applicable regulations, said excess impact fee credits shall also be transferable to other projects of the Developer subject to a case-by-case approval by the Board of County Commissioners. Subject to approval of the Board of County Commissioners, any excess credits not otherwise recovered as provided above shall be recoverable from transportation and right-of-way impact fees paid by all other development which uses any portion of the Required Improvement as a direct access point. For purposes of this paragraph, "direct access point" shall mean any point of ingress or egress from the boundaries of the development which connects directly to the Required Improvement or to any new connector road to the Required Improvement that does not now exist. Developer may apply to recover such excess credits on a quarterly basis after completion of the Required Improvement.

(h) The Developer has complied with the time schedule, for design, permitting, and construction of the bridge structures that are part of the Required Improvement:

3. Additional Mitigation for Phase II.

A. The Developer has made proportionate share contributions of $8,228,155 as compared to a proportionate share obligation for both Phases 1 and II of approximately $6,921,219. Specific approval of Phase II is conditioned upon the Developer completing and paying for the following additional improvements (the "Phase II Improvements"):

	Location	Improvement
1.	Intersection of Fishhawk Boulevard and Lithia Pinecrest Road	Geometric: Southbound right turn lane. COMPLETED Signalization: When warranted and approved, including interconnects if required. COMPLETED
2.	Intersection of Fishhawk Boulevard and Bell Shoals Road	Geometric: Southbound right turn lane. COMPLETED Westbound right turn lane. COMPLETED Signalization: When warranted and approved, including interconnects if required. COMPLETED
3.	Intersection of Fishhawk Boulevard and Osprey Ridge West	Geometric: Westbound left turn lane. Eastbound right turn lane. Northbound exclusive right turn lane. Northbound exclusive left turn lane. Signalization: When warranted and approved, including interconnects if required.
4.	Intersection of Fishhawk	Geometric:

Boulevard and Osprey Ridge East	Westbound left turn lane. COMPLETED Eastbound right turn lane. COMPLETED Northbound exclusive right turn lane. COMPLETED Northbound exclusive left turn lane. COMPLETED Signalization: When warranted and approved, including interconnects if required.

The schedule for completion of the geometric Phase II Improvements shall be determined based on the results of an annual traffic analysis to be submitted with the Annual Report. The installation of signals shall be required when signalization is warranted and approved by Hillsborough County.

b. When any subphase of development within a development pod is submitted for preliminary commercial site plan approval or subdivision plat approval, the Developer shall provide, to Hillsborough County and Tampa Bay Regional Planning Council, a transportation analysis that demonstrates that Boyette Road Extension (Fishhawk Boulevard) from Lithia Pinecrest Road to Bell Shoals Road will operate at an acceptable level of service in both the AM and PM peak hour with the addition of the proposed development as well as at each proposed intersection or access point.

c. Hillsborough County shall provide the necessary right-of-way for any required improvements, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the required improvement, including the exercise of its powers of eminent domain.

C. Air Quality

1. The Developer and its successors or assigns shall be required to employ the fugitive dust emission abatement procedures referenced on page 13-6 of the Application.

2. Approval of Phase III shall require further review of air quality, in the form of an updated air quality impact analysis as required by Chapter 380, Florida Statutes, and applicable rules and regulations of the Florida Department of Environmental Protection ("FDEP") and the Hillsborough County Environmental Protection Commission ("EPC"), with review and comment by TBRPC, and amendment of the Development Order to incorporate necessary measures to alleviate project impact.

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

D. Land

1. The methods identified on pages 14-1 and 14-4 of the ADA to overcome problems associated with particular soil types shall be implemented as appropriate.

2. The erosion control methods referenced on pages 14-4 and 14-5 of the ADA shall be implemented as appropriate.

E. Stormwater Management and Water Quality

1. Master Stormwater Management Plan. Prior to construction plan approval for any development parcel and the subsequent issuance of any site alteration/building permits, the Master Stormwater Management (drainage) Plan for said parcel shall be submitted to TBRPC and FDEP for review and to Hillsborough County and the Southwest Florida Water Management District ("SWFWMD") for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such Master Stormwater Management Plans:

a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in

effect at the time of construction plan submittal and review for a particular phase of the project.

b. The stormwater management system shall be designed, constructed and maintained to meet or exceed the requirements of Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD; and pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978), where applicable. In the absence of dedication of the stormwater management systems to Hillsborough County, the Developer shall be responsible for the operation and maintenance of the systems and shall provide for periodic sediment and vegetation removal operations as required. The Developer shall provide a copy of the operation and maintenance schedule with the Annual Report.

c. Incorporation of isolated wetlands within the stormwater management facilities shall be in compliance with requirements of FDEP pursuant to Chapter 373, F.S. and Chapter 302, Florida Administrative Code, and the requirements of SWFWMD pursuant to Chapter 40D-4, Florida Administrative Code, subject to Section III.N. above.

d. Best Management Practices for reducing water quality impacts, as required by Hillsborough County and SWFWMD, shall be implemented, including a street cleaning program as necessary for private parking and roadway areas within the Development.

e. Biological treatment of stormwater shall be used wherever feasible.

2. Monitoring. In order to protect water quality in the Alafia River and its watershed, there shall be no degradation of applicable water quality standards by the Development's stormwater exiting the site. Groundwater monitoring wells maintained by West Coast Regional Water Supply Authority ("WCRWSA"), or its successor, presently exist in two locations on site as shown on Figure SR23-1 of the ADA. In addition to the existing groundwater monitoring, wells, the Developer shall implement a semi-annual surface water quality monitoring program, to be instituted before any construction activity implementing Phase I approvals takes place and to continue through build-out of the Development, at minimum. Any violation of Chapter 373, F.S., or Chapter 62-302, Florida Administrative Code, determined to be caused by the Development shall require corrective measures as set forth by FDEP. The following shall apply:

a. Sampling locations shall be in the areas where Fish Hawk Creek and Little Fish Hawk Creek intersect the project boundary, with the specific

location to be determined in cooperation with Hillsborough County, FDEP, and SWFWMD.

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

c. The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met by the Developer, or its assigns, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

d. Monitoring shall be conducted semi-annually for one year during May and September, following issuance of the Development Order and following construction of 25 percent, 50 percent, 75 percent and 100 percent of the units in each Phase until build-out of the Development. Monitoring parameters shall include the following:

- Total phosphorous
- Total nitrogen
- Orthophosphate P
- Organic N
- Ammonia N
- Chlorophyll-a
- Dissolved oxygen
- Lead
- Zinc
- Copper
- Biological oxygen demand (5 day)
- Oil and grease
- T coliforms
- F coliforms
- Ph
- Specific conductivity

3. Maintenance. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County.

4. Easements. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated 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.

5. Flood Plains.

a. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.

b. All encroachments into the 100-year floodplain shall require that loss of hydrologic storage capacity is compensated on-site in accordance with the requirements of Hillsborough County and SWFWMD.

c. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways or easements, including grade level walkways, bicycle paths and similar facilities.

6. Wellhead Protection.

a. The Developer shall work with the West Coast Regional Water Supply Authority (the "Authority") or its successor to maintain access for Authority staff or duly appointed agents to the CUP-required monitor wells located in Sections 21 and 29 T30 R21 for the purposes of maintenance and monitoring, until such time as monitoring of the wells is not required under CUP No. 204352. If either monitor well requires repair or replacement as a result of damages caused by development activities, the Developer will bear the cost of such repair or replacement.

b. Any interim wastewater treatment facilities or disposal site located on the project site shall comply with all existing Federal, State and County regulations as they relate to the construction and operation of wastewater facilities and the disposal of waste. No interim wastewater treatment facilities or disposal sites shall be located wholly. or in part within 2,500 feet of a South Central Hillsborough Regional Wellfield potable water supply well (referred to hereinafter as a "SCHRW wellhead") without approval from the Authority and Hillsborough County.

c. No stormwater detention/retention ponds or septic tanks shall be located within 200 feet of any then existing SCHRW wellhead property boundary. All retention/detention ponds located wholly or in part within 400 feet of any SCHRW wellhead property boundary shall be lined in all areas, other than littoral shelves, with an impermeable liner (clay or man-made material), unless otherwise approved by the Authority.

d. All excavations made on-site shall not remove the confining clay unit; not breach the limestone aquifer, regardless of the circumstances; not allow the discharge of toxic or hazardous substances into the excavated site at any time; and, for excavations located wholly or in part within 500 feet of any SCHRW wellhead, include provisions for collecting water samples and analyzing water quality for the purpose of protecting public health in accordance with applicable rules and regulations and include an analysis of the excavation's dewatering impact on the surficial aquifer and neighboring wells during the county review process.

e. The Developer shall institute and implement groundwater monitoring within the project area to ensure maintenance of the water quality of the surficial aquifer, the Floridan aquifer, and adjacent public supply wells (i.e., the South Central Hillsborough Regional Wellfield) in accordance with the rules and regulations of the Florida Department of Environmental Protection and the Southwest Florida Water Management District. Copies of all data, including the Groundwater Monitoring Plan and the location of a possible new well to address the proposed 20 acre expansion parcel located on the eastern boundary of the project, adjacent to Dorman Road, shall he furnished to the appropriate agencies including the Department of Environmental Protection, within thirty (30) days of receipt by the Developer, its successors and assigns.

f. No hazardous wastes shall be discharged or disposed of on the property, nor shall any hazardous waste be stored within 500 feet of any SCHRW wellhead property boundary.

g. If, at any time during the monitoring process instituted in accordance with the requirements of the Florida Department of Environmental Protection or the Southwest Florida Water Management District, any monitor well on-site indicates the presence of pollutants, the Authority or other jurisdictional agencies may require intensified monitoring and data collection. If a source of pollution persists, then the Authority or other jurisdictional agencies may request modification of the Development Order based on action deemed necessary to protect the region's water supply, including the South

Central Hillsborough Regional Wellfield, as determined by the Authority or any other jurisdictional regulatory agency.

h. The developer agrees to be bound by Federal and local rules and regulations and by rules and regulations adopted pursuant to Chapters 403 and 373, Florida Statutes, which rules and regulations govern groundwater classification, usage, reclassification and aquifer protection.

i. If the recommended protections listed above become redundant or unnecessary because local ordinances, state rules, and federal regulatory provisions are more strict or provide adequate assurances of groundwater protection, the Authority and other appropriate agencies may mutually agree to eliminate those requirements deemed unnecessary.

F. Vegetation and wildlife.

1. Wetlands.

a. The approximate locations of the portions of the Development which meet the definition off preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be designated on the Revised General Site Plan for Zoning Petition No. 89-0098 S.

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

(1) Except as otherwise required by agencies having jurisdiction:

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

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

(c) All on-site conservation area(s) shall be conserved unless a mitigation plan is approved by the Environmental Protection Commission and submitted to the Planning and Growth Management Department. The plan shall be implemented prior to or concurrent with the wetlands being disturbed. All mitigation areas and littoral

shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

(d) All losses of conservation/preservation areas shall require in kind replacement on a 1:1 basis. Mitigation for conservation/preservation area losses shall be implemented prior to or concurrent with the wetlands being disturbed.

2. Upland Preservation. The representative tracts of major upland vegetative communities shall be preserved on-site as shown on Exhibit "C" in a manner which will protect or enhance their natural function and value. The Developer shall dedicate approximately 705 acres of upland and wetland preservation areas and wildlife corridors as shown on Exhibit "C", attached hereto, to Hillsborough County for use as a resource oriented regional park. The dedication of this park land shall occur on or before the platting and construction of the north-south roadway crossing Fish Hawk Creek, as shown on the Revised General Site Plan. Along boundaries where upland preservation areas abut residential development, the Developer shall fence or otherwise delineate the boundaries of said preservation areas to discourage uncontrolled pedestrian traffic.

3. Protected Species.

a. In the event that any species listed in Section 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 Fish and Wildlife Conservation Commission.

b. Gopher Tortoises. The designation of 326.5 acres of developable uplands as uplands preservation areas for gopher tortoise habitat (located south of Fish Hawk Creek, and sold to Hillsborough County under ELAP), in conjunction with the design of wildlife corridors incorporating ±1822 acres of upland and wetland habitats,(on-site and off-site after ELAP sales), and including buffers along Fish Hawk Creek and Little Fish Hawk Creek, all as shown on Exhibit "C" attached hereto, has been determined to mitigate the impacts-of disturbing other gopher tortoise habitat on site. The Developer shall provide for relocation of gopher tortoises to achieve maximum carrying capacities of tortoises per acre as determined by the Florida Fish and Wildlife Conservation Commission for all upland preservation areas. Copies of all permits relative to the on-site gopher tortoise population shall be provided to Hillsborough County and TBRPC in the Annual Report.

c. Southeastern Kestrel. The Developer shall implement a Southeastern Kestrel nest box program for the TECO easement in cooperation with the Florida Fish and Wildlife Conversation Commission.

4. Recreation and Open Space.

a. The Developer, its successors or assigns, shall be responsible for maintaining all recreation and open space areas within the Development other than those for which Hillsborough County has assumed maintenance responsibilities.

b. A linear greenway bike path/pedestrian trail system interconnecting the residential, non-residential, and public uses with each other and with the various habitat areas shall be permitted and located generally as depicted on the Master Plan. The ultimate location and design, including materials (boardwalk, asphalt, concrete, mulch, etc.) of each trail shall be determined as part of any preliminary plan approval and shall require the approval of the Hillsborough County Planning and Growth Management Department as well appropriate other agencies. When the trail enters wetland areas, the approval shall include the Hillsborough County Environmental Protection Commission, the Southwest Florida Water Management District, the Florida Fish and Wildlife Conservation Commission, and the Army Corps of Engineers. When the trail enters upland habitat areas, the approval shall include the Florida Fish and Wildlife Conservation Commission.

c. To comply with the park property assessment requirements of the Hillsborough County Park Site Improvement Program (Ordinances 85-23 and 85-25E, as amended), the Developer shall dedicate to Hillsborough County the neighborhood and district park sites identified on the Revised General Site Plan. The Developer shall dedicate those park sites in conjunction with the platting of the first lots abutting said sites. The district park site shall be dedicated as a resource oriented park.

d. The designated public parks and recreation facilities within the Development shall be accessible to the elderly, handicapped and economically disadvantaged. The location of park sites may be changed subject to approval by the County, but any overall decrease in the acreage set aside for parks as shown on the Revised General Site Plan shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the County Parks and Recreation Department should decide that one or more of the park sites are not required or the locations are inappropriate, then the Developer shall be able to use the applicable parcel for

residential development provided the number of dwelling units approved for the Development is not increased.

G. Archaeological and Historical Resources.

1. If archaeological sites 8Hi3393 or 8Hi3392 are to be impacted through development activities, archaeological test excavations shall be conducted to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing development activities at the sites. The final determination of significance shall be made in conjunction with the Florida Division of Historical Resources and Hillsborough County. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. These sites shall be included on the Revised General Site Plan.

2. If sites 8Hi3393 or 8Hi3392 are to be impacted by development activities and either or both are found to be significant, excavation of the significant sites shall be undertaken in accordance with guidelines of the Division of Historical Resources prior to the commencement of any ground-disturbing activities at the significant sites. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. Following review of the report by these agencies, notification of approval of the report by the Division of Historical Resources and the Hillsborough County Historical Commission shall allow ground-disturbing activities to commence.

3. The discovery of any additional 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 Hillsborough County.

H. Economics/Equal Opportunity.

1. The Developer shall encourage the promotion of entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities within the Development. A report on equal opportunity employment programs utilized by Development businesses and the program's effect should be incorporated into the Annual Report following issuance of the first Certificates of Occupancy for Development businesses.

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

3. The Developer shall encourage employers in the Development to institute programs to provide child care facilities at the place of employment or as a cooperative effort with other businesses. A report on child care programs utilized by Development business employees shall be incorporated into the Annual Report following issuance of the first Certificate of Occupancy for Development businesses.

I. Public Facilities.

1. Water.

a. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall stipulate to the satisfaction of Hillsborough County, in accordance with applicable regulations, the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the Development. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for the building construction which is the subject of the building permit.

b. On-site wells shall be operated and maintained by the Developer, its successors or assigns, or by the entity or agency permitted to install and operate said wells by SWFWMD.

c. The Developer, its successors or assigns, shall be responsible for maintenance of all on-site water facilities unless otherwise required or agreed to by Hillsborough County.

d. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall ensure the provision of adequate fire hydrants (in number and appropriate location), fire flows and water pressure to serve each building for which fire protection is required in accordance with applicable regulations. The installation of a sprinkler system, fire hydrants or fire plan shall be options to meet these requirements. No building permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve such building is available.

e. Development within the Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses. The Developer shall submit a plan to Hillsborough County and TBRPC for the use of non-potable water on-site in

the first Annual Report following issuance of the first Certificate of Occupancy.

f. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act, Section 533.14, Florida Statutes, and native vegetation shall be used in landscaping to the greatest extent possible.

g. The Developer shall dedicate to Hillsborough County a two (2) acre fire station site to be co-located with the District Park, as shown on the revised General Site Plan. The Developer shall be eligible for impact fee credits in accordance with Hillsborough County Ordinance 88-23. Dedication of the fire station shall occur upon written request of the County.

2. Wastewater.

a. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years by the Developer until said lines are dedicated to Hillsborough County. Faulty lines shall be replaced as quickly as feasible.

b. The Developer shall be required to take back effluent utilizing a functional recovered water system capable of taking back an amount at least equal to the quantity of wastewater generated by the Development in accordance with any uniformly applicable Hillsborough County ordinance or policy.

c. The selection of spray irrigation sites for the Development shall be based on a complete analysis in accordance with applicable regulations including the anticipated treatment level of the effluent and detailed hydrogeological analysis of the sites to determine the potential for groundwater contamination from any hazardous waste or other pollutants.

d. The Developer shall pursue with Hillsborough County private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development and future surrounding development prior to application for permits to construct a project-specific package plant.

e. If an interim wastewater treatment plant becomes necessary, it shall only be located where a detailed hydrogeological analysis of the site in accordance with applicable rules and regulations determines low potential for groundwater contamination. Development within the Development shall be

required to connect to public wastewater treatment facilities when said treatment becomes available to the site, at which time the interim plant shall be removed by the Developer.

3. Other Public Facilities. Prior to issuance of Building Permits, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, water, wastewater, electricity, fire, emergency medical services and police capabilities and facilities are available for the building(s) that are the subject of such Building Permits.

J. Energy Conservation.

1. All Development tenants, businesses and residents shall be encouraged to do the following:

a. Establish energy policies, energy use monitoring and energy conservation, using a qualified energy use analyst;

b. Institute programs to promote energy conservation by employees, buyers, suppliers and the public;

c. Institute programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to encourage the use of energy efficient cooling, heating and lighting systems;

d. Institute recycling programs;

e. Employ innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

f. Install total energy systems on large facilities, when cost effective;

g. Use the most energy efficient technology economically feasible in the construction and operation of the Development's facilities;

h. Use landscaping and retention of existing vegetation as a means for energy conservation;

i. Use energy audits provided by energy companies or other qualified agencies;

j. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

k. Use landscaping and building orientation to reduce heat gain, where feasible;

l. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate; and

m. Utilize energy efficient packaging and/or recyclable materials.

2. A report on the status of implementation of the energy conservation measures referenced on pages 25.5 and 25.9 of the ADA and other such measures shall be included in each Annual Report.

3. The Developer should work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for Development businesses.

K. Education.

1. The Developer shall dedicate to the Hillsborough County School Board three (3) 15-acre elementary school sites and one (1) 25-acre junior high school site as shown on the Revised General Site Plan, or as otherwise approved by the School Board. Credits for said dedications shall be given pursuant to the Hillsborough County School Site Dedication Program Ordinance, No. 86-20. In the event that one of the elementary sites is located with a park site, the acreage may be modified, subject to an agreement between the Parks Department and the School Board.

2. The Developer shall incorporate the water and wastewater requirements for the five (5) school sites into the design of its water and wastewater systems.

3. If the County School Board should decide that one or more of the school sites is not required or that the location(s) is inappropriate, then the Developer shall be able to use the applicable parcel(s) for residential development provided the number of dwelling units approved for the Development is not increased.

L. Housing.

1. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

3. Residential areas of the Development 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.

4. The Developer shall encourage the development of neighborhood watch programs in the Development. A report on such programs shall be included in each Annual Report following occupancy of the 500th dwelling unit.

5. In order to ensure adequate housing opportunities exist at locations reasonably accessible to places of work and to address the housing policies of the state land development plan, prior to commencement of Phase II, the Developer shall conduct an analysis of the affordable housing needs to be generated by the Development, including the need for affordable housing for Phase I, (using a methodology approved by Hillsborough County and reviewed by DCA). If the analysis shows that the Development will generate significant affordable housing needs which will not be, met in the South Hillsborough County area, the Developer shall prepare a Housing Affordability Plan ("HAP") and shall submit the HAP to Hillsborough County for incorporation as an amendment to this Development Order, which amendment shall not be considered a substantial deviation. The HAP shall be consistent with the County comprehensive plan and applicable County land development regulations.

At a minimum, the HAP shall address:

a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.

b. Specific mechanism for HAP implementation.

c. Monitoring.

d. Location and placement of affordable units.

e. An assessment of the HAP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

f. Provisions for crediting the Developer for activities that address affordable housing.

M. Library.

Developer will donate a site to the County capable of accommodating a 25,000 square foot building in a location selected by the Developer, and located generally south of Fishhawk Boulevard, on Osprey Ridge Drive, close to the intersection with Dorman Road. The Developer shall retain approval over the architectural design of the building. The parking needs for the facility will be addressed on-site, or in shared parking with nearby compatible users.

N. General

1. Developer Commitments. The Developer's commitments set forth in the Application are summarized in Exhibit "D" entitled "Developer Commitments", and these commitments shall be honored, except as they may be superseded by specific terms of the Development Order.

2. Substantial Deviations. Pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the Development as described in the Application shall require a substantial deviation determination.

3. Notice of Adoption. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.

4. Excess Infrastructure. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve latter phases of the Development, shall be at the Developer's risk and shall not operate to relieve the Developer from conditions which must be complied with prior to commencement of the latter phases.

5. Date Rendered. This Amended and Restated Development Order shall be deemed rendered and effective as of the postmark date of the transmittal of copies of Resolution No. R05-107 to DCA, TBRPC and the Developer.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of May 10, 2005, as the same appears of record in Minute Book 348 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 6th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS FLORIDA SEAL HILLSBOROUGH COUNTY

PAT FRANK
Clerk of the Circuit Court

By: Juelene W. Gregory
Deputy Clerk

Approved by County Attorney

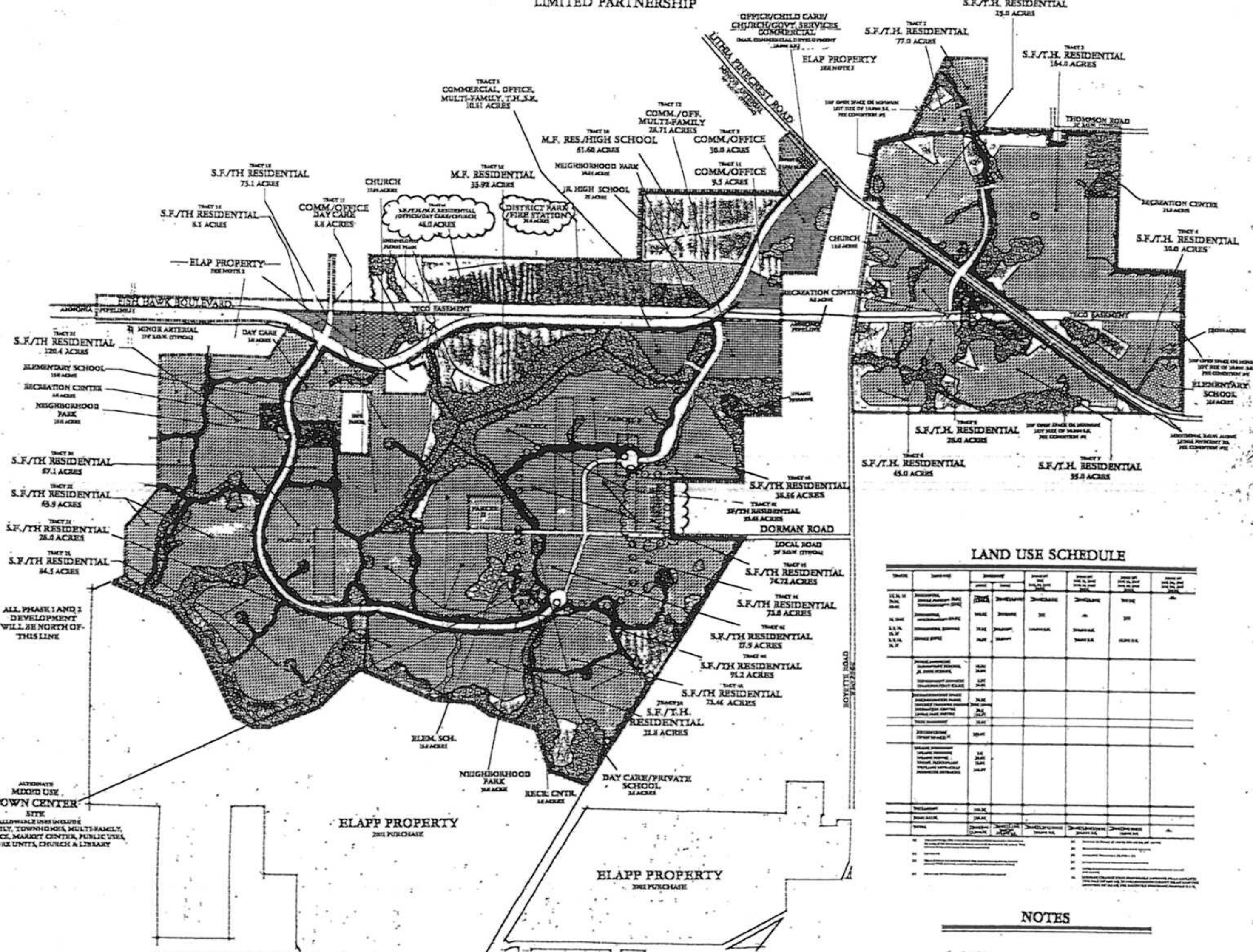
By:
Approved As To Form And Legal Sufficiency

#1722423v1<TRANS1> - Amended and Restated DO (5/27/05)

FISHHAWK RANCH

FISHHAWK COMMUNITIES

LIMITED PARTNERSHIP



LAND USE SCHEDULE

NOTES

LEGAL DESCRIPTION OF ELAPP 2002 PROPERTY

LEGAL DESCRIPTION

LEGEND

- COMMERCIAL/OFFICE
- RESIDENTIAL MULTI-FAMILY
- RESIDENTIAL SINGLE FAMILY
- SCHOOLS
- OTHER INSTITUTIONAL
- RECREATION
- RETENTION/OPEN SPACE
- CONSERVATION AREA
- CONSERVATION AREA
- CONSERVATION AREA

VICINITY MAP

RECEIVED

APR 29 2005

PLANNING & GROWTH MANAGEMENT DEPARTMENT

MAP H FISHHAWK RANCH

FISHHAWK COMMUNITIES LIMITED PARTNERSHIP

ATTACHMENT A

Florida Planning Studio, Inc.

EXHIBIT "B"

IN TOWNSHIP 30 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 15:

(a) The SW-1/4 of NW-1/4.

(b) The N-1/2 of SW-1/4, LESS Seaboard System Railroad, Inc. former right of-way.

(c) The S-1/2 of SW-1/4 and the SW-1/4 of SE-1/4, LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida. and LESS Seaboard System Railroad, Inc. former right-of-way.

Section 19: The SE-1/4.

Section 20: The S-1/2.

Section 21: The S-1/2 of the NE-1/4, and the S-1/2.

Section 22:

(a) The E-1/2, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

(b) That part of the E-1/2 of SW-1/4 lying East of the Lithia Station-Boyette Road.

(c) The NW-1/4, (i) LESS that part described as begin at the intersection of the north boundary line of the SE-1/4 of NW-1/4 with the east former right-of-way line of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company), run thence east 210 feet, thence southwesterly parallel to and 210 feet east of said former railroad right-of-way line 630 feet, thence west 210 feet to said former railroad right-of-way line, thence northeasterly along said former railroad right-of-way line 630 feet, more or less, to the point of beginning, and (ii) LESS that part of the W-3/4 of SE-1/4 of NW-1/4 lying west of Lithia Station-Boyette Road and lying east of the former right-of-

way of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company) and lying South of the excepted parcel described immediately above, and (iii) LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and (iv) LESS those parts of the SE-1/4 of NW-1/4 conveyed by Agrico Chemical Company under deed to Bud Sanders and wife dated July 20, 1983, recorded in Official Records Book 4178, page 520, Hillsborough County, Florida, and under deed to Michael J. Brannon and wife dated July 20, 1983, recorded in Official Records Book 4178, page 522, Hillsborough County, Florida, and under deed to General Telephone Company of Florida dated July 20, 1983, recorded in Official Records Book 4161, page 1439, Hillsborough County, Florida, and (v) LESS those parts of the NW-1/4 of NW-1/4 conveyed by Agrico Chemical Company to the County of Hillsborough under deed dated April 29, 1985, recorded in Official Records Book 4557, page 1919, Hillsborough County, Florida, and (vi) LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and (vii) LESS Seaboard System Railroad, Inc. former right-of-way.

Section 23: The W-1/2 of NW-1/4, and the SW-1/4, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and LESS the north 25 feet of the NW-1/4 of NW-1/4 as described in right-of-way deed (Thompson Road) from American Agricultural Chemical Company to the County of Hillsborough dated November 9, 1954, recorded in Deed Book 1854, page 316, Hillsborough County, Florida.

Section 28: That part of the S-1/2 lying westerly of the Seaboard System Railroad, Inc., former right-of-way, and the W-3/4 of N-1/2 of NE-1/4, and the W-3/4 of W-1/2 of NW-1/4, and the E-1/2 of NW-1/4 LESS the E-1/2 of SE-1/4 of NE-1/4 of NW-1/4.

Section 29: All, (i) LESS the E-1/2 of NE-1/4 of NW-1/4, and (ii) LESS the SE-1/4 of SE-1/4 of NE-1/4, and (iii) LESS the E-1/2 of W-1/2 of NE-1/4 of SW-1/4.

Section 30: The E-1/2.

Section 31: The NE-1/4, and the E-1/2 of SE-1/4.

Section 32: All, (i) LESS the SW-1/4 of SW-1/4, and (ii) LESS the W-1/2 of NW-1/4 of SW-1/4 and (iii) LESS Seaboard System Railroad, Inc. former right-of-way.

Section 33: That part of the N-1/2 lying westerly of the Seaboard System Railroad, Inc., former right-of-way, and the S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of old Lithia

Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida), and LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida, and LESS Seaboard System Railroad, Inc. former right-of-way.

Section 34:

(a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run south 209 feet, thence east 209 feet, thence north 109 feet, thence east 451 feet, more or less to the east boundary of the NW-1/4 of SW-1/4, thence north 100 feet to the northeast corner thereof, thence west along the north boundary thereof 660 feet, more or less, to the point of beginning.

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

IN TOWNSHIP 31 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 4: The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning.

Section 5:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) former right-of-way, said point being 50 feet from and at right angles to the center line of said former railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

(b) The NE-1/4 of NW-1/4, and that part of the SE-1/4 of NW-1/4, if any, lying north and west of Boyette-Balm Road, and that part of the N-1/2 of NE-1/4 lying westerly of the Seaboard System Railroad, Inc., right-of-way, LESS that part lying in the S-1/2 of SW-1/4 of NE-1/4

of NE-1/4. (The S-1/2 of SE-1/4 of NW-1/4 of NE-1/4 consists of Lots 1, 2, 3, and 4 according to the plat of A. F. TURNER'S SUBDIVISION recorded in Plat Book 8, page 26, Hillsborough County, Florida.)

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: A parcel of land lying in Section 15 and Section 22, all in Township 30 South, Range 21 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

From the Southwest corner of the Southwest 1/4 of Section 15, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.89°41'37"E., 122.32 feet, along the South boundary of the Southwest 1/4 of said Section 15 to a point on the Northerly right of way line of Lithia-Pinecrest Road and the POINT OF BEGINNING; thence N.43°03'59"W., 178.67 feet, along said Northerly right of way line to a point on the West boundary of the Southwest 1/4 of said Section 15; thence N.00°08'13"E., 2536.17 feet, along said West boundary to the Northwest corner of the Southwest 1/4 of said Section 15 to the Northwest corner thereof; thence N.00°05'32"E., 1323.83 feet, along the West boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Northwest corner thereof; thence N.89°35'13"E., 1319.30 feet, along the North boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Northeast corner thereof; thence S.00°37'54"E., 1353.79 feet, along the East boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Southeast corner thereof; thence N.89°42'51"E., 1318.59 feet, along the North boundary of the Southwest 1/4 of said Section 15 to the Northeast corner thereof; thence S.00°17'22"E., 1097.46 feet, along the East boundary of the Southwest 1/4 of said Section 15 to a point on the Northwesterly right of way line of a C.S.X. Transportation, Inc. 100 foot railroad right of way; thence S.28°54'31"W., 1419.12 feet, along said Northwesterly right of way line; thence S.71°24'42"W., 714.14 feet; thence S.12°25'51"W., 81.19 feet, to a point on the South boundary of said Section 15; thence continue S.12°25'51"W., 1005.43 feet, to a point on a curve and the aforesaid Northerly right of way line of Lithia-Pinecrest Road; thence Northwesterly, 444.15 feet along the arc of a curve to the left having a radius of 3769.72 feet and a central angle of 06°45'02" (chord bearing N.46°26'31"W., 443.89 feet); thence N.43°03'59"W., 916.75 feet, continuing along said Northerly right of way line to the POINT OF BEGINNING.

Containing 198.208 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the Southeast 1/4 of Section 19, and the South 1/2 of Section 20, all in Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast 1/4 of Section 19, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence S.89°25'59"E., 2659.31 feet, along the North boundary of the Southeast 1/4 of said Section 19, to the Northeast corner thereof; thence N.89°46'17"E., 1868.68 feet, along the North boundary of the South 1/2 of the aforesaid Section 20; thence S.00°14'27"W., 897.75 feet, to a point on the North boundary of a 160 foot Tampa Electric Company Easement as described in Deed Book 1737, Pages 19 & 20, of the Public Records of Hillsborough County, Florida; thence N.89°35'08"W., 4523.56 feet, along said North boundary, to a

point on the West boundary of the Southeast 1/4 of said Section 19; thence N.00°02'24"W., 883.88 feet, along said West boundary, to the POINT OF BEGINNING.

Containing 91.759 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.89°46'17"E., 1968.68 feet, along the North boundary of the South 1/2 of said Section 20, to the POINT OF BEGINNING; thence continue N.89°46'17"E., 676.71 feet, along the said North boundary; thence S.14°17'09"E., 121.75 feet; thence S.06°45'08"E., 127.24 feet; thence S.01°43'02"E., 118.16 feet; thence S.22°01'30"E., 125.24 feet; thence S.13°10'57"W., 110.09 feet; thence S.22°54'48"E., 190.56 feet; thence S.35°12'22"W., 53.98 feet; thence S.42°07'49"E., 111.31 feet; thence N.67°08'31"E., 67.62 feet; thence S.46°34'05"E., 68.37 feet, to a point on the North boundary of a 160 foot Tampa Electric Company Easement as described in Deed Book 1737, Pages 19 & 20, of the Public Records of Hillsborough County, Florida; thence N.89°35'08"W., 980.61 feet, along said North boundary; thence N.00°14'27"E., 898.88 feet, to the POINT OF BEGINNING.

Containing 15.742 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the Southeast 1/4 of Section 19, and South 1/2 of Section 20, and the East 1/2 of Section 30, all in Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

BEGINNING at the Southwest corner of the Southeast 1/4 of Section 19, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.00°02'24"W., 1362.64 feet, along the West boundary of the Southeast 1/4 of said Section 20, to a point on the proposed South right of way line of Boyette Road Extension; thence along said proposed South right of way line, the following three (3) courses; 1) S.88°50'07"E., 759.85 feet; 2) S.89°35'08"E., 2578.63 feet, to a point of curvature; 3) Southeasterly, 324.19 feet along the arc of a curve to the right having a radius of 1489.02 feet and a central angle of 12°28'28" (chord bearing S.83°20'54"E., 323.55 feet); thence S.33°24'52"W., 187.79 feet, to a point of curvature; thence Southwesterly, 572.32 feet along the arc of a curve to the left having a radius of 3015.00 feet and a central angle of 10°52'34" (chord bearing S.27°58'35"W., 571.46 feet); thence N.89°16'18"W., 2023.53 feet; thence S.00°07'27"E., 2558.78 feet; thence S.38°14'14"W., 1009.94 feet; thence S.00°05'49"E., 844.27 feet; thence S.67°42'11"W., 21.70 feet; thence S.04°44'45"E., 75.72 feet; thence S.26°16'35"W., 54.81 feet; thence S.86°49'51"W., 74.48 feet; thence S.66°00'44"W., 63.62 feet; thence S.70°27'36"W., 103.02 feet; thence S.71°00'44"W., 82.74 feet; thence S.57°49'50"W., 87.93 feet; thence N.54°46'44"W., 32.78 feet; thence S.46°40'07"W., 95.32

feet; thence N.84°06'42"W., 123.40 feet, to a point on the West boundary of the East 1/2 of the aforesaid Section 30; thence N.00°05'49"W., 3845.82 feet, along said West boundary, to the POINT OF BEGINNING.

Containing 162.499 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence S.89°37'09"E., 2688.77 feet, along the South boundary of said Section 20; thence N.89°40'29"E., 278.98 feet, along the South boundary of said Section 20, to the POINT OF BEGINNING; thence N.00°19'32"W., 555.96 feet, to a point on a curve and the proposed South right of way line of Boyette Road Extension; thence Northeasterly, 553.85 feet along said proposed South right of way line and the arc of a curve to the left having a radius of 1248.92 feet and a central angle of 25°24'31" (chord bearing N.68°44'37"E., 549.32 feet); thence S.33°57'38"E., 158.90 feet; thence N.53°03'56"E., 292.27 feet; thence S.45°16'02"E., 33.19 feet; thence S.36°44'37"E., 25.26 feet; thence S.03°41'09"E., 27.08 feet; thence S.28°08'08"E., 46.00 feet; thence S.63°51'30"E., 31.64 feet; thence S.09°58'42"W., 25.01 feet; thence S.20°37'58"E., 22.65 feet; thence S.39°45'01"E., 33.46 feet; thence S.60°42'43"E., 31.73 feet; thence S.27°08'22"E., 35.51 feet; thence N.84°43'45"E., 26.98 feet; thence N.20°44'14"E., 35.03 feet; thence N.31°32'55"E., 37.55 feet; thence N.05°44'44"E., 46.05 feet; thence S.87°48'56"E., 16.35 feet; thence S.40°57'37"E., 40.90 feet; thence S.04°26'54"W., 48.86 feet; thence N.84°27'57"E., 31.61 feet; thence N.67°11'04"E., 13.88 feet; thence S.33°04'38"E., 34.36 feet; thence S.02°24'04"E., 53.18 feet; thence S.62°21'52"W., 66.53 feet; thence N.47°21'48"W., 80.46 feet; thence S.41°31'21"W., 53.59 feet; thence S.26°55'41"E., 67.53 feet; thence S.53°53'09"E., 56.36 feet; thence N.81°52'41"E., 33.53 feet; thence S.21°03'49"W., 69.53 feet; thence S.13°18'54"W., 56.88 feet; thence S.57°21'44"W., 100.87 feet; thence S.14°35'16"W., 73.81 feet; thence S.25°25'12"W., 67.39 feet; thence S.24°35'44"W., 83.06 feet; thence S.30°03'24"W., 25.14 feet, to a point on the South boundary of the aforesaid Section 20; thence S.89°40'29"W., 896.67 feet, along said South boundary, to the POINT OF BEGINNING.

Containing 15.614 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: A parcel of land lying in Sections 30, 31, 32 and 33, Township 30 South, Range 21 East, Section 5, Township 31 South, Range 21 East, all in Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of said Section 31, run thence along the East boundary of the East 1/2 of the Southeast 1/4 of said Section 31, N.00°54'18"E., 30.00 feet to a point on the Northerly Maintained Right-of-way line of Boyette Road, said point also being the POINT OF BEGINNING; thence along said Northerly Maintained Right-of-way line, S.89°55'37"W., 1389.78 feet to a point on the West

boundary of the East 1/2 of the Southeast 1/4 of said Section 31; thence along said West boundary, the following two (2) courses: 1) N.01°05'17"E., 1259.25 feet; 2) N.01°03'23"E., 1282.84 feet to a point on the South boundary of the Northeast 1/4 of said Section 31; thence along said South boundary, N.89°01'48"W., 1352.59 feet to a point on the Easterly Maintained Right-of-way line of Boyette Road; thence along said Easterly Maintained Right-of-way line, said line lying 30.00 feet East of and parallel to the West boundary of the Northeast 1/4 of said Section 31, the following three (3) courses: 1) N.01°13'14"E., 1292.41 feet; 2) N.01°14'37"E., 1046.56 feet to a point of curvature; 3) Northerly, 128.49 feet along the arc of a curve to the left having a radius of 270.00 feet and a central angle of 27°15'58" (chord bearing N.12°23'22"W., 127.28 feet) to a point on said West boundary of the Northeast 1/4 of Section 31; thence along said West boundary, N.01°14'37"E., 122.09 feet to a point on the South boundary of the aforesaid Section 30; thence along the West boundary of the Southeast 1/4 of said Section 30, N.00°05'49"W., 1437.89 feet to a point on the South boundary of Hillsborough County Environmental Lands Acquisition and Protection Program "E.L.A.P.P." property, as recorded in Official Records Book 6365, Page 658, Public Records of Hillsborough County, Florida; thence along said South boundary the following nine (9) courses: 1) S.84°06'42"E., 123.41 feet; 2) N.46°40'07"E., 95.32 feet; 3) S.54°46'44"E., 32.78 feet; 4) N.57°49'50"E., 87.93 feet; 5) N.71°00'44"E., 82.74 feet; 6) N.70°27'36"E., 103.02 feet; 7) N.66°00'44"E., 63.62 feet; 8) N.86°49'51"E., 74.48 feet; 9) N.26°16'35"E., 54.81 feet to a point on the Southwesterly boundary of FISHHAWK RANCH PHASE 2 PARCEL "N", as recorded in Plat Book 91, Page 4, Public records of Hillsborough County, Florida; thence SOUTH, 150.00 feet to a point hereinafter referred to as POINT "A"; thence continue South, 72.42 feet to a point on the centerline of Fishhawk Creek; thence along said centerline of Fishhawk Creek, Southeasterly, Northeasterly and Southeasterly to a point of intersection of the centerline of Fishhawk Creek and the Westerly boundary of Property Conveyed to Tampa Electric Company (TECO), according to Official Records Book 9413, Page 1853 and Official Records Book 9461, Page 1805, all in Public Records of Hillsborough County, Florida; thence S.32°13'13"W., 82.90 feet along said Westerly boundary to a point hereinafter referred to as POINT "B";

Reference lines between said POINT "A" and POINT "B" is described by the following seven (7) courses: 1) S.59°00'33"E., 570.20 feet; 2) S.29°50'03"E., 1696.92 feet; 3) S.41°14'52"E., 1967.69 feet; 4) N.56°03'23"E., 1941.68 feet; 5) S.85°02'42"E., 1768.43 feet; 6) S.74°53'35"E., 1524.62 feet; 7) S.64°27'35"E., 1660.93 feet);

thence commence again at the aforesaid POINT "B" and run along said Westerly Tampa Electric Company boundary, the following six (6) courses: 1) S.32°13'13"W., 3229.89 feet; 2) N.89°06'38"W., 40.97 feet; 3) S.32°13'13"W., 460.66 feet; 4) S.32°13'46"W., 940.66 feet; 5) N.57°48'14"W., 15.00 feet; 6) S.32°13'46"W., 419.69 feet to a point on the North boundary of A.F. TURNER'S SUBDIVISION, according to the map or plat thereof recorded in Plat Book 8, Page 26, Public Records of Hillsborough County, Florida; thence along said North boundary, N.89°52'39"W., 226.79 feet to a point on the East boundary of the Northwest 1/4 of the Northeast 1/4 of the aforesaid Section 5, Township 31 South Range 21 East, Hillsborough County. Florida; thence along said East boundary, S.01°39'42"W., 322.91 feet to a point on the Northerly Maintained Right-of-way line, Boyette Road according to Hillsborough County Right-of-Way Book 2, Page 31; thence along said Northerly Maintained Right-of-way line, the following twenty-eight (28) courses: 1) N.89°19'29"W., 45.70 feet; 2) N.89°43'33"W., 100.00 feet; 3) N.89°53'52"W., 100.00 feet; 4) N.89°50'26"W., 100.00 feet; 5) S.89°48'57"W., 100.00 feet; 6) N.89°43'33"W., 100.00 feet; 7) N.89°53'52"W., 100.00 feet; 8) N.89°43'33"W., 100.00 feet; 9) N.89°50'26"W., 200.00 feet; 10) S.89°59'15"W., 100.00 feet; 11) N.89°36'41"W., 100.00 feet; 12) N.89°43'33"W., 100.00 feet; 13) S.89°52'23"W., 100.00 feet; 14) N.89°43'33"W., 100.00 feet; 15) N.89°40'07"W., 100.00 feet; 16) N.89°53'52"W., 100.00 feet; 17)

S.89°59'15"W., 100.00 feet; 18) N.89°40'07"W., 100.00 feet; 19) N.89°53'52"W., 100.00 feet; 20) N.89°50'26"W., 300.00 feet; 21) N.89°36'41"W., 100.00 feet; 22) N.89°24'51"W., 72.54 feet; 23) N.77°13'41"W., 62.36 feet; 24) N.63°40'12"W., 38.53 feet; 25) N.50°00'23"W., 57.15 feet; 26) N.37°55'18"W., 53.45 feet; 27) N.18°15'04"W., 55.11 feet; 28) N.02°45'09"W., 61.83 feet; thence along the Easterly Maintained Right-of-way line, Boyette Road, the following two (2) courses: 1) N.01°19'15"E., 826.74 feet to a point of curvature; 2) Northerly, 138.06 feet along the arc of a curve to the left having a radius of 297.00 feet and a central angle of 26°38'04" (chord bearing N.11°59'47"W., 136.82 feet) to a point on the West boundary of the Northeast 1/4 of the Northwest 1/4 of said Section 5; thence along said West boundary, N.01°18'48"E., 134.28 feet to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of the aforesaid Section 32, Township 30 South, Range 21 East, Hillsborough County, Florida; thence along the East and North boundaries of said Southwest 1/4 of the Southwest 1/4 of Section 32, the following two (2) courses: 1) along the East boundary, N.00°52'50"E., 1285.93 feet; 2) along the North boundary, S.89°28'55"W., 663.84 feet to the East boundary of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 32; thence along said East boundary, and the North boundary of said West 1/2 of the Northwest 1/4 of the Southwest 1/4, the following two (2) courses: 1) along the East boundary, N.00°53'17"E., 1278.88 feet; 2) along the North boundary, S.89°00'01"W., 663.80 feet to a point on the East boundary of the East 1/2 of the Southeast 1/4 of the aforesaid Section 31; thence along said East boundary, S.00°54'18"W., 2516.62 feet to the POINT OF BEGINNING.

Containing 849.025 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

A parcel of land lying in the Sections 33 and 34, Township 30 South, Range 21 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

Section 33: The S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of the old Lithia Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, Page 566, Hillsborough County, Florida), and LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida and LESS that part lying West of the Easterly boundary of 200 foot wide BUFFER STRIP No. 2 (Tampa Electric Company) as recorded in Official Records Book, 9413, Page 1853 and Official Records Book 9461, Page 1805, Hillsborough County, Florida.

AND

Section 34: (a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the Northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run South 209 feet, thence East 209 feet, thence North 109 feet, thence East 451 feet, more or less, to the East boundary of the NW-1/4 of SW-1/4, thence North 100 feet to the Northeast corner thereof, thence West along the North boundary thereof 660 feet, more or less, to the point of beginning.

AND

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

LESS all that lying East of the Maintained Westerly Right-of-Way Line of Boyette Road.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION:

A parcel of land lying in Section 4, Township 31 South, Range 21 East, Hillsborough County, Florida described as follows:

The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning.

LESS that part lying North of the Southerly Maintained Right-of-Way Line of Boyette Road.

AND

A parcel of land lying in Section 5, Township 31 South, Range 21 East, Hillsborough County, Florida described as follows:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) right-of-way, said point being 50 feet from and at right angles to the center line of said railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

AND TOGETHER WITH:

The Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 29, Township 30 South, Range 21 East, Hillsborough County, Florida.

AND TOGETHER WITH:

The East 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 28, Township 30 South, Range 21 East, Hillsborough County, Florida.

AND TOGETHER WITH:

The East 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28, Township 30 South, Range 21 East, Hillsborough County, Florida.

AND TOGETHER WITH:

The West ½ of the Southwest ¼ of the Northeast ¼ of Section 28, Township 30 South, Range 21 East, Hillsborough County, Florida.

Exhibit C

MULTI-USE CONVERSION FACTORS (1)

Convert From	Convert To: Single Family (DU) (2)	Multi-Family (DU) (2)	Retail A (1,000 SF)	Retail B (1,000 SF)	Office (1,000 SF)
Single Family (DU)	-	1.49	0.173	0.225	0.372
Multi-Family (DU) (2)	.67	-	0.116	0.151	0.250
Retail A (1,000 SF)	5.77	8.59	-	1.299	2.146
Retail B (1,000 SF)	4.44	6.61	0.770	-	1.652
Office (1,000 SF)	2.69	4.00	0.466	0.605	-

(1) Based on new PM peak hour external trip end data in Table 7.

(2) Based on ITE Trip Generation, 6th Edition, 1997 trip ratio for single family and multi-family land uses applied to single family peak PM hour external trip end data.

EML\Fishhawk\NOPC May 03\Multi Use Conversion Factors.wpd

DRI #191 - Fish Hawk Ranch

DEVELOPER COMMITMENTS

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

General Project Description

The Fish Hawk and Little Fish Hawk Creek floodplains will be preserved and setbacks from the wetland jurisdictional limits will be maintained primarily in natural vegetation. (ADA page 12-3) (Developer Clarification: Except as specifically permitted,...)

The Master Drainage System will utilize natural percolation for the treatment of stormwater or, for areas surrounding low-lying wetlands, biological treatment will be incorporated into the drainage design. (ADA page 12-7)

Scattered commercial development within the residential areas or along the Boyette Road extension (Developer Clarification: within the project) will not be permitted. (SR page 11 & 12-28)

The internal roadway network will provide access for each of the outparcels. (SR page 11 & 12-31)

Post-development stormwater runoff will be treated prior to discharge to Fish Hawk and Little Fish Hawk Creeks. (ADA page 12-7)

The only development proposed within the floodplain is one single family parcel east of Boyette Road. Any loss of floodplain storage will be mitigated for in the design of the Master Drainage System. (ADA page 12-8)

The Developer will develop the major internal roadways and the major water and sewer transmission mains. (ADA page 12-8)

The parcels north of the Boyette Road extension will have emergency evacuation procedures in case of an ammonia pipeline rupture. (SR 12-35)

Child care facilities will be a requested use for the PD-MU zoning district. (SR page 12-37)

EXHIBIT "D"

ENVIRONMENTAL AND NATURAL RESOURCES

Air

The contractor will be required to sod, seed, mulch or plant with landscape material the cleared and disturbed areas as soon as possible after clearing. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. The contractor will also be required to control wind erosion through sprinkling or other appropriate measures. (ADA page 13-6)

Land

To alleviate the erosive effects of wind and water, the following steps will be implemented during construction:

- Only those portions of the site ready for construction will be cleared.
- Sediment basins will be constructed at the start of each drainage system phase.
- Areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other landscape material, sodded, or planted with other landscape material as soon after the construction as possible. Areas adjacent to the roadways or where slopes are 3:1, or greater, will be sodded or landscaped.
- Construction areas will have interim water quality control features, such as hay bales, as needed to reduce turbidity.
- Embankment areas of stormwater filtration ponds will be seeded, sodded, or planted to stabilize shorelines and to filter runoff.
- If wind erosion becomes significant during construction, the contractor will sprinkle the problem area with water. Following construction, the planted ground cover and the drainage system vegetation and configuration will effectively control wind and water erosion.
- Landscaping will be initiated before development work is completed to ensure that bare soil is not unnecessarily exposed to wind and water erosion. (ADA pages 14-5 and 14-6)

Any springs or boils that might occur on-site in or along creek bottoms at the lower ground elevations will be included in conservation areas or passive recreational areas. (ADA page 14-6)

During the permitting of construction and actual development of the site a thorough investigation will take place to locate existing wells. (SR page 14-2).

Water Quality

Prior to discharge to the Alafia River, filtration resulting from conveyance through a network of extended detention ponds and, where feasible, grassed swale sections and additional secondary treatment through freshwater swamps will be used to minimize the potential for the degradation of overall water quality discharged off-site. (ADA page 15-11) (Developer Clarification: ...as required by applicable regulations.)

The stormwater management system will treat stormwater runoff before discharging off-site or to wetlands on-site. (ADA pages 15-18 and 15-19)

Wetlands

Mitigation wetlands will be located so as to be contiguous to the same wetland system and will be designed to recreate the type of wetland displaced. (ADA page 16-3) (Developer Clarification:...except as permitted or required by permitting agencies.)

Development will be set back at least thirty feet from the jurisdictional wetland line. (ADA page 16-4)

During the construction phase efforts will be taken to protect the integrity of all wetland systems, primarily by preventing the erosion of uplands. Hay bale barriers or similar erosion control devices will be placed adjacent to wetlands to provide further erosion protection. Physical barriers will be located around wetlands to prevent access by vehicular equipment which may result in disturbance to the wetland. Silt screens will be placed in the creek channel during any bridge construction. (ADA pages 16-4 and 16-5)

All man-made ponds will be hydrologically compatible with adjacent natural wetlands. (SR page 16-1)

There shall be no net loss of wetland acreage post-development. (SR page 16-3)

There shall be no encroachment into floodplain wetlands other than for roadway crossings. (ADA page 18-17) (Developer Clarification: easements and grade-level bicycle paths and walkways and similar facilities.)

Floodplains

The finished floor elevations of all buildings within the project site will be constructed at or above the 100-year flood elevation as determined by the Master Drainage Study completed for the project. (ADA page 17-1)

The loss of any of the 100-year floodplain storage volume will be compensated by providing additional storage volume within the detention ponds. (SR page 17-1)

Vegetation and Wildlife

All large marshes and their natural hydroperiods, cypress wetlands and forested floodplain will be maintained on the property and buffered with appropriate setbacks from high intensity uses. (ADA page 18-33)

Only passive recreation will be allowed within the 67.8-acre sand pine preserve. Walking and bicycle trails will be clearly marked and signage used to inform the public of the unique habitat and wildlife as well as to discourage random pedestrian usage. (SR page 18-36)

An initial burn of the sand pine area will be conducted prior to development. (SR page 18-37) (Developer Clarification: An initial burn may be conducted.)

The roadway crossings will minimize right-of-way clearing to the extent feasible. The golf course will be designed to maintain natural features, particularly adjacent to the Fish Hawk Creek floodplain. (SR page 18-41)

Historical and Archaeological Sites

If either Site 8Hi59 or 8Hi3392 are verified as significant resources, the first course of action would be to preserve the site. If an alternate roadway alignment is not practical or feasible such as to avoid impacting the sites, excavation of the sites will be undert n in accordance with guidelines of the Division of Historic Resources (SR page 19-5)

ECONOMY

No capital improvement costs in excess of developer contributions for wastewater, Health/EMS, water, or fire protection facilities will be borne by Hillsborough County as a result of the Fish Hawk Ranch development. (SR pages 20-3, 20-4 and 20-5)

PUBLIC FACILITIES

Wastewater Management

The applicant intends that there will be no permanent septic tanks within the project site. Septic tanks may be used for the construction phases. (ADA page 21-5)

Prior to any development of sprayfields or percolation ponds, a detailed hydrogeologic investigation of the site(s) will be performed. No sprayfields or percolation ponds will be located in areas where the

placement of sprayfields and/or percolation ponds will increase the potential for sinkhole formation. (SR page 21-2)

If, for any reason, non-domestic waste will be generated, a specific permit for handling and/or treatment will be obtained from the appropriate regulatory agencies. (SR page 21-6)

Drainage

The proposed drainage system for Fish Hawk Ranch will be designed to maintain the water quality of the downstream waterways and to maintain the pre-development hydraulic and hydrologic characteristics of the watersheds. (ADA page 22-1)

Lakes will be designed to attenuate and convey stormwater runoff and provide water quality treatment for the site. (ADA page 22-2)

The drainage systems will be operated and maintained by the Developer or its heirs or assigns. (ADA Page 22-8)

The design of the stormwater detention ponds will take into account the tailwater conditions of the creek. (SR page 22-2)

Water Supply

In addition to potable water demands, the water distribution system will be designed to provide fire flow service as required by Hillsborough County. (ADA page 23-1)

The water distribution system, including fire hydrant locations, will be designed to provide fire protection in accordance with applicable Hillsborough County standards. Hydrant flow testing and pressure surveys will be completed after the system is installed to verify performance of the system. Testing will be conducted periodically to insure that the system is operating at the required pressure and flows. (ADA page 23-6)

The developer will encourage the use of water conservation devices by others. (SR page 23-1)

Natural vegetation will be incorporated into the project where feasible. (SR page 23-1)

Green space and rights-of-way within the development will be landscaped incorporating xeriscape techniques to minimize irrigation requirements. (SR page 23-3)

No percolation ponds will be located within 2500 feet of any South Central Hillsborough Regional Wellfield facility. All interim wastewater treatment facilities will provide advanced secondary treatment with dual media, deep-bed filtration. (SR page 23-21)

Stormwater retention/detention ponds or septic tanks will not be located within 200 feet of any South Central Hillsborough Regional Wellfield well site property boundary without a permit from SWFWMD. (SR page 23-22)

The developer or a Homeowner's Association or other designated entity will operate and maintain the internal non-potable water well system. (SR page 23-23)

Solid Waste

No hazardous wastes will be disposed of on-site. The only storage of hazardous wastes would be temporary, prior to off-site transfer and proper disposal by qualified and permitted hazardous waste handlers such as GSX Services, Inc. (SR page 15-1)

Energy

The applicant will cooperate with TECO regarding the location of a site for a future substation. (SR page 11 and 12 -34)

Recreation and Open Space

Open space areas outside the dedicated parks will be maintained by the Developer or its successors or assigns. (ADA page 27-2)

The landscaping for boulevards and/or entranceways will be maintained by the Developer or by a Homeowner's Association or designated entity. (SR page 27-2)

Transportation

The developer will cooperate with HART to encourage transit usage by the Fish Hawk Ranch patrons. (ADA page 27-2)

Construction of the Boyette Road extension will occur as development of the project proceeds through Phase I. (SR page 31-20)

#191

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

December 17, 2003

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

Re: Resolution No. R03-240 - Amending the Development Order for Fishhawk Ranch (DRI #196)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on November 18, 2003.

We are providing this original for your files.

Sincerely,

Gail M. Letzring

Gail M. Letzring,
Manager, BOCC Records

jg
Attachment
Certified Mail 7002 2410 0001 4265 0204
cc: Board files (orig.)
Charles Gauthier, Chief, DCA Bureau of State Planning (orig.ltr.)
Erin McCormick Larrinaga, Attorney at Law (orig. ltr.)
Susan Fernandez, Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Beth Novak, County Attorney's Office
Jim Glaros, Assistant Chief Deputy, Valuation, Property Appraiser's Office

RESOLUTION NO. R03-240

RESOLUTION OF THE BOARD 0F COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING AND RESTATING THE DEVELOPMENT ORDER FOR FISHHAWK RANCH DRI #191

Upon motion by Commissioner Castor, seconded by Commissioner Platt, the following Resolution was adopted by a vote of 6 to 0, Commissioner(s) _____ voting "No".

WHEREAS, on July 11, 1989, the Board of County Commissioners adopted Resolution No. R89-0172 approving the Fishhawk Ranch DRI #191 Development Order, which became effective July 25, 1989 (the "Development Order"); and

WHEREAS, the Board of County Commissioners has amended the Development Order by adopting Resolution R91-0085 on May 7, 1991; Resolution R92-0166 on July 14, 1992; Resolution R92-0306 on December 8, 1992; Resolution R98-091 on April 21, 1998; Resolution R99-136 on July 29, 1999; Resolution R01-208 on October 9, 2001; and Resolution R03-075 on April 22, 2003; and

WHEREAS, on June 12, 2003, Fishhawk Communities Limited Partnership (hereinafter referred to as the "Applicant" or "Developer") submitted a Notice of Proposed Change to a Previously Approved Development of Regional Impact for Fishhawk Ranch (hereinafter the "NOPC"), by and through its authorized agent, Erin M. Larrinaga, Attorney at Law, Fowler White Boggs Banker, P.A., located at 501 E. Kennedy Blvd., Suite 1700, Tampa, FL 33602; and

WHEREAS, the changes proposed in the NOPC include, but are not limited to, removing ± 1,450 acres of land sold to Hillsborough County through the Environmental Lands Acquisition and Protection Program ("ELAPP") from the DRI, deleting 964 single-family units and 500 multi-family units from Phase III, deleting Phase IV and associated entitlements, and adding two parcels totaling 30 acres to the DRI; and

WHEREAS, pursuant to Section 380.06, Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on November 18, 2003, to consider the NOPC; and

WHEREAS, on November 18, 2003, the Board of County Commissioners held a duly noticed public hearing on said NOPC and heard and considered testimony, reports, recommendations and other documents from the Tampa Bay Regional Planning Council, the Hillsborough County Planning and Growth Management Department, other state and local government agencies, and interested citizens.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 18 DAY OF November, 2003, AS FOLLOWS:

I. THAT THE FOLLOWING FINDINGS OF FACT ARE MADE:

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

B. A comprehensive review of the impacts generated by the NOPC has been conducted by the Hillsborough County Planning and Growth Management Department, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission (the "Planning Commission"), the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

C. All procedural requirements of Section 380.06, Florida Statutes, and the Hillsborough County Land Development Code have been complied with.

D. The impacts of the changes requested in the NOPC are adequately addressed by the terms and conditions of this Resolution pursuant to the requirements of Section 380.06, Florida Statutes.

II. THAT THE FOLLOWING CONCLUSIONS OF LAW ARE MADE:

A. The changes proposed in the NOPC are consistent with local land development regulations and the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and the state and regional comprehensive plans.

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

C. The changes proposed in the NOPC will not unreasonably interfere with the achievement of the objectives of the Land Development Plan adopted by the State of Florida as it may be applicable to the area.

D. In considering whether the NOPC should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in Section 380.06 and more specifically, Subsection 380.06(14), Florida Statutes.

E. The review by Hillsborough County Administration, the Planning Commission, TBRPC, and other participating agencies and interested citizens indicates that project impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order.

F. Based on the above Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby approves the NOPC, including the amended Fishhawk Ranch Master

Development Plan ("Map H"), last revised on November 6, 2003, as set forth in Composite **Exhibit "A"**; the revised legal description of the real property included within the DRI as set forth in **Exhibit "B"**; the Amended and Restated General Conditions and Specific Conditions as set forth below; the Multi-Use Conversion Matrix as set forth in **Exhibit "C"**; and the Developer commitments as set forth in **Exhibit "D"**. Exhibits "A", "B", "C", and "D" are attached to and incorporated into this Resolution by reference.

III. GENERAL PROVISIONS

A. This Resolution shall constitute the Amended and Restated Development Order of Hillsborough County for the Fishhawk Ranch DRI. The provisions of Resolutions No. R89-0172, R91-0085, R92-0166, R92-0306, R98-091, R99-136, R01-208 and R03-075 are incorporated into this Development Order by reference and are hereby reaffirmed in their entirety except as specifically amended herein.

B. All development within the Fishhawk Ranch DRI shall occur in accordance with this Development Order.

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

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

E. This Development Order shall be binding upon the Developer and its successors and assigns, 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 successor-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 Fishhawk, the Developer may transfer any or all of its

responsibilities to improve and maintain those facilities to an appropriate body created to perform such responsibilities, provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Subsection 380.06 (19) (b) , Florida Statutes, or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other type of regional impact not previously reviewed by Hillsborough County and TBRPC, shall result in further Development of Regional Impact review pursuant to Section 380.06, Florida Statutes.

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 issue a notice of such noncompliance to the Developer, or 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, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85, as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Planning and Growth Management 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; and

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

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

4. A statement setting forth the name(s) and address(es) of any successors or assigns 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, except as otherwise provided herein, to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order became effective on July 25, 1989, the date of the transmittal of Resolution R89-0172 to the parties specified in Subsection 380.07(2), Florida States, as amended.

N. The Developer has elected, pursuant to Subsection 380.06 (5)(c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 and each Chapter's respective implementing rules and regulations in effect as of the effective date of this Development Order. Accordingly, to the extent that the provisions of Subsection 380.06(5) (c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

Years *	Office ** (Sq. Ft.)	Commercial ** (Sq. Ft.)	Residential (Dwelling Units)
Phase I 1993-Dec. 29, 2002	--	110,000	2,238 SF
Phase II Dec. 30, 2002- Dec. 29, 2007	50,000	280,000	2,168 SF
Phase III Dec. 30, 2007- Dec 29, 2012	42,000	--	204 SF 500 MF
TOTAL	92,000	390,000	5,110

* The years shown are estimates only and do not prohibit development at a slower or faster rate, subject to the other conditions of this Developer Order.

** The commercial and office square footages for each phase shall be limited to the maximum square footages permitted under the Horizon 2000 Plan or the Future of Hillsborough Plan, as applicable.

2. Specific final development approval is accorded to Phase I and Phase II, subject to the conditions contained herein. Specific approval of Phase III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts. Notwithstanding anything herein to the contrary, such mitigation shall include a requirement that improvements be made to ensure that Fishhawk Boulevard continues to operate at an acceptable level of service (LOS "D" peak hour).

3. For purposes of this Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the phase.

4. Any amendments to the proposed phasing schedule shall be submitted to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Development Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

5. The physical development of Fishhawk has commenced.

6. This Development Order shall remain in effect for a period up to and including December 29, 2022. No new construction shall commence 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, TBRPC and the Department of Community Affairs ("DCA") a minimum of thirty (30) days prior to the expiration date of this Development Order.

7. This Development shall not be subject to downzoning or intensity reduction until December 29, 2022, unless the local government can demonstrate a substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the local government to be essential to the public health, safety, or welfare.

8. The approved land uses within the project may be interchanged subject to the conversion matrix attached hereto as Exhibit "C", and the following conditions:

a. The use of the conversion matrix shall be subject to the following minimum and maximum limits and the requirement that the resulting development does not exceed the approved p.m. peak hour new external trip ends (4109 trip ends) for Phases I and II:

Approved Uses	Minimum Quantities	Maximum Quantities
Single Family	3,500	7,000
Multi-Family	500	3,000
Commercial	110,000	500,000
Office	50,000	200,000

b. Prior to any use of the conversion matrix, the Developer shall file a revised Map H with Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs, and a revised General Site Plan for zoning purposes with Hillsborough County, and shall include a land use schedule identifying what conversions have been made. If the use of the conversions results in an amendment to the location of land uses from those on the approved Master Plan, the revised Master Plan shall be subject to a substantial deviation review and determination. If no such location

changes are proposed, no further DRI or zoning review shall be required in connection with the use of the conversion matrix.

c. The Developer shall also include in the Annual Report required pursuant to Section III.K. above a table showing what conversions were made during the reporting period, a cumulative summary of conversions made and the resulting revised land use table for the project.

B. Transportation

1. General Transportation Conditions

a. Monitoring. When Certificates of Occupancy have been issued for 1,500 single family residential units (or the equivalent thereof in terms of trip generation), an annual monitoring program to provide peak-hour traffic counts at the Development's entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. The Developer may perform a more detailed engineering survey to more accurately evaluate the results of the monitoring program. Counts shall be performed on an annual basis through build-out of Phase I. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, may amend the Development Order to require additional roadway improvements or other mitigation measures according to the results of a revised transportation analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development order amendments.

The methodology for a new traffic analysis required during the additional review shall be based upon the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

b. TMS. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of Certificates of Occupancy for 1,500 single family residential units (or the equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the PM peak-hour which is consistent with the assumptions used to prepare the Application. Such a program shall be reviewed by Hillsborough County, the Hillsborough County Regional Transit Authority

("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), TBRPC and the Florida Department of Transportation ("FDOT").

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the implementation of each TSM measure. The results of the TSM program shall be included in the Annual Report.

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

Development of such a TSM program shall be in cooperation with FDOT, Hillsborough County, MPO, HART and TBRPC. Such a program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ride sharing by public and private sector employees.

OBJECTIVES:

* Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ride-sharing efforts.

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

c. Boyette Road Extension. The Boyette Road extension, to which traffic from this Development has been assigned, has been built, as set forth in this Development Order.

d. By July 29, 2004, or the issuance of a building permit for the 1700th unit, whichever is later, the Developer shall conduct a marketing study to evaluate whether market demand would support an increase in the project's entitlements for retail or other office uses. To the extent such additional entitlements are supported by the market study, the Developer agrees to file an application to amend the DRI Development Order to secure approval of said additional entitlements. This provision incorporates, amends and supersedes the September 6, 1989 letter agreement between the Shimberg

Cross Company as the Developer and the Department of Community Affairs regarding the objective of increasing office and retail uses in the project to increase job opportunities.

2. Mitigation Alternatives. The Developer has selected Option 3 to mitigate the Development's transportation impacts for Phases I and II. If Option 3 is selected but not performed as required in this section, mitigation of transportation impacts shall be governed by either Option 1 or Option 2.

a. Option 1

(1) Approval of any detailed site plans for Phase I of the Development shall require funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements indicated in Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(2) Subphasing of the Development is acceptable subject to agreement by Hillsborough County and TBRPC as to the amount of development in the subphase and the existence of funding commitments for roadway improvements on affected roadways that would operate below LOS D at peak hour (C peak in rural areas) and the development consumes five percent or more of the existing LOS D peak hour (C peak rural) service volume of the facility.. At the point in the development of Phase I at which roadway improvements are required pursuant to TBRPC policy for which --no funding commitments can be assured, development in the project shall be subject to a stop order. The stop order shall require a new traffic analysis or monitoring as appropriate.

Table 1

PHASE I (1995) REQUIRED LINK IMPROVEMENTS FOR FISHHAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
Bloomingdale Ave.	Kings Ave. Bell Shoals Rd.	E	6.5	Construct 4-lane divided arterial
Bell Shoals Rd.	Bloomingdale Ave. to Boyette Rd.	E	23.7	Construct 4-lane divided arterial
Lithia-Pinecrest Rd.	SR 60 to Lumsden Rd.	E	16.0	Construct 4-lane divided arterial

Boyette Rd.	Bell Shoals Rd. to site entrance	(not existing)	100.0	Construct 4-lane divided arterial

Table 2

PHASE I (1995) REQUIRED INTERSECTION IMPROVEMENTS FOR FISHHAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
SR 60 at Lithia-Pinecrest Rd.	F	16.3	Construct an EB right-turn lane. Construct NB left-turn lane
US 301 at Bloomingdale Avenue	F	5.8	Construct an additional EB through-lane. Construct an additional SB left-turn lane and an additional through-lane.
Bloomingdale Ave. at Bell Shoals road	F	14.2	Construct EB through-lane. Construct WB through-lane and exclusive right-turn lane. Construct SB right-turn lane.
Boyette Road at Bell Shoals Rd.	F	33.8	Signalize. Construct WB right, through and left-turn lanes. Construct EB right- and left-turn lanes. Construct NB left-turn lane. Construct SB right-turn lane.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the Fishhawk transportation study network, including but not limited to the regional

roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, FDOT and TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of construction of any previously approved portion of Phase I plus that to be generated by the portion for which the Developer is seeking approval. Each updated traffic analysis .shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in option 1 at a satisfactory LOS D at peak hour (C peak in rural' areas). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak in rural areas), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak in rural areas).

c. Option 3

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

(1) This pipeline option may be elected as full and complete satisfaction of the Developer's obligation to mitigate Phases I and II transportation impacts of the Development. Upon request of the Developer, prior to development beyond Phases I and II, a determination shall be made by Hillsborough County and coordinated by the County in writing with the other appropriate agencies whether or not a pipeline option for mitigation for the next Phase or Phases of the Development is permitted by then existing rules and regulations. If so, the Development Order may be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the next Phase or Phases of the -Development with due consideration -given for all improvements and contributions made by the Developer to mitigate traffic impacts. If Hillsborough County determines

that a pipeline option is not appropriate, transportation mitigation for the next Phase or Phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

(2) The Required Pipeline Improvement (the "Required Improvement") under this option 3, which includes the "Required Design", the "Required Right-of-Way Acquisition" and the "Required Construction" as defined below, shall be as follows:

(a) Developer has designed the 4.7 mile extension of Boyette Road from Bell Shoals Road to Lithia-Pinecrest Road (the "Boyette Road Extension") as a four-lane, divided, arterial roadway consistent with Hillsborough County design standards including appropriate transitional geometric improvements at the intersection of Bell Shoals/Boyette Road Extension and Lithia Pinecrest/Boyette Road Extension to maintain at least level of service D peak hour, at buildout of Phase I, at these intersections (the "Required Design").

(b) Developer has constructed two lanes of the Boyette Road Extension in accordance with the Required Design in two segments (the "Required Construction"). The first segment ("Segment A") consists of a 1.7 mile segment from Bell Shoals Road to the west boundary of the Development. The second segment ("Segment B") consists of a 3.0 mile segment from the west boundary of the Development to Lithia-Pinecrest Road.

(c) To accommodate the four-lane divided arterial roadway approved as the Required Design, the bridges over Fish Hawk Creek and Little Fish Hawk Creek shall be designed as two-lane bridges at each of the four creek crossings. Developer has constructed the two-lane bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, to accommodate the two-lane roadway constructed by Developer under Required Construction.

Developer shall fund and construct the two remaining bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, only if transportation analyses, required pursuant to the provisions of Section 380.06, Florida Statutes (per Section IV.A.2 of the Development Order) and prepared for Phase III of Fishhawk, identify the need for the Boyette Road Extension to be four-laned. The transportation analyses shall be done in accordance with generally accepted engineering practices and shall account for both background traffic and project traffic. Developer shall not be required to fund or construct the two remaining bridges if the transportation analyses required per Section IV.A.2 for development beyond Phases I and II do not

indicate the need to four-lane the Boyette Road Extension to accommodate traffic generated by Fishhawk Ranch DRI

Developer shall be required to construct or fund construction of the two remaining bridges only in conjunction with and at the same time as the construction of the four-laning of the Boyette Road Extension on or before the buildout of Fishhawk. The intent of this condition is to prevent Developer from constructing or committing funds to construct said bridges if the road said bridges will serve will not be constructed on or before the buildout of Fishhawk. For purposes of this Development Order, the term "buildout" shall mean the issuance of the last certificate of occupancy to complete the final phase of the project according to the phasing schedule set out in Article IV.A. of the Development Order, as it may be amended from time to time. Developer hereby assumes no obligation or liability to construct or fund the construction of the four-laning of the Boyette Road Extension.

The Developer has entered into an agreement with Hillsborough County to specify the rights and obligations of each party with regard to the Boyette Road Extension. Said agreement shall not be inconsistent with the requirements of this Development Order. Said agreement shall be executed by both parties prior to commencement of the Required Construction.

(d) Hillsborough County shall provide the necessary right-of-way for the Required Improvement, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed for the Required Improvement, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the Required Improvement, including the exercise of its powers of eminent domain. Unless otherwise approved by the Hillsborough County Engineering Services Department, the right-of-way shall be 176 feet wide for a rural section or 128 feet wide for an urban section.

(e) The Hillsborough County Road Network impact fee, in accordance with ordinances 86-4 as amended by ordinances 87-19, 89-4 and 89-6 (Roadway Improvements), and Ordinance 85-24E as amended by Ordinances 86-5, 87-17 and 89-3 (Right-of-Way), has been determined to be Two Million Fifty Thousand and No/100ths Dollars ($2,050,000.00) for Phase I and Seven Million Fourteen Thousand and No/100ths Dollars ($7,014,000.00) for the entire Development (hereinafter said ordinances shall be together referred to as the "Transportation Impact Fee Ordinances").The "Proportionate Share" contribution by the Developer for Phase I, in accordance with

Section 380.06, Florida Statutes, Rule 9J-2.0255, Florida Administrative Code, and Section 19.8.14, Future of the Region, has been determined to be Three Million Four Hundred Thirty-Five Thousand Five Hundred Sixteen and No/100ths Dollars ($3,435,516.00).

(f) The cost of Segment A has been determined to be Three Million Eight Hundred Twenty-Eight Thousand Twenty-One and No/100ths Dollars ($3,828.021.00), which amount exceeds the Developer's Proportionate Share obligation for Phase I. The total cost of the Required Improvement has been determined to be Eight Million Two Hundred Twenty-Eight Thousand One Hundred Fifty-Five and No/100ths Dollars ($8,228,155.00), which amount includes design, right-of-way acquisition, construction and construction inspection. The total contribution by the Developer for the Required Improvement, therefore, exceeds the Phase I Pipeline Proportionate Share Amount by Four Million Seven Hundred Ninety-Two Thousand Six Hundred Thirty-Nine and No/100ths Dollars ($4,792,639.00), exceeds the Phase I Transportation Impact Fee amount by six million one Hundred Seventy-Eight Thousand One Hundred Fifty-Five and No/100ths Dollars ($6,178,155.00), and exceeds the Development buildout Transportation Impact Fee amount by One Million Two Hundred Fourteen Thousand One Hundred Fifty-Five and No/100ths Dollars ($1,214,155.00).

(g) Buildings within Fishhawk shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable transportation contributions, costs and expenses borne by the Developer pursuant to this Development Order including but not limited to costs for right-of-way acquisition, design, construction and construction inspection of the Required Improvement ("Developer Pipeline Expenses") shall be applied toward and be a credit against impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder. To the extent that Developer Pipeline Expenses exceed the Phase I proportionate share contribution under this condition, such excess shall, in accordance with then applicable law, be applied toward and be a credit against then applicable transportation impact fees and proportionate share or pipeline assessments for Phases II and III of the Development. If permitted by applicable regulations, said excess impact fee credits shall also be transferable to other projects of the Developer subject to a case-by-case approval by the Board of County Commissioners.

Subject to approval of the Board of County Commissioners, any excess credits not otherwise recovered as provided above shall be recoverable from transportation and right-of-way impact fees paid by all other development which uses any portion of the Required Improvement as a direct access point. For purposes of this paragraph, "direct access point" shall mean any point of ingress or egress from the boundaries of the development which connects directly to the Required Improvement or to any new connector road to the Required Improvement that does not now exist. Developer may apply to recover such excess credits on a quarterly basis after completion of the Required Improvement.

(h) The Developer has complied with the time schedule, for design, permitting, and construction of the bridge structures that are part of the Required Improvement:

3. Additional Mitigation for Phase II.

A. The Developer has made proportionate share contributions of $8,228,155 as compared to a proportionate share obligation for both Phases 1 and II of approximately $6,921,219. Specific approval of Phase II is conditioned upon the Developer completing and paying for the following additional improvements (the "Phase II Improvements"):

	Location	Improvement
1.	Intersection of Fishhawk Boulevard and Lithia Pinecrest Road	Geometric: Southbound right turn lane. COMPLETED Signalization: When warranted and approved, including interconnects if required. COMPLETED
2.	Intersection of Fishhawk Boulevard and Bell Shoals Road	Geometric: Southbound right turn lane. COMPLETED Westbound right turn lane. COMPLETED Signalization: When warranted and approved, including interconnects if required.

		COMPLETED
3.	Intersection of Fishhawk Boulevard and Osprey Ridge West	Geometric: Westbound left turn lane. Eastbound right turn lane. Northbound exclusive right turn lane. Northbound exclusive left turn lane. Signalization: When warranted and approved, including interconnects if required.
4.	Intersection of Fishhawk Boulevard and Osprey Ridge East	Geometric: Westbound left turn lane. COMPLETED Eastbound right turn lane. COMPLETED Northbound exclusive right turn lane. COMPLETED Northbound exclusive left turn lane. COMPLETED Signalization: When warranted and approved, including interconnects if required.

The schedule for completion of the geometric Phase II Improvements shall be determined based on the results of an annual traffic analysis to be submitted with the Annual Report. The installation of signals shall be required when signalization is warranted and approved by Hillsborough County.

b. When any subphase of development within a development pod is submitted for preliminary commercial site plan approval or subdivision plat approval, the Developer shall provide, to Hillsborough County and Tampa Bay Regional Planning Council, a transportation analysis that demonstrates that Boyette Road Extension (Fishhawk Boulevard) from Lithia Pinecrest Road to Bell Shoals Road will operate at an acceptable level of service in both the AM and PM peak hour with the addition of the proposed development as well as at each proposed intersection or access point.

c. Hillsborough County shall provide the necessary right-of-way for any required improvements, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the required improvement, including the exercise of its powers of eminent domain.

C. Air Quality

1. The Developer and its successors or assigns shall be required to employ the fugitive dust emission abatement procedures referenced on page 13-6 of the Application.

2. Approval of Phase III shall require further review of air quality, in the form of an updated air quality impact analysis as required by Chapter 380, Florida Statutes, and applicable rules and regulations of the Florida Department of Environmental Protection ("FDEP") and the Hillsborough County Environmental Protection Commission ("EPC"), with review and comment by TBRPC, and amendment of the Development Order to incorporate necessary measures to alleviate project impact.

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

D. Land

1. The methods identified on pages 14-1 and 14-4 of the ADA to overcome problems associated with particular soil types shall be implemented as appropriate.

2. The erosion control methods referenced on pages 14-4 and 14-5 of the ADA shall be implemented as appropriate.

E. Stormwater Management and Water Quality

1. Master Stormwater Management Plan. Prior to construction plan approval for any development parcel and the subsequent issuance of any site alteration/building permits, the Master Stormwater Management (drainage) Plan for said parcel shall be submitted to TBRPC and FDEP for review and to Hillsborough County and the

Southwest Florida Water Management District ("SWFWMD") for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such Master Stormwater Management Plans:

a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in effect at the time of construction plan submittal and review for a particular phase of the project.

b. The stormwater management system shall be designed, constructed and maintained to meet or exceed the requirements of Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD; and pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978), where applicable. In the absence of dedication of the stormwater management systems to Hillsborough County, the Developer shall be responsible for the operation and maintenance of the systems and shall provide for periodic sediment and vegetation removal operations as required. The Developer shall provide a copy of the operation and maintenance schedule with the Annual Report.

c. Incorporation of isolated wetlands within the stormwater management facilities shall be in compliance with requirements of FDEP pursuant to Chapter 17-25, Florida Administrative Code, and the requirements of SWFWMD pursuant to Chapter 40D-4, Florida Administrative Code, subject to Section III.N. above.

d. Best Management Practices for reducing water quality impacts, as required by Hillsborough County and SWFWMD, shall be implemented, including a street cleaning program as necessary for private parking and roadway areas within the Development.

e. Biological treatment of stormwater shall be used wherever feasible.

2. Monitoring. In order to protect water quality in the Alafia River and its watershed, there shall be no degradation of applicable water quality standards by the Development's stormwater exiting the site. Groundwater monitoring wells maintained by West Coast Regional Water Supply Authority ("WCRWSA"), or its successor, presently exist in two locations on site as shown on Figure SR23-1 of the ADA. In addition to the existing groundwater monitoring, wells, the Developer shall implement a semi-annual surface water quality monitoring program, to be instituted

before any construction activity implementing Phase I approvals takes place and to continue through build-out of the Development, at minimum. Any violation of Chapter 17-3, Florida Administrative Code, determined to be caused by the Development shall require corrective measures as set forth by FDEP. The following shall apply:

a. Sampling locations shall be in the areas where Fish Hawk Creek and Little Fish Hawk Creek intersect the project boundary, with the specific location to be determined in cooperation with Hillsborough County, FDEP, and SWFWMD.

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

c. The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met by the Developer, or its assigns, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

d. Monitoring shall be conducted semi-annually for one year during May and September, following issuance of the Development Order and following construction of 25 percent, 50 percent, 75 percent and 100 percent of the units in each Phase until build-out of the Development. Monitoring parameters shall include the following:

- Total phosphorous
- Total nitrogen
- Orthophosphate P
- Organic N
- Ammonia N
- Chlorophyll-a
- Dissolved oxygen
- Lead
- Zinc
- Copper
- Biological oxygen demand (5 day)
- Oil and grease
- T coliforms
- F coliforms
- Ph

- Specific conductivity

3. Maintenance. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County.

4. Easements. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated 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.

5. Flood Plains.

a. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.

b. All encroachments into the 100-year floodplain shall require that loss of hydrologic storage capacity is compensated on-site in accordance with the requirements of Hillsborough County and SWFWMD.

c. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways or easements, including grade level walkways, bicycle paths and similar facilities.

6. Wellhead Protection.

a. The Developer shall work with the West Coast Regional Water Supply Authority (the "Authority") or its successor to maintain access for Authority staff or duly appointed agents to the CUP-required monitor wells located in Sections 21 and 29 T30 R21 for the purposes of maintenance and monitoring, until such time as monitoring of the wells is not required under CUP No. 204352. If either monitor well requires repair or replacement as a result of damages caused by development activities, the Developer will bear the cost of such repair or replacement.

b. Any interim wastewater treatment facilities or disposal site located on the project site shall comply with all existing Federal, State and County regulations as they relate to the construction and operation of wastewater facilities and the disposal of waste. No interim wastewater treatment facilities or disposal sites shall be located wholly. or in part within 2,500 feet of a South Central Hillsborough Regional Wellfield potable water supply well

(referred to hereinafter as a "SCHRW wellhead") without approval. from the Authority and Hillsborough County.

c. No stormwater detention/retention ponds or septic tanks shall be located within 200 feet of any then existing SCHRW wellhead property boundary. All retention/detention ponds located wholly or in part within 400 feet of any SCHRW wellhead property boundary shall be lined in all areas, other than littoral shelves, with an impermeable liner (clay or man-made material), unless otherwise approved by the Authority.

d. All excavations made on-site shall not remove the confining clay unit; not breach the limestone aquifer, regardless of the circumstances; not allow the discharge of toxic or hazardous substances into the excavated site at any time; and, for excavations located wholly or in part within 500 feet of any SCHRW wellhead, include provisions for collecting water samples and analyzing water quality for the purpose of protecting public health in accordance with applicable rules and regulations and include an analysis of the excavation's dewatering impact on the surficial aquifer and neighboring wells during the county review process.

e. The Developer shall institute and implement groundwater monitoring within the project area to ensure maintenance of the water quality of the surficial aquifer, the Floridan aquifer, and adjacent public supply wells (i.e., the South Central Hillsborough Regional Wellfield) in accordance with the rules and regulations of the Florida Department of Environmental Regulation and the Southwest Florida Water Management District. Copies of all data shall he furnished to the Authority and other appropriate agencies within thirty (30) days of receipt by the Developer, its successors and assigns. The Authority shall be notified of and may be present for the construction of any monitor wells and at any sampling episodes.

f. No hazardous wastes shall be discharged or disposed of on the property, nor shall any hazardous waste be stored within 500 feet of any SCHRW wellhead property boundary.

g. If, at any time during the monitoring process instituted in accordance with the requirements of the Florida Department of Environmental Protection or the Southwest Florida Water Management District, any monitor well on-site indicates the presence of pollutants, the Authority or other jurisdictional agencies may require intensified monitoring and data collection. If a source of pollution persists, then the Authority or other jurisdictional agencies may request modification of the Development Order based on action deemed necessary to protect the region's water supply, including the South Central Hillsborough Regional Wellfield, as determined by the Authority or any other jurisdictional regulatory agency.

h. The developer agrees to be bound by Federal and local rules and regulations and by rules and regulations adopted pursuant to Chapters 403 and 373, Florida Statutes, which rules and regulations govern groundwater classification, usage, reclassification and aquifer protection.

i. If the recommended protections listed above become redundant or unnecessary because local ordinances, state rules, and federal regulatory provisions are more strict or provide adequate assurances of groundwater protection, the Authority and other appropriate agencies may mutually agree to eliminate those requirements deemed unnecessary.

F. Vegetation and wildlife.

1. Wetlands.

a. The approximate locations of the portions of the Development which meet the definition off preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be designated on the Revised General Site Plan for Zoning Petition No. 89-0098 S.

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

(1) Except as otherwise required by agencies having jurisdiction:

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

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

(c) All on-site conservation area(s) shall be conserved unless a mitigation plan is approved by the Environmental Protection Commission and submitted to the Planning and Growth Management Department. The plan shall be implemented prior to or concurrent with the wetlands being disturbed. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

(d) All losses of conservation/preservation areas shall require in kind replacement on a 1:1 basis. Mitigation for conservation/preservation area losses shall be implemented prior to or concurrent with the wetlands being disturbed.

2. Upland Preservation. The representative tracts of major upland vegetative communities shall be preserved on-site as shown on Exhibit "C" in a manner which will protect or enhance their natural function and value. The Developer shall dedicate approximately 705 acres of upland and wetland preservation areas and wildlife corridors as shown on Exhibit "C", attached hereto, to Hillsborough County for use as a resource oriented regional park. The dedication of this park land shall occur on or before the platting and construction of the north-south roadway crossing Fish Hawk Creek, as shown on the Revised General Site Plan. Along boundaries where upland preservation areas abut residential development, the Developer shall fence or otherwise delineate the boundaries of said preservation areas to discourage uncontrolled pedestrian traffic.

3. Protected Species.

a. In the event that any species listed in Section 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 Fish and Wildlife Conservation Commission.

b. Gopher Tortoises. The designation of 326.5 acres of developable uplands as uplands preservation areas for gopher tortoise habitat (located south of Fish Hawk Creek, and sold to Hillsborough County under ELAP), in conjunction with the design of wildlife corridors incorporating ±1822 acres of upland and wetland habitats,(on-site and off-site after ELAP sales), and including buffers along Fish Hawk Creek and Little Fish Hawk Creek, all as shown on Exhibit "C" attached hereto, has been determined to mitigate the impacts-of disturbing other gopher tortoise habitat on site. The Developer shall provide for relocation of gopher tortoises to achieve maximum carrying capacities of tortoises per acre as determined by the Florida Fish and Wildlife Conservation Commission for all upland preservation areas. Copies of all permits relative to the on-site gopher tortoise population shall be provided to Hillsborough County and TBRPC in the Annual Report.

c. Southeastern Kestrel. The Developer shall implement a Southeastern Kestrel nest box program for the TECO easement in cooperation with the Florida Fish and Wildlife Conversation Commission.

4. Recreation and Open Space.

a. The Developer, its successors or assigns, shall be responsible for maintaining all recreation and open space areas within the Development other than those for which Hillsborough County has assumed maintenance responsibilities.

b. A linear greenway bike path/pedestrian trail system interconnecting the residential, non-residential, and public uses with each other and with the various habitat areas shall be permitted and located generally as depicted on the Master Plan. The ultimate location and design, including materials (boardwalk, asphalt, concrete, mulch, etc.) of each trail shall be determined as part of any preliminary plan approval and shall require the approval of the Hillsborough County Planning and Growth Management Department as well appropriate other agencies. When the trail enters wetland areas, the approval shall include the Hillsborough County Environmental Protection Commission, the Southwest Florida Water Management District, the Florida Fish and Wildlife Conservation Commission, and the Army Corps of Engineers. When the trail enters upland habitat areas, the approval shall include the Florida Fish and Wildlife Conservation Commission.

c. To comply with the park property assessment requirements of the Hillsborough County Park Site Improvement Program (Ordinances 85-23 and 85-25E, as amended), the Developer shall dedicate to Hillsborough County the neighborhood and district park sites identified on the Revised General Site Plan. The Developer shall dedicate those park sites in conjunction with the platting of the first lots abutting said sites. The district park site shall be dedicated as a resource oriented park.

d. The designated public parks and recreation facilities within the Development shall be accessible to the elderly, handicapped and economically disadvantaged. The location of park sites may be changed subject to approval by the County, but any overall decrease in the acreage set aside for parks as shown on the Revised General Site Plan shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the County Parks and Recreation Department should decide that one or more of the park sites are not required or the locations are inappropriate, then the Developer shall be able to use the applicable parcel for residential development provided the number of dwelling units approved for the Development is not increased.

G. Archaeological and Historical Resources.

1. If archaeological sites 8Hi3393 or 8Hi3392 are to be impacted through development activities, archaeological test excavations shall be conducted to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing development activities at the sites. The final determination of

significance shall be made in conjunction with the Florida Division of Historical Resources and Hillsborough County. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. These sites shall be included on the Revised General Site Plan.

2. If sites 8Hi3393 or 8Hi3392 are to be impacted by development activities and either or both are found to be significant, excavation of the significant sites shall be undertaken in accordance with guidelines of the Division of Historical Resources prior to the commencement of any ground-disturbing activities at the significant sites. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. Following review of the report by these agencies, notification of approval of the report by the Division of Historical Resources and the Hillsborough County Historical Commission shall allow ground-disturbing activities to commence.

3. The discovery of any additional 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 Hillsborough County.

H. Economics/Equal Opportunity.

1. The Developer shall encourage the promotion of entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities within the Development. A report on equal opportunity employment programs utilized by Development businesses and the program's effect should be incorporated into the Annual Report following issuance of the first Certificates of Occupancy for Development businesses.

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

3. The Developer shall encourage employers in the Development to institute programs to provide child care facilities at the place of employment or as a cooperative effort with other businesses. A report on child care programs utilized by Development business employees shall be incorporated into the Annual Report following issuance of the first Certificate of Occupancy for Development businesses.

I. Public Facilities.

1. Water.

a. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall stipulate to the satisfaction of Hillsborough County, in accordance with applicable regulations, the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the Development. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for the building construction which is the subject of the building permit.

b. On-site wells shall be operated and maintained by the Developer, its successors or assigns, or by the entity or agency permitted to install and operate said wells by SWFWMD.

c. The Developer, its successors or assigns, shall be responsible for maintenance of all on-site water facilities unless otherwise required or agreed to by Hillsborough County.

d. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall ensure the provision of adequate fire hydrants (in number and appropriate location), fire flows and water pressure to serve each building for which fire protection is required in accordance with applicable regulations. The installation of a sprinkler system, fire hydrants or fire plan shall be options to meet these requirements. No building permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve such building is available.

e. Development within the Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses. The Developer shall submit a plan to Hillsborough County and TBRPC for the use of non-potable water on-site in the first Annual Report following issuance of the first Certificate of Occupancy.

f. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act, Section 533.14, Florida Statutes, and native vegetation shall be used in landscaping to the greatest extent possible.

g. The Developer shall dedicate to Hillsborough County the two (2) acre fire station site shown on the revised General Site Plan. The Developer shall be eligible for impact fee credits in accordance with Hillsborough County Ordinance 88-23. Dedication of the fire station shall occur upon written request of the County. In the event the Fire Department decides the fire

station site is not required or the location is inappropriate, the Developer shall be able to use the parcel for residential development provided the number of dwelling units approved for the Development is not increased.

2. Wastewater.

a. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years by the Developer until said lines are dedicated to Hillsborough County. Faulty lines shall be replaced as quickly as feasible.

b. The Developer shall be required to take back effluent utilizing a functional recovered water system capable of taking back an amount at least equal to the quantity of wastewater generated by the Development in accordance with any uniformly applicable Hillsborough County ordinance or policy.

c. The selection of spray irrigation sites for the Development shall be based on a complete analysis in accordance with applicable regulations including the anticipated treatment level of the effluent and detailed hydrogeological analysis of the sites to determine the potential for groundwater contamination from any hazardous waste or other pollutants.

d. The Developer shall pursue with Hillsborough County private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development and future surrounding development prior to application for permits to construct a project-specific package plant.

e. If an interim wastewater treatment plant becomes necessary, it shall only be located where a detailed hydrogeological analysis of the site in accordance with applicable rules and regulations determines low potential for groundwater contamination. Development within the Development shall be required to connect to public wastewater treatment facilities when said treatment becomes available to the site, at which time the interim plant shall be removed by the Developer.

3. Other Public Facilities. Prior to issuance of Building Permits, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, water, wastewater, electricity, fire, emergency medical services and police capabilities and facilities are available for the building(s) that are the subject of such Building Permits.

J. Energy Conservation.

1. All Development tenants, businesses and residents shall be encouraged to do the following:

a. Establish energy policies, energy use monitoring and energy conservation, using a qualified energy use analyst;

b. Institute programs to promote energy conservation by employees, buyers, suppliers and the public;

c. Institute programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to encourage the use of energy efficient cooling, heating and lighting systems;

d. Institute recycling programs;

e. Employ innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

f. Install total energy systems on large facilities, when cost effective;

g. Use the most energy efficient technology economically feasible in the construction and operation of the Development's facilities;

h. Use landscaping and retention of existing vegetation as a means for energy conservation;

i. Use energy audits provided by energy companies or other qualified agencies;

j. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

k. Use landscaping and building orientation to reduce heat gain, where feasible;

l. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate; and

m. Utilize energy efficient packaging and/or recyclable materials.

2. A report on the status of implementation of the energy conservation measures referenced on pages 25.5 and 25.9 of the ADA and other such measures shall be included in each Annual Report.

3. The Developer should work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for Development businesses.

K. Education.

1. The Developer shall dedicate to the Hillsborough County School Board three (3) 15-acre elementary school sites and one (1) 25-acre junior high school site as shown on the Revised General Site Plan, or as otherwise approved by the School Board. Credits for said dedications shall be given pursuant to the Hillsborough County School Site Dedication Program Ordinance, No. 86-20. In the event that one of the elementary sites is located with a park site, the acreage may be modified, subject to an agreement between the Parks Department and the School Board.

2. The Developer shall incorporate the water and wastewater requirements for the five (5) school sites into the design of its water and wastewater systems.

3. If the County School Board should decide that one or more of the school sites is not required or that the location(s) is inappropriate, then the Developer shall be able to use the applicable parcel(s) for residential development provided the number of dwelling units approved for the Development is not increased.

L. Housing.

1. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

3. Residential areas of the Development 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.

4. The Developer shall encourage the development of neighborhood watch programs in the Development. A report on such programs shall be included in each Annual Report following occupancy of the 500th dwelling unit.

5. In order to ensure adequate housing opportunities exist at locations reasonably accessible to places of work and to address the housing policies of the state land development plan, prior to commencement of Phase II, the Developer shall conduct an analysis of the affordable housing needs to be generated by the Development, including the need for affordable housing for Phase I, (using a methodology approved by Hillsborough County and reviewed by DCA). If the analysis shows that the Development will generate significant affordable housing needs which will not be, met in the South Hillsborough County area, the Developer shall prepare a Housing Affordability Plan ("HAP") and shall submit the HAP to Hillsborough County for incorporation as an amendment to this Development Order, which amendment shall not be considered a substantial deviation. The HAP shall be consistent with the County comprehensive plan and applicable County land development regulations.

At a minimum, the HAP shall address:

a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.

b. Specific mechanism for HAP implementation.

c. Monitoring.

d. Location and placement of affordable units.

e. An assessment of the HAP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

f. Provisions for crediting the Developer for activities that address affordable housing.

M. Library.

Developer will donate a site to the County capable of accommodating a 25,000 square foot building in a location selected by the Developer, and located generally south of Fishhawk Boulevard, on Osprey Ridge Drive, close to the intersection with Dorman Road. The Developer shall retain approval over the architectural design of the building. The parking needs for the facility will be addressed on-site, or in shared parking with nearby compatible users.

N. General

1. Developer Commitments. The Developer's commitments set forth in the Application are summarized in Exhibit "D" entitled "Developer Commitments", and

these commitments shall be honored, except as they may be superseded by specific terms of the Development Order.

2. Substantial Deviations. Pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the Development as described in the Application shall require a substantial deviation determination.

3. Notice of Adoption. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.

4. Excess Infrastructure. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve latter phases of the Development, shall be at the Developer's risk and shall not operate to relieve the Developer from conditions which must be complied with prior to commencement of the latter phases.

5. Date Rendered. This Amended and Restated Development Order shall be deemed rendered and effective as of the postmark date of the transmittal of copies of Resolution No. R 03-240 to DCA, TBRPC and the Developer.

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 18, 2003, as the same appears of record in Minute Book 330 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 17 day of December, 2003

RICHARD AKE
Clerk of the Circuit Court

By: Juelene W. Gregory
Deputy Clerk

Approved by County Attorney

By:
Approved As To Form And Legal Sufficiency

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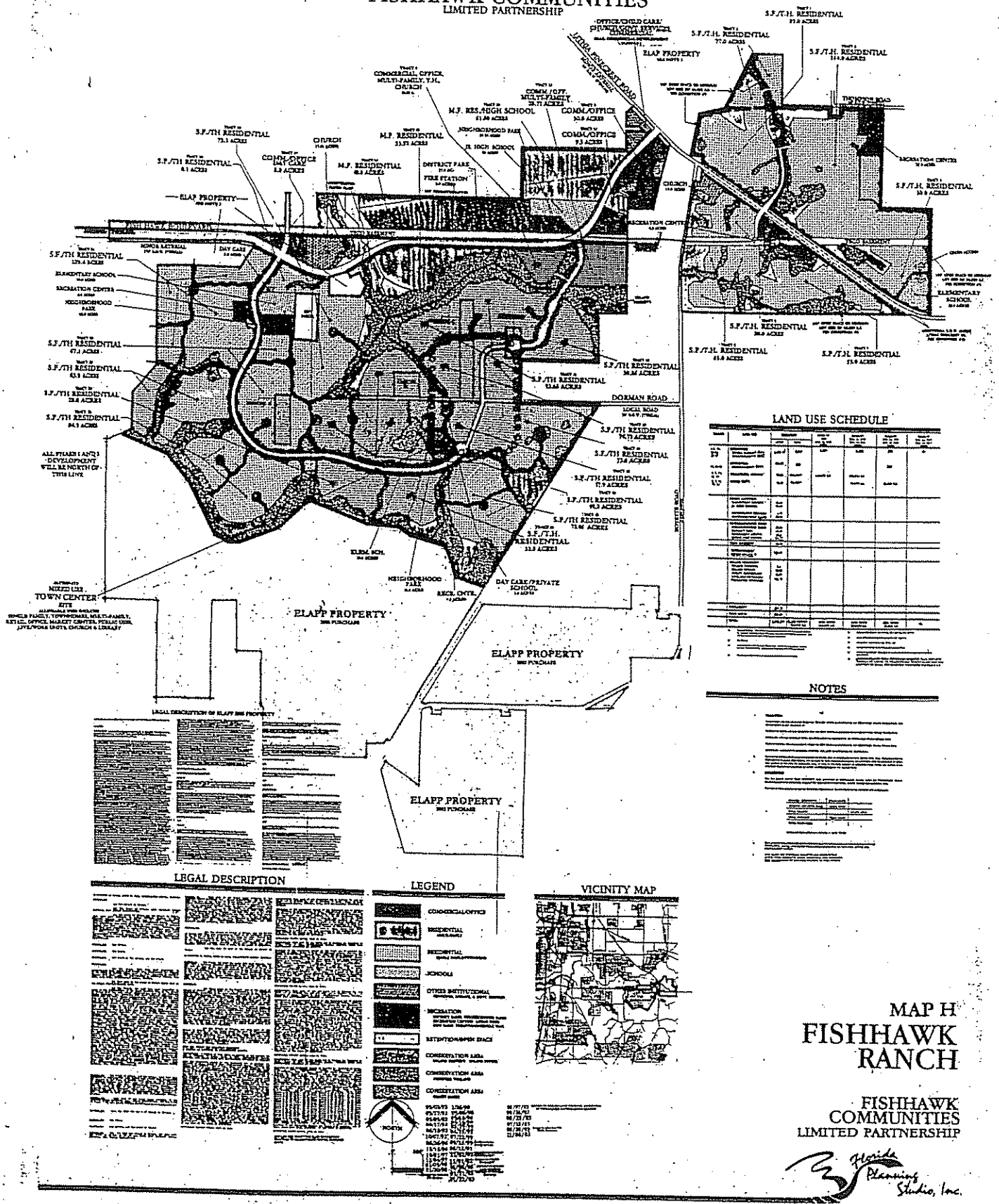
FISHHAWK RANCH

FISHHAWK COMMUNITIES

LIMITED PARTNERSHIP



COMPOSITE
EXHIBIT "A"

COMPOSITE EXHIBIT "A"

MAP H

LOCATED IN ORIGINAL DEVELOPMENT ORDER FILE.

EXHIBIT "B"

IN TOWNSHIP 30 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 15:

(a) The SW-1/4 of NW-1/4.

(b) The N-1/2 of SW-1/4, LESS Seaboard System Railroad, Inc. former right of-way.

(c) The S-1/2 of SW-1/4 and the SW-1/4 of SE-1/4, LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida. and LESS Seaboard System Railroad, Inc. former right-of-way.

Section 19: The SE-1/4.

Section 20: The S-1/2.

Section 21: The S-1/2 of the NE-1/4, and the S-1/2.

Section 22:

(a) The E-1/2, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

(b) That part of the E-1/2 of SW-1/4 lying East of the Lithia Station-Boyette Road.

(c) The NW-1/4, (i) LESS that part described as begin at the intersection of the north boundary line of the SE-1/4 of NW-1/4 with the east former right-of-way line of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company), run thence east 210 feet, thence southwesterly parallel to and 210 feet east of said former railroad right-of-way line 630 feet, thence west 210 feet to said former railroad right-of-way line, thence northeasterly along said former railroad right-of-way line 630 feet, more or less, to the point of beginning, and (ii) LESS that part of the W-3/4 of SE-1/4 of NW-1/4 lying west of Lithia Station-Boyette Road and lying east of the former right-of-way of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company) and lying South of the excepted parcel described immediately above, and (iii) LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July

24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and (iv) LESS those parts of the SE-1/4 of NW-1/4 conveyed by Agrico Chemical Company under deed to Bud Sanders and wife dated July 20, 1983, recorded in Official Records Book 4178, page 520, Hillsborough County, Florida, and under deed to Michael J. Brannon and wife dated July 20, 1983, recorded in Official Records Book 4178, page 522, Hillsborough County, Florida, and under deed to General Telephone Company of Florida dated July 20, 1983, recorded in Official Records Book 4161, page 1439, Hillsborough County, Florida, and (v) LESS those parts of the NW-1/4 of NW-1/4 conveyed by Agrico Chemical Company to the County of Hillsborough under deed dated April 29, 1985, recorded in Official Records Book 4557, page 1919, Hillsborough County, Florida, and (vi) LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and (vii) LESS Seaboard System Railroad, Inc. former right-of-way.

Section 23: The W-1/2 of NW-1/4, and the SW-1/4, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and LESS the north 25 feet of the NW-1/4 of NW-1/4 as described in right-of-way deed (Thompson Road) from American Agricultural Chemical Company to the County of Hillsborough dated November 9, 1954, recorded in Deed Book 1854, page 316, Hillsborough County, Florida.

Section 28: That part of the S-1/2 lying westerly of the Seaboard System Railroad, Inc., former right-of-way, and the W-3/4 of N-1/2 of NE-1/4, and the W-3/4 of W-1/2 of NW-1/4, and the E-1/2 of NW-1/4 LESS the E-1/2 of SE-1/4 of NE-1/4 of NW-1/4.

Section 29: All, (i) LESS the E-1/2 of NE-1/4 of NW-1/4, and (ii) LESS the SE-1/4 of SE-1/4 of NE-1/4, and (iii) LESS the E-1/2 of W-1/2 of NE-1/4 of SW-1/4.

Section 30: The E-1/2.

Section 31: The NE-1/4, and the E-1/2 of SE-1/4.

Section 32: All, (i) LESS the SW-1/4 of SW-1/4, and (ii) LESS the W-1/2 of NW-1/4 of SW-1/4 and (iii) LESS Seaboard System Railroad, Inc. former right-of-way.

Section 33: That part of the N-1/2 lying westerly of the Seaboard System Railroad, Inc., former right-of-way, and the S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of old Lithia Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida), and

LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida, and LESS Seaboard System Railroad, Inc. former right-of-way.

Section 34:

(a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run south 209 feet, thence east 209 feet, thence north 109 feet, thence east 451 feet, more or less to the east boundary of the NW-1/4 of SW-1/4, thence north 100 feet to the northeast corner thereof, thence west along the north boundary thereof 660 feet, more or less, to the point of beginning.

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

IN TOWNSHIP 31 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 4: The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning.

Section 5:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) former right-of-way, said point being 50 feet from and at right angles to the center line of said former railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

(b) The NE-1/4 of NW-1/4, and that part of the SE-1/4 of NW-1/4, if any, lying north and west of Boyette-Balm Road, and that part of the N-1/2 of NE-1/4 lying westerly of the Seaboard System Railroad, Inc., right-of-way, LESS that part lying in the S-1/2 of SW-1/4 of NE-1/4 of NE-1/4. (The S-1/2 of SE-1/4 of NW-1/4 of NE-1/4 consists of Lots 1, 2, 3, and 4 according to the plat of A. F. TURNER'S SUBDIVISION recorded in Plat Book 8, page 26, Hillsborough County, Florida.)

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: A parcel of land lying in Section 15 and Section 22, all in Township 30 South, Range 21 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

From the Southwest corner of the Southwest 1/4 of Section 15, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.89°41'37"E., 122.32 feet, along the South boundary of the Southwest 1/4 of said Section 15 to a point on the Northerly right of way line of Lithia-Pinecrest Road and the POINT OF BEGINNING; thence N.43°03'59"W., 178.67 feet, along said Northerly right of way line to a point on the West boundary of the Southwest 1/4 of said Section 15; thence N.00°08'13"E., 2536.17 feet, along said West boundary to the Northwest corner of the Southwest 1/4 of said Section 15 to the Northwest corner thereof; thence N.00°05'32"E., 1323.83 feet, along the West boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Northwest corner thereof; thence N.89°35'13"E., 1319.30 feet, along the North boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Northeast corner thereof; thence S.00°37'54"E., 1353.79 feet, along the East boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Southeast corner thereof; thence N.89°42'51"E., 1318.59 feet, along the North boundary of the Southwest 1/4 of said Section 15 to the Northeast corner thereof; thence S.00°17'22"E., 1097.46 feet, along the East boundary of the Southwest 1/4 of said Section 15 to a point on the Northwesterly right of way line of a C.S.X. Transportation, Inc. 100 foot railroad right of way; thence S.28°54'31"W., 1419.12 feet, along said Northwesterly right of way line; thence S.71°24'42"W., 714.14 feet; thence S.12°25'51"W., 81.19 feet, to a point on the South boundary of said Section 15; thence continue S.12°25'51"W., 1005.43 feet, to a point on a curve and the aforesaid Northerly right of way line of Lithia-Pinecrest Road; thence Northwesterly, 444.15 feet along the arc of a curve to the left having a radius of 3769.72 feet and a central angle of 06°45'02" (chord bearing N.46°26'31"W., 443.89 feet); thence N.43°03'59"W., 916.75 feet, continuing along said Northerly right of way line to the POINT OF BEGINNING.

Containing 198.208 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the Southeast 1/4 of Section 19, and the South 1/2 of Section 20, all in Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast 1/4 of Section 19, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence S.89°25'59"E., 2659.31 feet, along the North boundary of the Southeast 1/4 of said Section 19, to the Northeast corner thereof; thence N.89°46'17"E., 1868.68 feet, along the North boundary of the South 1/2 of the aforesaid Section 20; thence S.00°14'27"W., 897.75 feet, to a point on the North boundary of a 160 foot Tampa Electric Company Easement as described in Deed Book 1737, Pages 19 & 20, of the Public Records of Hillsborough County, Florida; thence N.89°35'08"W., 4523.56 feet, along said North boundary, to a point on the West boundary of the Southeast 1/4 of said Section 19; thence N.00°02'24"W., 883.88 feet, along said West boundary, to the POINT OF BEGINNING.

Containing 91.759 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.89°46'17"E., 1968.68 feet, along the North boundary of the South 1/2 of said Section 20, to the POINT OF BEGINNING; thence continue N.89°46'17"E., 676.71 feet, along the said North boundary; thence S.14°17'09"E., 121.75 feet; thence S.06°45'08"E., 127.24 feet; thence S.01°43'02"E., 118.16 feet; thence S.22°01'30"E., 125.24 feet; thence S.13°10'57"W., 110.09 feet; thence S.22°54'48"E., 190.56 feet; thence S.35°12'22"W., 53.98 feet; thence S.42°07'49"E., 111.31 feet; thence N.67°08'31"E., 67.62 feet; thence S.46°34'05"E., 68.37 feet, to a point on the North boundary of a 160 foot Tampa Electric Company Easement as described in Deed Book 1737, Pages 19 & 20, of the Public Records of Hillsborough County, Florida; thence N.89°35'08"W., 980.61 feet, along said North boundary; thence N.00°14'27"E., 898.88 feet, to the POINT OF BEGINNING.

Containing 15.742 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the Southeast 1/4 of Section 19, and South 1/2 of Section 20, and the East 1/2 of Section 30, all in Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

BEGINNING at the Southwest corner of the Southeast 1/4 of Section 19, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.00°02'24"W., 1362.64 feet, along the West boundary of the Southeast 1/4 of said Section 20, to a point on the proposed South right of way line of Boyette Road Extension; thence along said proposed South right of way line, the following three (3) courses; 1) S.88°50'07"E., 759.85 feet; 2) S.89°35'08"E., 2578.63 feet, to a point of curvature; 3) Southeasterly, 324.19 feet along the arc of a curve to the right having a radius of 1489.02 feet and a central angle of 12°28'28" (chord bearing S.83°20'54"E., 323.55 feet); thence S.33°24'52"W., 187.79 feet, to a point of curvature; thence Southwesterly, 572.32 feet along the arc of a curve to the left having a radius of 3015.00 feet and a central angle of 10°52'34" (chord bearing S.27°58'35"W., 571.46 feet); thence N.89°16'18"W., 2023.53 feet; thence S.00°07'27"E., 2558.78 feet; thence S.38°14'14"W., 1009.94 feet; thence S.00°05'49"E., 844.27 feet; thence S.67°42'11"W., 21.70 feet; thence S.04°44'45"E., 75.72 feet; thence S.26°16'35"W., 54.81 feet; thence S.86°49'51"W., 74.48 feet; thence S.66°00'44"W., 63.62 feet; thence S.70°27'36"W., 103.02 feet; thence S.71°00'44"W., 82.74 feet; thence S.57°49'50"W., 87.93 feet; thence N.54°46'44"W., 32.78 feet; thence S.46°40'07"W., 95.32 feet; thence N.84°06'42"W., 123.40 feet, to a point on the West boundary of the East 1/2 of the aforesaid Section 30; thence N.00°05'49"W., 3845.82 feet, along said West boundary, to the POINT OF BEGINNING.

Containing 162.499 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence S.89°37'09"E., 2688.77 feet, along the South boundary of said Section 20; thence N.89°40'29"E., 278.98 feet, along the South boundary of said Section 20, to the POINT OF BEGINNING; thence N.00°19'32"W., 555.96 feet, to a point on a curve and the proposed South right of way line of Boyette Road Extension; thence Northeasterly, 553.85 feet along said proposed South right of way line and the arc of a curve to the left having a radius of 1248.92 feet and a central angle of 25°24'31" (chord bearing N.68°44'37"E., 549.32 feet); thence S.33°57'38"E., 158.90 feet; thence N.53°03'56"E., 292.27 feet; thence S.45°16'02"E., 33.19 feet; thence S.36°44'37"E., 25.26 feet; thence S.03°41'09"E., 27.08 feet; thence S.28°08'08"E., 46.00 feet; thence S.63°51'30"E., 31.64 feet; thence S.09°58'42"W., 25.01 feet; thence S.20°37'58"E., 22.65 feet; thence S.39°45'01"E., 33.46 feet; thence S.60°42'43"E., 31.73 feet; thence S.27°08'22"E., 35.51 feet; thence N.84°43'45"E., 26.98 feet; thence N.20°44'14"E., 35.03 feet; thence N.31°32'55"E., 37.55 feet; thence N.05°44'44"E., 46.05 feet; thence S.87°48'56"E., 16.35 feet; thence S.40°57'37"E., 40.90 feet; thence S.04°26'54"W., 48.86 feet; thence N.84°27'57"E., 31.61 feet; thence N.67°11'04"E., 13.88 feet; thence S.33°04'38"E., 34.36 feet; thence S.02°24'04"E., 53.18 feet; thence S.62°21'52"W., 66.53 feet; thence N.47°21'48"W., 80.46 feet; thence S.41°31'21"W., 53.59 feet; thence S.26°55'41"E., 67.53 feet; thence S.53°53'09"E., 56.36 feet; thence N.81°52'41"E., 33.53 feet; thence S.21°03'49"W., 69.53 feet; thence S.13°18'54"W., 56.88 feet; thence S.57°21'44"W., 100.87 feet; thence S.14°35'16"W., 73.81 feet; thence S.25°25'12"W., 67.39 feet; thence S.24°35'44"W., 83.06 feet; thence S.30°03'24"W., 25.14 feet, to a point on the South boundary of the aforesaid Section 20; thence S.89°40'29"W., 896.67 feet, along said South boundary, to the POINT OF BEGINNING.

Containing 15.614 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: A parcel of land lying in Sections 30, 31, 32 and 33, Township 30 South, Range 21 East, Section 5, Township 31 South, Range 21 East, all in Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of said Section 31, run thence along the East boundary of the East 1/2 of the Southeast 1/4 of said Section 31, N.00°54'18"E., 30.00 feet to a point on the Northerly Maintained Right-of-way line of Boyette Road, said point also being the POINT OF BEGINNING; thence along said Northerly Maintained Right-of-way line, S.89°55'37"W., 1389.78 feet to a point on the West boundary of the East 1/2 of the Southeast 1/4 of said Section 31; thence along said West boundary, the following two (2) courses: 1) N.01°05'17"E., 1259.25 feet; 2) N.01°03'23"E., 1282.84 feet to a point on the South boundary of the Northeast 1/4 of said Section 31; thence along said South boundary,

N.89°01'48"W., 1352.59 feet to a point on the Easterly Maintained Right-of-way line of Boyette Road; thence along said Easterly Maintained Right-of-way line, said line lying 30.00 feet East of and parallel to the West boundary of the Northeast 1/4 of said Section 31, the following three (3) courses: 1) N.01°13'14"E., 1292.41 feet; 2) N.01°14'37"E., 1046.56 feet to a point of curvature; 3) Northerly, 128.49 feet along the arc of a curve to the left having a radius of 270.00 feet and a central angle of 27°15'58" (chord bearing N.12°23'22"W., 127.28 feet) to a point on said West boundary of the Northeast 1/4 of Section 31; thence along said West boundary, N.01°14'37"E., 122.09 feet to a point on the South boundary of the aforesaid Section 30; thence along the West boundary of the Southeast 1/4 of said Section 30, N.00°05'49"W., 1437.89 feet to a point on the South boundary of Hillsborough County Environmental Lands Acquisition and Protection Program "E.L.A.P.P." property, as recorded in Official Records Book 6365, Page 658, Public Records of Hillsborough County, Florida; thence along said South boundary the following nine (9) courses: 1) S.84°06'42"E., 123.41 feet; 2) N.46°40'07"E., 95.32 feet; 3) S.54°46'44"E., 32.78 feet; 4) N.57°49'50"E., 87.93 feet; 5) N.71°00'44"E., 82.74 feet; 6) N.70°27'36"E., 103.02 feet; 7) N.66°00'44"E., 63.62 feet; 8) N.86°49'51"E., 74.48 feet; 9) N.26°16'35"E., 54.81 feet to a point on the Southwesterly boundary of FISHHAWK RANCH PHASE 2 PARCEL "N", as recorded in Plat Book 91, Page 4, Public records of Hillsborough County, Florida; thence SOUTH, 150.00 feet to a point hereinafter referred to as POINT "A"; thence continue South, 72.42 feet to a point on the centerline of Fishhawk Creek; thence along said centerline of Fishhawk Creek, Southeasterly, Northeasterly and Southeasterly to a point of intersection of the centerline of Fishhawk Creek and the Westerly boundary of Property Conveyed to Tampa Electric Company (TECO), according to Official Records Book 9413, Page 1853 and Official Records Book 9461, Page 1805, all in Public Records of Hillsborough County, Florida; thence S.32°13'13"W., 82.90 feet along said Westerly boundary to a point hereinafter referred to as POINT "B";

Reference lines between said POINT "A" and POINT "B" is described by the following seven (7) courses: 1) S.59°00'33"E., 570.20 feet; 2) S.29°50'03"E., 1696.92 feet; 3) S.41°14'52"E., 1967.69 feet; 4) N.56°03'23"E., 1941.68 feet; 5) S.85°02'42"E., 1768.43 feet; 6) S.74°53'35"E., 1524.62 feet; 7) S.64°27'35"E., 1660.93 feet);

thence commence again at the aforesaid POINT "B" and run along said Westerly Tampa Electric Company boundary, the following six (6) courses: 1) S.32°13'13"W., 3229.89 feet; 2) N.89°06'38"W., 40.97 feet; 3) S.32°13'13"W., 460.66 feet; 4) S.32°13'46"W., 940.66 feet; 5) N.57°48'14"W., 15.00 feet; 6) S.32°13'46"W., 419.69 feet to a point on the North boundary of A.F. TURNER'S SUBDIVISION, according to the map or plat thereof recorded in Plat Book 8, Page 26, Public Records of Hillsborough County, Florida; thence along said North boundary, N.89°52'39"W., 226.79 feet to a point on the East boundary of the Northwest 1/4 of the Northeast 1/4 of the aforesaid Section 5, Township 31 South Range 21 East, Hillsborough County. Florida; thence along said East boundary, S.01°39'42"W., 322.91 feet to a point on the Northerly Maintained Right-of-way line, Boyette Road according to Hillsborough County Right-of-Way Book 2, Page 31; thence along said Northerly Maintained Right-of-way line, the following twenty-eight (28) courses: 1) N.89°19'29"W., 45.70 feet; 2) N.89°43'33"W., 100.00 feet; 3) N.89°53'52"W., 100.00 feet; 4) N.89°50'26"W., 100.00 feet; 5) S.89°48'57"W., 100.00 feet; 6) N.89°43'33"W., 100.00 feet; 7) N.89°53'52"W., 100.00 feet; 8) N.89°43'33"W., 100.00 feet; 9) N.89°50'26"W., 200.00 feet; 10) S.89°59'15"W., 100.00 feet; 11) N.89°36'41"W., 100.00 feet; 12) N.89°43'33"W., 100.00 feet; 13) S.89°52'23"W., 100.00 feet; 14) N.89°43'33"W., 100.00 feet; 15) N.89°40'07"W., 100.00 feet; 16) N.89°53'52"W., 100.00 feet; 17) S.89°59'15"W., 100.00 feet; 18) N.89°40'07"W., 100.00 feet; 19) N.89°53'52"W., 100.00 feet; 20) N.89°50'26"W., 300.00 feet; 21) N.89°36'41"W., 100.00 feet; 22) N.89°24'51"W., 72.54 feet; 23) N.77°13'41"W., 62.36 feet; 24) N.63°40'12"W., 38.53 feet; 25) N.50°00'23"W., 57.15 feet; 26)

N.37°55'18"W., 53.45 feet; 27) N.18°15'04"W., 55.11 feet; 28) N.02°45'09"W., 61.83 feet; thence along the Easterly Maintained Right-of-way line, Boyette Road, the following two (2) courses: 1) N.01°19'15"E., 826.74 feet to a point of curvature; 2) Northerly, 138.06 feet along the arc of a curve to the left having a radius of 297.00 feet and a central angle of 26°38'04" (chord bearing N.11°59'47"W., 136.82 feet) to a point on the West boundary of the Northeast 1/4 of the Northwest 1/4 of said Section 5; thence along said West boundary, N.01°18'48"E., 134.28 feet to the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of the aforesaid Section 32, Township 30 South, Range 21 East, Hillsborough County, Florida; thence along the East and North boundaries of said Southwest 1/4 of the Southwest 1/4 of Section 32, the following two (2) courses: 1) along the East boundary, N.00°52'50"E., 1285.93 feet; 2) along the North boundary, S.89°28'55"W., 663.84 feet to the East boundary of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 32; thence along said East boundary, and the North boundary of said West 1/2 of the Northwest 1/4 of the Southwest 1/4, the following two (2) courses: 1) along the East boundary, N.00°53'17"E., 1278.88 feet; 2) along the North boundary, S.89°00'01"W., 663.80 feet to a point on the East boundary of the East 1/2 of the Southeast 1/4 of the aforesaid Section 31; thence along said East boundary, S.00°54'18"W., 2516.62 feet to the POINT OF BEGINNING.

Containing 849.025 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

A parcel of land lying in the Sections 33 and 34, Township 30 South, Range 21 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

Section 33: The S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of the old Lithia Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, Page 566, Hillsborough County, Florida), and LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida and LESS that part lying West of the Easterly boundary of 200 foot wide BUFFER STRIP No. 2 (Tampa Electric Company) as recorded in Official Records Book, 9413, Page 1853 and Official Records Book 9461, Page 1805, Hillsborough County, Florida.

AND

Section 34: (a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the Northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run South 209 feet, thence East 209 feet, thence North 109 feet, thence East 451 feet, more or less, to the East boundary of the NW-1/4 of SW-1/4, thence North 100 feet to the Northeast corner thereof, thence West along the North boundary thereof 660 feet, more or less, to the point of beginning.

AND

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

LESS all that lying East of the Maintained Westerly Right-of-Way Line of Boyette Road.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION:

A parcel of land lying in Section 4, Township 31 South, Range 21 East, Hillsborough County, Florida described as follows:

The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning.

LESS that part lying North of the Southerly Maintained Right-of-Way Line of Boyette Road.

AND

A parcel of land lying in Section 5, Township 31 South, Range 21 East, Hillsborough County, Florida described as follows:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) right-of-way, said point being 50 feet from and at right angles to the center line of said railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

AND TOGETHER WITH:

The Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 29, Township 30 South, Range 21 East, Hillsborough County, Florida.

AND TOGETHER WITH:

The East 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 28, Township 30 South, Range 21 East, Hillsborough County, Florida.

AND TOGETHER WITH:

The East 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 28, Township 30 South, Range 21 East, Hillsborough County, Florida.

Exhibit C

MULTI-USE CONVERSION FACTORS (1)

Convert From	Convert To: Single Family (DU) (2)	Multi-Family (DU) (2)	Retail A (1,000 SF)	Retail B (1,000 SF)	Office (1,000 SF)
Single Family (DU)	-	1.49	0.173	0.225	0.372
Multi-Family (DU) (2)	.67	-	0.116	0.151	0.250
Retail A (1,000 SF)	5.77	8.59	-	1.299	2.146
Retail B (1,000 SF)	4.44	6.61	0.770	-	1.652
Office (1,000 SF)	2.69	4.00	0.466	0.605	-

(1) Based on new PM peak hour external trip end data in Table 7.

(2) Based on ITE Trip Generation, 6th Edition, 1997 trip ratio for single family and multi-family land uses applied to single family peak PM hour external trip end data.

DRI #191 - Fish Hawk Ranch

DEVELOPER COMMITMENTS

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

General Project Description

The Fish Hawk and Little Fish Hawk Creek floodplains will be preserved and setbacks from the wetland jurisdictional limits will be maintained primarily in natural vegetation. (ADA page 12-3) (Developer Clarification: Except as specifically permitted,...)

The Master Drainage System will utilize natural percolation for the treatment of stormwater or, for areas surrounding low-lying wetlands, biological treatment will be incorporated into the drainage design. (ADA page 12-7)

Scattered commercial development within the residential areas or along the Boyette Road extension (Developer Clarification: within the project) will not be permitted. (SR page 11 & 12-28)

The internal roadway network will provide access for each of the outparcels. (SR page 11 & 12-31)

Post-development stormwater runoff will be treated prior to discharge to Fish Hawk and Little Fish Hawk Creeks. (ADA page 12-7)

The only development proposed within the floodplain is one single family parcel east of Boyette Road. Any loss of floodplain storage will be mitigated for in the design of the Master Drainage System. (ADA page 12-8)

The Developer will develop the major internal roadways and the major water and sewer transmission mains. (ADA page 12-8)

The parcels north of the Boyette Road extension will have emergency evacuation procedures in case of an ammonia pipeline rupture. (SR 12-35)

Child care facilities will be a requested use for the PD-MU zoning district. (SR page 12-37)

EXHIBIT "D"

ENVIRONMENTAL AND NATURAL RESOURCES

Air

The contractor will be required to sod, seed, mulch or plant with landscape material the cleared and disturbed areas as soon as possible after clearing. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. The contractor will also be required to control wind erosion through sprinkling or other appropriate measures. (ADA page 13-6)

Land

To alleviate the erosive effects of wind and water, the following steps will be implemented during construction:

- Only those portions of the site ready for construction will be cleared.
- Sediment basins will be constructed at the start of each drainage system phase.
- Areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other landscape material, sodded, or planted with other landscape material as soon after the construction as possible. Areas adjacent to the roadways or where slopes are 3:1, or greater, will be sodded or landscaped.
- Construction areas will have interim water quality control features, such as hay bales, as needed to reduce turbidity.
- Embankment areas of stormwater filtration ponds will be seeded, sodded, or planted to stabilize shorelines and to filter runoff.
- If wind erosion becomes significant during construction, the contractor will sprinkle the problem area with water. Following construction, the planted ground cover and the drainage system vegetation and configuration will effectively control wind and water erosion.
- Landscaping will be initiated before development work is completed to ensure that bare soil is not unnecessarily exposed to wind and water erosion. (ADA pages 14-5 and 14-6)

Any springs or boils that might occur on-site in or along creek bottoms at the lower ground elevations will be included in conservation areas or passive recreational areas. (ADA page 14-6)

During the permitting of construction and actual development of the site a thorough investigation will take place to locate existing wells. (SR page 14-2).

Water Quality

Prior to discharge to the Alafia River, filtration resulting from conveyance through a network of extended detention ponds and, where feasible, grassed swale sections and additional secondary treatment through freshwater swamps will be used to minimize the potential for the degradation of overall water quality discharged off-site. (ADA page 15-11) (Developer Clarification: ...as required by applicable regulations.)

The stormwater management system will treat stormwater runoff before discharging off-site or to wetlands on-site. (ADA pages 15-18 and 15-19)

Wetlands

Mitigation wetlands will be located so as to be contiguous to the same wetland system and will be designed to recreate the type of wetland displaced. (ADA page 16-3) (Developer Clarification:...except as permitted or required by permitting agencies.)

Development will be set back at least thirty feet from the jurisdictional wetland line. (ADA page 16-4)

During the construction phase efforts will be taken to protect the integrity of all wetland systems, primarily by preventing the erosion of uplands. Hay bale barriers or similar erosion control devices will be placed adjacent to wetlands to provide further erosion protection. Physical barriers will be located around wetlands to prevent access by vehicular equipment which may result in disturbance to the wetland. Silt screens will be placed in the creek channel during any bridge construction. (ADA pages 16-4 and 16-5)

All man-made ponds will be hydrologically compatible with adjacent natural wetlands. (SR page 16-1)

There shall be no net loss of wetland acreage post-development. (SR page 16-3)

There shall be no encroachment into floodplain wetlands other than for roadway crossings. (ADA page 18-17) (Developer Clarification: easements and grade-level bicycle paths and walkways and similar facilities.)

Floodplains

The finished floor elevations of all buildings within the project site will be constructed at or above the 100-year flood elevation as determined by the Master Drainage Study completed for the project. (ADA page 17-1)

The loss of any of the 100-year floodplain storage volume will be compensated by providing additional storage volume within the detention ponds. (SR page 17-1)

Vegetation and Wildlife

All large marshes and their natural hydroperiods, cypress wetlands and forested floodplain will be maintained on the property and buffered with appropriate setbacks from high intensity uses. (ADA page 18-33)

Only passive recreation will be allowed within the 67.8-acre sand pine preserve. Walking and bicycle trails will be clearly marked and signage used to inform the public of the unique habitat and wildlife as well as to discourage random pedestrian usage. (SR page 18-36)

An initial burn of the sand pine area will be conducted prior to development. (SR page 18-37) (Developer Clarification: An initial burn may be conducted.)

The roadway crossings will minimize right-of-way clearing to the extent feasible. The golf course will be designed to maintain natural features, particularly adjacent to the Fish Hawk Creek floodplain. (SR page 18-41)

Historical and Archaeological Sites

If either Site 8Hi59 or 8Hi3392 are verified as significant resources, the first course of action would be to preserve the site. If an alternate roadway alignment is not practical or feasible such as to avoid impacting the sites, excavation of the sites will be undert n in accordance with guidelines of the Division of Historic Resource (SR page 19-5)

ECONOMY

No capital improvement costs in excess of developer contributions for wastewater, Health/EMS, water, or fire protection facilities will be borne by Hillsborough County as a result of the Fish Hawk Ranch development. (SR pages 20-3, 20-4 and 20-5)

PUBLIC FACILITIES

Wastewater Management

The applicant intends that there will be no permanent septic tanks within the project site. Septic tanks may be used for the construction phases. (ADA page 21-5)

Prior to any development of sprayfields or percolation ponds, a detailed hydrogeologic investigation of the site(s) will be performed. No sprayfields or percolation ponds will be located in areas where the

placement of sprayfields and/or percolation ponds will increase the potential for sinkhole formation. (SR page 21-2)

If, for any reason, non-domestic waste will be generated, a specific permit for handling and/or treatment will be obtained from the appropriate regulatory agencies. (SR page 21-6)

Drainage

The proposed drainage system for Fish Hawk Ranch will be designed to maintain the water quality of the downstream waterways and to maintain the pre-development hydraulic and hydrologic characteristics of the watersheds. (ADA page 22-1)

Lakes will be designed to attenuate and convey stormwater runoff and provide water quality treatment for the site. (ADA page 22-2)

The drainage systems will be operated and maintained by the Developer or its heirs or assigns. (ADA Page 22-8)

The design of the stormwater detention ponds will take into account the tailwater conditions of the creek. (SR page 22-2)

Water Supply

In addition to potable water demands, the water distribution system will be designed to provide fire flow service as required by Hillsborough County. (ADA page 23-1)

The water distribution system, including fire hydrant locations, will be designed to provide fire protection in accordance with applicable Hillsborough County standards. Hydrant flow testing and pressure surveys will be completed after the system is installed to verify performance of the system. Testing will be conducted periodically to insure that the system is operating at the required pressure and flows. (ADA page 23-6)

The developer will encourage the use of water conservation devices by others. (SR page 23-1)

Natural vegetation will be incorporated into the project where feasible. (SR page 23-1)

Green space and rights-of-way within the development will be landscaped incorporating xeriscape techniques to minimize irrigation requirements. (SR page 23-3)

No percolation ponds will be located within 2500 feet of any South Central Hillsborough Regional Wellfield facility. All interim wastewater treatment facilities will provide advanced secondary treatment with dual media, deep-bed filtration. (SR page 23-21)

Stormwater retention/detention ponds or septic tanks will not be located within 200 feet of any South Central Hillsborough Regional Wellfield well site property boundary without a permit from SWFWMD. (SR page 23-22)

The developer or a Homeowner's Association or other designated entity will operate and maintain the internal non-potable water well system. (SR page 23-23)

Solid Waste

No hazardous wastes will be disposed of on-site. The only storage of hazardous wastes would be temporary, prior to off-site transfer and proper disposal by qualified and permitted hazardous waste handlers such as GSX Services, Inc. (SR page I5-1)

Energy

The applicant will cooperate with TECO regarding the location of a site for a future substation. (SR page 11 and 12 -34)

Recreation and Open Space

Open space areas outside the dedicated parks will be maintained by the Developer or its successors or assigns. (ADA page 27-2)

The landscaping for boulevards and/or entranceways will be maintained by the Developer or by a Homeowner's Association or designated entity. (SR page 27-2)

Transportation

The developer will cooperate with HART to encourage transit usage by the Fish Hawk Ranch patrons. (ADA page 27-2)

Construction of the Boyette Road extension will occur as development of the project proceeds through Phase I. (SR page 31-20)

#191

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

June 2, 2003

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

Re: Resolution No. R03-075 - Amending the Development Order for FishHawk Ranch (DRI #191) Amendment No. 7

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on April 22, 2003.

We are providing this original for your files.

Sincerely,

Gail M. Letzring

Gail M. Letzring,
Manager, BOCC Records

md
Attachment
Federal Express AB#805649479966
cc: Board files (orig.)
Susan Johnson-Velez, Attorney at Law, Fowler White Boggs Banker(orig.ltr.)
Charles Gauthier, Chief, DCA Bureau of State Planning (orig. ltr.)
Susan Fernandez, Senior Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Beth Novak, County Attorney's Office
Jim Glaros, Assistant Chief Deputy, Valuation, Property Appraiser's Office

RESOLUTION NO. R03-075

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING THE DEVELOPMENT ORDER FOR
FISHHAWK RANCH DRI #191
AMENDMENT NO. 7

Upon Motion of Commissioner Castor, seconded by Commissioner Hagan, the following Resolution was adopted by a vote of 4 to 3 on this 22nd day of April, 2003.

WHEREAS, on July 11, 1989, the Board of County Commissioners adopted Resolution No. R89-0172 approving the Development Order for the Fishhawk Ranch DRI #191, which became effective July 25, 1989 (the "Development Order"); and

WHEREAS, the Development Order was amended by Resolution No. R91-0085 on May 7, 1991, by Resolution No. R92-0166 on July 14, 1992, by Resolution No. R92-0306 on December 8, 1992, by Resolution No. R98-091 on April 21, 1998, by Resolution No. 99-136, adopted on July 29, 1999, by Resolution No. R01-208 on October 9, 2001; and

WHEREAS, on January 22, 2003, Fishhawk Communities Limited Partnership filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact for Fishhawk Ranch ("NOPC No. 7") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, a copy of NOPC No. 7 is on file with the Hillsborough County Planning and Growth Management Department and is incorporated herein by reference; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the revisions adopted by the Board of County Commissioners pursuant to this NOPC No. 7; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on March 25, 2003, to consider a request to amend the Development Order; and

WHEREAS, the Board of County Commissioners has, on March 25, 2003, held a duly noticed public hearing on said NOPC No. 7, and has heard and considered testimony and other documents and evidence; and

WHEREAS, on March 25, 2003, the Board of County Commissioners continued the public hearing to April 8, 2003; and

WHEREAS, on April 8, 2003, the Board of County Commissioners continued the public hearing to April 22, 2003; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 22nd DAY OF APRIL, 2003, AS FOLLOWS:

1. That the following Findings of Fact are made:

   a. The Developer has proposed to amend Map "H" for the Fishhawk Ranch Development of Regional Impact, as follows:

      1. Permit multi-family residential as an allowable use within Tract 12 (32.51 acres)

   b. A review of the impacts generated by the amendments to the Fishhawk Ranch Development of Regional Impact described herein has been conducted by Hillsborough County, including consideration of comments by Tampa Bay Regional Planning Council, the Department of Community Affairs and other reviewing agencies.

   c. The application for NOPC No. 7, submitted January 22, 2003, is incorporated herein by reference.

   d. The Findings of Fact and Conclusions of Law made in the Development Order are incorporated herein by reference.

   e. The Developer's Affidavit, attached hereto has Exhibit "A", affirming that copies of the NOPC No. 7, have been delivered to all persons as required by law, is attached hereto and incorporated herein by reference.

   f. The impacts of the proposed amendments to the Development of Regional Impact are adequately addressed by the terms and conditions of this Resolution pursuant to the requirements of Section 380.06, Florida Statutes.

2. That the following Conclusions of Law are made:

   a. All statutory procedures have been adhered to in the submittal, review and approval of this NOPC No. 7.

   b. The provisions of the Development Order, as amended, are hereby reaffirmed in their entirety except as specifically amended herein.

   c. Nothing herein shall limit or modify the rights approved by the

Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.

d. The amendment adopted hereby is consistent with and will not unreasonably interfere with the achievement of the objectives of the Comprehensive Plans of Hillsborough County and the State of Florida, and is consistent with applicable land development regulations.

3. Based on the above Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby approves the revised Fishhawk Ranch Development of Regional Impact Map "H", dated January 22, 2003, attached hereto as Exhibit "B" and incorporated herein by reference.

4. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

5. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the Department of Community Affairs, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

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

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 April 22, 2003, as the same appears of record in Minute Book 323 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 2nd day of ~~May~~ June, 2003.

RICHARD AKE, CLERK

By: Mildred K. Dixon
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

By: _____
Approved as to Form and
Legal Sufficiency

EML\Fish hawk\NOPC 03\Resolution.wpd

Exhibit "A"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Susan Johnson-Velez, as attorney for Fishhawk Communities Limited Partnership, the applicant for the Fishhawk Ranch Development of Regional Impact Notice of Proposed Change No. 7, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Fishhawk Communities Limited Partnership, filed its Notice of Proposed Change No. 7 for the Fishhawk Ranch Development of Regional Impact on January 22, 2003.

2. Copies of the aforementioned application were 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.

Susan Johnson-Velez, Esq.
Attorney for Fishhawk Communities Limited Partnership

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 12th day of March, 2003 by Susan Johnson-Velez, as Attorney for Fishhawk Communities Limited Partnership. She is personally known to me.

(Notary Seal)

Barbara A. Fontaine
Notary Public
Print Name: Barbara A. Fontain
My Commission expires: Commission # CC 92240 Expires May 10, 2004 Bonded Thru Atlantic Bonding Co., Inc.

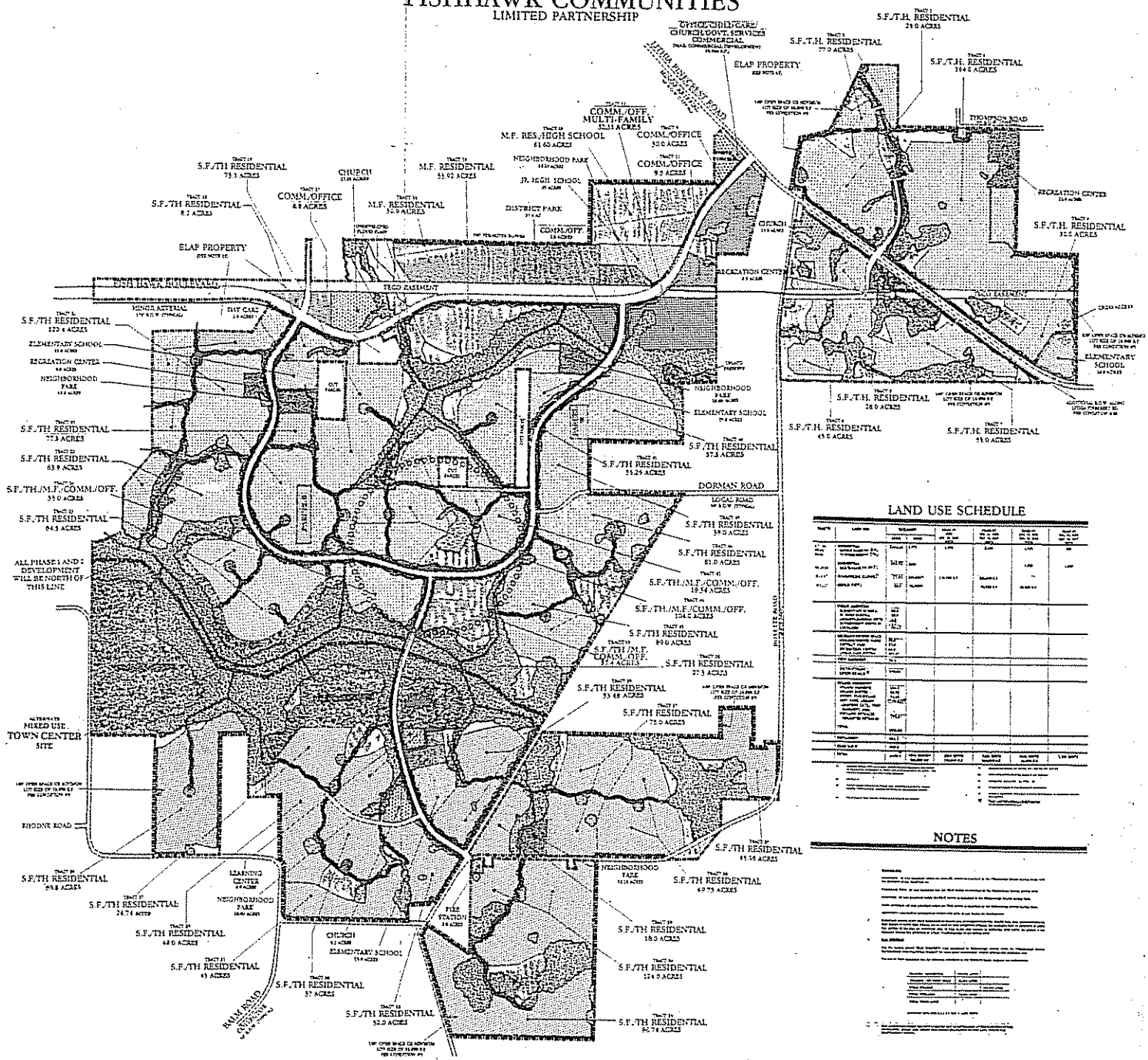
EML\Fish hawk\NOPC 03\Exhibit A.wpd

EXHIBIT "B"

FISHHAWK RANCH

FISHHAWK COMMUNITIES

LIMITED PARTNERSHIP



LAND USE SCHEDULE

NOTES

LEGAL DESCRIPTION

LEGEND

COMMERCIAL/OFFICE

RESIDENTIAL

SCHOOLS

OTHER INSTITUTIONAL

RECREATION

RETENTION/OPEN SPACE

CONSERVATION AREA

NORTH

VICINITY MAP

MAP H

FISHHAWK RANCH

FISHHAWK COMMUNITIES
LIMITED PARTNERSHIP

Florida Planning Studio, Inc.

Exhibit "B"

Map H

Located in Original Development Order Book

#191

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

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

October 31, 2001

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

Re: Resolution No.R01-208 - Amending the Development Order for Fishhawk Ranch (DRI #191)

Dear Mr. Myer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on October 9, 2001.

We are providing this original for your files.

Sincerely,

Judith M. Grose

Judith M. Grose,
Manager, BOCC Records

jg
Attachment
Certified Mail #7000 0600 0029 5053 8742
cc: Board files (orig.)
J. Thomas Beck, Chief State of Florida DCA (orig. ltr.)
Erin McCormick Larrinaga, Attorney at Law (orig. ltr.)
Susan Fernandez, Senior Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Beth Novak, County Attorney's Office

RESOLUTION NO. R01-208

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING THE DEVELOPMENT ORDER FOR
FISHHAWK RANCH DRI #191
AMENDMENT NO. 6

Upon motion of Commissioner Scott, seconded by Commissioner Platt, the following Resolution was adopted by a vote of 6 to 0 on this 9th day of October, 2001.

WHEREAS, on July 11, 1989, the Board of County Commissioners adopted Resolution No. R89-0172 approving the Development Order for the Fishhawk Ranch DRI #191, which became effective July 25, 1989 (the "Development Order"); and

WHEREAS, the Development Order was amended by Resolution No. R91-0085 on May 7, 1991, by Resolution No. R92-0166 on July 14, 1992, by Resolution No. R92-0306 on December 8, 1992, by Resolution No. R98-091 on April 21, 1998, and by Resolution No. 99-136, adopted on July 29, 1999; and

WHEREAS, on February 19, 2001, Fishhawk Communities Limited Partnership filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact for Fishhawk Ranch ("NOPC No. 6") in accordance with Section 380.06(19), Florida Statutes, and amended NOPC No. 6 by letter dated August 7, 2001; and

WHEREAS, copies of NOPC No. 6 and the letter amending NOPC No. 6, dated August 7, 2001 are on file with the Hillsborough County Planning and Growth Management Department and are incorporated herein by reference; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the revisions adopted by the Board of County Commissioners pursuant to this NOPC No. 6, as amended; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on October 9, 2001, to consider a request to amend the Development Order; and

WHEREAS, the Board of County Commissioners has, on October 9, 2001, held a duly noticed public hearing on said NOPC No. 6, as amended, 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 other reviewing agencies;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 9th DAY OF OCTOBER, 2001, AS FOLLOWS:

1. That the following Findings of Fact are made:

   a. The Developer has proposed to amend Map "H"for the Fishhawk Ranch Development of Regional Impact, as follows:

      1. Incorporate into the Development of Regional Impact a ten (10) acre outparcel and a five (5) acre outparcel which are internal to the Project; and

      2. Revise approved uses of individual tracts within the Development of Regional Impact, and reconfigure tract boundaries as depicted on the revised Map "H", dated August 12, 2001.

   b. A review of the impacts generated by the amendments to the Fishhawk Ranch Development of Regional Impact described herein has been conducted by Hillsborough County, including consideration of comments by Tampa Bay Regional Planning Council, the Department of Community Affairs and other reviewing agencies.

   c. The application for NOPC No. 6, submitted February 19, 2001, as amended by letter dated August 7, 2001, is incorporated herein by reference.

   d. The Findings of Fact and Conclusions of Law made in the Development Order are incorporated herein by reference.

   e. The Developer's Affidavit, attached hereto has Exhibit "A", affirming that copies of the NOPC No. 6, as amended, have been delivered to all persons as required by law, is attached hereto and incorporated herein by reference.

   f. The impacts of the proposed amendments to the Development of Regional Impact are adequately addressed by the terms and conditions of this Resolution pursuant to the requirements of Section 380.06, Florida Statutes.

2. That the following Conclusions of Law are made:

   a. All statutory procedures have been adhered to in the submittal, review and approval of this NOPC No. 6, as amended.

b. The provisions of the Development Order, as amended, are hereby reaffirmed in their entirety except as specifically amended herein.

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

e. The amendment adopted hereby is consistent with and will not unreasonably interfere with the achievement of the objectives of the Comprehensive Plans of Hillsborough County and the State of Florida, and is consistent with applicable land development regulations.

3. Based on the above Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby approves the revised Fishhawk Ranch Development of Regional Impact Map "H", dated August 12, 2001, attached hereto as Exhibit "B" and incorporated herein by reference.

4. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

5. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the Department of Community Affairs, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

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

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of October 9, 2001, as the same appears of record in Minute Book 305 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 31st day of October, 2001.

RICHARD AKE, CLERK

By: Juelene Gregory
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS HILLSBOROUGH COUNTY FLORIDA SEAL

APPROVED BY COUNTY ATTORNEY

By: _____
Approved as to Form and
Legal Sufficiency

Exhibit "A"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Erin McCormick Larrinaga, as attorney for Fishhawk Communities Limited Partnership, the applicant for the Fishhawk Ranch Development of Regional Impact Notice of Proposed Change No. 6, as amended, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Fishhawk Communities Limited Partnership, filed its Notice of Proposed Change No. 6 for the Fishhawk Ranch Development of Regional Impact on February 19, 2001.

2. Fishhawk Communities Limited Partnership amended Notice of Proposed Change No. 6 for the Fishhawk Ranch Development of Regional Impact by letter dated August 7, 2001.

3. Copies of the aforementioned application and the amendment thereto were 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.

Erin McCormick Larrinaga, Esq.
Attorney for Fishhawk Communities Limited Partnership

The foregoing instrument was acknowledged before me this 30th day of October, 2001 by Erin McCormick Larrinaga, as Attorney for Fishhawk Communities Limited Partnership. She is personally known to me.

(Notary Seal)

Notary Public
Print Name: Mary H. Reinhard
My Commission expires:

Mary H. Reinhard
Commission # CC 900850
Expires Feb. 25, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

EXHIBIT "B"

MAP H

LOCATED IN ORIGINAL DEVELOPMENT ORDER BOOK.

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

DRI #191

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

August 24, 1999

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

Re: Resolution No. 99-136 - Amending the Development Order for Fish Hawk Development DRI #191

Dear Mr. Meyer:

Attached is a certified copy of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on July 29, 1999.

We are providing this copy for your files.

Sincerely,

Judith M. Grose

Judith M. Grose
Senior Manager, BOCC Records

jg
Attachment
Federal Express No. 800148168400
cc: Board files (orig.)
Keith W. Bricklemyer, Esq., Bricklemyer, Smolker, & Bolves, P.A. (orig. ltr.)
J. Thomas Beck, Florida Department of Community Affairs (orig. ltr.)
Susan J. Fernandez, Senior Assistant County Attorney
Kevin Mineer, Principal Planner, Planning & Growth Management
Beth Novak, County Attorney's Office

RESOLUTION NO. 99-136

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA AMENDING THE DEVELOPMENT ORDER FOR FISHHAWK RANCH DRI #191 AMENDMENT NO. 5

Upon motion of Commissioner Scott, seconded by Commissioner Norman, the following Resolution was adopted by a vote of 7 to 0 on this 29th day of July, 1999.

WHEREAS, on July 11, 1989, the Board of County Commissioners adopted Resolution No. R89-0172 approving the Development Order for the Fish Hawk Ranch DRI #191, which became effective July 25, 1989 (the "Development Order"); and

WHEREAS, the Development Order was amended by Resolution No. R91-0085 on May 7, 1991, by Resolution No. R92-0166 on July 14, 1992, by Resolution No. R92-0306 on December 8, 1992, by Resolution No. R98-091 on April 21, 1998; and

WHEREAS, on April 1, 1999, Fishhawk Investment Fund, Ltd., by its authorized agent, Keith W. Bricklemyer, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact for Fish Hawk Ranch ("Notice of Proposed Change No. 5) in accordance with Section 380.06(19). Florida Statutes, a copy of which is on file with the Hillsborough County Planning and Growth Management Department and is incorporated herein by reference; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the revisions proposed in Notice of Proposed Change No. 5; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on July 27, 1999 to consider a request to amend the Development Order; and

WHEREAS, on July 27, 1999, the Board of County Commissioners continued the public hearing on Notice of Proposed Change No. 5 to July 29, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 29th DAY OF JULY, 1999, AS FOLLOWS:

1. That the following Findings of Fact are made:

a. The Developer has proposed to amend the FishHawk Ranch Master Development Plan and Development Order as follows:

1. Secure specific approval of Phase 2.

2. Revise Map H to:

(i) Relocate the 37.4 acre District Park from the central portion of the project to the area north of FishHawk Boulevard and West of the High School and Junior High School parcels, including, but not limited to, multifamily Tract 13.

(ii) Designate the 37.4 acre parcel previously shown as a District Park as multifamily Tract 13.

(iii) Reallocate land uses among Parcels 16, 17 and the 3 acre church parcel at the westernmost intersection of FishHawk Boulevard and the loop road.

(iv) Identify an area for alternative use as a mixed-use town center.

(v) Approve a land use trade-off mechanism/equivalency matrix as described in Exhibit "B" attached hereto.

3. Incorporate, amend and supersede the provisions of the September 6, 1989 letter agreement between the Shimberg Cross Company as the Developer and the Department of Community Affairs regarding the objective of increasing office and retail uses in the project to increase job opportunities.

b. A review of the impacts generated by the amendments to the FishHawk Ranch Master Development Plan and Development Order described herein has been conducted by Hillsborough County, including consideration of comments by Tampa Bay Regional Planning Council, the Department of Community Affairs and other reviewing agencies.

c. The application for Notice of Proposed Change No. 5 submitted April 1, 1999, is incorporated herein by reference.

d. The Findings of Fact and Conclusions of law made in the Development Order are incorporated herein by reference.

e. The Developer's Affidavit, attached hereto has Exhibit "A", affirming that copies of the Notice of Proposed Change No. 5 have been delivered to all persons as required by law, is attached hereto and incorporated herein by reference.

f. The impacts of the proposed amendments to the Master Development Plan and the Development Order are adequately addressed by the terms and conditions of this Resolution pursuant to the requirements of Section 380.06, Florida Statutes.

2. That the following Conclusions of Law are made:

a. All statutory procedures have been adhered to in the submittal, review and approval of this Notice of Proposed Change No. 5.

b. The provisions of Resolutions No. 89-0172, R91-0085, R92-0166 and R92-0306 and R98-091, as incorporated into the Amended and Restated Development Order are hereby reaffirmed in their entirety except as specifically amended herein.

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

e. The amendment adopted hereby is consistent with and will not unreasonably interfere with the achievement of the objectives of the Comprehensive Plans of Hillsborough County and the State of Florida, and is consistent with applicable land development regulations.

3. Based on the above Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby approves the revised FishHawk Ranch Master Development Plan dated July 22, 1999 attached hereto as Exhibit "C", amends the Fish Hawk Ranch DRI Development Order as follows, and adopts the Amended and Restated Specific Conditions sections of the Developer Order dated July 27, 1999, attached hereto as Exhibit "D", to incorporate all amendments to these sections of the Development Order to date:

a. Section IV.A.2 is hereby deleted and replaced with the following:

> Specific final development approval is accorded to Phase I and Phase II, subject to the conditions contained herein. Specific approval of Phases III and IV shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the

impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts. Notwithstanding anything herein to the contrary, such mitigation shall include a requirement that improvements be made to ensure that FishHawk Boulevard continues to operate at an acceptable level of service (LOS "D" peak hour).

b. Section IV.A.8 is hereby added as follows:

8. The approved land uses within the project may be interchanged subject to the conversion matrix attached hereto as Exhibit "B", and the following conditions:

a. The use of the conversion matrix shall be subject to the following minimum and maximum limits and the requirement that the resulting development does not exceed the approved p.m. peak hour new external trip ends (4109 trip ends) for Phases I and II:

Approved Uses	Minimum Quantities	Maximum Quantities
Single Family	3,500	7,000
Multi-Family	600	3,000
Commercial	110,000	500,000
Office	50,000	200,000

b. Prior to any use of the conversion matrix, the Developer shall file a revised Map H with Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs, and a revised General Site Plan for zoning purposes with Hillsborough County, and shall include a land use schedule identifying what conversions have been made. If the use of the conversions results in an amendment to the location of land uses from those on the approved Master Plan, the revised Master Plan shall be subject to a substantial deviation review and determination. If no such location changes are proposed, no further DRI or zoning review shall be required in connection with the use of the conversion matrix.

c. The Developer shall also include in the Annual Report required pursuant to Section III.K. above a table showing what conversions were made during the reporting period, a cumulative summary of conversions made and the resulting revised land use table for the project.

c. Section IV.B.1.d is added as follows:

> Within five (5) years after the later of the date of this Resolution or the issuance of a building permit for the 1700th unit, the Developer shall conduct a marketing study to evaluate whether market demand would support an increase in the project's entitlements for retail or office uses. To the extent such additional entitlements are supported by the market study, the Developer agrees to file an application to amend the DRI Development Order to secure approval of said additional entitlements. This provision incorporates, amends and supersedes the September 6, 1989 letter agreement between the Shimberg Cross Company as the Developer and the Department of Community Affairs regarding the objective of increasing office and retail uses in the project to increase job opportunities.

d. Section IV.B.3 is hereby added as follows:

IV.B.3 Additional Mitigation for Phase II.

a. The Developer has made proportionate share contributions of $8,228,155 as compared to a proportionate share obligation for both Phases I and II of approximately $6,921,219. Specific approval of Phase II is conditioned upon the Developer completing and paying for the following additional improvements (the "Phase II Improvements"):

	Location	Improvement
1.	Intersection of FishHawk Boulevard and Lithia Pinecrest Road	Geometric: Southbound right turn lane. Signalization: When warranted and approved, including interconnects if required.

2.	Intersection of FishHawk Boulevard and Bell Shoals Road	Geometric: Southbound right turn lane. Westbound right turn lane. Signalization: When warranted and approved, including interconnects if required.
3.	Intersection of FishHawk Boulevard and Osprey Ridge West.	Geometric: Westbound left turn lane. Eastbound right turn land. Northbound exclusive right turn lane. Northbound exclusive left turn lane. Signalization: When warranted and approved, including interconnects if required.
4.	Intersection of FishHawk Boulevard and Osprey Ridge East.	Geometric: Westbound left turn lane. Eastbound right turn land. Northbound exclusive right turn lane. Northbound exclusive left turn lane.

Signalization: When warranted and approved, including interconnects if required.

The schedule for completion of the geometric Phase II Improvements shall be determined based on the results of an annual traffic analysis to be submitted with the Annual Report. The installation of signals shall be required when signalization is warranted and approved by Hillsborough County.

b. When any subphase of development within a development pod is submitted for preliminary commercial site plan approval or subdivision plat approval, the Developer shall provide, to Hillsborough County and Tampa Bay Regional Planning Council, a transportation analysis that demonstrates that Boyette Road Extension (FishHawk Boulevard) from Lithia Pinecrest Road to Bell Shoals Road will operate at an acceptable level of service in both the AM and PM peak hour with the addition of the proposed development as well as at each proposed intersection or access point.

c. Hillsborough County shall provide the necessary right-of-way for any required improvements, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the required improvement, including the exercise of its powers of eminent domain.

4. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

5. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the Department of Community Affairs, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

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

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of July 29, 1999, as the same appears of record in Minute Book 278 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 24th day of August, 1999.

RICHARD AKE, CLERK

By: Mildred K. Dixon
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY: _____
Approved as to Form and
Legal Sufficiency

Exhibit "A"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

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

1. FishHawk Communities Limited Partnership, filed its Notice of Proposed Change #5 for the FishHawk Ranch DRI on April 1, 1999.

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

Keith W. Bricklemyer
Attorney for Fishhawk Investment Fund, Ltd.

The foregoing instrument was acknowledged before me this 2nd day of August, 1999 by Keith W. Bricklemyer, as Attorney for Fishhawk Investment Fund, Ltd. He is personally known to me.

(Notary Seal)

Cynthia D Rose
Notary Public
Print Name: Cynthia D. Rose
My Commission expires: 06-30-02

Cynthia D Rose
My Commission CC744977
Expires June 30, 2002

RECEIVED
AUG 02 1999
PLANNING & GROWTH MANAGEMENT DEPARTMENT

Exhibit B

MULTI-USE CONVERSION FACTORS (1)

Convert From	Convert To: Single Family (DU) (2)	Multi-Family (DU) (2)	Retail A (1,000 SF)	Retail B (1,000 SF)	Office (1,000 SF)
Single Family (DU)	-	1.49	0.173	0.225	0.372
Multi-Family (DU)(2)	0.67	-	0.116	0.151	0.250
Retail A (1,000 SF)	5.77	8.59	-	1.299	2.146
Retail B (1,000 SF)	4.44	6.61	0.770	-	1.652
Office (1,000 SF)	2.69	4.00	0.466	0.605	-

(1) Based on new PM peak hour external trip end data in Table 7.

(2) Based on ITE Trip Generation, 6th Edition, 1997 trip ratio for single family and multi-family land uses applied to single family PM peak hour external trip end data.

EXHIBIT "C"

FISHHAWK RANCH DRI #191
AMENDED AND RESTATED
JULY 27, 1999

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

Years*	Office ** (Sq. Ft.)	Commercial ** (Sq. Ft.)	Residential (Dwelling Units)
Phase I 1993 - Dec. 29, 2002	--	110,000	2,238
Phase II Dec. 30, 2002 - Dec. 29, 2007	50,000	280,000	2,168
Phase III Dec. 30, 2007 - Dec. 29, 2012	42,000	--	2,168
Phase IV Dec. 30, 2012 - Dec. 29, 2017	--	--	1,105
TOTAL	92,000	390,000	7,679

* The years shown are estimates only and do not prohibit development at a slower or faster rate, subject to the other conditions of this Developer Order.

** The commercial and office square footages for each phase shall be limited to the maximum square footages permitted under the Horizon 2000 Plan or the Future of Hillsborough Plan, as applicable.

2. Specific final development approval is accorded to Phase I and Phase II, subject to the conditions contained herein. Specific approval of Phases III and IV shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts.

Notwithstanding anything herein to the contrary, such mitigation shall include a requirement that improvements be made to ensure that FishHawk Boulevard continues to operate at an acceptable level of service (LOS "D" peak hour).

3. For purposes of this Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the phase.

4. Any amendments to the proposed phasing schedule shall be submitted to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Development Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

5. The physical development of FISH HAWK shall begin on or before July 24, 1999.

6. This Development order shall remain in effect for a period up to and including December 29, 2022. No new construction shall commence 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, TBRPC and the Department of Community Affairs ("DCA") a minimum of thirty (30) days prior to the expiration date of this Development Order.

7. This Development shall not be subject to downzoning, or intensity reduction until December 29, 2022, 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 the local government to be essential to the public health, safety, or welfare.

8. The approved land uses within the project may be interchanged subject to the conversion matrix attached hereto as Exhibit "B", and the following conditions:

   a. The use of the conversion matrix shall be subject to the following minimum and maximum limits and the requirement that the resulting development does not exceed the approved p.m. peak hour new external trip ends (4109 trip ends) for Phases I and II:

Approved Uses	Minimum Quantities	Maximum Quantities
Single Family	3,500	7,000
Multi-Family	600	3,000
Commercial	110,000	500,000
Office	50,000	200,000

b. Prior to any use of the conversion matrix, the Developer shall file a revised Map H with Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs, and a revised General Site Plan for zoning purposes with Hillsborough County, and shall include a land use schedule identifying what conversions have been made. If the use of the conversions results in an amendment to the location of land uses from those on the approved Master Plan, the revised Master Plan shall be subject to a substantial deviation review and determination. If no such location changes are proposed, no further DRI or zoning review shall be required in connection with the use of the conversion matrix.

c. The Developer shall also include in the Annual Report required pursuant to Section III.K. above a table showing what conversions were made during the reporting period, a cumulative summary of conversions made and the resulting revised land use table for the project.

B. Transportation

1. General Transportation Conditions

a. Monitoring. When Certificates of Occupancy have been issued for 1,500 single family residential units (or the equivalent thereof in terms of trip generation), an annual monitoring program to provide peak-hour traffic counts at the Development's entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. The Developer may perform a more detailed engineering survey to more accurately evaluate the results of the monitoring program. Counts shall be performed on an annual basis through build-out of Phase I. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, may amend the Development Order to require additional roadway improvements or other mitigation measures according to the results of a revised transportation analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to

request Development Order amendments.

The methodology for a new traffic analysis required during the additional review shall be based upon the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

b. TSM. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of Certificates of Occupancy for 1,500 single family residential units (or the equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the PM peak-hour which is consistent with the assumptions used to prepare the Application. Such a program shall be reviewed by Hillsborough County, the Hillsborough County Regional Transit Authority ("HART") , the Tampa Urban Area Metropolitan Planning Organization ("MPO"), TBRPC and the Florida Department of Transportation ("FDOT").

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the implementation of each TSM measure. The results of the TSM program shall be included in the Annual Report.

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

Development of such a TSM program shall be in cooperation with FDOT, Hillsborough County, MPO, HART and TBRPC. Such a program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ride sharing by public and private sector employees.

OBJECTIVES:
* Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ride-sharing efforts.

* Increase peak hour occupancy rates for transit and other high occupancy

vehicles by 20 percent by 1995."

c. Boyette Road Extension. In the event the Boyette Road extension, to which traffic from this Development has been assigned, is not built as set forth in this Development Order, no specific approvals beyond Phases I and II of the Development shall be granted.

d. Within five (5) years after the later of the date of this Resolution or the issuance of a building permit for the 1700th unit, the Developer shall conduct a marketing study to evaluate whether market demand would support an increase in the project's entitlements for retail or office uses. To the extent such additional entitlements are supported by the market study, the Developer agrees to file an application to amend the DRI Development Order to secure approval of said additional entitlements. This provision incorporates, amends and supersedes the September 6, 1989 letter agreement between the Shimberg Cross Company as the Developer and the Department of Community Affairs regarding the objective of increasing office and retail uses in the project to increase job opportunities.

2. Mitigation Alternatives. The Developer shall, at its option, select one of the following alternatives to mitigate the Development's transportation impacts for Phase I. If Option 3 is selected but not performed as required in this section, mitigation of transportation impacts shall be governed by either Option 1 or Option 2.

a. Option 1

(1) Approval of any detailed site plans for Phase I of the Development shall require funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements indicated in Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(2) Subphasing of the Development is acceptable subject to agreement by Hillsborough County and TBRPC as to the amount of development in the subphase and the existence of funding commitments for roadway improvements on affected roadways that would operate below LOS D at peak hour (C peak in rural areas) and the development consumes five percent or more of the existing LOS D peak hour (C peak rural) service volume of the facility. At the point in the development of Phase I at which roadway improvements are required pursuant to TBRPC policy for which no funding commitments can be assured, development in the project shall be subject to a stop order. The stop order shall require a new traffic analysis or monitoring as appropriate.

Table 1

PHASE 1 (1995) REQUIRED LINK IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
Bloomingdale Ave.	Kings Ave. Bell Shoals Rd.	E	6.5	Construct 4-lane divided arterial
Bell Shoals Rd.	Bloomingdale Ave. to Boyette Rd.	E	23.7	Construct 4-lane divided arterial
Lithia-Pinecrest Rd.	SR 60 to Lumsden Rd.	E	16.0	Construct 4-lane divided arterial
Boyette Rd.	Bell Shoals Rd. to site entrance	(not existing)	100.00	Construct 2-lane arterial

Table 2

PHASE 1 (1995) REQUIRED INTERSECTION IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
SR 60 at Lithia-Pinecrest Rd.	F	16.3	Construct an EB right-turn lane. Construct NB left-turn lane.
US 301 at Bloomingdale Ave.	F	5.8	Construct an additional EB through-lane. Construct an additional SB left-turn lane and an additional through-lane.
Bloomingdale Ave. at Bell Shoals Rd.	F	14.2	Construct EB through-lane. Construct WB through-lane and exclusive right turn lane. Construct SB right-turn lane.
Boyette Road at Bell Shoals Rd.	F	33.8	Signalize. Construct WB right, through and left-turn lanes. Construct EB right- and left-turn lanes. Construct NB left-turn lane. Construct SB right-turn lane.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the FISH HAWK transportation study network, including but not limited to the regional

roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, FDOT and TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of construction of any previously approved portion of Phase I plus that to be generated by the portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D at peak hour (C peak in rural areas). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak in rural areas), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak in rural areas).

c. Option 3

In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. If this option is not selected by written notice to Hillsborough County and TBRPC within ninety (90) days of the start date as defined below, this option shall expire. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phase I of the Development on the regionally significant transportation highway facilities within the primary impact area. Any approval of this mitigation/curing mechanism is based on the Development's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

(1) This pipeline option may be elected as full and complete satisfaction of the Developer's obligation to mitigate Phase I transportation impacts of the Development. Upon request of the Developer, prior to development beyond Phase I, a determination shall be made by Hillsborough County and coordinated by the County in writing with the other appropriate agencies whether or not a pipeline option for mitigation for the next Phase or Phases of the Development is permitted by then existing rules and regulations. If so, the Development Order may be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the next Phase or Phases of the Development with due consideration given for

all improvements and contributions made by the Developer to mitigate traffic impacts. If Hillsborough County determines that a pipeline option is not appropriate, transportation mitigation for the next Phase or Phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

(2) The Required Pipeline Improvement (the "Required Improvement") under this Option 3, which includes the "Required Design", the "Required Right-of-Way Acquisition" and the "Required Construction" as defined below, shall be as follows:

(a) Developer shall design the 4.7 mile extension of Boyette Road from Bell Shoals Road to Lithia-Pinecrest Road (the "Boyette Road Extension") as a four-lane, divided, arterial roadway consistent with Hillsborough County design standards including appropriate transitional geometric improvements at the intersection of Bell Shoals/Boyette Road Extension and Lithia Pinecrest/Boyette Road Extension to maintain at least level of service D peak hour, at buildout of Phase I, at these intersections (the "Required Design") . All roadway plans shall be submitted for review and approval by Hillsborough County at the 30%, 60%, 90% and 100% complete stage. If Hillsborough County does not complete its review within thirty (30) days after each submittal, the County's review time shall be added to the time allowed for completion of the Required Design as provided herein.

(b) Developer shall construct two lanes of the Boyette Road Extension in accordance with the Required Design in two segments (the "Required Construction"). The first segment ("Segment "A") shall consist of a 1.7 mile segment from Bell Shoals Road to the west boundary of the Development. The second segment ("Segment "B") shall consist of a 3.0 mile segment from the west boundary of the Development to Lithia-Pinecrest Road. Segment A shall be constructed prior to or concurrent with construction of Segment B. The Developer is obligated to complete the Required Construction regardless of the cost of such construction.

(c) To accommodate the four-lane divided arterial roadway approved as the Required Design, the bridges over Fish Hawk Creek and Little Fish Hawk Creek shall be designed as two-lane bridges at each of the four creek crossings. Developer shall construct two two-lane bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, to accommodate the two-lane roadway constructed by Developer under Required Construction.

Developer shall fund and construct the two remaining bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, only if transportation analyses, required pursuant to the provisions of Section

380.06, Florida Statutes (per Section IV.A.2 of the Development Order) and prepared for Phase II, III and IV of Fish Hawk, identify the need for the Boyette Road Extension to be four-laned. The transportation analyses shall be done in accordance with generally accepted engineering practices and shall account for both background traffic and project traffic. Developer shall not be required to fund or construct the two remaining bridges if the transportation analyses required per Section IV.A.2 for development beyond Phase I do not indicate the need to four-lane the Boyette Road Extension to accommodate traffic generated by Fish Hawk Ranch DRI.

Developer shall be required to construct or fund construction of the two remaining bridges only in conjunction with and at the same time as the construction of the four-laning of the Boyette Road Extension on or before the buildout of Fish Hawk. The intent of this condition is to prevent Developer from constructing or committing funds to construct said bridges if the road said bridges will serve will not be constructed on or before the buildout of Fish Hawk. For purposes of this Development Order, the term "buildout" shall mean the issuance of the last certificate of occupancy to complete the final phase of the project according to the phasing schedule set out in Article IV.A. of the Development Order, as it may be amended from time to time. Developer hereby assumes no obligation or liability to construct or fund the construction of the four-laning of the Boyette Road Extension.

The Developer shall enter into an agreement with Hillsborough County to specify the rights and obligations of each party with regard to the Boyette Road Extension. Said agreement shall not be inconsistent with the requirements of this Developer Order. Said agreement shall be executed by both parties prior to commencement of the Required Construction.

(d) Hillsborough County shall provide the necessary right-of-way for the Required Improvement, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed for the Required Improvement, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the Required Improvement, including the exercise of its powers of eminent domain. Unless otherwise approved by the Hillsborough County Engineering Services Department, the right-of-way shall be 176 feet wide for a rural section or 128 feet wide for an urban section.

(e) The Hillsborough County Road Network impact fee, in accordance with Ordinances 86-4 as amended by Ordinances 87-19, 89-4 and 89-6 (Roadway Improvements), and ordinance 85-24E as amended by Ordinances 86-5, 87-17 and 89-3 (Right-of -Way), has been determined to

be Two Million Fifty Thousand and No/100ths Dollars ($2,050,000.00) for Phase I and Seven Million Fourteen Thousand and No/100ths Dollars ($7,014,000.00) for the entire Development (hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances"). The "Proportionate Share" contribution by the Developer for Phase I, in accordance with Section 380.06, Florida Statutes, Rule 9J-2.0255, Florida Administrative Code, and Section 19.8.14, Future of the Region, has been determined to be Three Million Four Hundred Thirty-Five Thousand Five Hundred Sixteen and No/100ths Dollars ($3,435,516.00).

(f) The cost of Segment A has been determined to be Three Million Eight Hundred Twenty-Eight Thousand Twenty-One and No/100ths Dollars ($3,828,021.00), which amount exceeds the Developer's Proportionate Share obligation for Phase I. The total cost of the Required Improvement has been determined to be Eight Million Two Hundred Twenty-Eight Thousand One Hundred Fifty-Five and No/100ths Dollars ($8,228,155.00), which amount includes design, right-of-way acquisition, construction and construction inspection. The total contribution by the Developer for the Required Improvement, therefore, exceeds the Phase I Pipeline Proportionate Share Amount by Four Million Seven Hundred Ninety-Two Thousand Six Hundred Thirty-Nine and No/100ths Dollars ($4,792,639.00), exceeds the Phase I Transportation Impact Fee amount by Six Million One Hundred Seventy-Eight Thousand One Hundred Fifty-Five and No/100ths Dollars ($6,178,155.00), and exceeds the Development buildout Transportation Impact Fee amount by One Million Two Hundred Fourteen Thousand One Hundred Fifty-Five and No/100ths Dollars ($1,214,155.00).

(g) Buildings within FISH HAWK shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable transportation contributions, costs and expenses borne by the Developer pursuant to this Development Order including but not limited to costs for right-of-way acquisition, design, construction and construction inspection of the Required Improvement ("Developer Pipeline Expenses") shall be applied toward and be a credit against impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder. To the extent that Developer Pipeline Expenses exceed the Phase I proportionate share contribution under this condition, such excess shall, in accordance with then applicable law, be applied toward and be a credit against then applicable transportation impact fees and proportionate share or pipeline assessments for Phases II, III and IV of the Development. If permitted by applicable regulations, said excess impact fee credits shall also be transferable to other projects of the

Developer subject to a case-by-case approval by the Board of County Commissioners. Subject to approval of the Board of County Commissioners, any excess credits not otherwise recovered as provided above shall be recoverable from transportation and right-of-way impact fees paid by all other development which uses any portion of the Required Improvement as a direct access point. For purposes of this paragraph, "direct access point" shall mean any point of ingress or egress from the boundaries of the development which connects directly to the Required Improvement or to any new connector road to the Required Improvement that does not now exist. Developer may apply to recover such excess credits on a quarterly basis after completion of the Required Improvement.

(h) The Developer shall comply with the following time schedule, which schedule anticipates the difficulties expected to be encountered with the design, permitting, and construction of the bridge structure that are part of the Required Improvement:

(aa) Developer shall complete the Required Design no later than fifteen (15) months after the Start Date, which is defined as the date of final approval of the Development Order and the resolution of any appeals thereof, or the expiration of all appeal periods with no appeals having been filed.

(bb) Developer shall have acquired the necessary right-of-way for the Required Improvement on or before December 24, 1996.

(cc) Developer shall commence construction of Segment A no later than six (6) months after the date of final approval of the Required Design and the securing of all right-of-way required for said construction. Construction of Segment A shall be completed within eighteen (18) months after the commencement of its construction.

(dd) The Developer shall commence construction of Segment B within twelve (12) months after the issuance of the Certificate of Occupancy for the 1,500th dwelling unit, and shall complete construction of Segment B within twenty-four (24) months after the commencement of its construction and in any event prior to the issuance of any building permits for Phase II.

(ee) In no event shall any more than three hundred (300) dwelling units (or peak hour traffic equivalent thereof) be developed in those parcels with direct access to Lithia Pinecrest Road until construction of Segment B has commenced.

(i) The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Required Improvement.

(j) Subject to paragraphs IV.B.2 and IV.B.2.c.(2)(i) below, if the Required Improvement is not designed and constructed in accordance with the above-stated schedule, no further building permits shall be issued. In such event, the County shall either require the Developer to immediately complete the Required Improvement or may require the Developer to provide the County a Bond or Letter of Credit in the full amount of the cost of the uncompleted portion of the Required Improvement, as determined by the County. The County shall draw down on the Bond or on the Letter of Credit for completion of the Required Improvement and shall complete the Required Improvement as expeditiously as possible and no further building permits shall be issued until completion of such improvement.

(k) In the event that the performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed by war, riot, strike, civil commotion, natural disaster or other event beyond Developer's control, then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Development order shall be interrupted or delayed in connection with acquisition of necessary right-of-way or governmental approvals for the construction of the Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit regarding such event(s) to Hillsborough County and TBRPC for their review and concurrence. If such documentation shows that such event (s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

3. Additional Mitigation for Phase II.

a. The Developer has made proportionate share contributions of $8,228,155 as compared to a proportionate share obligation for both Phases I and II of $6,572.695. Specific approval of Phase II is conditioned upon the Developer completing and paying for the following additional improvements (the "Phase II Improvements"):

	Location	Improvement
1.	Intersection of FishHawk Boulevard and Lithia Pinecrest Road	Geometric: Southbound right turn lane. Signalization: When warranted and approved, including

		interconnects if required.
2.	Intersection of FishHawk Boulevard and Bell Shoals Road	Geometric: Southbound right turn lane. Westbound right turn lane. Signalization: When warranted and approved, including interconnects if required.
3.	Intersection of FishHawk Boulevard and Osprey Ridge West.	Geometric: Westbound left turn lane. Eastbound right turn land. Northbound exclusive right turn lane. Northbound exclusive left turn lane. Signalization: When warranted and approved, including interconnects if required.
4.	Intersection of FishHawk Boulevard and Osprey Ridge East.	Geometric: Westbound left turn lane. Eastbound right turn land. Northbound exclusive right turn lane. Northbound exclusive left turn lane. Signalization: When warranted and approved, including interconnects if required.

The schedule for completion of the geometric Phase II Improvements shall be determined based on the results of an annual traffic analysis to be submitted with the Annual Report. The installation of signals shall be required when signalization is warranted and approved by Hillsborough County.

b. When any subphase of development within a development pod is submitted for preliminary commercial site plan approval or subdivision plat approval, the Developer shall provide, to Hillsborough County and Tampa Bay Regional Planning Council, a transportation analysis that demonstrates that Boyette Road Extension (FishHawk Boulevard) from Lithia Pinecrest Road to Bell Shoals Road will operate at an acceptable level of service in both the AM and PM peak hour with the addition of the proposed development as well as at each proposed intersection or access point.

c. Hillsborough County shall provide the necessary right-of-way for any required improvements, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the required improvement, including the exercise of its powers of eminent domain.

C. Air Quality

1. The Developer and its successors or assigns shall be required to employ the fugitive dust emission abatement procedures referenced on page 13-6 of the Application.

2. Approval of Phases III and IV shall require further review of air quality, in the form of an updated air quality impact analysis as required by Chapter 380, Florida Statutes, and applicable rules and regulations of the Florida Department of Environmental Regulation ("FDER") and the Hillsborough County Environmental Protection Commission ("EPC"), with review and comment by TBRPC, and amendment of the Development Order to incorporate necessary measures to alleviate project impact.

3. If any proposed change to the Development is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed change is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes

uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law, which remedial measures shall be incorporated as amendments to this Development Order.

D. Land

1. The methods identified on pages 14-1 and 14-4 of the ADA to overcome problems associated with particular soil types shall be implemented as appropriate.

2. The erosion control methods referenced on pages 14-4 and 14-5 of the ADA shall be implemented as appropriate.

E. Stormwater-Management and Water Quality

1. Master Stormwater Management Plan. Prior to construction plan approval for any development parcel and the subsequent issuance of any site alteration/building permits, a Master Stormwater Management (drainage) Plan for said parcel shall be submitted to TBRPC and FDER for review and to Hillsborough County and the Southwest Florida Water Management District ("SWFWMD") for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such Master Stormwater Management Plans:

   a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in effect at the time of construction plan submittal and review for a particular phase of the project.

   b. The stormwater management system shall be designed, constructed and maintained to meet or exceed the requirements of Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD; and pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978), where applicable. In the absence of dedication of the stormwater management systems to Hillsborough County, the Developer shall be responsible for the operation and maintenance of the systems and shall provide for periodic sediment and vegetation removal operations as required. The Developer shall provide a copy of the operation and maintenance schedule with the Annual Report.

c. Incorporation of isolated wetlands within the stormwater management facilities shall be in compliance with requirements of FDER pursuant to Chapter 17-25, Florida Administrative Code, and the requirements of SWFWMD pursuant to Chapter 40D-4, Florida Administrative Code, subject to Section III.N. above.

d. Best Management Practices for reducing water quality impacts, as required by Hillsborough County and SWFWMD, shall be implemented, including a street cleaning program as necessary for private parking and roadway areas within the Development.

e. Biological treatment of stormwater shall be used wherever feasible.

2. Monitoring. In order to protect water quality in the Alafia River and its watershed, there shall be no degradation of applicable water quality standards by the Development's stormwater exiting the site. Groundwater monitoring wells maintained by West Coast Regional Water Supply Authority ("WCRWSA"), presently exist in two locations on site as shown on Figure SR23-1 of the ADA. In addition to the existing groundwater monitoring wells, the Developer shall implement a semi-annual surface water quality monitoring program, to be instituted before any construction activity implementing Phase I approvals takes place and to continue through build-out of the Development, at minimum. Any violation of Chapter 17-3, Florida Administrative Code, determined to be caused by the Development shall require corrective measures as set forth by FDER. The following shall apply:

a. sampling locations shall be in the areas where Fish Hawk Creek and Little Fish Hawk Creek intersect the project boundary, with the specific location to be determined in cooperation with Hillsborough County, FDER, and SWFWMD.

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

c. The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met by the Developer, or its assigns, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

d. Monitoring shall be conducted semi-annually for one year during May and September, following issuance of the Development Order and following

construction of 25 percent, 50 percent, 75 percent and 100 percent of the units in each Phase until build-out of the Development. Monitoring parameters shall include the following:

- Total phosphorous
- Total nitrogen
- Orthophosphate P
- Organic N
- Ammonia N
- Chlorophyll-a
- Dissolved oxygen
- Lead
- Zinc
- Copper
- Biological oxygen demand (5 day)
- Oil and grease
- T coliforms
- F coliforms
- Ph
- Specific conductivity

3. Maintenance. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County.

4. Easements. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated 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.

5. Flood Plains.

   a. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.

   b. All encroachments into the 100-year floodplain shall require that loss of hydrologic storage capacity is compensated on-site in accordance with the requirements of Hillsborough County and SWFWMD.

   c. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways or easements, including grade level walkways, bicycle paths and similar facilities.

construction of any monitor wells and at any sampling episodes.

f. No hazardous wastes shall be discharged or disposed of on the property, nor shall any hazardous waste be stored within 500 feet of any SCHRW wellhead property boundary.

g. If, at any time during the monitoring process instituted in accordance with the requirements of the Florida Department of Environmental Regulation or the Southwest Florida Water Management District, any monitor well on-site indicates the presence of pollutants, the Authority or other jurisdictional agencies may require intensified monitoring and data collection. If a source of pollution persists, then the Authority or other jurisdictional agencies may request modification of the Development Order based on action deemed necessary to protect the region's water supply, including the South Central Hillsborough Regional Wellfield, as determined by the Authority or any other jurisdictional regulatory agency.

h. The developer agrees to be bound by Federal and local rules and regulations and by rules and regulations adopted pursuant to Chapters 403 and 373, Florida Statutes, which rules and regulations govern groundwater classification, usage, reclassification and aquifer protection.

i. If the recommended protections listed above become redundant or unnecessary because local ordinances, state rules, and federal regulatory provisions are more strict or provide adequate assurances of groundwater protection, the Authority and other appropriate agencies may mutually agree to eliminate those requirements deemed unnecessary.

F. Vegetation and Wildlife.

1. Wetlands.

a. The approximate locations of the portions of the Development which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be designated on the Revised General Site Plan for Zoning Petition No. 89-0098 S.

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

(1) Except as otherwise required by agencies having jurisdiction:

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

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

(c) All on-site conservation area(s) shall be conserved unless a mitigation plan is approved by the Environmental Protection commission and submitted to the Planning and Zoning Department. The plan shall be implemented prior to or concurrent with the wetlands being disturbed. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

(d) All losses of conservation/ preservation areas shall require in kind replacement on a 1:1 basis. Mitigation for conservation/preservation area losses shall be implemented prior to or concurrent with the wetlands being disturbed.

2. Upland Preservation. The representative tracts of major upland vegetative communities shall be preserved on-site as shown on Exhibit "C" in a manner which will protect or enhance their natural function and value. The Developer shall dedicate approximately 705 acres of upland and wetland preservation areas and wildlife corridors as shown on Exhibit "C", attached hereto, to Hillsborough County for use as a resource oriented regional park. The dedication of this park land shall occur on or before the platting and construction of the north-south roadway crossing Fish Hawk Creek, as shown on the Revised General Site Plan. Along boundaries where upland preservation areas abut residential development, the Developer shall fence or otherwise delineate the boundaries of said preservation areas to discourage uncontrolled pedestrian traffic.

3. Protected Species.

a. In the event that any species listed in section 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").

b. Gopher Tortoises. The designation of 326.5 acres of developable uplands as uplands preservation areas for gopher tortoise habitat, in conjunction with the design of wildlife corridors incorporating ±1822 acres of upland and wetland habitats (1707 on-site after ELAP sale), and including buffers along Fish Hawk and Little Fish Hawk Creek, all as shown on Exhibit "C" attached hereto, has been determined to mitigate the impacts of disturbing other gopher tortoise habitat on site. The Developer shall provide for on-site relocation of gopher tortoises to achieve maximum carrying capacities of tortoises per acre as determined by

FGFWFC for all upland preservation areas. Copies of all permits relative to the on-site gopher tortoise population shall be provided to Hillsborough County and TBRPC in the Annual Report.

c. Southeastern Kestrel. The Developer shall implement a Southeastern Kestrel nest box program for the TECO easement in cooperation with the FGFWFC.

4. Recreation and Open Space.

a. The Developer, its successors or assigns, shall be responsible for maintaining all recreation and open space areas within the Development other than those for which Hillsborough County has -assumed maintenance responsibilities.

b. A linear greenway bike path/pedestrian trail system interconnecting the residential, non-residential, and public uses with each other and with the various habitat areas shall be permitted and located generally as depicted on the Master Plan. The ultimate location and design including materials (boardwalk, asphalt, concrete, mulch, etc.) of each trail shall be determined as part of any preliminary plan approval and shall require the approval of the Hillsborough County Planning and Growth Management Department as well as appropriate other agencies. When the trail enters wetland areas, the approval shall include the Hillsborough County Environmental Protection Commission, the Southwest Florida Water Management District, the Florida Game and Fresh Water Fish Commission and the Army Corp of Engineers. When the trail enters upland habitat areas, the approval shall include the Florida Game and Fresh Water Fish Commission.

c. To comply with the park property assessment requirements of the Hillsborough County Park Site Improvement Program (ordinances 85-23 and 85-25E, as amended), the Developer shall dedicate to Hillsborough County the neighborhood and district park sites identified on the Revised General Site Plan. The Developer shall dedicate those park sites in conjunction with the platting of the first lots abutting said sites. The district park site shall be dedicated as a resource oriented park.

d. The designated public parks and recreation facilities within the Development shall be accessible to the elderly, handicapped and economically disadvantaged. The location of park sites may be changed subject to approval by the County, but any overall decrease in the acreage set aside for parks as shown on the Revised General Site Plan shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the County Parks and Recreation Department should decide that one or more of the park sites are not

required or the locations are inappropriate, then the Developer shall be able to use the applicable parcel for residential development provided the number of dwelling units approved for the Development is not increased.

G. Archaeological and Historical Resources.

1. If archaeological sites 8Hi3393 or 8Hi3392 are to be impacted through development activities, archaeological test excavations shall be conducted to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing development activities at the sites. The final determination of significance shall be made in conjunction with the Florida Division of Historical Resources and Hillsborough County. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. These sites shall be included on the Revised General Site Plan.

2. If sites 8Hi3393 or 8Hi3392 are to be impacted by development activities and either or both are found to be significant, excavation of the significant sites shall be undertaken in accordance with guidelines of the Division of Historical Resources prior to the commencement of any ground-disturbing activities at the significant sites. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. Following review of the report by these agencies, notification of approval of the report by the Division of Historical Resources and the Hillsborough County Historical Commission shall allow ground-disturbing activities to commence.

3. The discovery of any additional 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 Hillsborough County.

H. Economics/Equal Opportunity.

1. The Developer shall encourage the promotion of entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities within the Development. A report on equal opportunity employment programs utilized by Development businesses and the program's effect should be incorporated into the Annual Report following issuance of the first Certificates of Occupancy for Development businesses.

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

3. The Developer shall encourage employers in the Development to institute

programs to provide child care facilities at the place of employment or as a cooperative effort with other businesses. A report on child care programs utilized by Development business employees shall be incorporated into the Annual Report following issuance of the first Certificate of Occupancy for Development businesses.

I. Public Facilities.

1. Water.

a. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall stipulate to the satisfaction of Hillsborough County, in accordance with applicable regulations, the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the Development. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for the building construction which is the subject of the building permit.

b. On-site wells shall be operated and maintained by the Developer, its successors or assigns, or by the entity or agency permitted to install and operate said wells by SWFWMD.

c. The Developer, its successors or assigns, shall be responsible for maintenance of all on-site water facilities unless otherwise required or agreed to by Hillsborough County.

d. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall ensure the provision of adequate fire hydrants (in number and appropriate location), fire flows and water pressure to serve each building for which fire protection is required in accordance with applicable regulations. The installation of a sprinkler system, fire hydrants or fire plan shall be options to meet these requirements. No building permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve such building is available.

e. Development within the Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses. The Developer shall submit a plan to Hillsborough County and TBRPC for the use of non-potable water on-site in the first Annual Report following issuance of the first Certificate of Occupancy.

f. Water-saving devices shall be required in the Development as mandated by

the Florida Water Conservation Act, Section 533.14, Florida Statutes, and native vegetation shall be used in landscaping to the greatest extent possible.

g. The Developer shall dedicate to Hillsborough County the two (2) acre fire station site shown on the revised General Site Plan. The Developer shall be eligible for impact fee credits in accordance with Hillsborough County Ordinance 88-23. Dedication of the fire station shall occur upon written request of the County. In the event the Fire Department decides the fire station site is not required or the location is inappropriate, the Developer shall be able to use the parcel for residential development provided the number of dwelling units approved for the Development is not increased.

2. Wastewater.

a. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years by the Developer until said lines are dedicated to Hillsborough County. Faulty lines shall be replaced as quickly as feasible.

b. The Developer shall be required to take back effluent utilizing a functional recovered water system capable of taking back an amount at least equal to the quantity of wastewater generated by the Development in accordance with any uniformly applicable Hillsborough County ordinance or policy.

c. The selection of spray irrigation sites for the Development shall be based on a complete analysis in accordance with applicable regulations including the anticipated treatment level of the effluent and a detailed hydrogeological analysis of the sites to determine the potential for groundwater contamination from any hazardous waste or other pollutants.

d. The Developer shall pursue with Hillsborough County private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development and future surrounding development prior to application for permits to construct a project-specific package plant.

e. If an interim wastewater treatment plant becomes necessary, it shall only be located where a detailed hydrogeological analysis of the site in accordance with applicable rules and regulations determines low potential for groundwater contamination. Development within the Development shall be required to connect to public wastewater treatment facilities when said treatment becomes available to the site, at which time the interim plant shall be removed by the Developer.

3. Other Public Facilities. Prior to issuance of Building Permits, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste

disposal, water, wastewater, electricity, fire, emergency medical services and police capabilities and facilities are available for the building(s) that are the subject of such Building Permits.

J. Energy Conservation.

1. All Development tenants, businesses and residents shall be encouraged to do the following:

   a. Establish energy policies, energy use monitoring and energy conservation, using a qualified energy use analyst;

   b. Institute programs to promote energy conservation by employees, buyers, suppliers and the public;

   c. Institute programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to encourage the use of energy efficient cooling, heating and lighting systems;

   d. Institute recycling programs;

   e. Employ innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

   f. Install total energy systems on large facilities, when cost effective;

   g. Use the most energy efficient technology economically feasible in the construction and operation of the Development's facilities;

   h. Use landscaping and retention of existing vegetation as a means for energy conservation;

   i. Use energy audits provided by energy companies or other qualified agencies;

   j. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

   k. Use landscaping and building orientation to reduce heat gain, where feasible;

   l. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate; and

   m. Utilize energy efficient packaging and/or recyclable materials.

2. A report on the status of implementation of the energy conservation measures referenced on pages 25.5 and 25.9 of the ADA and other such measures shall be included in each Annual Report.

3. The Developer should work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for Development businesses.

K. Education.

1. The Developer shall dedicate to the Hillsborough County School Board four (4) 15-acre elementary school sites and one (1) 25-acre junior high school site as shown on the Revised General Site Plan, or as otherwise approved by the School Board. Credits for said dedications shall be given pursuant to the Hillsborough County School Site Dedication Program Ordinance, No. 86-20.

2. The Developer shall incorporate the water and wastewater requirements for the five (5) school sites into the design of its water and wastewater systems.

3. If the County School Board should decide that one or more of the school sites is not required or that the location(s) is inappropriate, then the Developer shall be able to use the applicable parcel(s) for residential development provided the number of dwelling units approved for the Development is not increased.

L. Housing.

1. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

3. Residential areas of the Development 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.

4. The Developer shall encourage the development of neighborhood watch programs in the Development. A report on such programs shall be included in each Annual Report following occupancy of the 500th dwelling unit.

5. In order to ensure adequate housing opportunities exist at locations reasonably accessible to places of work and to address the housing policies of the state land development plan, prior to commencement of Phase II, the Developer shall conduct an analysis of the affordable housing needs to be generated by the Development, including the need for affordable housing for Phase I, (using a methodology approved by Hillsborough County and reviewed by DCA). If the

analysis shows that the Development will generate significant affordable housing needs which will not be met in the South Hillsborough County area, the Developer shall prepare a Housing Affordability Plan ("HAP") and shall submit the HAP to Hillsborough County for incorporation as an amendment to this Development Order, which amendment shall not be considered a substantial deviation. The HAP shall be consistent with the County comprehensive plan and applicable County land development regulations.

At a minimum, the HAP shall address:

a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.

b. Specific mechanism for HAP implementation.

c. Monitoring.

d. Location and placement of affordable units.

e. An assessment of the HAP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

f. Provisions for crediting the Developer for activities that address affordable housing.

H. General

1. Developer Commitments. The Developer's commitments set forth in the Application are summarized in Exhibit "D" entitled "Developer Commitments", and these commitments shall be honored, except as they may be superseded by specific terms of the Development Order.

2. Substantial Deviations. Pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the Development as described in the Application shall require a substantial deviation determination.

3. Notice of Adoption. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.

4. Excess Infrastructure. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve latter phases of the Development, shall be at the Developer's risk and shall not operate to relieve the Developer from conditions which must be complied with prior to commencement of the latter phases.

5. Effective Date. The effective date of the highlighted portions of this Amended and Restated Development Order (December 8, 1992), shall be the date of transmittal

of Resolution No. R 92-0306 to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.

6. Date Rendered. This Amended and Restated Development Order (December 8, 1992) shall be deemed rendered as of the postmark date of the transmittal of copies of Resolution No. R 92-0306 to DCA, TBRPC and the Developer.

EXHIBIT C OF C

ON FILE IN BOARD OF COUNTY COMMISSIONERS RECORDS

(LARGE MAP)

EXHIBIT D of C

Developer Commitments

DRI #191 - Fish Hawk Ranch

DEVELOPER COMMITMENTS

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

General Project Description

The Fish Hawk and Little Fish Hawk Creek floodplains will be preserved and setbacks from the wetland jurisdictional limits will be maintained primarily in natural vegetation. (ADA page 12-3) (Developer Clarification: Except as specifically permitted,...)

The Master Drainage System will utilize natural percolation for the treatment of stormwater or, for areas surrounding low-lying wetlands, biological treatment will be incorporated into the drainage design. (ADA page 12-7)

Scattered commercial development within the residential areas or along the Boyette Road extension (Developer Clarification: within the project) will not be permitted. (SR page 11 & 12-28)

The internal roadway network will provide access for each of the outparcels. (SR page 11 & 12-31)

Post-development stormwater runoff will be treated prior to discharge to Fish Hawk and Little Fish Hawk Creeks. (ADA page 12-7)

The only development proposed within the floodplain is one single family parcel east of Boyette Road. Any loss of floodplain storage will be mitigated for in the design of the Master Drainage System. (ADA page 12-8)

The Developer will develop the major internal roadways and the major water and sewer transmission mains. (ADA page 12-8)

The parcels north of the Boyette Road extension will have emergency evacuation procedures in case of an ammonia pipeline rupture. (SR 12-35)

Child care facilities will be a requested use for the PD-MU zoning district. (SR page 12-37)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

The contractor will be required to sod, seed, mulch or plant with landscape material the cleared and disturbed areas as soon as possible after clearing. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. The contractor will also be required to control wind erosion through sprinkling or other appropriate measures. (ADA page 13-6)

Land

To alleviate the erosive effects of wind and water, the following steps will be implemented during construction:

- Only those portions of the site ready for construction will be cleared.
- Sediment basins will be constructed at the start of each drainage system phase.
- Areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other landscape material, sodded, or planted with other landscape material as soon after the construction as possible. Areas adjacent to the roadways or where slopes are 3:1, or greater, will be sodded or landscaped.
- Construction areas will have interim water quality control features, such as hay bales, as needed to reduce turbidity.
- Embankment areas of stormwater filtration ponds will be seeded, sodded, or planted to stabilize shorelines and to filter runoff.
- If wind erosion becomes significant during construction, the contractor will sprinkle the problem area with water. Following construction, the planted ground cover and the drainage system vegetation and configuration will effectively control wind and water erosion.
- Landscaping will be initiated before development work is completed to ensure that bare soil is not unnecessarily exposed to wind and water erosion. (ADA pages 14-5 and 14-6)

Any springs or boils that might occur on-site in or along creek bottoms at the lower ground elevations will be included in conservation areas or passive recreational areas. (ADA page 14-6)

During the permitting of construction and actual development of the site a thorough investigation will take place to locate existing wells. (SR page 14-2).

Water Quality

Prior to discharge to the Alafia River, filtration resulting from conveyance through a network of extended detention ponds and, where feasible, grassed swale sections and additional secondary treatment through freshwater swamps will be used to minimize the potential for the degradation of overall water quality discharged off-site. (ADA page 15-11) (Developer Clarification: ...as required by applicable regulations.)

The stormwater management system will treat stormwater runoff before discharging off-site or to wetlands on-site. (ADA pages 15-18 and 15-19)

Wetlands

Mitigation wetlands will be located so as to be contiguous to the same wetland system and will be designed to recreate the type of wetland displaced. (ADA page 16-3) (Developer Clarification:...except as permitted or required by permitting agencies.)

Development will be set back at least thirty feet from the jurisdictional wetland line. (ADA page 16-4)

During the construction phase efforts will be taken to protect the integrity of all wetland systems, primarily by preventing the erosion of uplands. Hay bale barriers or similar erosion control devices will be placed adjacent to wetlands to provide further erosion protection. Physical barriers will be located around wetlands to prevent access by vehicular equipment which may result in disturbance to the wetland. Silt screens will be placed in the creek channel during any bridge construction. (ADA pages 16-4 and 16-5)

All man-made ponds will be hydrologically compatible with adjacent natural wetlands. (SR page 16-1)

There shall be no net loss of wetland acreage post-development. (SR page 16-3)

There shall be no encroachment into floodplain wetlands other than for roadway crossings. (ADA page 18-17) (Developer Clarification: easements and grade-level bicycle paths and walkways and similar facilities.)

Floodplains

The finished floor elevations of all buildings within the project site will be constructed at or above the 100-year flood elevation as determined by the Master Drainage Study completed for the project. (ADA page 17-1)

The loss of any of the 100-year floodplain storage volume will be compensated by providing additional storage volume within the detention ponds. (SR page 17-1)

Vegetation and Wildlife

All large marshes and their natural hydroperiods, cypress wetlands and forested floodplain will be maintained on the property and buffered with appropriate setbacks from high intensity uses. (ADA page 18-33)

Only passive recreation will be allowed within the 67.8-acre sand pine preserve. Walking and bicycle trails will be clearly marked and signage used to inform the public of the unique habitat and wildlife as well as to discourage random pedestrian usage. (SR page 18-36)

An initial burn of the sand pine area will be conducted prior to development. (SR page 18-37) (Developer Clarification: An initial burn may be conducted.)

The roadway crossings will minimize right-of-way clearing to the extent feasible. The golf course will be designed to maintain natural features, particularly adjacent to the Fish Hawk Creek floodplain. (SR page 18-41)

Historical and Archaeological Sites

If either Site 8Hi59 or 8Hi3392 are verified as significant resources, the first course of action would be to preserve the site. If an alternate roadway alignment is not practical or feasible such as to avoid impacting the sites, excavation of the sites will be undert n in accordance with guidelines of the Division of Historic Resource (SR page 19-5)

ECONOMY

No capital improvement costs in excess of developer contributions for wastewater, Health/EMS, water, or fire protection facilities will be borne by Hillsborough County as a result of the Fish Hawk Ranch development. (SR pages 20-3, 20-4 and 20-5)

PUBLIC FACILITIES

Wastewater Management

The applicant intends that there will be no permanent septic tanks within the project site. Septic tanks may be used for the construction phases. (ADA page 21-5)

Prior to any development of sprayfields or percolation ponds, a detailed hydrogeologic investigation of the site(s) will be performed. No sprayfields or percolation ponds will be located in areas where the

placement of sprayfields and/or percolation ponds will increase the potential for sinkhole formation. (SR page 21-2)

If, for any reason, non-domestic waste will be generated, a specific permit for handling and/or treatment will be obtained from the appropriate regulatory agencies. (SR page 21-6)

Drainage

The proposed drainage system for Fish Hawk Ranch will be designed to maintain the water quality of the downstream waterways and to maintain the pre-development hydraulic and hydrologic characteristics of the watersheds. (ADA page 22-1)

Lakes will be designed to attenuate and convey stormwater runoff and provide water quality treatment for the site. (ADA page 22-2)

The drainage systems will be operated and maintained by the Developer or its heirs or assigns. (ADA Page 22-8)

The design of the stormwater detention ponds will take into account the tailwater conditions of the creek. (SR page 22-2)

Water Supply

In addition to potable water demands, the water distribution system will be designed to provide fire flow service as required by Hillsborough County. (ADA page 23-1)

The water distribution system, including fire hydrant locations, will be designed to provide fire protection in accordance with applicable Hillsborough County standards. Hydrant flow testing and pressure surveys will be completed after the system is installed to verify performance of the system. Testing will be conducted periodically to insure that the system is operating at the required pressure and flows. (ADA page 23-6)

The developer will encourage the use of water conservation devices by others. (SR page 23-1)

Natural vegetation will be incorporated into the project where feasible. (SR page 23-1)

Green space and rights-of-way within the development will be landscaped incorporating xeriscape techniques to minimize irrigation requirements. (SR page 23-3)

No percolation ponds will be located within 2500 feet of any South Central Hillsborough Regional Wellfield facility. All interim wastewater treatment facilities will provide advanced secondary treatment with dual media, deep-bed filtration. (SR page 23-21)

Stormwater retention/detention ponds or septic tanks will not be located within 200 feet of any South Central Hillsborough Regional Wellfield well site property boundary without a permit from SWFWMD. (SR page 23-22)

The developer or a Homeowner's Association or other designated entity will operate and maintain the internal non-potable water well system. (SR page 23-23)

Solid Waste

No hazardous wastes will be disposed of on-site. The only storage of hazardous wastes would be temporary, prior to off-site transfer and proper disposal by qualified and permitted hazardous waste handlers such as GSX Services, Inc. (SR page 15-1)

Energy

The applicant will cooperate with TECO regarding the location of a site for a future substation. (SR page 11 and 12 -34)

Recreation and Open Space

Open space areas outside the dedicated parks will be maintained by the Developer or its successors or assigns. (ADA page 27-2)

The landscaping for boulevards and/or entranceways will be maintained by the Developer or by a Homeowner's Association or designated entity. (SR page 27-2)

Transportation

The developer will cooperate with HART to encourage transit usage by the Fish Hawk Ranch patrons. (ADA page 27-2)

Construction of the Boyette Road extension will occur as development of the project proceeds through Phase I. (SR page 31-20)

EXHIBIT D

ON FILE IN BOARD OF COUNTY COMMISSIONERS RECORDS

(LARGE MAP) map H

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

191

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

May 13, 1998

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

Re: Resolution No. R98-091 - Amending the Development Order for Fishhawk Ranch, Amendment No. 4 (DRI #191)

Dear Mr. Butts:

Attached is an original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on April 21, 1998.

We are providing this original for your files.

Sincerely,

for Linda Fryman
Senior Manager, BOCC Records

LF:LAG
Attachment
Certified Mail
cc: Board files (orig.)
Keith Bricklemyer, Attorney, Fishhawk Ranch
J. Thomas Beck, Florida Department of Community Affairs
Gene Boles, Director, Planning & Growth Management
Beth Novak, County Attorney's Office

RESOLUTION NO. R98-091

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA AMENDING THE DEVELOPMENT ORDER FOR FISHHAWK RANCH DRI #191 AMENDMENT NO. 4

Upon motion of Commissioner Berger, seconded by Commissioner Hart, the following Resolution was adopted by a vote of 5 to 0 on this 21st day of April, 1998.

WHEREAS, on July 11, 1989, the Board of County Commissioners adopted Resolution No. R89-0172 approving the Development Order for the Fish Hawk Ranch DRI #191, which became effective July 25, 1989 (the "Development Order"); and

WHEREAS, the Development Order was amended by Resolution No. R91-0085 on May 7, 1991, by Resolution No. R92-0166 on July 14, 1992, and by Resolution No. R92-0306 on December 8, 1992; and

WHEREAS, on January 27, 1998, FishHawk Communities Limited Partnership, by its authorized agent, Keith W. Bricklemyer, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact for Fish Hawk Ranch ("Notice of Proposed Change No. 4) in accordance with Section 380.06(19). Florida Statutes, a copy of which is on file with the Hillsborough County Planning and Growth Management Department and is incorporated herein by reference; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the revisions proposed in Notice of Proposed Change No. 4; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, and Hillsborough County Resolution No. 98-011, public notice was given that a public hearing would be held by the Board of County Commissioners on April 7, 1998 to consider a request to amend the Development Order; and

WHEREAS, the revisions to the FishHawk Ranch Master Development Plan, as proposed, do not result in new or additional regional impacts.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 21ST DAY OF APRIL, 1998, AS FOLLOWS:

1. That the following Findings of Fact are made:

a. The Developer has proposed to amend the FishHawk Ranch Master Development Plan and Development Order as follows:

1. Various Neighborhood Parks (public) and Recreation Center (private) sites and adjacent parcels have been reconfigured throughout the project while maintaining the originally approved total of 85.9 acres for Neighborhood Parks and Recreation Center uses. The total Recreation/Open Space acreage has been increased from 286.8 acres to 304.67 acres.

2. The former golf course/ clubhouse area has been deleted from the plan and replaced with a system of linear parks and trails and residential uses. The resulting 181.37 acres of linear parks and trails exceeds the previous 163.5 acres allocated to the golf course and clubhouse.

3. The Upland Preserve area adjacent to what is now Tract 27 has been increased to reflect the relocation of Upland Preserve from original Tract Numbers 3 and 4 as approved by F.G.F.W.F.C., and Tract 27 has been reduced in size accordingly.

4. Tract 10, a 61.6 acre parcel originally approved for multifamily uses, is designated for an alternate use as a High School, with no change proposed in the number of approved units for the project. The High School may be developed in Phase 1.

5. Each phase of the project is proposed to be extended by an additional 2 years for a total extension of six years, 11 months and 29 days from the originally approved phasing schedule.

6. The project's geographic phasing has been reduced from four phases to two phases. Geographic Phase 1 is north of Fish Hawk Creek and geographic Phase 2 is south of Fish Hawk Creek as shown on the Master Development Plan attached hereto as Exhibit "B".

7. Amend Section IV.E.1 of the Development Order as follows:

   1. <u>Master Stormwater Management Plan</u>. Prior to construction plan approval for any development parcel and the subsequent issuance of any site alteration/building permits, a Master Stormwater Management (drainage) Plan for said parcel shall be

submitted to TBRPC and FDER for review and to Hillsborough County and the Southwest Florida Water Management District ("SWFWMD") for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such Master Stormwater Management Plans:

8. Amend Section IV.F.1.b.(1)(b) of the Development Order as follows:

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

9. Delete Section IV.F.4.b. and replace it with the following:

> A linear greenway bike path/pedestrian trail system interconnecting the residential, non-residential, and public uses with each other and with the various habitat areas shall be permitted and located generally as depicted on the Master Plan. The ultimate location and design including materials (boardwalk, asphalt, concrete, mulch, etc.) of each trail shall be determined as part of any preliminary plan approval and shall require the approval of the Hillsborough County Planning and Growth Management Department as well as appropriate other agencies. When the trail enters wetland areas, the approval shall include the Hillsborough County Environmental Protection Commission, the Southwest Florida Water Management District, the Florida Game and Fresh Water Fish Commission and the Army Corp of Engineers. When the trail enters upland habitat areas, the approval shall include the Florida Game and Fresh Water Fish Commission.

b. A review of the impacts generated by the amendment to the FishHawk Ranch Master Development Plan Development Order described herein has been conducted by Hillsborough County, including consideration of comments by Tampa Bay Regional Planning Council, the Department of Community Affairs and other reviewing agencies.

c. The application for Notice of Proposed Change No. 4 submitted January 27, 1998, is incorporated herein by reference.

d. The Findings of Fact and Conclusions of law made in the Development Order are incorporated herein by reference.

e. The Developer's Affidavit, attached hereto has Exhibit "A", affirming that copies of the Notice of Proposed Change No. 4 have been delivered to all persons as required by law, is attached hereto and incorporated herein by reference.

f. The proposed amendments to the Master Development Plan result in no new or additional regional impacts requiring further DRI review.

2. That the following Conclusions of Law are made:

a. Amendment of the Development Order, as set forth herein, does not involve a change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes.

b. All statutory procedures have been adhered to in the submittal, review and approval of this Notice of Proposed Change No. 4.

c. The provisions of Resolutions No. 89-0172, R91-0085, R92-0166 and R92-0306, as incorporated into the Amended and Restated Development Order are hereby reaffirmed in their entirety except as specifically amended herein.

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

e. The amendment adopted hereby is consisted with and will not unreasonably interfere with the achievement of the objectives of the Comprehensive Plans of Hillsborough County and the State of Florida, and is consistent with applicable land development regulations.

3. Based on the above Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby amends the Fish Hawk Ranch DRI Development Order as provided herein and approves the revised FishHawk Ranch Master Development Plan dated April 10, 1998 attached hereto as Exhibit "B".

4. This Resolution shall become effective upon rendition by the Board of

County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

5. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the Department of Community Affairs, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

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

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 April 21, 1998, as the same appears of record in Minute Book 263 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 13th day of May, 1998.

RICHARD AKE, CLERK

FLORIDA SEAL

By: _____
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY: _____
Approved as to Form and Legal Sufficiency

P:\DOCS\MLB\12642\NOPC\RESOLUTN.A04
April 30, 1998

Exhibit "A"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

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

1. FishHawk Communities Limited Partnership, filed its Notice of Proposed Change #4 for the FishHawk Ranch DRI on January 27, 1998.

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

Keith W. Bricklemyer
Attorney for FishHawk Communities Limited Partnership

Sworn to and subscribed before me this 30th day of April, 1998.

(SEAL)

Catherine L. Watson
Notary Public
My Commission Expires:

CATHERINE L. WATSON
MY COMMISSION # CC 634863
EXPIRES: July 26, 2001
Bonded Thru Notary Public Underwriters

P:\DOCS\MLB\12642\NOPC4\RESOLUTN.A04
April 30, 1998

"Exhibit B"

is filed w/original

#191

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

January 8, 1993

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

Re: Resolution No. R92-0306 - Third Amendment to Development Order for Fish Hawk Ranch (DRI #191)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on December 8, 1992.

We are providing the copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Linda Fryman
Linda Fryman
Manager, BOCC Records

LF:ADF
Attachment
Certified Mail
cc: Board files (1 orig.)
J. Thomas Beck, Florida Department of Community Affairs
Keith Bricklemyer, Esquire - Honigman, Miller, Schwartz and Cohn
Vincent A. Marchetti, Assistant County Attorney
Gene Boles, Director, Planning and Development Management
Joe Egozcue, County Attorney's Office

An Affirmative Action - Equal Opportunity Employer

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R92-0306 - Third Amendment to Development Order for Fish Hawk Ranch (DRI #191)

approved by the Board in its regular meeting of December 8, 19 92, as the same appears of record in MINUTE BOOK 199 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 8th day of January, 19 93.

RICHARD AKE, CLERK

By: Linda Lyman
Deputy Clerk

RESOLUTION NO. 92-0306

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA AMENDING THE DEVELOPMENT ORDER FOR FISH HAWK RANCH, DRI #191 AMENDMENT NO. 3

Upon motion of Commissioner Kimbell, seconded by Commissioner Miller, the following Resolution was adopted by a vote of 5 to 0, with Commissioners Busansky and Chillura absent.

WHEREAS, on July 11, 1989 the Board of County Commissioners adopted Resolution No. R89-0172 approving the Development Order for the Fish Hawk Ranch DRI #191, which became effective July 25, 1989 (the "Development Order"); and,

WHEREAS, the Development Order was amended by Resolution R91-0085 on May 7, 1991 and Resolution R92-0166 on July 14, 1992; and,

WHEREAS, on October 5, 1992, Fish Hawk Investment Fund, Ltd., by its authorized agent, Glen E. Cross, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact for Fish Hawk Ranch ("Notice of Proposed Change No. 3") in accordance with Section 380.06(19), Florida Statutes; and,

WHEREAS, Section 380.06(19), Florida Statutes requires that the Development Order be amended to reflect the revisions proposed in Notice of Proposed Change No. 3; and,

WHEREAS, pursuant to the provisions of Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on December 8, 1992 to consider a request to amend the Development Order; and,

WHEREAS, the extension of the right-of-way acquisition schedule, and therefore the construction schedule, as proposed, does not result in new or additional transportation impacts as compared to the previously approved schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 8TH DAY OF DECEMBER, 1992 AS FOLLOWS:

1. That the following Findings of Fact are made:

   a. A review of the impacts generated by the amendment to the Development Order described herein has been conducted by Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs.

b. The Findings of Fact and Conclusions of Law made in the Development Order are incorporated herein by reference.

c. The Developer's Certification, attached hereto as Exhibit "A", affirming that copies of the Notice of Proposed Change No. 3 have been delivered to all persons as required by law, is attached hereto and incorporated herein by reference.

d. The proposed extension of the right-of-way acquisition schedule, and therefore the construction schedule, for the Required Improvement results in no new or additional regional impacts requiring further DRI review.

2. That the following Conclusions of Law are made:

a. Amendment of the Development Order, as set forth herein, does not involve a change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes.

b. All statutory procedures have been adhered to in the submittal, review and approval of this Notice of Proposed Change No. 3.

c. The provisions of Resolutions No. 89-0172, R91-0085 and R92-0166, as incorporated into the Amended and Restated Development Order (December 8, 1992), attached hereto as Exhibit "B", are hereby reaffirmed in their entirety except as specifically amended herein.

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

e. The amendment adopted hereby is consistent with and will not unreasonably interfere with the achievement of the objectives of the Comprehensive Plans of Hillsborough County and the State of Florida, and is consistent with applicable land development regulations.

3. Based on the above Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby amends the Fish Hawk Ranch DRI Development Order as follows:

a. The Amended and Restated Development Order (December 8, 1992) attached hereto as Exhibit "B" is hereby adopted, to incorporate the amendments approved by Resolutions R91-0085 and R92-0166, and to incorporate amendments to Sections I.A., B. and F.; III.M; IV.B.2.(2)(c); and the following new section IV.B.2.c(2)(h)(bb), all of which changes are highlighted within Exhibit "B":

(bb) Developer shall have acquired the necessary right-of-way for the Required Improvement on or before December 24, 1996.

4. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

5. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the Department of Community Affairs, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

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

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 on Dec. 8, 1992, as the same appears of record in Minute Book 199 of the Public Records of Hillsborough County, Florida

WITNESS my hand and official seal this 8th day of Jan., 1993.

RICHARD AKE, CLERK

BY: Linda Lyman
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY: _____
Approved as to Form and
Legal Sufficiency

429.1

05/429.1/MLB
Rev. 01/07/93 12:17pm

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI Notice of Proposed Change No. 3, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its Notice of Proposed Change No. 3 for the Fish Hawk Ranch DRI on October 5, 1992.

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

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 5th day of October, 1992.

CYNTHIA M. BEAUDRY, Notary Public
My Commission Expires:

CYNTHIA M. BEAUDRY
MY COMMISSION # CC 201249 EXPIRES
January 8, 1994

T7383o
10/02/92

EXHIBIT A

AMENDED AND RESTATED DEVELOPMENT ORDER
(December 8, 1992)
Resolution No. R89-0172, AS AMENDED
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #191 DEVELOPMENT ORDER FOR FISH HAWK RANCH

~~Upon motion by Commissioner Selvey, seconded by Commissioner Colson, the following Resolution as adopted by a vote of 6 to 1, Commissioner Platt voting "No."~~

WHEREAS, on November 4, 1988, the Shimberg-Cross Company, Inc. (hereinafter "Applicant" or "Developer") filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a RESIDENTIAL, COMMERCIAL and OFFICE PROJECT on approximately FOUR THOUSAND EIGHT HUNDRED SIXTY-NINE (4,869.6) acres, located in South Hillsborough County, hereinafter referred to as "FISH HAWK" or "Development"; and

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

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

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

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on July 11, 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 agencies as well as the review and report of the Hillsborough County Administration~~.~~; and

WHEREAS, on July 11, 1989, the Board of County Commissioners adopted Resolution No. R89-0172 approving the Fish Hawk Ranch DRI #191 Development Order, which became effective July 25, 1989 (the "Development Order"); and

WHEREAS, the Board of County Commissioners has amended the Development Order by adopting Resolution R91-0085 on May 7, 1991; Resolution R92-0166 on July 14, 1992; and Resolution R92-0306 on December 8, 1992.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 11TH DAY OF JULY, 1989, AS FOLLOWS:

I. FINDINGS OF FACT

A. Shimberg-Cross Company submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Response which ~~are~~ were attached ~~hereto and~~ to Resolution R89-0172 and marked as Composite Exhibit "A" and incorporated therein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval, Sufficiency Response and other exhibits specifically incorporated in this Resolution. Revised Map "H" as adopted by Resolution R92-0166, is attached hereto as a part of Composite Exhibit "A".

B. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit "B", as amended by Resolution R92-0166.

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

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

E. A comprehensive review of the impacts generated by the Development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission (the "Planning Commission"), and the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

F. The authorized agent of FISH HAWK is Keith W. Bricklemyer, Honigman Miller Schwartz and Cohn, ~~777 South Harbour Island Boulevard, Suite 3502~~2700 Landmark Centre, 401 East Jackson Street, Tampa, Florida 33602.

II. CONCLUSIONS OF LAW

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

1. The Development is consistent with local land development regulations and is consistent with the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and state and regional comprehensive plans.

2. The Development is consistent with the report and recommendations of TBRPC.

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

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

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

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

E. The current Hillsborough County Horizon 2000 Land Use Plan Map designates the area within which this land lies as SUBURBAN RESIDENTIAL (SR) and RURAL RESIDENTIAL (RR). These existing designations are consistent with the proposed Future of Hillsborough County Land Use Plan Map designations of the area as "LOW SUBURBAN DENSITY RESIDENTIAL" (LSDR) and "RURAL RESIDENTIAL" (RR).

III. GENERAL PROVISIONS

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

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

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

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

E. This Development Order shall be binding upon the Developer and its successors and assigns, 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 FISH HAWK, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate body created to perform such responsibilities, provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Subsection 380.06(19)(b), Florida Statutes, or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other type of regional impact not previously reviewed by Hillsborough County and TBRPC, shall result in further Development of Regional Impact ("DRI") review pursuant to Section 380.06, Florida Statutes.

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 issue a notice of such noncompliance to the Developer, or 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, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85, as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the 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; and

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

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

4. A statement setting forth the name(s) and address(es) of any successors or assigns 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, except as otherwise provided herein, to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order ~~shall become~~ became effective ~~upon~~ on July 25, 1989, the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.

N. The Developer has elected, pursuant to Subsection 380.06(5)(c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 and each chapter's respective implementing rules and regulations in effect as of the effective date of this Development Order. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

Years *	Office ** (Sq. Ft.)	Commercial ** (Sq. Ft.)	Residential (Dwelling Units)
Phase I ~~(1990-1995)~~1993-Dec. 29, 2000	--	110,000	2,238
Phase II ~~(1996-2000)~~ Dec. 30, 2000 - Dec. 29, 2005	50,000	280,000	2,168
Phase III ~~(2001-2005)~~ Dec. 30, 2005 - Dec. 29, 2010	42,000	--	2,168
Phase IV ~~(2006-2010)~~ Dec. 30, 2010 - Dec. 29, 2015	--	--	~~2,168~~1,105
TOTAL	92,000	390,000	~~8,742~~7,679

* The years shown are estimates only and do not prohibit development at a slower or faster rate, subject to the other conditions of this Developer Order.

** The commercial and office square footages for each phase shall be limited to the maximum square footages permitted under the Horizon 2000 Plan or the Future of Hillsborough Plan, as applicable.

2. Specific final development approval is accorded to Phase I, subject to the conditions contained herein. Specific approval of Phases II, III, and IV shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts.

3. For purposes of this Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the phase.

4. Any amendments to the proposed phasing schedule shall be submitted to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of

this Development Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

5. The physical development of FISH HAWK shall begin ~~within five years of the effective date of this Development Order.~~on or before July 24, 1999.

6. This Development Order shall remain in effect for a period up to and including December ~~31, 2015~~29, 2020. No new construction shall commence 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, TBRPC and the Department of Community Affairs ("DCA") a minimum of thirty (30) days prior to the expiration date of this Development Order.

7. This Development shall not be subject to downzoning, or intensity reduction until ~~January 1, 2016~~December 29, 2020, 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 the local government to be essential to the public health, safety, or welfare.

B. Transportation

1. General Transportation Conditions

a. Monitoring. When Certificates of Occupancy have been issued for 1,500 single family residential units (or the equivalent thereof in terms of trip generation), an annual monitoring program to provide peak-hour traffic counts at the Development's entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. The Developer may perform a more detailed engineering survey to more accurately evaluate the results of the monitoring program. Counts shall be performed

on an annual basis through build-out of Phase I. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, may amend the Development Order to require additional roadway improvements or other mitigation measures according to the results of a revised transportation analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

The methodology for a new traffic analysis required during the additional review shall be based upon the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

b. TSM. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of Certificates of Occupancy for 1,500 single family residential units (or the equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the PM peak-hour which is consistent with the assumptions used to prepare the Application. Such a program shall be reviewed by Hillsborough County, the Hillsborough County Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), TBRPC and the Florida Department of Transportation ("FDOT").

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the implementation of each TSM measure. The results of the TSM program shall be included in the Annual Report.

If the Annual Report indicates that the total trip diversions are not being met, Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and amend the Development Order to change

TSM objectives and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

Development of such a TSM program shall be in cooperation with FDOT, Hillsborough County, MPO, HART and TBRPC. Such a program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ride sharing by public and private sector employees.

OBJECTIVES:
* Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ride-sharing efforts.

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

c. Boyette Road Extension. In the event the Boyette Road extension, to which traffic from this Development has been assigned, is not built as set forth in this Development Order, no specific approvals beyond Phase I of the Development shall be granted.

2. Mitigation Alternatives. The Developer shall, at its option, select one of the following alternatives to mitigate the Development's transportation impacts for Phase I. If Option 3 is selected but not performed as required in this section, mitigation of transportation impacts shall be governed by either Option 1 or Option 2.

a. Option 1

(1) Approval of any detailed site plans for Phase I of the Development shall require funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements indicated in Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(2) Subphasing of the Development is acceptable subject to agreement by Hillsborough County and TBRPC as to the amount of development in the subphase and the existence of funding commitments

for roadway improvements on affected roadways that would operate below LOS D at peak hour (C peak in rural areas) and the development consumes five percent or more of the existing LOS D peak hour (C peak rural) service volume of the facility. At the point in the development of Phase I at which roadway improvements are required pursuant to TBRPC policy for which no funding commitments can be assured, development in the project shall be subject to a stop order. The stop order shall require a new traffic analysis or monitoring as appropriate.

Table 1

PHASE I (1995) REQUIRED LINK IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
Bloomingdale Ave.	Kings Ave. Bell Shoals Rd.	E	6.5	Construct 4-lane divided arterial
Bell Shoals Rd.	Bloomingdale Ave. to Boyette Rd.	E	23.7	Construct 4-lane divided arterial
Lithia-Pinecrest Rd.	SR 60 to Lumsden Rd.	E	16.0	Construct 4-lane divided arterial
Boyette Rd.	Bell Shoals Rd. to site entrance	(not existing)	100.0	Construct 2-lane arterial

Table 2

PHASE I (1995) REQUIRED INTERSECTION IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
SR 60 at Lithia-Pinecrest Rd.	F	16.3	Construct an EB right-turn lane. Construct NB left-turn lane.
US 301 at Bloomingdale Ave.	F	5.8	Construct an additional EB through-lane. Construct an additional SB left-turn lane and an additional through-lane.
Bloomingdale Ave. at Bell Shoals Rd.	F	14.2	Construct EB through-lane. Construct WB through-lane and exclusive right-turn lane. Construct SB right-turn lane.
Boyette Road at Bell Shoals Rd.	F	33.8	Signalize. Construct WB right, through and left-turn lanes. Construct EB right- and left-turn lanes. Construct NB left-turn lane. Construct SB right-turn lane.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the FISH HAWK transportation study network, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, FDOT and TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of construction of any previously approved portion of Phase I plus that to be generated by the portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D at peak hour (C peak in rural areas). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak in rural areas), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak in rural areas).

c. Option 3

In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. If this option is not selected by written notice to Hillsborough County and TBRPC within ninety (90) days of the start date as defined below, this option shall expire. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phase I of the Development on the regionally significant transportation highway facilities within the primary impact area. Any approval of this mitigation/curing mechanism is based on the Development's impact on transportation facilities,

the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

(1) This pipeline option may be elected as full and complete satisfaction of the Developer's obligation to mitigate Phase I transportation impacts of the Development. Upon request of the Developer, prior to development beyond Phase I, a determination shall be made by Hillsborough County and coordinated by the County in writing with the other appropriate agencies whether or not a pipeline option for mitigation for the next Phase or Phases of the Development is permitted by then existing rules and regulations. If so, the Development Order may be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the next Phase or Phases of the Development with due consideration given for all improvements and contributions made by the Developer to mitigate traffic impacts. If Hillsborough County determines that a pipeline option is not appropriate, transportation mitigation for the next Phase or Phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

(2) The Required Pipeline Improvement (the "Required Improvement") under this Option 3, which includes the "Required Design", the "Required Right-of-Way Acquisition" and the "Required Construction" as defined below, shall be as follows:

(a) Developer shall design the 4.7 mile extension of Boyette Road from Bell Shoals Road to Lithia-Pinecrest Road (the "Boyette Road Extension") as a four-lane, divided, arterial roadway consistent with Hillsborough County design standards including appropriate transitional geometric improvements at the intersection of Bell Shoals/Boyette Road Extension and Lithia Pinecrest/Boyette Road Extension to maintain at least level of service D peak hour, at buildout of Phase I, at these intersections (the "Required Design"). All roadway plans shall be submitted for review and approval by Hillsborough County at the 30%, 60%, 90% and 100% complete stage. If Hillsborough County does not complete its review within thirty (30) days after each submittal, the County's review time shall be added to the time

allowed for completion of the Required Design as provided herein.

(b) Developer shall construct two lanes of the Boyette Road Extension in accordance with the Required Design in two segments (the "Required Construction"). The first segment ("Segment A") shall consist of a 1.7 mile segment from Bell Shoals Road to the west boundary of the Development. The second segment ("Segment B") shall consist of a 3.0 mile segment from the west boundary of the Development to Lithia-Pinecrest Road. Segment A shall be constructed prior to or concurrent with construction of Segment B. The Developer is obligated to complete the Required Construction regardless of the cost of such construction.

(c) ~~The two bridge structures included in the Required Improvement will be constructed to accommodate the future four-laning of the Boyette Road Extension.~~To accommodate the four-lane divided arterial roadway approved as the Required Design, the bridges over Fish Hawk Creek and Little Fish Hawk Creek shall be designed as two-lane bridges at each of the four creek crossings. Developer shall construct two two-lane bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, to accommodate the two-lane roadway constructed by Developer under Required Construction.

Developer shall fund and construct the two remaining bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, only if transportation analyses, required pursuant to the provisions of Section 380.06, Florida Statutes (per Section IV.A.2 of the Development Order) and prepared for Phases II, III and IV of Fish Hawk, identify the need for the Boyette Road Extension to be four-laned. The transportation analyses shall be done in accordance with generally accepted engineering practices and shall account for both background traffic and project traffic. Developer shall not be required to fund or construct the two remaining bridges if the transportation analyses required per Section IV.A.2 for development beyond Phase I do not indicate the need to four-lane the Boyette Road Extension to accommodate traffic generated by Fish Hawk Ranch DRI.

Developer shall be required to construct or fund construction of the two remaining bridges only in conjunction with and at the same time as the construction of the four-laning of the Boyette Road

Extension on or before the buildout of Fish Hawk. The intent of this condition is to prevent Developer from constructing or committing funds to construct said bridges if the road said bridges will serve will not be constructed on or before the buildout of Fish Hawk. For purposes of this Development Order, the term "buildout" shall mean the issuance of the last certificate of occupancy to complete the final phase of the project according to the phasing schedule set out in Article IV.A. of the Development Order, as it may be amended from time to time. Developer hereby assumes no obligation or liability to construct or fund the construction of the four-laning of the Boyette Road Extension.

The Developer shall enter into an agreement with Hillsborough County to specify the rights and obligations of each party with regard to the Boyette Road Extension. Said agreement shall not be inconsistent with the requirements of this Development Order. Said agreement shall be executed by both parties prior to~~final approval of the design of the Required Improvment.~~ commencement of the Required Construction.

(d) Hillsborough County shall provide the necessary right-of-way for the Required Improvement, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed for the Required Improvement, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the Required Improvement, including the exercise of its powers of eminent domain. Unless otherwise approved by the Hillsborough County Engineering Services Department, the right-of-way shall be 176 feet wide for a rural section or 128 feet wide for an urban section.

(e) The Hillsborough County Road Network impact fee, in accordance with Ordinances 86-4 as amended by Ordinances 87-19, 89-4 and 89-6 (Roadway Improvements), and Ordinance 85-24E as amended by Ordinances 86-5, 87-17 and 89-3 (Right-of-Way), has been determined to be Two Million Fifty Thousand and No/100ths Dollars ($2,050,000.00) for Phase I and Seven Million Fourteen Thousand and No/100ths Dollars ($7,014,000.00) for the entire Development (hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances"). The "Proportionate Share"

contribution by the Developer for Phase I, in accordance with Section 380.06, Florida Statutes, Rule 9J-2.0255, Florida Administrative Code, and Section 19.8.14, Future of the Region, has been determined to be Three Million Four Hundred Thirty-Five Thousand Five Hundred Sixteen and No/100ths Dollars ($3,435,516.00).

(f) The cost of Segment A has been determined to be Three Million Eight Hundred Twenty-Eight Thousand Twenty-One and No/100ths Dollars ($3,828.021.00), which amount exceeds the Developer's Proportionate Share obligation for Phase I. The total cost of the Required Improvement has been determined to be Eight Million Two Hundred Twenty-Eight Thousand One Hundred Fifty-Five and No/100ths Dollars ($8,228,155.00), which amount includes design, right-of-way acquisition, construction and construction inspection. The total contribution by the Developer for the Required Improvement, therefore, exceeds the Phase I Pipeline Proportionate Share Amount by Four Million Seven Hundred Ninety-Two Thousand Six Hundred Thirty-Nine and No/100ths Dollars ($4,792,639.00), exceeds the Phase I Transportation Impact Fee amount by Six Million One Hundred Seventy-Eight Thousand One Hundred Fifty-Five and No/100ths Dollars ($6,178,155.00), and exceeds the Development buildout Transportation Impact Fee amount by One Million Two Hundred Fourteen Thousand One Hundred Fifty-Five and No/100ths Dollars ($1,214,155.00).

(g) Buildings within FISH HAWK shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable transportation contributions, costs and expenses borne by the Developer pursuant to this Development Order including but not limited to costs for right-of-way acquisition, design, construction and construction inspection of the Required Improvement ("Developer Pipeline Expenses") shall be applied toward and be a credit against impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder. To the extent that Developer Pipeline Expenses exceed the Phase I proportionate share contribution under this condition, such excess shall, in accordance with then applicable law, be applied toward and be a credit against then applicable transportation

impact fees and proportionate share or pipeline assessments for Phases II, III and IV of the Development. If permitted by applicable regulations, said excess impact fee credits shall also be transferable to other projects of the Developer subject to a case-by-case approval by the Board of County Commissioners. Subject to approval of the Board of County Commissioners, any excess credits not otherwise recovered as provided above shall be recoverable from transportation and right-of-way impact fees paid by all other development which uses any portion of the Required Improvement as a direct access point. For purposes of this paragraph, "direct access point" shall mean any point of ingress or egress from the boundaries of the development which connects directly to the Required Improvement or to any new connector road to the Required Improvement that does not now exist. Developer may apply to recover such excess credits on a quarterly basis after completion of the Required Improvement.

(h) The Developer shall comply with the following time schedule, which schedule anticipates the difficulties expected to be encountered with the design, permitting, and construction of the bridge structure that are part of the Required Improvement:

(aa) Developer shall complete the Required Design no later than fifteen (15) months after the Start Date, which is defined as the date of final approval of the Development Order and the resolution of any appeals thereof, or the expiration of all appeal periods with no appeals having been filed.

(bb) Developer shall have acquired the necessary right-of-way for the Required Improvement ~~within four (4) months after approval of the Required Design~~on or before December 24, 1996.

(cc) Developer shall commence construction of Segment A no later than six (6) months after the date of final approval of the Required Design and the securing of all right-of-way required for said construction. Construction of Segment A shall be completed within eighteen (18) months after the commencement of its construction.

(dd) The Developer shall commence construction of Segment B within twelve (12)

months after the issuance of the Certificate of Occupancy for the 1,500th dwelling unit, and shall complete construction of Segment B within twenty-four (24) months after the commencement of its construction and in any event prior to the issuance of any building permits for Phase II.

(ee) In no event shall any more than three hundred (300) dwelling units (or peak hour traffic equivalent thereof) be developed in those parcels with direct access to Lithia Pinecrest Road until construction of Segment B has commenced.

(i) The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Required Improvement.

(j) Subject to paragraphs IV.B.2 and IV.B.2.c.(2)(i) below, if the Required Improvement is not designed and constructed in accordance with the above-stated schedule, no further building permits shall be issued. In such event, the County shall either require the Developer to immediately complete the Required Improvement or may require the Developer to provide the County a Bond or Letter of Credit in the full amount of the cost of the uncompleted portion of the Required Improvement, as determined by the County. The County shall draw down on the Bond or on the Letter of Credit for completion of the Required Improvement and shall complete the Required Improvement as expeditiously as possible and no further building permits shall be issued until completion of such improvement.

(k) In the event that the performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed by war, riot, strike, civil commotion, natural disaster or other event beyond Developer's control, then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed in connection with acquisition of necessary right-of-way or governmental approvals for the construction of the Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation

regarding such event(s) to Hillsborough County and TBRPC for their review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

C. Air Quality

1. The Developer and its successors or assigns shall be required to employ the fugitive dust emission abatement procedures referenced on page 13-6 of the Application.

2. Approval of Phases II, III and IV shall require further review of air quality, in the form of an updated air quality impact analysis as required by Chapter 380, Florida Statutes, and applicable rules and regulations of the Florida Department of Environmental Regulation ("FDER") and the Hillsborough County Environmental Protection Commission ("EPC"), with review and comment by TBRPC, and amendment of the Development Order to incorporate necessary measures to alleviate project impact.

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

D. Land

1. The methods identified on pages 14-1 and 14-4 of the ADA to overcome problems associated with particular soil types shall be implemented as appropriate.

2. The erosion control methods referenced on pages 14-4 and 14-5 of the ADA shall be implemented as appropriate.

E. Stormwater Management and Water Quality

1. Master Stormwater Management Plan. Prior to construction plan approval and the subsequent issuance of any site alteration/building permits, the Master Stormwater Management (drainage) Plan shall be submitted to TBRPC

and FDER for review and to Hillsborough County and the Southwest Florida Water Management District ("SWFWMD") for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such Master Stormwater Management Plans:

a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in effect at the time of construction plan submittal and review for a particular phase of the project.

b. The stormwater management system shall be designed, constructed and maintained to meet or exceed the requirements of Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD; and pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978), where applicable. In the absence of dedication of the stormwater management systems to Hillsborough County, the Developer shall be responsible for the operation and maintenance of the systems and shall provide for periodic sediment and vegetation removal operations as required. The Developer shall provide a copy of the operation and maintenance schedule with the Annual Report.

c. Incorporation of isolated wetlands within the stormwater management facilities shall be in compliance with requirements of FDER pursuant to Chapter 17-25, Florida Administrative Code, and the requirements of SWFWMD pursuant to Chapter 40D-4, Florida Administrative Code, subject to Section III.N. above.

d. Best Management Practices for reducing water quality impacts, as required by Hillsborough County and SWFWMD, shall be implemented, including a street cleaning program as necessary for private parking and roadway areas within the Development.

e. Biological treatment of stormwater shall be used wherever feasible.

2. Monitoring. In order to protect water quality in the Alafia River and its watershed, there shall be no

degradation of applicable water quality standards by the Development's stormwater exiting the site. Groundwater monitoring wells maintained by West Coast Regional Water Supply Authority ("WCRWSA"), presently exist in two locations on site as shown on Figure SR23-1 of the ADA. In addition to the existing groundwater monitoring wells, the Developer shall implement a semi-annual surface water quality monitoring program, to be instituted before any construction activity implementing Phase I approvals takes place and to continue through build-out of the Development, at minimum. Any violation of Chapter 17-3, Florida Administrative Code, determined to be caused by the Development shall require corrective measures as set forth by FDER. The following shall apply:

a. Sampling locations shall be in the areas where Fishawk Creek and Little Fishawk Creek intersect the project boundary, with the specific location to be determined in cooperation with Hillsborough County, FDER, and SWFWMD.

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

c. The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met by the Developer, or its assigns, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

d. Monitoring shall be conducted semi-annually for one year during May and September, following issuance of the Development Order and following construction of 25 percent, 50 percent, 75 percent and 100 percent of the units in each Phase until build-out of the Development. Monitoring parameters shall include the following:

- Total phosphorous
- Total nitrogen
- Orthophosphate P
- Organic N
- Ammonia N
- Chlorophyll-a
- Dissolved oxygen

- Lead
- Zinc
- Copper
- Biological oxygen demand (5 day)
- Oil and grease
- T coliforms
- F coliforms
- Ph
- Specific conductivity

3. Maintenance. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County.

4. Easements. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated 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.

5. Flood Plains.

   a. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.

   b. All encroachments into the 100-year floodplain shall require that loss of hydrologic storage capacity is compensated on-site in accordance with the requirements of Hillsborough County and SWFWMD.

   c. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways or easements, including grade level walkways, bicycle paths and similar facilities.

6. Wellhead Protection.

   a. The Developer shall work with the West Coast Regional Water Supply Authority (the "Authority") to maintain access for Authority staff or duly appointed agents to the CUP-required monitor wells located in Sections 21 and 29 T30 R21 for the purposes of maintenance and monitoring, until such time as monitoring of the wells is not required under CUP No. 204352. If either monitor well

requires repair or replacement as a result of damages caused by development activities, the Developer will bear the cost of such repair or replacement.

b. Any interim wastewater treatment facilities or disposal site located on the project site shall comply with all existing Federal, State and County regulations as they relate to the construction and operation of wastewater facilities and the disposal of waste. No interim wastewater treatment facilities or disposal sites shall be located wholly or in part within 2,500 feet of a South Central Hillsborough Regional Wellfield potable water supply well (referred to hereinafter as a "SCHRW wellhead") without approval from the Authority and Hillsborough County.

c. No stormwater detention/retention ponds or septic tanks shall be located within 200 feet of any then existing SCHRW wellhead property boundary. All retention/detention ponds located wholly or in part within 400 feet of any SCHRW wellhead property boundary shall be lined in all areas, other than littoral shelves, with an impermeable liner (clay or man-made material), unless otherwise approved by the Authority.

d. All excavations made on-site shall not remove the confining clay unit; not breach the limestone aquifer, regardless of the circumstances; not allow the discharge of toxic or hazardous substances into the excavated site at any time; and, for excavations located wholly or in part within 500 feet of any SCHRW wellhead, include provisions for collecting water samples and analyzing water quality for the purpose of protecting public health in accordance with applicable rules and regulations and include an analysis of the excavation's dewatering impact on the surficial aquifer and neighboring wells during the county review process.

e. The Developer shall institute and implement groundwater monitoring within the project area to ensure maintenance of the water quality of the surficial aquifer, the Floridan aquifer, and adjacent public supply wells (i.e., the South Central Hillsborough Regional Wellfield) in accordance with the rules and regulations of the Florida Department of Environmental Regulation and the Southwest Florida Water Management District. Copies of all data shall be furnished to the Authority and other appropriate agencies within thirty (30) days of receipt by the Developer, its

successors and assigns. The Authority shall be notified of and may be present for the construction of any monitor wells and at any sampling episodes.

f. No hazardous wastes shall be discharged or disposed of on the property, nor shall any hazardous waste be stored within 500 feet of any SCHRW wellhead property boundary.

g. If, at any time during the monitoring process instituted in accordance with the requirements of the Florida Department of Environmental Regulation or the Southwest Florida Water Management District, any monitor well on-site indicates the presence of pollutants, the Authority or other jurisdictional agencies may require intensified monitoring and data collection. If a source of pollution persists, then the Authority or other jurisdictional agencies may request modification of the Development Order based on action deemed necessary to protect the region's water supply, including the South Central Hillsborough Regional Wellfield, as determined by the Authority or any other jurisdictional regulatory agency.

h. The developer agrees to be bound by Federal and local rules and regulations and by rules and regulations adopted pursuant to Chapters 403 and 373, Florida Statutes, which rules and regulations govern groundwater classification, usage, reclassification and aquifer protection.

i. If the recommended protections listed above become redundant or unnecessary because local ordinances, state rules, and federal regulatory provisions are more strict or provide adequate assurances of groundwater protection, the Authority and other appropriate agencies may mutually agree to eliminate those requirements deemed unnecessary.

F. Vegetation and Wildlife.

1. Wetlands.

a. The approximate locations of the portions of the Development which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be designated on the Revised General Site Plan for Zoning Petition No. 89-0098 S.

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

(1) Except as otherwise required by agencies having jurisdiction:

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

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

(c) All on-site conservation area(s) shall be conserved unless a mitigation plan is approved by the Environmental Protection Commission and submitted to the Planning and Zoning Department. The plan shall be implemented prior to or concurrent with the wetlands being disturbed. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

(d) All losses of conservation/preservation areas shall require in kind replacement on a 1:1 basis. Mitigation for conservation/preservation area losses shall be implemented prior to or concurrent with the wetlands being disturbed.

2. Upland Preservation. The representative tracts of major upland vegetative communities shall be preserved on-site as shown on Exhibit "C" in a manner which will protect or enhance their natural function and value. The Developer shall dedicate approximately 705 acres of upland and wetland preservation areas and wildlife corridors as shown on Exhibit "C", attached hereto, to Hillsborough County for use as a resource oriented regional park. The dedication of this park land shall occur on or before the platting and construction of the north-south roadway crossing Fishawk Creek, as shown on the Revised General Site Plan. Along boundaries where upland preservation areas abut residential development, the Developer shall fence or otherwise delineate the boundaries of said preservation areas to discourage uncontrolled pedestrian traffic.

3. Protected Species.

a. In the event that any species listed in Section 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").

b. Gopher Tortoises. The designation of 326.5 acres of developable uplands as uplands preservation areas for gopher tortoise habitat, in conjunction with the design of wildlife corridors incorporating ±1822 acres of upland and wetland habitats (1707 on-site after ELAP sale), and including buffers along Fish Hawk and Little Fish Hawk Creek, all as shown on Exhibit "C" attached hereto, has been determined to mitigate the impacts of disturbing other gopher tortoise habitat on site. The Developer shall provide for on-site relocation of gopher tortoises to achieve maximum carrying capacities of tortoises per acre as determined by FGFWFC for all upland preservation areas. Copies of all permits relative to the on-site gopher tortoise population shall be provided to Hillsborough County and TBRPC in the Annual Report.

c. Southeastern Kestrel. The Developer shall implement a Southeastern Kestrel nest box program for the TECO easement in cooperation with the FGFWFC.

4. Recreation and Open Space.

a. The Developer, its successors or assigns, shall be responsible for maintaining all recreation and open space areas within the Development other than those for which Hillsborough County has assumed maintenance responsibilities.

b. The Developer shall provide a bike path/pedestrian system throughout the Development. The bicycle system shall incorporate whatever elements are necessary on the site to complement the County Bicycle Plan and extend the County System into the Development. No detailed site plans shall be approved which do not indicate these systems.

c. To comply with the park property assessment requirements of the Hillsborough County Park Site Improvement Program (Ordinances 85-23 and 85-25E, as amended), the Developer shall dedicate to

2. Wastewater.

a. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years by the Developer until said lines are dedicated to Hillsborough County. Faulty lines shall be replaced as quickly as feasible.

b. The Developer shall be required to take back effluent utilizing a functional recovered water system capable of taking back an amount at least equal to the quantity of wastewater generated by the Development in accordance with any uniformly applicable Hillsborough County ordinance or policy.

c. The selection of spray irrigation sites for the Development shall be based on a complete analysis in accordance with applicable regulations including the anticipated treatment level of the effluent and a detailed hydrogeological analysis of the sites to determine the potential for groundwater contamination from any hazardous waste or other pollutants.

d. The Developer shall pursue with Hillsborough County private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development and future surrounding development prior to application for permits to construct a project-specific package plant.

e. If an interim wastewater treatment plant becomes necessary, it shall only be located where a detailed hydrogeological analysis of the site in accordance with applicable rules and regulations determines low potential for groundwater contamination. Development within the Development shall be required to connect to public wastewater treatment facilities when said treatment becomes available to the site, at which time the interim plant shall be removed by the Developer.

3. Other Public Facilities. Prior to issuance of Building Permits, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, water, wastewater, electricity, fire, emergency medical services and police capabilities and facilities are available for the building(s) that are the subject of such Building Permits.

J. Energy Conservation.

1. All Development tenants, businesses and residents shall be encouraged to do the following:

   a. Establish energy policies, energy use monitoring and energy conservation, using a qualified energy use analyst;

   b. Institute programs to promote energy conservation by employees, buyers, suppliers and the public;

   c. Institute programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to encourage the use of energy efficient cooling, heating and lighting systems;

   d. Institute recycling programs;

   e. Employ innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

   f. Install total energy systems on large facilities, when cost effective;

   g. Use the most energy efficient technology economically feasible in the construction and operation of the Development's facilities;

   h. Use landscaping and retention of existing vegetation as a means for energy conservation;

   i. Use energy audits provided by energy companies or other qualified agencies;

   j. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

   k. Use landscaping and building orientation to reduce heat gain, where feasible;

   l. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate; and

   m. Utilize energy efficient packaging and/or recyclable materials.

2. A report on the status of implementation of the energy conservation measures referenced on pages 25.5 and 25.9 of the ADA and other such measures shall be included in each Annual Report.

3. The Developer should work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for Development businesses.

K. Education.

1. The Developer shall dedicate to the Hillsborough County School Board four (4) 15-acre elementary school sites and one (1) 25-acre junior high school site as shown on the Revised General Site Plan, or as otherwise approved by the School Board. Credits for said dedications shall be given pursuant to the Hillsborough County School Site Dedication Program Ordinance, No. 86-20.

2. The Developer shall incorporate the water and wastewater requirements for the five (5) school sites into the design of its water and wastewater systems.

3. If the County School Board should decide that one or more of the school sites is not required or that the location(s) is inappropriate, then the Developer shall be able to use the applicable parcel(s) for residential development provided the number of dwelling units approved for the Development is not increased.

L. Housing.

1. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

3. Residential areas of the Development 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.

4. The Developer shall encourage the development of neighborhood watch programs in the Development. A report on such programs shall be included in each Annual Report following occupancy of the 500th dwelling unit.

5. In order to ensure adequate housing opportunities exist at locations reasonably accessible to places of work and to address the housing policies of the state land development plan, prior to commencement of Phase II, the Developer shall conduct an analysis of the affordable housing needs to be generated by the Development, including the need for affordable housing for Phase I, (using a methodology approved by Hillsborough County and reviewed by DCA). If the analysis shows that the Development will generate significant affordable housing

needs which will not be met in the South Hillsborough County area, the Developer shall prepare a Housing Affordability Plan ("HAP") and shall submit the HAP to Hillsborough County for incorporation as an amendment to this Development Order, which amendment shall not be considered a substantial deviation. The HAP shall be consistent with the County comprehensive plan and applicable County land development regulations.

At a minimum, the HAP shall address:

a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.

b. Specific mechanism for HAP implementation.

c. Monitoring.

d. Location and placement of affordable units.

e. An assessment of the HAP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

f. Provisions for crediting the Developer for activities that address affordable housing.

H. General

1. Developer Commitments. The Developer's commitments set forth in the Application are summarized in Exhibit "D" entitled "Developer Commitments", and these commitments shall be honored, except as they may be superseded by specific terms of the Development Order.

2. Substantial Deviations. Pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the Development as described in the Application shall require a substantial deviation determination.

3. Notice of Adoption. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.

4. Excess Infrastructure. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve latter phases of the Development, shall be at the Developer's risk and shall not operate to relieve the Developer from conditions which must be complied with prior to commencement of the latter phases.

5. Effective Date. The effective date of the highlighted portions of this Amended and Restated Development Order (December 8, 1992), shall be the date of transmittal of Resolution No. R 92-0306 to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.

6. Date Rendered. This Amended and Restated Development Order (December 8, 1992) shall be deemed rendered as of the postmark date of the transmittal of copies ~~hereof~~ Resolution No. R 92-0306 to DCA, TBRPC and the Developer.

Hillsborough County the neighborhood and district park sites identified on the Revised General Site Plan. The Developer shall dedicate those park sites in conjunction with the platting of the first lots abutting said sites. The district park site shall be dedicated as a resource oriented park.

d. The designated public parks and recreation facilities within the Development shall be accessible to the elderly, handicapped and economically disadvantaged. The location of park sites may be changed subject to approval by the County, but any overall decrease in the acreage set aside for parks as shown on the Revised General Site Plan shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the County Parks and Recreation Department should decide that one or more of the park sites are not required or the locations are inappropriate, then the Developer shall be able to use the applicable parcel for residential development provided the number of dwelling units approved for the Development is not increased.

G. Archaeological and Historical Resources.

1. If archaeological sites 8Hi3393 or 8Hi3392 are to be impacted through development activities, archaeological test excavations shall be conducted to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing development activities at the sites. The final determination of significance shall be made in conjunction with the Florida Division of Historical Resources and Hillsborough County. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. These sites shall be included on the Revised General Site Plan.

2. If sites 8Hi3393 or 8Hi3392 are to be impacted by development activities and either or both are found to be significant, excavation of the significant sites shall be undertaken in accordance with guidelines of the Division of Historical Resources prior to the commencement of any ground-disturbing activities at the significant sites. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. Following review of the report by these agencies, notification of approval of the report by the Division of Historical Resources and the Hillsborough County Historical Commission shall allow ground-disturbing activities to commence.

3. The discovery of any additional 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 Hillsborough County.

H. Economics/Equal Opportunity.

1. The Developer shall encourage the promotion of entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities within the Development. A report on equal opportunity employment programs utilized by Development businesses and the program's effect should be incorporated into the Annual Report following issuance of the first Certificates of Occupancy for Development businesses.

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

3. The Developer shall encourage employers in the Development to institute programs to provide child care facilities at the place of employment or as a cooperative effort with other businesses. A report on child care programs utilized by Development business employees shall be incorporated into the Annual Report following issuance of the first Certificate of Occupancy for Development businesses.

I. Public Facilities.

1. Water.

a. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall stipulate to the satisfaction of Hillsborough County, in accordance with applicable regulations, the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the Development. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for the building construction which is the subject of the building permit.

b. On-site wells shall be operated and maintained by the Developer, its successors or assigns, or by the

entity or agency permitted to install and operate said wells by SWFWMD.

c. The Developer, its successors or assigns, shall be responsible for maintenance of all on-site water facilities unless otherwise required or agreed to by Hillsborough County.

d. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall ensure the provision of adequate fire hydrants (in number and appropriate location), fire flows and water pressure to serve each building for which fire protection is required in accordance with applicable regulations. The installation of a sprinkler system, fire hydrants or fire plan shall be options to meet these requirements. No building permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve such building is available.

e. Development within the Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses. The Developer shall submit a plan to Hillsborough County and TBRPC for the use of non-potable water on-site in the first Annual Report following issuance of the first Certificate of Occupancy.

f. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act, Section 533.14, Florida Statutes, and native vegetation shall be used in landscaping to the greatest extent possible.

g. The Developer shall dedicate to Hillsborough County the two (2) acre fire station site shown on the revised General Site Plan. The Developer shall be eligible for impact fee credits in accordance with Hillsborough County Ordinance 88-23. Dedication of the fire station shall occur upon written request of the County. In the event the Fire Department decides the fire station site is not required or the location is inappropriate, the Developer shall be able to use the parcel for residential development provided the number of dwelling units approved for the Development is not increased.

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

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

August 11, 1992

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

Re: Resolution No. R92-0166 - Amending the Development Order for Fish Hawk Ranch (DRI #191 - Amendment No. 2)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on July 14, 1992.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Linda Fryman
Linda Fryman
Manager, BOCC Records

mailed 8/12/92
received 8/14/92

revised maps - Exhibits C & D, and Ex. E are with the original document (D.O. amendment)

LF:ADF
Attachment
Certified Mail
cc: Board files (1 orig.)
J. Thomas Beck, Florida Department of Community Affairs
Keith W. Bricklemyer, Esquire
Honigman, Miller, Schwartz and Cohn (excluding exhibits)
Vincent A. Marchetti, Assistant County Attorney (excluding exhibits)
Gene Boles, Director, Planning and Development Management
Glen Cross, c/0 Honigman, Miller, Schwartz and Cohn
Dave Maltby, c/o Honigman, Miller, Schwarts and Cohn
Joe Egozcue, County Attorney's Office (excluding exhibits)

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R92-0166 - Amending the Development Order for Fish Hawk Ranch (DRI #191 - Amendment No. 2)

adopted by the Board in its regular meeting of July 14, 1992, as the same appears of record in MINUTE BOOK 194 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 11th day of August, 1992.

RICHARD AKE, CLERK

BY: Linda Lynn
Deputy Clerk

RESOLUTION NO. R92-0166

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA AMENDING THE DEVELOPMENT ORDER FOR FISH HAWK RANCH, DRI #191 AMENDMENT NO. 2

Upon motion of Commissioner Iorio, seconded by Commissioner Busansky, the following Resolution was adopted by a vote of 5 to 0.

WHEREAS, on July 11, 1989 the Board of County Commissioners adopted Resolution No. R89-0172 approving the Development Order for the Fish Hawk Ranch DRI #191, which became effective on July 25, 1989 (the "Development Order"); and,

WHEREAS, the Development Order was amended by Resolution R91-0085 on May 7, 1991; and,

WHEREAS, approximately 484 acres in the project have been sold to Hillsborough County under its Environmental Lands Acquisition Program requiring that the site plans be amended; and,

WHEREAS, on March 26, 1992, Fish Hawk Investment Fund, Ltd., by its authorized agent, Glen E. Cross, filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact for the Fish Hawk Ranch ("Notice of Change No. 2") in accordance with Section 380.06(19), Florida Statutes; and,

WHEREAS, Section 380.06(19), Florida Statutes requires that the Development Order be amended to reflect the revisions proposed in Notice of Change No. 2; and,

WHEREAS, pursuant to the provisions of Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on July 14, 1992 to consider a request to amend the Development Order; and,

WHEREAS, using current growth projections, the extension of the buildout for Phase I from 1995 to December 29, 2000, in lieu of using the growth projections in the Application for Development Approval, results in a decrease in background traffic at the end of the proposed revised Phase 1 buildout.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 14th DAY OF JULY, 1992 AS FOLLOWS:

1. That the following findings of fact are made:

   a. A review of the impacts generated by the amendment of the Development Order described herein has been conducted by Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs.

   b. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

   c. That the Developer's Certification, attached hereto as Exhibit "A", affirming that copies of the Notice of Change No. 2 have been delivered to all persons as required by law, is attached hereto and incorporated herein by reference.

   d. Approximately 484 acres in the project have been sold to Hillsborough County under its Environmental Lands Acquisition Program, requiring that the site plan be amended.

   e. Using current growth projects in lieu of the growth projections used in the Application for Development Approval results in a decrease in background traffic at the end of the proposed revised Phase 1 buildout.

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

2. That the following Conclusions of Law are made:

   a. That amendment of the Development Order, as set forth herein, does not involve a change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes.

   b. That all statutory procedures have been adhered to.

   c. That Resolutions No. 89-0172 and R91-0085 attached hereto and incorporated herein as Exhibit "E", are hereby reaffirmed in their entirety except as amended herein.

d. That nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.

e. That the amendment adopted hereby is consistent with the Comprehensive Plans of Hillsborough County and the State of Florida, and is consistent with applicable land development regulations.

3. Based on the above Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby amends the Fish Hawk Ranch DRI Development Order as follows:

a. Section IV.A.1 is hereby amended to replace the original phasing schedule with the following schedule:

YEARS*	OFFICE** (SQ.FT.)	COMMERCIAL** (SQ.FT.)	RESIDENTIAL (DWELLING UNITS)
Phase I 1993- Dec. 29, 2000	–	110,000	2,238
Phase II Dec. 30, 2000- Dec. 29, 2005	50,000	280,000	2,168
Phase III Dec. 30, 2005- Dec. 29, 2010	42,000	–	2,168
Phase IV Dec. 30, 2010- Dec. 29, 2015	–	–	1,105
TOTAL	92,000	390,000	7,679

* The years shown are estimates only and do not prohibit development at a slower or faster rate, subject to the other conditions of this Development Order.

** The commercial and office square footages for each phase shall be limited to the maximum square footages permitted under the Horizon 2000 Plan or the Future of Hillsborough Plan, as applicable.

b. Section IV.A.5 is hereby amended as follows:

5. The physical development of FISH HAWK shall begin on or before July 24, 1999.

c. Section IV.A.6 is hereby amended as follows:

6. This Development Order shall remain in effect for a period up to and including December 29, 2020. No new construction shall commence 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, TBRPC and the Department of Community Affairs ("DCA") a minimum of thirty (30) days prior to the expiration date of this Development Order.

d. Section IV.A.7 is hereby amended as follows:

7. This Development shall not be subject to downzoning or intensity reduction until December 29, 2020, 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 the local government to be essential to the public health, safety, or welfare.

e. Section IV.F.3b is hereby amended as follows:

The designation of 326.5 acres of developable uplands as uplands preservation areas for gopher tortoise habitat, in conjunction with the design of wildlife corridors incorporating ± 1822 acres of upland and wetland habitats (1707 on-site after ELAP sale), and including buffers along Fish Hawk and Little Fish Hawk Creek, all as shown on Exhibit "C" attached hereto, has been determined to mitigate the impacts of disturbing other gopher tortoise habitat on site. The Developer shall provide for on-site relocation of gopher tortoises to achieve maximum carrying capacities of tortoises per acre as determined by FGFWFC for all upland preservation areas. Copies of all permits relative to the on-site gopher tortoise population shall be provided to Hillsborough County and TBRPC in the Annual Report.

f. Amend Section IV.B.2.c.(2)(b) to add the following:

"The Developer is obligated to complete the required construction regardless of the cost of such construction".

g. Exhibit "B" to the Development Order is hereby replaced with Exhibit "B" attached hereto.

h. Exhibit "C" to the Development Order is hereby replaced with Exhibit "C" attached hereto.

i. Map "H", the Master Plan for the project, is hereby replaced by the Revised Master Plan dated June 17, 1992 attached hereto as Exhibit "D".

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

5. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

6. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the Department of Community Affairs, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting on July 14, 1992, as the same appears of record in Minute Book 194 of the Public Records of Hillsborough County, Florida

WITNESS my hand and official seal this 11th day of August, 1992.

RICHARD AKE, CLERK

BY: Linda Lyons
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY: _____
Approved as to Form and
Legal Sufficiency

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI Notice of Proposed Change No. 2, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its Notice of Proposed Change No. 2 for the Fish Hawk Ranch DRI on March 26, 1992.

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

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 26 day of March, 1992.

Notary Public
My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. JAN. 6,1994
BONDED THRU GENERAL INS. UND.

EXHIBIT A

AFFIDAVIT

RECEIVED
Planning & Development Management
JUL 30 1992
A.M. 7 8 9 10 11 12 1 2 3 4 5 6 P.M.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI Notice of Proposed Change No. 2, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its Notice of Proposed Change No. 2 for the Fish Hawk Ranch DRI on March 26, 1992.

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

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 26 day of March, 1992.

Notary Public
My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA MY COMMISSION EXP. JAN. 6,1994 BONDED THRU GENERAL INS. UND.

EXHIBIT A

IN TOWNSHIP 30 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 15:

(a) The SW-1/4 of NW-1/4.

(b) The N-1/2 of SW-1/4, LESS Seaboard System Railroad, Inc. former right-of-way.

(c) The S-1/2 of SW-1/4 and the SW-1/4 of SE-1/4, LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida. and LESS Seaboard System Railroad, Inc. former right-of-way.

Section 19: The SE-1/4.

Section 20: The S-1/2.

Section 21: The S-1/2 of the NE-1/4, and the S-1/2.

Section 22:

(a) The E-1/2, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

(b) That part of the E-1/2 of SW-1/4 lying East of the Lithia Station-Boyette Road.

EXHIBIT "B"

(c) The NW-1/4, (i) LESS that pai described as begin at the intersection of the north boundary line of the SE-1/4 of NW-1/4 with the east former right-of-way line of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company), run thence east 210 feet, thence southwesterly parallel to and 210 feet east of said former railroad right-of-way line 630 feet, thence west 210 feet to said former railroad right-of-way line, thence northeasterly along said former railroad right-of-way line 630 feet, more or less, to the point of beginning, and (ii) LESS that part of the W-3/4 of SE-1/4 of NW-1/4 lying west of Lithia Station-Boyette Road and lying east of the former right-of-way of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company) and lying South of the excepted parcel described immediately above, and (iii) LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and (iv) LESS those parts of the SE-1/4 of NW-1/4 conveyed by Agrico Chemical Company under deed to Bud Sanders and wife dated July 20, 1983, recorded in Official Records Book 4178, page 520, Hillsborough County, Florida, and under deed to Michael J. Brannon and wife dated July 20, 1983, recorded in Official Records Book 4178, page 522, Hillsborough County, Florida, and under deed to General Telephone Company of Florida dated July 20, 1983, recorded in Official Records Book 4161, page 1439, Hillsborough County, Florida, and (v) LESS those parts of the NW-1/4 of NW-1/4 conveyed by Agrico Chemical Company to the County of Hillsborough under deed dated April 29, 1985, recorded in Official Records Book 4557, page 1919, Hillsborough County, Florida, and (vi) LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and (vii) LESS Seaboard System Railroad, Inc. former right-of-way.

Section 23: The W-1/2 of NW-1/4, and the SW-1/4, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and LESS the north 25 feet of the NW-1/4 of NW-1/4 as described in right-of-way deed (Thompson Road) from American Agricultural Chemical Company to the County of Hillsborough dated November 9, 1954, recorded in Deed Book 1854, page 316, Hillsborough County, Florida.

Section 28: That part of the S-1/2 lying westerly of the Seaboard System Railroad, Inc., former right-of-way, and the W-3/4 of N-1/2 of NE-1/4, and the W-3/4 of W-1/2 of NW-1/4, and the E-1/2 of NW-1/4 LESS the E-1/2 of SE-1/4 of NE-1/4 of NW-1/4.

Section 29: All, (i) LESS the E-1/2 of NE-1/4 of NW-1/4, and (ii) LESS the SE-1/4 of SE-1/4 of NE-1/4, and (iii) LESS the E-1/2 of W-1/2 of NE-1/4 of SW-1/4.

Section 30: The E-1/2.

Section 31: The NE-1/4, and the E-1/2 of SE-1/4.

Section 32: All, (i) LESS the SW-1/4 of SW-1/4, and (ii) LESS the W-1/2 of NW-1/4 of SW-1/4 and (iii) LESS Seaboard System Railroad, Inc. former right-of-way.

Section 33: That part of the N-1/2 lying westerly of the Seaboard System Railroad, Inc., former right-of-way, and the S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of old Lithia Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida), and LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida, and LESS Seaboard System Railroad, Inc. former right-of-way.

Section 34:

(a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run south 209 feet, thence east 209 feet, thence north 109 feet, thence east 451 feet, more or less to the east boundary of the NW-1/4 of SW-1/4, thence north 100 feet to the northeast corner thereof, thence west along the north boundary thereof 660 feet, more or less, to the point of beginning.

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

IN TOWNSHIP 31 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 4: The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning.

Section 5:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) former right-of-way, said point being 50 feet from and at right angles to the center line of said former railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

(b) The NE-1/4 of NW-1/4, and that part of the SE-1/4 of NW-1/4, if any, lying north and west of Boyette-Balm Road, and that part of the N-1/2 of NE-1/4 lying westerly of the Seaboard System Railroad, Inc., right-of-way, LESS that part lying in the S-1/2 of SW-1/4 of NE-1/4 of NE-1/4. (The S-1/2 of SE-1/4 of NW-1/4 of NE-1/4 consists of Lots 1, 2, 3, and 4 according to the plat of A. F. TURNER'S SUBDIVISION recorded in Plat Book 8, page 26, Hillsborough County, Florida.)

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: A parcel of land lying in Section 15 and Section 22, all in Township 30 South, Range 21 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

From the Southwest corr~r of the Southwest 1/4 of Section 15, Township 30 South, Range . East, Hillsborough Count: Florida, run thence N.89°41'37"E., 122.32 feet, along the South boundary of the Southwest 1/4 of said Section 15 to a point on the Northerly right of way line of Lithia-Pinecrest Road and the POINT OF BEGINNING; thence N.43°03'59"W., 178.67 feet, along said Northerly right of way line to a point on the West boundary of the Southwest 1/4 of said Section 15; thence N.00°08'13"E., 2536.17 feet, along said West boundary to the Northwest corner of the Southwest 1/4 of said Section 15 to the Northwest corner thereof; thence N.00°05'32"E., 1323.83 feet, along the West boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Northwest corner thereof; thence N.89°35'13"E., 1319.30 feet, along the North boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Northeast corner thereof; thence S.00°37'54"E., 1353.79 feet, along the East boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Southeast corner thereof; thence N.89°42'51"E., 1318.59 feet, along the North boundary of the Southwest 1/4 of said Section 15 to the Northeast corner thereof; thence S.00°17'22"E., 1097.46 feet, along the East boundary of the Southwest 1/4 of said Section 15 to a point on the Northwesterly right of way line of a C.S.X. Transportation, Inc. 100 foot railroad right of way; thence S.28°54'31"W., 1419.12 feet, along said Northwesterly right of way line; thence S.71°24'42"W., 714.14 feet; thence S.12°25'51"W., 81.19 feet, to a point on the South boundary of said Section 15; thence continue S.12°25'51"W., 1005.43 feet, to a point on a curve and the aforesaid Northerly right of way line of Lithia-Pinecrest Road; thence Northwesterly, 444.15 feet along the arc of a curve to the left having a radius of 3769.72 feet and a central angle of 06°45'02" (chord bearing N.46°26'31"W., 443.89 feet); thence N.43°03'59"W., 916.75 feet, continuing along said Northerly right of way line to the POINT OF BEGINNING.

Containing 198.208 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the Southeast 1/4 of Section 19, and the South 1/2 of Section 20, all in Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast 1/4 of Section 19, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence S.89°25'59"E., 2659.31 feet, along the North boundary of the Southeast 1/4 of said Section 19, to the Northeast corner thereof; thence N.89°46'17"E., 1868.68 feet, along the North boundary of the South 1/2 of the aforesaid Section 20; thence S.00°14'27"W., 897.75 feet, to a point on the North boundary of a 160 foot Tampa Electric Company Easement as described in Deed Book 1737, Pages 19 & 20, of the Public Records of Hillsborough County, Florida; thence N.89°35'08"W., 4523.56 feet, along said North boundary, to a point on the West boundary of the Southeast 1/4 of said Section 19; thence N.00°02'24"W., 883.88 feet, along said West boundary, to the POINT OF BEGINNING.

Containing 91.759 acres, more or less.

LESS AND EXCEPT THE F LOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.89°46'17"E., 1968.68 feet, along the North boundary of the South 1/2 of said Section 20, to the POINT OF BEGINNING; thence continue N.89°46'17"E., 676.71 feet, along the said North boundary; thence S.14°17'09"E., 121.75 feet; thence S.06°45'08"E., 127.24 feet; thence S.01°43'02"E., 118.16 feet; thence S.22°01'30"E., 125.24 feet; thence S.13°10'57"W., 110.09 feet; thence S.22°54'48"E., 190.56 feet; thence S.35°12'22"W., 53.98 feet; thence S.42°07'49"E., 111.31 feet; thence N.67°08'31"E., 67.62 feet; thence S.46°34'05"E., 68.37 feet, to a point on the North boundary of a 160 foot Tampa Electric Company Easement as described in Deed Book 1737, Pages 19 & 20, of the Public Records of Hillsborough County, Florida; thence N.89°35'08"W., 980.61 feet, along said North boundary; thence N.00°14'27"E., 898.88 feet, to the POINT OF BEGINNING.

Containing 15.742 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the Southeast 1/4 of Section 19, and South 1/2 of Section 20, and the East 1/2 of Section 30, all in Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

BEGINNING at the Southwest corner of the Southeast 1/4 of Section 19, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.00°02'24"W., 1362.64 feet, along the West boundary of the Southeast 1/4 of said Section 20, to a point on the proposed South right of way line of Boyette Road Extension; thence along said proposed South right of way line, the following three (3) courses; 1) S.88°50'07"E., 759.85 feet; 2) S.89°35'08"E., 2578.63 feet, to a point of curvature; 3) Southeasterly, 324.19 feet along the arc of a curve to the right having a radius of 1489.02 feet and a central angle of 12°28'28" (chord bearing S.83°20'54"E., 323.55 feet); thence S.33°24'52"W., 187.79 feet, to a point of curvature; thence Southwesterly, 572.32 feet along the arc of a curve to the left having a radius of 3015.00 feet and a central angle of 10°52'34" (chord bearing S.27°58'35"W., 571.46 feet); thence N.89°16'18"W., 2023.53 feet; thence S.00°07'27"E., 2558.78 feet; thence S.38°14'14"W., 1009.94 feet; thence S.00°05'49"E., 844.27 feet; thence S.67°42'11"W., 21.70 feet; thence S.04°44'45"E., 75.72 feet; thence S.26°16'35"W., 54.81 feet; thence S.86°49'51"W., 74.48 feet; thence S.66°00'44"W., 63.62 feet; thence S.70°27'36"W., 103.02 feet; thence S.71°00'44"W., 82.74 feet; thence S.57°49'50"W., 87.93 feet; thence N.54°46'44"W., 32.78 feet; thence S.46°40'07"W., 95.32 feet; thence N.84°06'42"W., 123.40 feet, to a point on the West boundary of the East 1/2 of the aforesaid Section 30; thence N.00°05'49"W., 3845.82 feet, along said West boundary, to the POINT OF BEGINNING.

Containing 162.499 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL 1 CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence S.89°37'09"E., 2688.77 feet, along the South boundary of said Section 20; thence N.89°40'29"E., 278.98 feet, along the South boundary of said Section 20, to the POINT OF BEGINNING; thence N.00°19'32"W., 555.96 feet, to a point on a curve and the proposed South right of way line of Boyette Road Extension; thence Northeasterly, 553.85 feet along said proposed South right of way line and the arc of a curve to the left having a radius of 1248.92 feet and a central angle of 25°24'31" (chord bearing N.68°44'37"E., 549.32 feet); thence S.33°57'38"E., 158.90 feet; thence N.53°03'56"E., 292.27 feet; thence S.45°16'02"E., 33.19 feet; thence S.36°44'37"E., 25.26 feet; thence S.03°41'09"E., 27.08 feet; thence S.28°08'08"E., 46.00 feet; thence S.63°51'30"E., 31.64 feet; thence S.09°58'42"W., 25.01 feet; thence S.20°37'58"E., 22.65 feet; thence S.39°45'01"E., 33.46 feet; thence S.60°42'43"E., 31.73 feet; thence S.27°08'22"E., 35.51 feet; thence N.84°43'45"E., 26.98 feet; thence N.20°44'14"E., 35.03 feet; thence N.31°32'55"E., 37.55 feet; thence N.05°44'44"E., 46.05 feet; thence S.87°48'56"E., 16.35 feet; thence S.40°57'37"E., 40.90 feet; thence S.04°26'54"W., 48.86 feet; thence N.84°27'57"E., 31.61 feet; thence N.67°11'04"E., 13.88 feet; thence S.33°04'38"E., 34.36 feet; thence S.02°24'04"E., 53.18 feet; thence S.62°21'52"W., 66.53 feet; thence N.47°21'48"W., 80.46 feet; thence S.41°31'21"W., 53.59 feet; thence S.26°55'41"E., 67.53 feet; thence S.53°53'09"E., 56.36 feet; thence N.81°52'41"E., 33.53 feet; thence S.21°03'49"W., 69.53 feet; thence S.13°18'54"W., 56.88 feet; thence S.57°21'44"W., 100.87 feet; thence S.14°35'16"W., 73.81 feet; thence S.25°25'12"W., 67.39 feet; thence S.24°35'44"W., 83.06 feet; thence S.30°03'24"W., 25.14 feet, to a point on the South boundary of the aforesaid Section 20; thence S.89°40'29"W., 896.67 feet, along said South boundary, to the POINT OF BEGINNING.

Containing 15.614 acres, more or less.

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

June 4, 1991

RECEIVED
JUN 7 1991
Tampa Bay Regional
Planning Council

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

Re: Resolution No. R91-0085 - Amendment to Development Order for Fish Hawk Ranch (DRI #191)

Dear Ms. Cooper:

Attached is a certified executed copy of the referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on May 7, 1991.

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

mailed June 5, 1991

JMN:CS
Attachment
Certified Mail
cc: Board files (1 orig.)
Keith Bricklemyer, Esquire
J. Thomas Beck, State Department of Community Affairs
Lucia Garsys, Manager, Planning and Zoning
Paula Harvey, Acting Director, Planning and Zoning
John Dixon Wall, Chief Assistant County Attorney

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 H.C. Resolution No. R91-0085 - Amending the Development Order for Fish Hawk Ranch, DRI #191

adopted by the Board in its regular meeting of May 7, 1991, as the same appears of record in MINUTE BOOK 180 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 4th day of June, 1991.

RICHARD AKE, CLERK

BY: Judith M. Nichols
Deputy Clerk

FINAL
05/07/91
VAM/jk

RESOLUTION NO. R91-0085

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING THE DEVELOPMENT ORDER
FOR FISH HAWK RANCH, DRI #191

Upon motion of Commissioner James Selvey, seconded by Commissioner Ed Turanchik, the following Resolution was adopted by a vote of 6 to 0, with Commissioner(s) _____ voting "No."

WHEREAS, on July 11, 1989 the Board of County Commissioners adopted Resolution No. R89-0172 approving the Development Order for the Fish Hawk Ranch DRI #191, which became effective on July 25, 1989 (the "Development Order"); and,

WHEREAS, the Development Order requires the Developer to make certain roadway improvements pursuant to Section IV.B.2.c.; and,

WHEREAS, the required roadway improvement was originally envisioned to include only two four-lane bridge structures, but, based on environmental considerations, now requires four two-lane bridge structures; and,

WHEREAS, on March 12, 1991, Shimberg-Cross Company, by its authorized agent, Keith W. Bricklemyer, filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact for the Fish Hawk Ranch ("Notice of Change") in accordance with Section 380.06(19), Florida Statutes (Supp. 1990); and,

WHEREAS, Section 380.06(19), Florida Statutes (Supp. 1990) requires that the Development Order be amended to reflect the revisions proposed in the Notice of Change; and,

WHEREAS, pursuant to the provisions of Section 380.06(19), Florida Statutes (Supp. 1990), public notice was given that a public hearing would be held by the Board of County Commissioners on May 7, 1991 to consider a request to amend the Development Order.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 7th DAY OF May, 1991 AS FOLLOWS:

1. That the following findings of fact are made:

   a. A review of the impacts generated by the amendment of the Development Order described herein has been conducted by Hillsborough County, Tampa Bay

Regional Planning Council and the Department of Community Affairs.

b. The Proportionate Share for Phase I of the Development Order shall remain Three Million Four Hundred Thirty-Five Thousand Five Hundred Sixteen and No/100th Dollars ($3,435,516.00).

c. The cost of the new pipeline project is estimated to be Seven Million Eight Hundred Thousand and No/100th Dollars (7,800,000.00).

d. The pipeline project as amended is regionally significant.

e. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

f. All recitations and findings set forth herein are incorporated herein by reference.

2. That Subsection IV.B.2.c (2)(c) of the Development Order approved by Resolution No. R89-0172 is hereby deleted in its entirety and replaced with the following:

(c) To accommodate the four-lane divided arterial roadway approved as the Required Design, the bridges over Fish Hawk Creek and Little Fish Hawk Creek shall be designed as two-lane bridges at each of the four creek crossings. Developer shall construct two two-lane bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, to accommodate the two-lane roadway constructed by Developer under Required Construction.

Developer shall fund and construct the two remaining bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, only if transportation analyses, required pursuant to the provisions of Section 380.06, Florida Statutes (per Section IV.A.2 of the Development Order) and prepared for Phases II, III and IV of Fish Hawk, identify the need for the Boyette Road Extension to be four-laned. The transportation analyses shall be done in accordance with generally accepted engineering practices and shall account for both background traffic and project traffic. Developer shall not be required to fund or construct the two remaining bridges if the transportation analyses required per Section IV.A.2 for development beyond Phase I do not indicate the need to four-lane the Boyette Road Extension to accommodate traffic generated by Fish Hawk Ranch DRI.

Developer shall be required to construct or fund construction of the two remaining bridges only in conjunction with and at the same time as the construction of the four-laning of the Boyette Road Extension on or before the buildout of Fish Hawk. The intent of this condition is to prevent Developer from constructing or committing funds to construct said bridges if the road said bridges will serve will not be constructed on or before the buildout of Fish Hawk. For purposes of this Development Order, the term "buildout" shall mean the issuance of the last certificate of occupancy to complete the final phase of the project according to the phasing schedule set out in Article IV.A. of the Development Order, as it may be amended from time to time. Developer hereby assumes no obligation or liability to construct or fund the construction of the four-laning of the Boyette Road Extension.

The developer shall enter into an agreement with Hillsborough County to specify the rights and obligations of each party with regard to the Boyette Road Extension. Said agreement shall not be inconsistent with the requirements of this Development Order. Said agreement shall be executed by both parties prior to final approval of the design of the Required Improvement.

3. That the Developer's Certification, Exhibit "A", affirming that copies of the Notice of Change have been delivered to all persons as required by law, is attached hereto and incorporated herein by reference.

4. That the Developer's Certification, Exhibit "B", affirming that a complete copy of the Application for Development Approval, as modified or amended, has been delivered to all persons as required by law, is attached hereto and incorporated herein by reference.

5. That amendment of the Development Order, as set forth herein, does not involve a change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes (Supp. 1990).

6. That all statutory procedures have been adhered to.

7. That Resolution No. 89-0172, attached hereto and incorporated herein as Exhibit "C," is hereby reaffirmed in its entirety except as amended herein.

8. That nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.

9. That the amendment adopted hereby is consistent with the Comprehensive Plan's of Hillsborough County and the State of Florida, and is consistent with land development regulations.

10. That the Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes (Supp. 1990).

11. That this Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (Supp. 1990).

12. That upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the Department of Community Affairs, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of May 7, 1991, as the same appears of record in Minute Book 180 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 4th day of June, 1991.

RICHARD AKE, CLERK

BY: Judith M. Nichols
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY: _____
Approved as to Form and
Legal Sufficiency

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI Notice of Proposed Change #1, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its Notice of Proposed Change #1 for the Fish Hawk Ranch DRI on March 12, 1991.

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

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 7th day of May, 1991.

Notary Public
My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA MY COMMISSION EXP. JAN. 8,1994 BONDED THRU GENERAL INS. UND.

EXHIBIT A

T6068o

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its application for development approval for Fish Hawk Ranch on November 2, 1988. The first sufficiency response was filed on February 16, 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 Exhibit 1.

3. Proportionate share calculations for Phase I were filed with Hillsborough County, TBRPC and DCA.

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 18th day of July, 1989.

Bonnie L. Boyette
Notary Public
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: JAN. 24, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

BRYRK17A16

EXHIBIT B

Resolution No. R89-0172
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #191 DEVELOPMENT ORDER FOR
FISH HAWK RANCH

Upon motion by Commissioner Selvey, seconded by Commissioner Colson, the following Resolution was adopted by a vote of 6 to 1, Commissioner Platt voting "No."

WHEREAS, on November 4, 1988, the Shimberg-Cross Company, Inc. (hereinafter "Applicant" or "Developer") filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a RESIDENTIAL, COMMERCIAL and OFFICE PROJECT on approximately FOUR THOUSAND EIGHT HUNDRED SIXTY-NINE (4,869.6) acres, located in South Hillsborough County, hereinafter referred to as "FISH HAWK" or "Development"; and

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

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

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

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on July 11, 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 agencies as well as the review and report of the Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 11th DAY OF July, 1989, AS FOLLOWS:

I. FINDINGS OF FACT

A. Shimberg-Cross Company submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Response which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval, Sufficiency Response and other exhibits specifically incorporated in this Resolution.

EXHIBIT C

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

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

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

E. A comprehensive review of the impacts generated by the Development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission (the "Planning Commission"), and the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

F. The authorized agent of FISH HAWK is Keith W. Bricklemyer, Honigman Miller Schwartz and Cohn, 777 South Harbour Island Blvd., Suite 350, Tampa, Florida 33602.

II. CONCLUSIONS OF LAW

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

1. The Development is consistent with local land development regulations and is consistent with the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and state and regional comprehensive plans.

2. The Development is consistent with the report and recommendations of TBRPC.

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

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

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

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

E. The current Hillsborough County Horizon 2000 Land Use Plan Map designates the area within which this land lies as SUBURBAN RESIDENTIAL (SR) and RURAL RESIDENTIAL (RR). These existing designations are consistent with the proposed Future of Hillsborough County Land Use Plan Map designations of the area as "LOW SUBURBAN DENSITY RESIDENTIAL" (LSDR) and "RURAL RESIDENTIAL" (RR).

III. GENERAL PROVISIONS

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

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

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

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

E. This Development Order shall be binding upon the Developer and its successors and assigns, 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 FISH HAWK, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate body created to perform such responsibilities, provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Subsection 380.06(19)(b), Florida Statutes, or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other type of regional impact not previously reviewed by Hillsborough County and TBRPC, shall result in further Development of Regional Impact ("DRI") review pursuant to Section 380.06, Florida Statutes.

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 issue a notice of such noncompliance to the Developer, or 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, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85, as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the 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; and

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

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

4. A statement setting forth the name(s) and address(es) of any successors or assigns 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, except as otherwise provided herein, to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order shall become effective upon the date of transmittal to the parties specified in Subsection 380.07 (2), Florida Statutes, as amended.

N. The Developer has elected, pursuant to Subsection 380.06(5) (c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 and each chapter's respective implementing rules and regulations in effect as of the effective date of this Development Order. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

Years*	Office** (Sq.Ft.)	Commercial** (Sq. Ft.)	Residential (Dwelling Units)
Phase I (1990-1995)	--	110,000	2,238
Phase II (1996-2000)	50,000	280,000	2,168
Phase III (2001-2005)	42,000	--	2,168
Phase IV (2006-2010)	--	--	2,168
TOTAL	92,000	390,000	8,742

* The years shown are estimates only and do not prohibit development at a slower or faster rate, subject to the other conditions of this Development Order.

** The commercial and office square footages for each phase shall be limited to the maximum square footages permitted under the Horizon 2000 Plan or the Future of Hillsborough Plan, as applicable.

2. Specific final development approval is accorded to Phase I, subject to the conditions contained herein. Specific approval of Phases II, III, and IV shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts.

3. For purposes of this Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the phase.

4. Any amendments to the proposed phasing schedule shall be submitted to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Development Order are otherwise fully complied with. Any significant departure in project buildout

from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

5. The physical development of FISH HAWK shall begin within five years of the effective date of this Development Order.

6. This Development Order shall remain in effect for a period up to and including December 31, 2015. No new construction shall commence 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, TBRPC and the Department of Community Affairs ("DCA") a minimum of thirty (30) days prior to the expiration date of this Development Order.

7. This Development shall not be subject to downzoning, or intensity reduction until January 1, 2016, 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 the local government to be essential to the public health, safety, or welfare.

B. Transportation

1. General Transportation Conditions

a. Monitoring. When Certificates of Occupancy have been issued for 1,500 single family residential units (or the equivalent thereof in terms of trip generation), an annual monitoring program to provide peak-hour traffic counts at the Development's entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. The Developer may perform a more detailed engineering survey to more accurately evaluate the results of the monitoring program. Counts shall be performed on an annual basis through build-out of Phase I. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, may amend the Development Order to require additional roadway improvements or other mitigation measures according to the results of a revised transportation analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

The methodology for a new traffic analysis required during the additional review shall be based upon the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

b. TSM. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of Certificates of Occupancy for 1,500 single family residential units (or the equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the PM peak-hour which is consistent with the assumptions used to prepare the Application. Such a program shall be reviewed by Hillsborough County, the Hillsborough County Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), TBRPC and the Florida Department of Transportation ("FDOT").

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the implementation of each TSM measure. The results of the TSM program shall be included in the Annual Report.

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

Development of such a TSM program shall be in cooperation with FDOT, Hillsborough County, MPO, HART and TBRPC. Such a program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ride sharing by public and private sector employees.

OBJECTIVES:
*Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ride-sharing efforts.

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

c. Boyette Road Extension. In the event the Boyette Road extension, to which traffic from this Development has been assigned, is not built as set forth in this Development Order, no specific approvals beyond Phase I of the Development shall be granted.

2. Mitigation Alternatives. The Developer shall, at its option, select one of the following alternatives to mitigate the Development's transportation impacts for Phase I. If Option 3 is selected but not performed as required in this section, mitigation of transportation impacts shall be governed by either Option 1 or Option 2.

a. Option 1

(1) Approval of any detailed site plans for Phase I of the Development shall require funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements indicated in Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(2) Subphasing of the Development is acceptable subject to agreement by Hillsborough County and TBRPC as to the amount of development in the subphase and the existence of funding commitments for roadway improvements on affected roadways that would operate below LOS D at peak hour (C peak in rural areas) and the development consumes five percent or more of the existing LOS D peak hour (C peak rural) service volume of the facility. At the point in the development of Phase I at which roadway improvements are required pursuant to TBRPC policy for which no funding commitments can be assured, development in the project shall be subject to a stop order. The stop order shall require a new traffic analysis or monitoring as appropriate.

Table 1

PHASE I (1995) REQUIRED LINK IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
Bloomingdale Ave.	Kings Ave. Bell Shoals Rd.	E	6.5	Construct 4-lane divided arterial
Bell Shoals Rd.	Bloomingdale Ave. to Boyette Rd.	E	23.7	Construct 4-lane divided arterial
Lithia-Pinecrest Rd.	SR 60 to Lumsden Rd.	E	16.0	Construct 4-lane divided arterial
Boyette Rd.	Bell Shoals Rd. to site entrance	(not existing)	100.0	Construct 2-lane arterial

Table 2

PHASE I (1995) REQUIRED INTERSECTION IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
SR 60 at Lithia-Pinecrest Rd.	F	16.3	Construct an EB right-turn lane. Construct NB left-turn lane
US 301 at Bloomingdale Avenue	F	5.8	Construct an additional EB through-lane. Construct an additional SB left-turn lane and an additional through-lane.
Bloomingdale Ave. at Bell Shoals Road	F	14.2	Construct EB through-lane. Construct WB through-lane and exclusive right-turn lane. Construct SB right-turn lane.
Boyette Road at Bell Shoals Rd.	F	33.8	Signalize. Construct WB right, through and left-turn lanes. Construct EB right- and left-turn lanes. Construct NB left-turn lane. Construct SB right-turn lane.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the FISH HAWK transportation study network, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, FDOT and TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of construction of any previously approved portion of Phase I plus that to be generated by the portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D at peak hour (C peak in rural areas). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak in rural areas), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak in rural areas).

c. Option 3

In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. If this option is not selected by written notice to Hillsborough County and TBRPC within ninety (90) days of the start date as defined below, this option shall expire. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phase I of the Development on the regionally significant transportation highway facilities within the primary impact area. Any approval of this mitigation/curing mechanism is based on the Development's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

(1) This pipeline option may be elected as full and complete satisfaction of the Developer's obligation to mitigate Phase I transportation impacts of the Development. Upon request of the Developer, prior to development beyond Phase I, a determination shall be made by Hillsborough County and coordinated by the County in writing with the other appropriate agencies whether or not a pipeline option for mitigation for the next Phase or Phases of the Development is permitted by then

existing rules and regulations. If so, the Development Order may be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the next Phase or Phases of the Development with due consideration given for all improvements and contributions made by the Developer to mitigate traffic impacts. If Hillsborough County determines that a pipeline option is not appropriate, transportation mitigation for the next Phase or Phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

(2) The Required Pipeline Improvement (the "Required Improvement") under this Option 3, which includes the "Required Design", the "Required Right-of-Way Acquisition" and the "Required Construction" as defined below, shall be as follows:

(a) Developer shall design the 4.7 mile extension of Boyette Road from Bell Shoals Road to Lithia-Pinecrest Road (the "Boyette Road Extension") as a four-lane, divided, arterial roadway consistent with Hillsborough County design standards including appropriate transitional geometric improvements at the intersection of Bell Shoals/Boyette Road Extension and Lithia Pinecrest/Boyette Road Extension to maintain at least level of service D peak hour, at buildout of Phase I, at these intersections (the "Required Design"). All roadway plans shall be submitted for review and approval by Hillsborough County at the 30%, 60%, 90% and 100% complete stage. If Hillsborough County does not complete its review within thirty (30) days after each submittal, the County's review time shall be added to the time allowed for completion of the Required Design as provided herein.

(b) Developer shall construct two lanes of the Boyette Road Extension in accordance with the Required Design in two segments (the "Required Construction"). The first segment ("Segment A") shall consist of a 1.7 mile segment from Bell Shoals Road to the west boundary of the Development. The second segment ("Segment B") shall consist of a 3.0 mile segment from the west boundary of the Development to Lithia-Pinecrest Road. Segment A shall be constructed prior to or concurrent with construction of Segment B.

(c) The two bridge structures included in the Required Improvement will be constructed to accommodate the future four-laning of the Boyette Road Extension.

(d) Hillsborough County shall provide the necessary right-of-way for the Required Improvement, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed for the Required Improvement, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the Required Improvement, including the exercise of its powers of eminent domain. Unless otherwise approved by the Hillsborough County Engineering

Services Department, the right-of-way shall be 176 feet wide for a rural section or 128 feet wide for an urban section.

(e) The Hillsborough County Road Network impact fee, in accordance with Ordinances 86-4 as amended by Ordinances 87-19, 89-4 and 89-6 (Roadway Improvements), and Ordinance 85-24E as amended by Ordinances 86-5, 87-17 and 89-3 (Right-of-Way), has been determined to be Two Million Fifty Thousand and No/100ths Dollars ($2,050,000.00) for Phase I and Seven Million Fourteen Thousand and No/100ths Dollars ($7,014,000.00) for the entire Development (hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances"). The "Proportionate Share" contribution by the Developer for Phase I, in accordance with Section 380.06, Florida Statutes, Rule 9J-2.0255, Florida Administrative Code, and Section 19.8.14, Future of the Region, has been determined to be Three Million Four Hundred Thirty-Five Thousand Five Hundred Sixteen and No/100th Dollars ($3,435,516.00).

(f) The cost of Segment A has been determined to be Three Million Eight Hundred Twenty-Eight Thousand Twenty-One and No/100th Dollars ($3,828,021.00), which amount exceeds the Developer's Proportionate Share obligation for Phase I. The total cost of the Required Improvement has been determined to be Eight Million Two Hundred Twenty-Eight Thousand One Hundred Fifty-Five and No/100th Dollars ($8,228,155.00), which amount includes design, right-of-way acquisition, construction and construction inspection. The total contribution by the Developer for the Required Improvement, therefore, exceeds the Phase I Pipeline Proportionate Share Amount by Four Million Seven Hundred Ninety-Two Thousand Six Hundred Thirty-Nine and No/100ths Dollars ($4,792,639.00), exceeds the Phase I Transportation Impact Fee amount by Six Million One Hundred Seventy-Eight Thousand One Hundred Fifty-Five and No/100th Dollars ($6,178,155.00), and exceeds the Development buildout Transportation Impact Fee amount by One Million Two Hundred Fourteen Thousand One Hundred Fifty-Five and No/100th Dollars ($1,214,155.00).

(g) Buildings within FISH HAWK shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable transportation contributions, costs and expenses borne by the Developer pursuant to this Development Order including but not limited to costs for right-of-way acquisition, design, construction and construction inspection of the Required Improvement ("Developer Pipeline Expenses") shall be applied toward and be a credit against impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder. To the extent that Developer Pipeline Expenses exceed the Phase I proportionate share contribution under this condition, such excess

shall, in accordance with then applicable law, be applied toward and be a credit against then applicable transportation impact fees and proportionate share or pipeline assessments for Phases II, III and IV of the Development. If permitted by applicable regulations, said excess impact fee credits shall also be transferable to other projects of the Developer subject to a case-by-case approval by the Board of County Commissioners. Subject to approval of the Board of County Commissioners, any excess credits not otherwise recovered as provided above shall be recoverable from transportation and right-of-way impact fees paid by all other development which uses any portion of the Required Improvement as a direct access point. For purposes of this paragraph, "direct access point" shall mean any point of ingress or egress from the boundaries of the development which connects directly to the Required Improvement or to any new connector road to the Required Improvement that does not now exist. Developer may apply to recover such excess credits on a quarterly basis after completion of the Required Improvement.

(h) The Developer shall comply with the following time schedule, which schedule anticipates the difficulties expected to be encountered with the design, permitting, and construction of the bridge structures that are part of the Required Improvement:

(aa) Developer shall complete the Required Design no later than fifteen (15) months after the Start Date, which is defined as the date of final approval of the Development Order and the resolution of any appeals thereof, or the expiration of all appeal periods with no appeals having been filed.

(bb) Developer shall acquire the necessary right-of-way for the Required Improvement within four (4) months after approval of the Required Design, or in such additional time as may be required for the County to acquire the right-of-way by condemnation.

(cc) Developer shall commence construction of Segment A no later than six (6) months after the date of final approval of the Required Design and the securing of all right-of-way required for said construction. Construction of Segment A shall be completed within eighteen (18) months after the commencement of its construction.

(dd) The Developer shall commence construction of Segment B within twelve (12) months after the issuance of the Certificate of Occupancy for the 1500th dwelling unit, and shall complete construction of Segment B within twenty-four (24) months after the commencement of its construction and in any event prior to the issuance of any building permits for Phase II.

(ee) In no event shall any more than three hundred (300) dwelling units (or peak hour traffic equivalent thereof) be developed in those parcels with direct access to Lithia

Pinecrest Road until construction of Segment B has commenced.

(i) The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Required Improvement.

(j) Subject to paragraphs IV.B.2 and IV.B.2.c.(2)(k) below, if the Required Improvement is not designed and constructed in accordance with the above stated schedule, no further building permits shall be issued. In such event, the County shall either require the Developer to immediately complete the Required Improvement or may require the Developer to provide the County a Bond or Letter of Credit in the full amount of the cost of the uncompleted portion of the Required Improvement, as determined by the County. The County shall draw down on the Bond or on the Letter of Credit for completion of the Required Improvement and shall complete the Required Improvement as expeditiously as possible and no further building permits shall be issued until completion of such improvement.

(k) In the event that the performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed by war, riot, strike, civil commotion, natural disaster or other event beyond Developer's control, then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed in connection with acquisition of necessary right-of-way or governmental approvals for the construction of the Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to Hillsborough County and TBRPC for their review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

C. <u>Air Quality</u>

1. The Developer and its successors or assigns shall be required to employ the fugitive dust emission abatement procedures referenced on page 13-6 of the Application.

2. Approval of Phases II, III and IV shall require further review of air quality, in the form of an updated air quality impact analysis as required by Chapter 380, Florida Statutes, and applicable rules and regulations of the Florida Department of Environmental Regulation ("FDER") and the Hillsborough County Environmental Protection Commission ("EPC"), with review and comment by TBRPC, and amendment of the Development Order to incorporate necessary measures to alleviate project impact.

3. If any proposed change to the Development is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed

change is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law, which remedial measures shall be incorporated as amendments to this Development Order.

D. Land

1. The methods identified on pages 14-1 and 14-4 of the ADA to overcome problems associated with particular soil types shall be implemented as appropriate.

2. The erosion control methods referenced on pages 14-4 and 14-5 of the ADA shall be implemented as appropriate.

E. Stormwater Management and Water Quality

1. Master Stormwater Management Plan. Prior to construction plan approval and the subsequent issuance of any site alteration/building permits, the Master Stormwater Management (drainage) Plan shall be submitted to TBRPC and FDER for review and to Hillsborough County and the Southwest Florida Water Management District ("SWFWMD") for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such Master Stormwater Management Plans:

   a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in effect at the time of construction plan submittal and review for a particular phase of the project.

   b. The stormwater management system shall be designed, constructed and maintained to meet or exceed the requirements of Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD; and pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978), where applicable. In the absence of dedication of the stormwater management systems to Hillsborough County, the Developer shall be responsible for the operation and maintenance of the systems and shall provide for periodic sediment and vegetation removal operations as required. The Developer shall provide a copy of the operation and maintenance schedule with the Annual Report.

   c. Incorporation of isolated wetlands within the stormwater management facilities shall be in compliance with requirements of FDER pursuant to Chapter 17-25, Florida Administrative Code, and the requirements of SWFWMD pursuant to Chapter 40D-4, Florida Administrative Code, subject to Section III.N. above.

d. Best Management Practices for reducing water quality impacts, as required by Hillsborough County and SWFWMD, shall be implemented, including a street cleaning program as necessary for private parking and roadway areas within the Development.

e. Biological treatment of stormwater shall be used wherever feasible.

2. Monitoring. In order to protect water quality in the Alafia River and its watershed, there shall be no degradation of applicable water quality standards by the Development's stormwater exiting the site. Groundwater monitoring wells maintained by West Coast Regional Water Supply Authority ("WCRWSA"), presently exist in two locations on site as shown on Figure SR23-1 of the ADA. In addition to the existing groundwater monitoring wells, the Developer shall implement a semi-annual surface water quality monitoring program, to be instituted before any construction activity implementing Phase I approvals takes place and to continue through build-out of the Development, at minimum. Any violation of Chapter 17-3, Florida Administrative Code, determined to be caused by the Development shall require corrective measures as set forth by FDER. The following shall apply:

a. Sampling locations shall be in the areas where Fishawk Creek and Little Fishawk Creek intersect the project boundary, with the specific location to be determined in cooperation with Hillsborough County, FDER, and SWFWMD.

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

c. The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met by the Developer, or its assigns, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

d. Monitoring shall be conducted semi-annually for one year during May and September, following issuance of the Development Order and following construction of 25 percent, 50 percent, 75 percent and 100 percent of the units in each Phase until build-out of the Development. Monitoring parameters shall include the following:

- Total phosphorous
- Total nitrogen
- Orthophosphate P
- Organic N
- Ammonia N
- Chlorophyll-a
- Dissolved oxygen
- Lead
- Zinc
- Copper
- Biological oxygen demand (5 day)

- o Oil and grease
- o T coliforms
- o F coliforms
- o pH
- o Specific conductivity

3. Maintenance. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County.

4. Easements. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated 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.

5. Flood Plains.

   a. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.

   b. All encroachments into the 100-year floodplain shall require that loss of hydrologic storage capacity is compensated on-site in accordance with the requirements of Hillsborough County and SWFWMD.

   c. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways or easements, including grade level walkways, bicycle paths and similar facilities.

6. Wellhead Protection.

   a. The Developer shall work with the West Coast Regional Water Supply Authority (the "Authority") to maintain access for Authority staff or duly appointed agents to the CUP-required monitor wells located in Sections 21 and 29 T30 R21 for the purposes of maintenance and monitoring, until such time as monitoring of the wells is not required under CUP No. 204352. If either monitor well requires repair or replacement as a result of damages caused by development activities, the Developer will bear the cost of such repair or replacement.

   b. Any interim wastewater treatment facilities or disposal site located on the project site shall comply with all existing Federal, State and County regulations as they relate to the construction and operation of wastewater facilities and the disposal of waste. No interim wastewater treatment facilities or disposal sites shall be located wholly or in part within 2500 feet of a South Central Hillsborough Regional Wellfield potable water supply well (referred to hereinafter as a "SCHRW wellhead") without approval from the Authority and Hillsborough County.

c. No stormwater detention/retention ponds or septic tanks shall be located within 200 feet of any then existing SCHRW wellhead property boundary. All retention/detention ponds located wholly or in part within 400 feet of any SCHRW wellhead property boundary shall be lined in all areas, other than littoral shelves, with an impermeable liner (clay or man-made material), unless otherwise approved by the Authority.

d. All excavations made on-site shall not remove the confining clay unit; not breach the limestone aquifer, regardless of the circumstances; not allow the discharge of toxic or hazardous substances into the excavated site at any time; and, for excavations located wholly or in part within 500 feet of any SCHRW wellhead, include provisions for collecting water samples and analyzing water quality for the purpose of protecting public health in accordance with applicable rules and regulations and include an analysis of the excavation's dewatering impact on the surficial aquifer and neighboring wells during the county review process.

e. The Developer shall insititute and implement groundwater monitoring within the project area to ensure maintenance of the water quality of the surficial aquifer, the Floridan aquifer, and adjacent public supply wells (i.e., the South Central Hillsborough Regional Wellfield) in accordance with the rules and regulations of the Florida Department of Environmental Regulation and the Southwest Florida Water Management District. Copies of all data shall be furnished to the Authority and other appropriate agencies within (thirty) 30 days of receipt by the Developer, its successors and assigns. The Authority shall be notified of and may be present for the construction of any monitor wells and at any sampling episodes.

f. No hazardous wastes shall be discharged or disposed of on the property, nor shall any hazardous waste be stored within 500 feet of any SCHRW wellhead property boundary.

g. If, at any time during the monitoring process instituted in accordance with the requirements of the Florida Department of Environmental Regulation or the Southwest Florida Water Management District, any monitor well on-site indicates the presence of pollutants, the Authority or other jurisdictional agencies may require intensified monitoring and data collection. If a source of pollution persists, then the Authority or other jurisdictional agencies may request modification of the Development Order based on action deemed necessary to protect the region's water supply, including the South Central Hillsborough Regional Wellfield, as determined by the Authority or any other jurisdictional regulatory agency.

h. The developer agrees to be bound by Federal and local rules and regulations and by rules and regulations adopted pursuant to Chapters 403 and 373, Florida Statutes, which rules and regulations govern groundwater classification, usage, reclassification and aquifer protection.

i. If the recommended protections listed above become redundant or unnecessary because local ordinances, state rules, and federal regulatory provisions are more strict or provide adequate assurances of groundwater protection, the Authority and other appropriate agencies may mutually agree to eliminate those requirements deemed unnecessary.

F. Vegetation and Wildlife

1. Wetlands.

a. The approximate locations of the portions of the Development which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be designated on the Revised General Site Plan for Zoning Petition No. 89-0098 S.

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

(1) Except as otherwise required by agencies having jurisdiction:

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

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

(c) All on-site conservation area(s) shall be conserved unless a mitigation plan is approved by the Environmental Protection Commission and submitted to the Planning and Zoning Department. The plan shall be implemented prior to or concurrent with the wetlands being disturbed. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

(d) All losses of conservation/preservation areas shall require in kind replacement on a 1:1 basis. Mitigation for conservation/preservation area losses shall be implemented prior to or concurrent with the wetlands being disturbed.

2. Upland Preservation. The representative tracts of major upland vegetative communities shall be preserved on-site as shown on Exhibit "C" in a manner which will protect or enhance their natural function and value. The Developer shall dedicate approximately 705 acres of upland and wetland preservation areas and wildlife corridors as shown on Exhibit "C", attached hereto, to Hillsborough County for use as a resource oriented regional park. The dedication of this park land shall occur on or before the platting and construction of the north-south roadway crossing Fishhawk Creek, as shown on the Revised General Site Plan. Along boundaries where upland preservation areas abut residential development, the Developer shall fence or otherwise delineate the boundaries of said preservation areas to discourage uncontrolled pedestrian traffic.

3. Protected Species.

a. In the event that any species listed in Section 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").

b. Gopher Tortoises. The designation of 326.5 acres of developable uplands as uplands preservation areas for gopher tortoise habitat, in conjunction with the design of wildlife corridors incorporating ±1822 acres of upland and wetland habitats, and including buffers along Fishawk and Little Fishawk Creek, all as shown on Exhibit "C" attached hereto, has been determined to mitigate the impacts of disturbing other gopher tortoise habitat on site. The Developer shall provide for on-site relocation of gopher tortoises to achieve maximum carrying capacities of tortoises per acre as determined by FGFWFC for all upland preservation areas. Copies of all permits relative to the on-site gopher tortoise population shall be provided to Hillsborough County and TBRPC in the Annual Report.

c. Southeastern Kestrel. The Developer shall implement a Southeastern Kestrel nest box program for the TECO easement in cooperation with the FGFWFC.

4. Recreation and Open Space.

a. The Developer, its successors or assigns, shall be responsible for maintaining all recreation and open space areas within the Development other than those for which Hillsborough County has assumed maintenance responsibilities.

b. The Developer shall provide a bike path/pedestrian system throughout the Development. The bicycle system shall incorporate whatever elements are necessary on the site to complement the County Bicycle Plan and extend the County System into the Development. No detailed site plans shall be approved which do not indicate these systems.

c. To comply with the park property assessment requirements of the Hillsborough County Park Site Improvement Program (Ordinances 85-23 and 85-25E, as amended), the Developer shall dedicate to Hillsborough County the neighborhood and district park sites identified on the Revised General Site Plan. The Developer shall dedicate those park sites in conjunction with the platting of the first lots abutting said sites. The district park site shall be dedicated as a resource oriented park.

d. The designated public parks and recreation facilities within the Development shall be accessible to the elderly, handicapped and economically disadvantaged. The location of park sites may be changed subject to approval by the County, but any overall decrease in the acreage set aside for parks as shown on the Revised General Site Plan shall be subject to a substantial deviation determination pursuant to

Subsection 380.06(19), Florida Statutes. If the County Parks and Recreation Department should decide that one or more of the park sites are not required or the locations are inappropriate, then the Developer shall be able to use the applicable parcel for residential development provided the number of dwelling units approved for the Development is not increased.

G. Archaeological and Historical Resources.

1. If archaeological sites 8Hi3393 or 8Hi3392 are to be impacted through development activities, archaeological test excavations shall be conducted to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing development activities at the sites. The final determination of significance shall be made in conjunction with the Florida Division of Historical Resources and Hillsborough County. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. These sites shall be included on the Revised General Site Plan.

2. If sites 8Hi3393 or 8Hi3392 are to be impacted by development activities and either or both are found to be significant, excavation of the significant sites shall be undertaken in accordance with guidelines of the Division of Historical Resources prior to the commencement of any ground-disturbing activities at the significant sites. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. Following review of the report by these agencies, notification of approval of the report by the Division of Historical Resources and the Hillsborough County Historical Commission shall allow ground-disturbing activities to commence.

3. The discovery of any additional 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 Hillsborough County.

H. Economics/Equal Opportunity.

1. The Developer shall encourage the promotion of entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities within the Development. A report on equal opportunity employment programs utilized by Development businesses and the program's effect should be incorporated into the Annual Report following issuance of the first Certificates of Occupancy for Development businesses.

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

3. The Developer shall encourage employers in the Development to institute programs to provide child care facilities at the place of employment or as a cooperative effort with other businesses. A report on child care programs utilized by Development business

employees shall be incorporated into the Annual Report following issuance of the first Certificate of Occupancy for Development businesses.

I. Public Facilities

1. Water.

a. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall stipulate to the satisfaction of Hillsborough County, in accordance with applicable regulations, the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the Development. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for the building construction which is the subject of the building permit.

b. On-site wells shall be operated and maintained by the Developer, its successors or assigns, or by the entity or agency permitted to install and operate said wells by SWFWMD.

c. The Developer, its successors or assigns, shall be responsible for maintenance of all on-site water facilities unless otherwise required or agreed to by Hillsborough County.

d. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall ensure the provision of adequate fire hydrants (in number and appropriate location), fire flows and water pressure to serve each building for which fire protection is required in accordance with applicable regulations. The installation of a sprinkler system, fire hydrants or fire plan shall be options to meet these requirements. No building permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve such building is available.

e. Development within the Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses. The Developer shall submit a plan to Hillsborough County and TBRPC for the use of non-potable water on-site in the first Annual Report following issuance of the first Certificate of Occupancy.

f. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act, Section 533.14, Florida Statutes, and native vegetation shall be used in landscaping to the greatest extent possible.

g. The Developer shall dedicate to Hillsborough County the two (2) acre fire station site shown on the revised General Site Plan. The Developer shall be eligible for impact fee credits in accordance with Hillsborough County Ordinance 88-23. Dedication of the fire station shall occur upon request of the County. In the event the Fire Department decides the fire station site is not

required or the location is inappropriate, the Developer shall be able to use the parcel for residential development provided the number of dwelling units approved for the Development is not increased.

2. Wastewater

a. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years by the Developer until said lines are dedicated to Hillsborough County. Faulty lines shall be replaced as quickly as feasible.

b. The Developer shall be required to take back effluent utilizing a functional recovered water system capable of taking back an amount at least equal to the quantity of wastewater generated by the Development in accordance with any uniformly applicable Hillsborough County ordinance or policy.

c. The selection of spray irrigation sites for the Development shall be based on a complete analysis in accordance with applicable regulations including the anticipated treatment level of the effluent and a detailed hydrogeological analysis of the sites to determine the potential for groundwater contamination from any hazardous waste or other pollutants.

d. The Developer shall pursue with Hillsborough County private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development and future surrounding development prior to application for permits to construct a project-specific package plant.

e. If an interim wastewater treatment plant becomes necessary, it shall only be located where a detailed hydrogeological analysis of the site in accordance with applicable rules and regulations determines low potential for groundwater contamination . Development within the Development shall be required to connect to public wastewater treatment facilities when said treatment becomes available to the site, at which time the interim plant shall be removed by the Developer.

3. Other Public Facilities. Prior to issuance of Building Permits, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, water, wastewater, electricity, fire, emergency medical services and police capabilities and facilities are available for the building(s) that are the subject of such Building Permits.

J. Energy Conservation

1. All Development tenants, businesses and residents shall be encouraged to do the following:

a. Establish energy policies, energy use monitoring and energy conservation, using a qualified energy use analyst;

b. Institute programs to promote energy conservation by employees, buyers, suppliers and the public;

c. Institute programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to encourage the use of energy efficient cooling, heating and lighting systems;

d. Institute recycling programs;

e. Employ innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

f. Install total energy systems on large facilities, when cost effective;

g. Use the most energy efficient technology economically feasible in the construction and operation of the Development's facilities;

h. Use landscaping and retention of existing vegetation as a means for energy conservation;

i. Use energy audits provided by energy companies or other qualified agencies;

j. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

k. Use landscaping and building orientation to reduce heat gain, where feasible;

l. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate; and

m. Utilize energy efficient packaging and/or recyclable materials.

2. A report on the status of implementation of the energy conservation measures referenced on pages 25.5 and 25.9 of the ADA and other such measures shall be included in each Annual Report.

3. The Developer should work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for Development businesses.

K. Education

1. The Developer shall dedicate to the Hillsborough County School Board four (4) 15-acre elementary school sites and one (1) 25-acre junior high school site as shown on the Revised General Site Plan, or as otherwise approved by the School Board. Credits for said dedications shall be given pursuant to the Hillsborough County School Site Dedication Program Ordinance, No. 86-20.

2. The Developer shall incorporate the water and wastewater requirements for the five (5) school sites into the design of its water and wastewater systems.

3. If the County School Board should decide that one or more of the school sites is not required or that the location(s) is inappropriate, then the Developer shall be able to use the applicable parcel(s) for residential development provided the number of dwelling units approved for the Development is not increased.

L. Housing

1. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

3. Residential areas of the Development 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.

4. The Developer shall encourage the development of neighborhood watch programs in the Development. A report on such programs shall be included in each Annual Report following occupancy of the 500th dwelling unit.

5. In order to ensure adequate housing opportunities exist at locations reasonably accessible to places of work and to address the housing policies of the state land development plan, prior to commencement of Phase II, the Developer shall conduct an analysis of the affordable housing needs to be generated by the Development, including the need for affordable housing for Phase I, (using a methodology approved by Hillsborough County and reviewed by DCA). If the analysis shows that the Development will generate significant affordable housing needs which will not be met in the South Hillsborough County area, the Developer shall prepare a Housing Affordability Plan ("HAP") and shall submit the HAP to Hillsborough County for incorporation as an amendment to this Development Order, which amendment shall not be considered a substantial deviation. The HAP shall be consistent with the County comprehensive plan and applicable County land development regulations.

   At a minimum, the HAP shall address:

   a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.

   b. Specific mechanism for HAP implementation.

   c. Monitoring.

   d. Location and placement of affordable units.

   e. An assessment of the HAP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

   f. Provisions for crediting the Developer for activities that address affordable housing.

M. General

1. Developer Commitments. The Developer's commitments set forth in the Application are summarized in Exhibit "D" entitled "Developer Commitments", and these commitments shall be honored, except as they may be superseded by specific terms of the Development Order.

2. Substantial Deviations. Pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the Development as described in the Application shall require a substantial deviation determination.

3. Notice of Adoption. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.

4. Excess Infrastructure. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve latter phases of the Development, shall be at the Developer's risk and shall not operate to relieve the Developer from conditions which must be complied with prior to commencement of the latter phases.

5. Effective Date. The effective date of this Development Order shall be the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.

6. Date Rendered. This Development Order shall be deemed rendered as of the postmark date of the transmittal of copies hereof to DCA, TBRPC and the Developer.

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 meeting of July 11, 1989 as same appears of record in Minute Book 158 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 25th day of July, 1989.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

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

COMPOSITE EXHIBIT A

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its application for development approval for Fish Hawk Ranch on November 2, 1988. The first sufficiency response was filed on February 16, 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 Exhibit 1.

3. Proportionate share calculations for Phase I were filed with Hillsborough County, TBRPC and DCA.

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 18th day of July, 1989.

Bonnie L. Boyette
Notary Public
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: JAN. 24, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

BRYRK17A16

RECEIVED
Planning and Zoning
Department
JUL 18 1989
A.M. 7 8 9 10 11 12 1 2 3 4 5 6 P.M.

EXHIBIT 1

DRI APPLICATION TRANSMITTAL LIST

Mr. David Smith South Area Planning Manager Hillsborough County Department of Planning and Zoning Post Office Box 1110 Tampa, Florida 33601	20 Copies Hand Delivered
Ms. Suzanne Cooper DRI Coordinator Tampa Bay Regional Planning Council 9455 Koger Boulevard, Suite 219 St. Petersburg, Florida 33702	10 Copies Hand Delivered
Mr. Richard Adair Florida Department of Transportation 4950 West Kennedy Blvd., Suite 500 Tampa, Florida 33609	1 Copy Certified Mail - RRR
Ms. Terry Porter, DRI Coordinator Mr. Louis Fernandez Department of Environmental Regulation 4520 Oak Fair Boulevard Tampa, Florida 33610-7347	2 Copies Certified Mail - RRR
Mr. George W. Percy State Historic Preservation Officer Chief, Bureau of Historic Preservation Division of Historical Resources Department of State, The Capitol Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. Rich Gooch Office of Environmental Services Florida Game and Fresh Water Fish Commission 29200 Tucker's Grade Punta Gorda, Florida 33955	1 Copy Certified Mail - RRR
Mr. Dave Slonena, Senior Environmental Scientist Resource Regulation Department Southwest Florida Water Management District 2379 Broad Street Brooksville, Florida 33512-9712	4 Copies Certified Mail - RRR
Mr. Bill Howell Bureau of Biological & Interpretive Services Department of Natural Resources 3900 Commonwealth Boulevard, Room 508 Tallahassee, Florida 32303	2 Copies Certified Mail - RRR

Mr. Dennis Harmon, Chief Bureau of Economic Analysis Florida Department of Commerce 406 Fletcher Building Tallahassee, Florida 32399-8132	1 Copy Certified Mail - RRR
Mr. Tom Beck, Chief Department of Community Affairs Bureau of State Planning Rhyne Building 2740 Centerview Drive Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. A.J. Salem Planning Division U.S. Army Corps of Engineers Post Office Box 4970 Jacksonville, Florida 32232-0019	1 Copy Certified Mail - RRR
Mr. Connor Davis Marine Fisheries Commission 2562 Executive Center Circle, E. Suite 211 Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. Gene Heath, General Manager West Coast Regional Water Supply Authority 2535 Landmark Drive, Suite 211 Clearwater, Florida 33519	1 Copy Certified Mail - RRR
Mr. William Saalman, III U.S. Department of Agriculture Soil Conservation Service 5118 North 56th Street, Suite 250 Tampa, Florida 33610	1 Copy Certified Mail - RRR
Mr. Jim Muller Florida Natural Areas Inventory 254 East Sixth Avenue Tallahassee, Florida 32303	1 Copy Certified Mail - RRR
Mr. Joseph D. Carroll, Jr. Field Supervisor U.S. Fish & Wildlife Service Post Office Box 2676 Vero Beach, Florida 32960 1360 U.S. #1 Vero Beach, Florida 32961-2676	1 Copy Certified Mail - RRR
Mr. Craig Heugel IFAS 12175 125th Street North Largo, Florida 34644	1 Copy Certified Mail - RRR

Mr. Jim Jeansonne Hillsborough County Environmental Protection Commission 1900 Ninth Avenue Tampa, Florida 33605	1 Copy Certified Mail - RRR
Mr. Joe Costa HART 4305 East 21st Avenue Tampa, Florida 33605	1 Copy Certified Mail - RRR
Mr. Brian Sodt, DRI Coordinator Central Florida RPC Post Office Drawer 2089 Bartow, Florida 33830	1 Copy Certified Mail - RRR

COMPOSITE EXHIBIT B

Legal Description

DESCRIPTIONS (As taken from Commitment for Title Insurance)

IN TOWNSHIP 30 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 15:

(a) The SW-1/4 of NW-1/4.

(b) The N-1/2 of SW-1/4.

(c) The S-1/2 of SW-1/4 and the SW-1/4 of SE-1/4, LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

Section 19: The SE-1/4.

Section 20: The S-1/2.

Section 21: The S-1/2 of the NE-1/4, and the S-1/2.

RZ-87-0098S

Section 22:

(a) The E-1/2, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

(b) That part of the E-1/2 of SW-1/4 lying East of the Lithia Station-Boyette Road.

(c) The NW-1/4, (i) LESS that part described as begin at the intersection of the north boundary line of the SE-1/4 of NW-1/4 with the east right-of-way line of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company), run thence east 210 feet, thence southwesterly parallel to and 210 feet east of said railroad right-of-way line 630 feet, thence west 210 feet to said railroad right-of-way line, thence northeasterly along said railroad right-of-way line 630 feet, more or less, to the point of beginning, and (ii) LESS that part of the W-3/4 of SE-1/4 of NW-1/4 lying west of Lithia Station-Boyette Road and lying east of the right-of-way of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company) and lying South of the excepted parcel described immediately above, and (iii) LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records

Book 2974, page 116?, Hillsborough County, Fl ida), and (iv LESS those parts of the SE-1/4 of NW-1/4 conveyed by Agrico Chemical Company under deed to Bud Sanders and wife dated July 20, 1983, recorded in Official Records Book 4178, page 520, Hillsborough County, Florida, and under deed to Michael J. Brannon and wife dated July 20, 1983, recorded in Official Records Book 4178, page 522, Hillsborough County, Florida, and under deed to General Telephone Company of Florida dated July 20, 1983, recorded in Official Records Book 4161, page 1439, Hillsborough County, Florida, and (v) LESS those parts of the NW-1/4 of NW-1/4 conveyed by Agrico Chemical Company to the County of Hillsborough under deed dated April 29, 1985, recorded in Official Records Book 4557, page 1919, Hillsborough County, Florida, and (vi) LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

Section 23: The W-1/2 of NW-1/4, and the SW-1/4, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and LESS the north 25 feet of the NW-1/4 of NW-1/4 as described in right-of-way deed (Thompson Road) from American Agricultural Chemical Company to the County of Hillsborough dated November 9, 1954, recorded in Deed Book 1854, page 316, Hillsborough County, Florida.

Section 28: That part of the S-1/2 lying westerly of the Seaboard System Railroad, Inc., right-of-way, and the W-3/4 of N-1/2 of NE-1/4, and the W-3/4 of W-1/2 of NW-1/4, and the E-1/2 of NW-1/4 LESS the E-1/2 of SE-1/4 of NE-1/4 of NW-1/4.

Section 29: All, (i) LESS the E-1/2 of NE-1/4 of NW-1/4, and (ii) LESS the SE-1/4 of SE-1/4 of NE-1/4, and (iii) LESS the E-1/2 of W-1/2 of NE-1/4 of SW-1/4.

Section 30: The E-1/2.

Section 31: The NE-1/4, and the E-1/2 of SE-1/4.

R2-89-0048-S
56

Section 32: All, (i) LESS the SW-1/4 of SW-1/4, and (ii) LESS the W-1/2 of NW-1/4 of SW-1/4.

Section 33: That part of the N-1/2 lying westerly of the Seaboard System Railroad, Inc., right-of-way, and the S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of old Lithia Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida), and LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County,

Florida.

Section 34:

(a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run south 209 feet, thence east 209 feet, thence north 109 feet, thence east 451 feet, more or less to the east boundary of the NW-1/4 of SW-1/4, thence north 100 feet to the northeast corner thereof, thence west along the north boundary thereof 660 feet, more or less, to the point of beginning.

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

R2-89-009-S

IN TOWNSHIP 31 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 4: The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning. .

Section 5:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) right-of-way, said point being 50 feet from and at right angles to the center line of said railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

(b) The NE-1/4 of NW-1/4, and that part of the SE-1/4 of NW-1/4, if any, lying north and west of Boyette-Balm Road, and that part of the N-1/2 of NE-1/4 lying westerly of the Seaboard System Railroad, Inc., right-of-way, LESS that part lying in the S-1/2 of SW-1/4 of NE-1/4 of NE-1/4. (The S-1/2 of SE-1/4 of NW-1/4 of NE-1/4 consists of Lots 1, 2, 3, and 4 according to the plat of A. F. TURNER'S SUBDIVISION recorded in Plat Book 8, page 26, Hillsborough County, Florida.)

EXHIBIT C

Upland and Wetland Preservation Areas
and Wildlife Corridors

LAND AND WETLAND PRESERVATION AREAS
AND WILDLIFE CORRIDORS

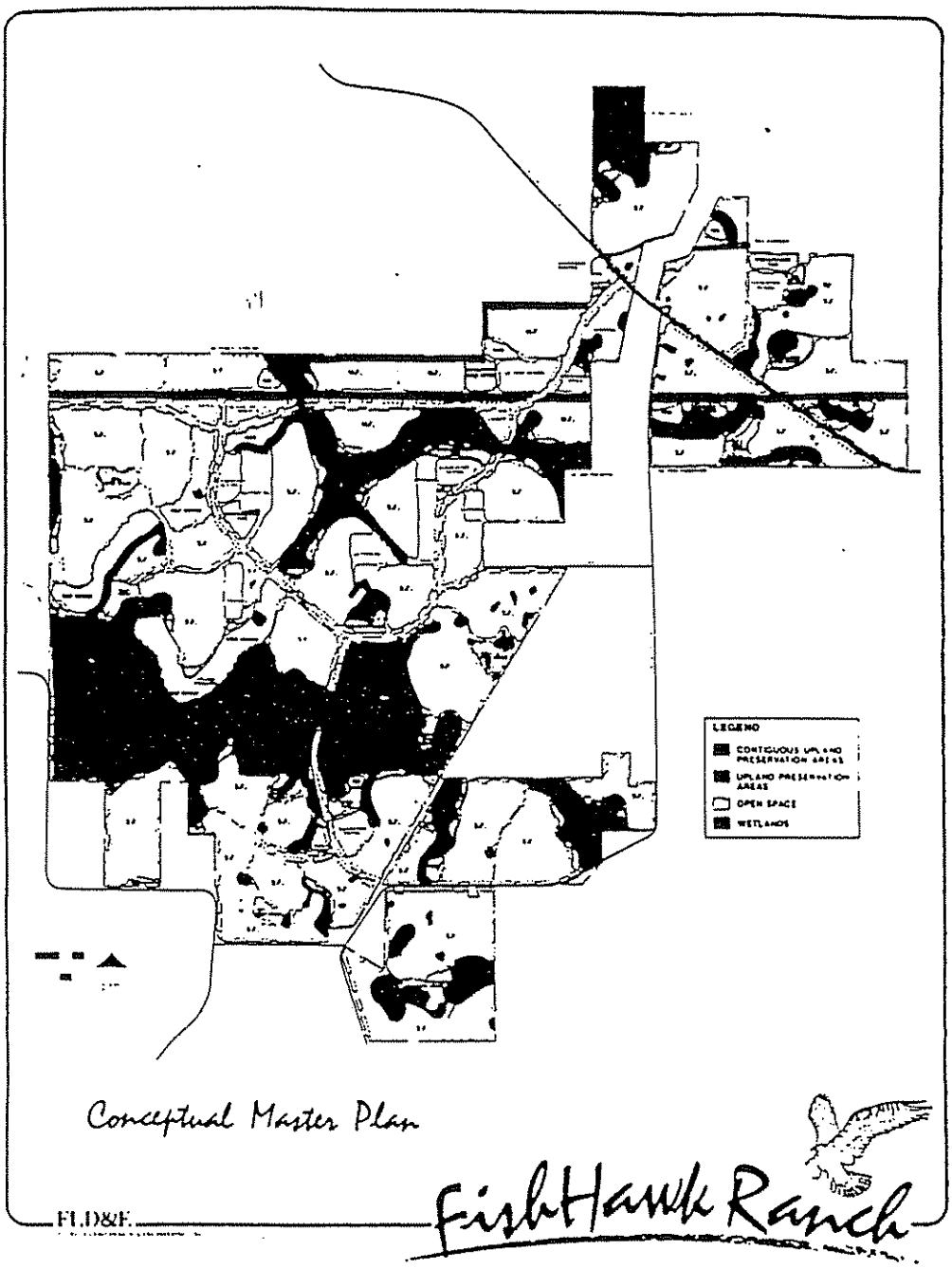


EXHIBIT D

Developer Commitments

DRI #191 - Fish Hawk Ranch

DEVELOPER COMMITMENTS

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

General Project Description

The Fish Hawk and Little Fish Hawk Creek floodplains will be preserved and setbacks from the wetland jurisdictional limits will be maintained primarily in natural vegetation. (ADA page 12-3) (Developer Clarification: Except as specifically permitted,...)

The Master Drainage System will utilize natural percolation for the treatment of stormwater or, for areas surrounding low-lying wetlands, biological treatment will be incorporated into the drainage design. (ADA page 12-7)

Scattered commercial development within the residential areas or along the Boyette Road extension (Developer Clarification: within the project) will not be permitted. (SR page 11 & 12-28)

The internal roadway network will provide access for each of the outparcels. (SR page 11 & 12-31)

Post-development stormwater runoff will be treated prior to discharge to Fish Hawk and Little Fish Hawk Creeks. (ADA page 12-7)

The only development proposed within the floodplain is one single family parcel east of Boyette Road. Any loss of floodplain storage will be mitigated for in the design of the Master Drainage System. (ADA page 12-8)

The Developer will develop the major internal roadways and the major water and sewer transmission mains. (ADA page 12-8)

The parcels north of the Boyette Road extension will have emergency evacuation procedures in case of an ammonia pipeline rupture. (SR 12-35)

Child care facilities will be a requested use for the PD-MU zoning district. (SR page 12-37)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

The contractor will be required to sod, seed, mulch or plant with landscape material the cleared and disturbed areas as soon as possible after clearing. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. The contractor will also be required to control wind erosion through sprinkling or other appropriate measures. (ADA page 13-6)

Land

To alleviate the erosive effects of wind and water, the following steps will be implemented during construction:

- Only those portions of the site ready for construction will be cleared.
- Sediment basins will be constructed at the start of each drainage system phase.
- Areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other landscape material, sodded, or planted with other landscape material as soon after the construction as possible. Areas adjacent to the roadways or where slopes are 3:1, or greater, will be sodded or landscaped.
- Construction areas will have interim water quality control features, such as hay bales, as needed to reduce turbidity.
- Embankment areas of stormwater filtration ponds will be seeded, sodded, or planted to stabilize shorelines and to filter runoff.
- If wind erosion becomes significant during construction, the contractor will sprinkle the problem area with water. Following construction, the planted ground cover and the drainage system vegetation and configuration will effectively control wind and water erosion.
- Landscaping will be initiated before development work is completed to ensure that bare soil is not unnecessarily exposed to wind and water erosion. (ADA pages 14-5 and 14-6)

Any springs or boils that might occur on-site in or along creek bottoms at the lower ground elevations will be included in conservation areas or passive recreational areas. (ADA page 14-6)

During the permitting of construction and actual development of the site a thorough investigation will take place to locate existing wells. (SR page 14-2).

Water Quality

Prior to discharge to the Alafia River, filtration resulting from conveyance through a network of extended detention ponds and, where feasible, grassed swale sections and additional secondary treatment through freshwater swamps will be used to minimize the potential for the degradation of overall water quality discharged off-site. (ADA page 15-11) (Developer Clarification: ...as required by applicable regulations.)

The stormwater management system will treat stormwater runoff before discharging off-site or to wetlands on-site. (ADA pages 15-18 and 15-19)

Wetlands

Mitigation wetlands will be located so as to be contiguous to the same wetland system and will be designed to recreate the type of wetland displaced. (ADA page 16-3) (Developer Clarification:...except as permitted or required by permitting agencies.)

Development will be set back at least thirty feet from the jurisdictional wetland line. (ADA page 16-4)

During the construction phase efforts will be taken to protect the integrity of all wetland systems, primarily by preventing the erosion of uplands. Hay bale barriers or similar erosion control devices will be placed adjacent to wetlands to provide further erosion protection. Physical barriers will be located around wetlands to prevent access by vehicular equipment which may result in disturbance to the wetland. Silt screens will be placed in the creek channel during any bridge construction. (ADA pages 16-4 and 16-5)

All man-made ponds will be hydrologically compatible with adjacent natural wetlands. (SR page 16-1)

There shall be no net loss of wetland acreage post-development. (SR page 16-3)

There shall be no encroachment into floodplain wetlands other than for roadway crossings. (ADA page 18-17) (Developer Clarification: easements and grade-level bicycle paths and walkways and similar facilities.)

Floodplains

The finished floor elevations of all buildings within the project site will be constructed at or above the 100-year flood elevation as determined by the Master Drainage Study completed for the project. (ADA page 17-1)

The loss of any of the 100-year floodplain storage volume will be compensated by providing additional storage volume within the detention ponds. (SR page 17-1)

Vegetation and Wildlife

All large marshes and their natural hydroperiods, cypress wetlands and forested floodplain will be maintained on the property and buffered with appropriate setbacks from high intensity uses. (ADA page 18-33)

Only passive recreation will be allowed within the 67.8-acre sand pine preserve. Walking and bicycle trails will be clearly marked and signage used to inform the public of the unique habitat and wildlife as well as to discourage random pedestrian usage. (SR page 18-36)

An initial burn of the sand pine area will be conducted prior to development. (SR page 18-37) (Developer Clarification: An initial burn may be conducted.)

The roadway crossings will minimize right-of-way clearing to the extent feasible. The golf course will be designed to maintain natural features, particularly adjacent to the Fish Hawk Creek floodplain. (SR page 18-41)

Historical and Archaeological Sites

If either Site 8Hi59 or 8Hi3392 are verified as significant resources, the first course of action would be to preserve the site. If an alternate roadway alignment is not practical or feasible such as to avoid impacting the sites, excavation of the sites will be undert n in accordance with guidelines of the Division of Historic Resource (SR page 19-5)

ECONOMY

No capital improvement costs in excess of developer contributions for wastewater, Health/EMS, water, or fire protection facilities will be borne by Hillsborough County as a result of the Fish Hawk Ranch development. (SR pages 20-3, 20-4 and 20-5)

PUBLIC FACILITIES

Wastewater Management

The applicant intends that there will be no permanent septic tanks within the project site. Septic tanks may be used for the construction phases. (ADA page 21-5)

Prior to any development of sprayfields or percolation ponds, a detailed hydrogeologic investigation of the site(s) will be performed. No sprayfields or percolation ponds will be located in areas where the

placement of sprayfields and/or percolation ponds will increase the potential for sinkhole formation. (SR page 21-2)

If, for any reason, non-domestic waste will be generated, a specific permit for handling and/or treatment will be obtained from the appropriate regulatory agencies. (SR page 21-6)

Drainage

The proposed drainage system for Fish Hawk Ranch will be designed to maintain the water quality of the downstream waterways and to maintain the pre-development hydraulic and hydrologic characteristics of the watersheds. (ADA page 22-1)

Lakes will be designed to attenuate and convey stormwater runoff and provide water quality treatment for the site. (ADA page 22-2)

The drainage systems will be operated and maintained by the Developer or its heirs or assigns. (ADA Page 22-8)

The design of the stormwater detention ponds will take into account the tailwater conditions of the creek. (SR page 22-2)

Water Supply

In addition to potable water demands, the water distribution system will be designed to provide fire flow service as required by Hillsborough County. (ADA page 23-1)

The water distribution system, including fire hydrant locations, will be designed to provide fire protection in accordance with applicable Hillsborough County standards. Hydrant flow testing and pressure surveys will be completed after the system is installed to verify performance of the system. Testing will be conducted periodically to insure that the system is operating at the required pressure and flows. (ADA page 23-6)

The developer will encourage the use of water conservation devices by others. (SR page 23-1)

Natural vegetation will be incorporated into the project where feasible. (SR page 23-1)

Green space and rights-of-way within the development will be landscaped incorporating xeriscape techniques to minimize irrigation requirements. (SR page 23-3)

No percolation ponds will be located within 2500 feet of any South Central Hillsborough Regional Wellfield facility. All interim wastewater treatment facilities will provide advanced secondary treatment with dual media, deep-bed filtration. (SR page 23-21)

Stormwater retention/detention ponds or septic tanks will not be located within 200 feet of any South Central Hillsborough Regional Wellfield well site property boundary without a permit from SWFWMD. (SR page 23-22)

The developer or a Homeowner's Association or other designated entity will operate and maintain the internal non-potable water well system. (SR page 23-23)

Solid Waste

No hazardous wastes will be disposed of on-site. The only storage of hazardous wastes would be temporary, prior to off-site transfer and proper disposal by qualified and permitted hazardous waste handlers such as GSX Services, Inc. (SR page 15-1)

Energy

The applicant will cooperate with TECO regarding the location of a site for a future substation. (SR page 11 and 12 -34)

Recreation and Open Space

Open space areas outside the dedicated parks will be maintained by the Developer or its successors or assigns. (ADA page 27-2)

The landscaping for boulevards and/or entranceways will be maintained by the Developer or by a Homeowner's Association or designated entity. (SR page 27-2)

Transportation

The developer will cooperate with HART to encourage transit usage by the Fish Hawk Ranch patrons. (ADA page 27-2)

Construction of the Boyette Road extension will occur as development of the project proceeds through Phase I. (SR page 31-20)

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

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

CERTIFIED MAIL

July 25, 1989

Tampa Bay Regional Planning Council
9455 Koger Boulevard
Suite 219
St. Petersburg, FL 33702

Attn: Suzanne Cooper
DRI Coordinator

Re: DRI #191 Development Order - FISH HAWK RANCH
Resolution No. R89-0172

Dear Ms. Cooper:

Enclosed for your official files, please find an executed copy of the referenced Resolution No. R89-0172, adopted by the Hillsborough County Board of County Commissioners on July 11, 1989.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick/jm.
Edna L. Fitzpatrick
Director, BOCC Records

ELF:LT

cc: Board files (orig.)
Tom Beck, State Department of Community Affairs
Keith Bricklemyer, Esquire (for Fish Hawk Ranch)
Silvina Kade, Planning & Zoning
Vince Marchetti, Assistant County Attorney

Enclosure

An Affirmative Action - Equal Opportunity Employer

Resolution No. 89-0172
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #191 DEVELOPMENT ORDER FOR
FISH HAWK RANCH

Upon motion by Commissioner Selvey, seconded by Commissioner Colson, the following Resolution was adopted by a vote of 6 to 1, Commissioner Platt voting "No."

WHEREAS, on November 4, 1988, the Shimberg-Cross Company, Inc. (hereinafter "Applicant" or "Developer") filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a RESIDENTIAL, COMMERCIAL and OFFICE PROJECT on approximately FOUR THOUSAND EIGHT HUNDRED SIXTY-NINE (4,869.6) acres, located in South Hillsborough County, hereinafter referred to as "FISH HAWK" or "Development"; and

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

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

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

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on July 11, 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 agencies as well as the review and report of the Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 11th DAY OF July, 1989, AS FOLLOWS:

I. FINDINGS OF FACT

A. Shimberg-Cross Company submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Response which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval, Sufficiency Response and other exhibits specifically incorporated in this Resolution.

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

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

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

E. A comprehensive review of the impacts generated by the Development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission (the "Planning Commission"), and the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

F. The authorized agent of FISH HAWK is Keith W. Bricklemyer, Honigman Miller Schwartz and Cohn, 777 South Harbour Island Blvd., Suite 350, Tampa, Florida 33602.

II. CONCLUSIONS OF LAW

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

1. The Development is consistent with local land development regulations and is consistent with the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and state and regional comprehensive plans.

2. The Development is consistent with the report and recommendations of TBRPC.

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

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

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

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

E. The current Hillsborough County Horizon 2000 Land Use Plan Map designates the area within which this land lies as SUBURBAN RESIDENTIAL (SR) and RURAL RESIDENTIAL (RR). These existing designations are consistent with the proposed Future of Hillsborough County Land Use Plan Map designations of the area as "LOW SUBURBAN DENSITY RESIDENTIAL" (LSDR) and "RURAL RESIDENTIAL" (RR).

III. GENERAL PROVISIONS

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

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

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

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

E. This Development Order shall be binding upon the Developer and its successors and assigns, 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 FISH HAWK, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate body created to perform such responsibilities, provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Subsection 380.06(19)(b), Florida Statutes, or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other type of regional impact not previously reviewed by Hillsborough County and TBRPC, shall result in further Development of Regional Impact ("DRI") review pursuant to Section 380.06, Florida Statutes.

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 issue a notice of such noncompliance to the Developer, or 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, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85, as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the 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; and

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

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

4. A statement setting forth the name(s) and address(es) of any successors or assigns 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, except as otherwise provided herein, to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order shall become effective upon the date of transmittal to the parties specified in Subsection 380.07 (2), Florida Statutes, as amended.

N. The Developer has elected, pursuant to Subsection 380.06(5) (c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 and each chapter's respective implementing rules and regulations in effect as of the effective date of this Development Order. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

Years*	Office** (Sq.Ft.)	Commercial** (Sq. Ft.)	Residential (Dwelling Units)
Phase I (1990-1995)	--	110,000	2,238
Phase II (1996-2000)	50,000	280,000	2,168
Phase III (2001-2005)	42,000	--	2,168
Phase IV (2006-2010)	--	--	2,168
TOTAL	92,000	390,000	8,742

* The years shown are estimates only and do not prohibit development at a slower or faster rate, subject to the other conditions of this Development Order.

** The commercial and office square footages for each phase shall be limited to the maximum square footages permitted under the Horizon 2000 Plan or the Future of Hillsborough Plan, as applicable.

2. Specific final development approval is accorded to Phase I, subject to the conditions contained herein. Specific approval of Phases II, III, and IV shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts.

3. For purposes of this Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the phase.

4. Any amendments to the proposed phasing schedule shall be submitted to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Development Order are otherwise fully complied with. Any significant departure in project buildout

from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

5. The physical development of FISH HAWK shall begin within five years of the effective date of this Development Order.

6. This Development Order shall remain in effect for a period up to and including December 31, 2015. No new construction shall commence 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, TBRPC and the Department of Community Affairs ("DCA") a minimum of thirty (30) days prior to the expiration date of this Development Order.

7. This Development shall not be subject to downzoning, or intensity reduction until January 1, 2016, 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 the local government to be essential to the public health, safety, or welfare.

B. Transportation

1. General Transportation Conditions

a. Monitoring. When Certificates of Occupancy have been issued for 1,500 single family residential units (or the equivalent thereof in terms of trip generation), an annual monitoring program to provide peak-hour traffic counts at the Development's entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. The Developer may perform a more detailed engineering survey to more accurately evaluate the results of the monitoring program. Counts shall be performed on an annual basis through build-out of Phase I. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, may amend the Development Order to require additional roadway improvements or other mitigation measures according to the results of a revised transportation analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

The methodology for a new traffic analysis required during the additional review shall be based upon the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

b. TSM. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of Certificates of Occupancy for 1,500 single family residential units (or the equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the PM peak-hour which is consistent with the assumptions used to prepare the Application. Such a program shall be reviewed by Hillsborough County, the Hillsborough County Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), TBRPC and the Florida Department of Transportation ("FDOT").

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the implementation of each TSM measure. The results of the TSM program shall be included in the Annual Report.

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

Development of such a TSM program shall be in cooperation with FDOT, Hillsborough County, MPO, HART and TBRPC. Such a program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ride sharing by public and private sector employees.

OBJECTIVES:
*Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ride-sharing efforts.

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

c. Boyette Road Extension. In the event the Boyette Road extension, to which traffic from this Development has been assigned, is not built as set forth in this Development Order, no specific approvals beyond Phase I of the Development shall be granted.

2. Mitigation Alternatives. The Developer shall, at its option, select one of the following alternatives to mitigate the Development's transportation impacts for Phase I. If Option 3 is selected but not performed as required in this section, mitigation of transportation impacts shall be governed by either Option 1 or Option 2.

a. Option 1

(1) Approval of any detailed site plans for Phase I of the Development shall require funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements indicated in Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(2) Subphasing of the Development is acceptable subject to agreement by Hillsborough County and TBRPC as to the amount of development in the subphase and the existence of funding commitments for roadway improvements on affected roadways that would operate below LOS D at peak hour (C peak in rural areas) and the development consumes five percent or more of the existing LOS D peak hour (C peak rural) service volume of the facility. At the point in the development of Phase I at which roadway improvements are required pursuant to TBRPC policy for which no funding commitments can be assured, development in the project shall be subject to a stop order. The stop order shall require a new traffic analysis or monitoring as appropriate.

Table 1

PHASE I (1995) REQUIRED LINK IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
Blooming-dale Ave.	Kings Ave. Bell Shoals Rd.	E	6.5	Construct 4-lane divided arterial
Bell Shoals Rd.	Bloomingdale Ave. to Boyette Rd.	E	23.7	Construct 4-lane divided arterial
Lithia-Pinecrest Rd.	SR 60 to Lumsden Rd.	E	16.0	Construct 4-lane divided arterial
Boyette Rd.	Bell Shoals Rd. to site entrance	(not existing)	100.0	Construct 2-lane arterial

Table 2

PHASE I (1995) REQUIRED INTERSECTION IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
SR 60 at Lithia-Pinecrest Rd.	F	16.3	Construct an EB right-turn lane. Construct NB left-turn lane
US 301 at Bloomingdale Avenue	F	5.8	Construct an additional EB through-lane. Construct an additional SB left-turn lane and an additional through-lane.
Bloomingdale Ave. at Bell Shoals Road	F	14.2	Construct EB through-lane. Construct WB through-lane and exclusive right-turn lane. Construct SB right-turn lane.
Boyette Road at Bell Shoals Rd.	F	33.8	Signalize. Construct WB right, through and left-turn lanes. Construct EB right- and left-turn lanes. Construct NB left-turn lane. Construct SB right-turn lane.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the FISH HAWK transportation study network, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, FDOT and TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of construction of any previously approved portion of Phase I plus that to be generated by the portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D at peak hour (C peak in rural areas). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak in rural areas), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak in rural areas).

c. Option 3

In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. If this option is not selected by written notice to Hillsborough County and TBRPC within ninety (90) days of the start date as defined below, this option shall expire. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phase I of the Development on the regionally significant transportation highway facilities within the primary impact area. Any approval of this mitigation/curing mechanism is based on the Development's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

(1) This pipeline option may be elected as full and complete satisfaction of the Developer's obligation to mitigate Phase I transportation impacts of the Development. Upon request of the Developer, prior to development beyond Phase I, a determination shall be made by Hillsborough County and coordinated by the County in writing with the other appropriate agencies whether or not a pipeline option for mitigation for the next Phase or Phases of the Development is permitted by then

existing rules and regulations. If so, the Development Order may be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the next Phase or Phases of the Development with due consideration given for all improvements and contributions made by the Developer to mitigate traffic impacts. If Hillsborough County determines that a pipeline option is not appropriate, transportation mitigation for the next Phase or Phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

(2) The Required Pipeline Improvement (the "Required Improvement") under this Option 3, which includes the "Required Design", the "Required Right-of-Way Acquisition" and the "Required Construction" as defined below, shall be as follows:

(a) Developer shall design the 4.7 mile extension of Boyette Road from Bell Shoals Road to Lithia-Pinecrest Road (the "Boyette Road Extension") as a four-lane, divided, arterial roadway consistent with Hillsborough County design standards including appropriate transitional geometric improvements at the intersection of Bell Shoals/Boyette Road Extension and Lithia Pinecrest/Boyette Road Extension to maintain at least level of service D peak hour, at buildout of Phase I, at these intersections (the "Required Design"). All roadway plans shall be submitted for review and approval by Hillsborough County at the 30%, 60%, 90% and 100% complete stage. If Hillsborough County does not complete its review within thirty (30) days after each submittal, the County's review time shall be added to the time allowed for completion of the Required Design as provided herein.

(b) Developer shall construct two lanes of the Boyette Road Extension in accordance with the Required Design in two segments (the "Required Construction"). The first segment ("Segment A") shall consist of a 1.7 mile segment from Bell Shoals Road to the west boundary of the Development. The second segment ("Segment B") shall consist of a 3.0 mile segment from the west boundary of the Development to Lithia-Pinecrest Road. Segment A shall be constructed prior to or concurrent with construction of Segment B.

(c) The two bridge structures included in the Required Improvement will be constructed to accommodate the future four-laning of the Boyette Road Extension.

(d) Hillsborough County shall provide the necessary right-of-way for the Required Improvement, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed for the Required Improvement, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the Required Improvement, including the exercise of its powers of eminent domain. Unless otherwise approved by the Hillsborough County Engineering

Services Department, the right-of-way shall be 176 feet wide for a rural section or 128 feet wide for an urban section.

(e) The Hillsborough County Road Network impact fee, in accordance with Ordinances 86-4 as amended by Ordinances 87-19, 89-4 and 89-6 (Roadway Improvements), and Ordinance 85-24E as amended by Ordinances 86-5, 87-17 and 89-3 (Right-of-Way), has been determined to be Two Million Fifty Thousand and No/100ths Dollars ($2,050,000.00) for Phase I and Seven Million Fourteen Thousand and No/100ths Dollars ($7,014,000.00) for the entire Development (hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances"). The "Proportionate Share" contribution by the Developer for Phase I, in accordance with Section 380.06, Florida Statutes, Rule 9J-2.0255, Florida Administrative Code, and Section 19.8.14, Future of the Region, has been determined to be Three Million Four Hundred Thirty-Five Thousand Five Hundred Sixteen and No/100th Dollars ($3,435,516.00).

(f) The cost of Segment A has been determined to be Three Million Eight Hundred Twenty-Eight Thousand Twenty-One and No/100th Dollars ($3,828,021.00), which amount exceeds the Developer's Proportionate Share obligation for Phase I. The total cost of the Required Improvement has been determined to be Eight Million Two Hundred Twenty-Eight Thousand One Hundred Fifty-Five and No/100th Dollars ($8,228,155.00), which amount includes design, right-of-way acquisition, construction and construction inspection. The total contribution by the Developer for the Required Improvement, therefore, exceeds the Phase I Pipeline Proportionate Share Amount by Four Million Seven Hundred Ninety-Two Thousand Six Hundred Thirty-Nine and No/100ths Dollars ($4,792,639.00), exceeds the Phase I Transportation Impact Fee amount by Six Million One Hundred Seventy-Eight Thousand One Hundred Fifty-Five and No/100th Dollars ($6,178,155.00), and exceeds the Development buildout Transportation Impact Fee amount by One Million Two Hundred Fourteen Thousand One Hundred Fifty-Five and No/100th Dollars ($1,214,155.00).

(g) Buildings within FISH HAWK shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable transportation contributions, costs and expenses borne by the Developer pursuant to this Development Order including but not limited to costs for right-of-way acquisition, design, construction and construction inspection of the Required Improvement ("Developer Pipeline Expenses") shall be applied toward and be a credit against impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder. To the extent that Developer Pipeline Expenses exceed the Phase I proportionate share contribution under this condition, such excess

shall, in accordance with then applicable law, be applied toward and be a credit against then applicable transportation impact fees and proportionate share or pipeline assessments for Phases II, III and IV of the Development. If permitted by applicable regulations, said excess impact fee credits shall also be transferable to other projects of the Developer subject to a case-by-case approval by the Board of County Commissioners. Subject to approval of the Board of County Commissioners, any excess credits not otherwise recovered as provided above shall be recoverable from transportation and right-of-way impact fees paid by all other development which uses any portion of the Required Improvement as a direct access point. For purposes of this paragraph, "direct access point" shall mean any point of ingress or egress from the boundaries of the development which connects directly to the Required Improvement or to any new connector road to the Required Improvement that does not now exist. Developer may apply to recover such excess credits on a quarterly basis after completion of the Required Improvement.

(h) The Developer shall comply with the following time schedule, which schedule anticipates the difficulties expected to be encountered with the design, permitting, and construction of the bridge structures that are part of the Required Improvement:

(aa) Developer shall complete the Required Design no later than fifteen (15) months after the Start Date, which is defined as the date of final approval of the Development Order and the resolution of any appeals thereof, or the expiration of all appeal periods with no appeals having been filed.

(bb) Developer shall acquire the necessary right-of-way for the Required Improvement within four (4) months after approval of the Required Design, or in such additional time as may be required for the County to acquire the right-of-way by condemnation.

(cc) Developer shall commence construction of Segment A no later than six (6) months after the date of final approval of the Required Design and the securing of all right-of-way required for said construction. Construction of Segment A shall be completed within eighteen (18) months after the commencement of its construction.

(dd) The Developer shall commence construction of Segment B within twelve (12) months after the issuance of the Certificate of Occupancy for the 1500th dwelling unit, and shall complete construction of Segment B within twenty-four (24) months after the commencement of its construction and in any event prior to the issuance of any building permits for Phase II.

(ee) In no event shall any more than three hundred (300) dwelling units (or peak hour traffic equivalent thereof) be developed in those parcels with direct access to Lithia

Pinecrest Road until construction of Segment B has commenced.

(i) The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Required Improvement.

(j) Subject to paragraphs IV.B.2 and IV.B.2.c.(2)(k) below, if the Required Improvement is not designed and constructed in accordance with the above stated schedule, no further building permits shall be issued. In such event, the County shall either require the Developer to immediately complete the Required Improvement or may require the Developer to provide the County a Bond or Letter of Credit in the full amount of the cost of the uncompleted portion of the Required Improvement, as determined by the County. The County shall draw down on the Bond or on the Letter of Credit for completion of the Required Improvement and shall complete the Required Improvement as expeditiously as possible and no further building permits shall be issued until completion of such improvement.

(k) In the event that the performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed by war, riot, strike, civil commotion, natural disaster or other event beyond Developer's control, then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed in connection with acquisition of necessary right-of-way or governmental approvals for the construction of the Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to Hillsborough County and TBRPC for their review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

C. Air Quality

1. The Developer and its successors or assigns shall be required to employ the fugitive dust emission abatement procedures referenced on page 13-6 of the Application.

2. Approval of Phases II, III and IV shall require further review of air quality, in the form of an updated air quality impact analysis as required by Chapter 380, Florida Statutes, and applicable rules and regulations of the Florida Department of Environmental Regulation ("FDER") and the Hillsborough County Environmental Protection Commission ("EPC"), with review and comment by TBRPC, and amendment of the Development Order to incorporate necessary measures to alleviate project impact.

3. If any proposed change to the Development is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed

change is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law, which remedial measures shall be incorporated as amendments to this Development Order.

D. Land

1. The methods identified on pages 14-1 and 14-4 of the ADA to overcome problems associated with particular soil types shall be implemented as appropriate.

2. The erosion control methods referenced on pages 14-4 and 14-5 of the ADA shall be implemented as appropriate.

E. Stormwater Management and Water Quality

1. Master Stormwater Management Plan. Prior to construction plan approval and the subsequent issuance of any site alteration/building permits, the Master Stormwater Management (drainage) Plan shall be submitted to TBRPC and FDER for review and to Hillsborough County and the Southwest Florida Water Management District ("SWFWMD") for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such Master Stormwater Management Plans:

   a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in effect at the time of construction plan submittal and review for a particular phase of the project.

   b. The stormwater management system shall be designed, constructed and maintained to meet or exceed the requirements of Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD; and pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978), where applicable. In the absence of dedication of the stormwater management systems to Hillsborough County, the Developer shall be responsible for the operation and maintenance of the systems and shall provide for periodic sediment and vegetation removal operations as required. The Developer shall provide a copy of the operation and maintenance schedule with the Annual Report.

   c. Incorporation of isolated wetlands within the stormwater management facilities shall be in compliance with requirements of FDER pursuant to Chapter 17-25, Florida Administrative Code, and the requirements of SWFWMD pursuant to Chapter 40D-4, Florida Administrative Code, subject to Section III.N. above.

d. Best Management Practices for reducing water quality impacts, as required by Hillsborough County and SWFWMD, shall be implemented, including a street cleaning program as necessary for private parking and roadway areas within the Development.

e. Biological treatment of stormwater shall be used wherever feasible.

2. Monitoring. In order to protect water quality in the Alafia River and its watershed, there shall be no degradation of applicable water quality standards by the Development's stormwater exiting the site. Groundwater monitoring wells maintained by West Coast Regional Water Supply Authority ("WCRWSA"), presently exist in two locations on site as shown on Figure SR23-1 of the ADA. In addition to the existing groundwater monitoring wells, the Developer shall implement a semi-annual surface water quality monitoring program, to be instituted before any construction activity implementing Phase I approvals takes place and to continue through build-out of the Development, at minimum. Any violation of Chapter 17-3, Florida Administrative Code, determined to be caused by the Development shall require corrective measures as set forth by FDER. The following shall apply:

a. Sampling locations shall be in the areas where Fishawk Creek and Little Fishawk Creek intersect the project boundary, with the specific location to be determined in cooperation with Hillsborough County, FDER, and SWFWMD.

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

c. The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met by the Developer, or its assigns, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

d. Monitoring shall be conducted semi-annually for one year during May and September, following issuance of the Development Order and following construction of 25 percent, 50 percent, 75 percent and 100 percent of the units in each Phase until build-out of the Development. Monitoring parameters shall include the following:

- Total phosphorous
- Total nitrogen
- Orthophosphate P
- Organic N
- Ammonia N
- Chlorophyll-a
- Dissolved oxygen
- Lead
- Zinc
- Copper
- Biological oxygen demand (5 day)

- Oil and grease
- T coliforms
- F coliforms
- pH
- Specific conductivity

3. Maintenance. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County.

4. Easements. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated 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.

5. Flood Plains.

   a. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.

   b. All encroachments into the 100-year floodplain shall require that loss of hydrologic storage capacity is compensated on-site in accordance with the requirements of Hillsborough County and SWFWMD.

   c. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways or easements, including grade level walkways, bicycle paths and similar facilities.

6. Wellhead Protection.

   a. The Developer shall work with the West Coast Regional Water Supply Authority (the "Authority") to maintain access for Authority staff or duly appointed agents to the CUP-required monitor wells located in Sections 21 and 29 T30 R21 for the purposes of maintenance and monitoring, until such time as monitoring of the wells is not required under CUP No. 204352. If either monitor well requires repair or replacement as a result of damages caused by development activities, the Developer will bear the cost of such repair or replacement.

   b. Any interim wastewater treatment facilities or disposal site located on the project site shall comply with all existing Federal, State and County regulations as they relate to the construction and operation of wastewater facilities and the disposal of waste. No interim wastewater treatment facilities or disposal sites shall be located wholly or in part within 2500 feet of a South Central Hillsborough Regional Wellfield potable water supply well (referred to hereinafter as a "SCHRW wellhead") without approval from the Authority and Hillsborough County.

c. No stormwater detention/retention ponds or septic tanks shall be located within 200 feet of any then existing SCHRW wellhead property boundary. All retention/detention ponds located wholly or in part within 400 feet of any SCHRW wellhead property boundary shall be lined in all areas, other than littoral shelves, with an impermeable liner (clay or man-made material), unless otherwise approved by the Authority.

d. All excavations made on-site shall not remove the confining clay unit; not breach the limestone aquifer, regardless of the circumstances; not allow the discharge of toxic or hazardous substances into the excavated site at any time; and, for excavations located wholly or in part within 500 feet of any SCHRW wellhead, include provisions for collecting water samples and analyzing water quality for the purpose of protecting public health in accordance with applicable rules and regulations and include an analysis of the excavation's dewatering impact on the surficial aquifer and neighboring wells during the county review process.

e. The Developer shall insititute and implement groundwater monitoring within the project area to ensure maintenance of the water quality of the surficial aquifer, the Floridan aquifer, and adjacent public supply wells (i.e., the South Central Hillsborough Regional Wellfield) in accordance with the rules and regulations of the Florida Department of Environmental Regulation and the Southwest Florida Water Management District. Copies of all data shall be furnished to the Authority and other appropriate agencies within (thirty) 30 days of receipt by the Developer, its successors and assigns. The Authority shall be notified of and may be present for the construction of any monitor wells and at any sampling episodes.

f. No hazardous wastes shall be discharged or disposed of on the property, nor shall any hazardous waste be stored within 500 feet of any SCHRW wellhead property boundary.

g. If, at any time during the monitoring process instituted in accordance with the requirements of the Florida Department of Environmental Regulation or the Southwest Florida Water Management District, any monitor well on-site indicates the presence of pollutants, the Authority or other jurisdictional agencies may require intensified monitoring and data collection. If a source of pollution persists, then the Authority or other jurisdictional agencies may request modification of the Development Order based on action deemed necessary to protect the region's water supply, including the South Central Hillsborough Regional Wellfield, as determined by the Authority or any other jurisdictional regulatory agency.

h. The developer agrees to be bound by Federal and local rules and regulations and by rules and regulations adopted pursuant to Chapters 403 and 373, Florida Statutes, which rules and regulations govern groundwater classification, usage, reclassification and aquifer protection.

i. If the recommended protections listed above become redundant or unnecessary because local ordinances, state rules, and federal regulatory provisions are more strict or provide adequate assurances of groundwater protection, the Authority and other appropriate agencies may mutually agree to eliminate those requirements deemed unnecessary.

F. Vegetation and Wildlife

1. Wetlands.

a. The approximate locations of the portions of the Development which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be designated on the Revised General Site Plan for Zoning Petition No. 89-0098 S.

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

(1) Except as otherwise required by agencies having jurisdiction:

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

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

(c) All on-site conservation area(s) shall be conserved unless a mitigation plan is approved by the Environmental Protection Commission and submitted to the Planning and Zoning Department. The plan shall be implemented prior to or concurrent with the wetlands being disturbed. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

(d) All losses of conservation/preservation areas shall require in kind replacement on a 1:1 basis. Mitigation for conservation/preservation area losses shall be implemented prior to or concurrent with the wetlands being disturbed.

2. Upland Preservation. The representative tracts of major upland vegetative communities shall be preserved on-site as shown on Exhibit "C" in a manner which will protect or enhance their natural function and value. The Developer shall dedicate approximately 705 acres of upland and wetland preservation areas and wildlife corridors as shown on Exhibit "C", attached hereto, to Hillsborough County for use as a resource oriented regional park. The dedication of this park land shall occur on or before the platting and construction of the north-south roadway crossing Fishhawk Creek, as shown on the Revised General Site Plan. Along boundaries where upland preservation areas abut residential development, the Developer shall fence or otherwise delineate the boundaries of said preservation areas to discourage uncontrolled pedestrian traffic.

3. Protected Species.

a. In the event that any species listed in Section 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").

b. Gopher Tortoises. The designation of 326.5 acres of developable uplands as uplands preservation areas for gopher tortoise habitat, in conjunction with the design of wildlife corridors incorporating ±1822 acres of upland and wetland habitats, and including buffers along Fishawk and Little Fishawk Creek, all as shown on Exhibit "C" attached hereto, has been determined to mitigate the impacts of disturbing other gopher tortoise habitat on site. The Developer shall provide for on-site relocation of gopher tortoises to achieve maximum carrying capacities of tortoises per acre as determined by FGFWFC for all upland preservation areas. Copies of all permits relative to the on-site gopher tortoise population shall be provided to Hillsborough County and TBRPC in the Annual Report.

c. Southeastern Kestrel. The Developer shall implement a Southeastern Kestrel nest box program for the TECO easement in cooperation with the FGFWFC.

4. Recreation and Open Space.

a. The Developer, its successors or assigns, shall be responsible for maintaining all recreation and open space areas within the Development other than those for which Hillsborough County has assumed maintenance responsibilities.

b. The Developer shall provide a bike path/pedestrian system throughout the Development. The bicycle system shall incorporate whatever elements are necessary on the site to complement the County Bicycle Plan and extend the County System into the Development. No detailed site plans shall be approved which do not indicate these systems.

c. To comply with the park property assessment requirements of the Hillsborough County Park Site Improvement Program (Ordinances 85-23 and 85-25E, as amended), the Developer shall dedicate to Hillsborough County the neighborhood and district park sites identified on the Revised General Site Plan. The Developer shall dedicate those park sites in conjunction with the platting of the first lots abutting said sites. The district park site shall be dedicated as a resource oriented park.

d. The designated public parks and recreation facilities within the Development shall be accessible to the elderly, handicapped and economically disadvantaged. The location of park sites may be changed subject to approval by the County, but any overall decrease in the acreage set aside for parks as shown on the Revised General Site Plan shall be subject to a substantial deviation determination pursuant to

Subsection 380.06(19), Florida Statutes. If the County Parks and Recreation Department should decide that one or more of the park sites are not required or the locations are inappropriate, then the Developer shall be able to use the applicable parcel for residential development provided the number of dwelling units approved for the Development is not increased.

G. Archaeological and Historical Resources.

1. If archaeological sites 8Hi3393 or 8Hi3392 are to be impacted through development activities, archaeological test excavations shall be conducted to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing development activities at the sites. The final determination of significance shall be made in conjunction with the Florida Division of Historical Resources and Hillsborough County. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. These sites shall be included on the Revised General Site Plan.

2. If sites 8Hi3393 or 8Hi3392 are to be impacted by development activities and either or both are found to be significant, excavation of the significant sites shall be undertaken in accordance with guidelines of the Division of Historical Resources prior to the commencement of any ground-disturbing activities at the significant sites. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. Following review of the report by these agencies, notification of approval of the report by the Division of Historical Resources and the Hillsborough County Historical Commission shall allow ground-disturbing activities to commence.

3. The discovery of any additional 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 Hillsborough County.

H. Economics/Equal Opportunity.

1. The Developer shall encourage the promotion of entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities within the Development. A report on equal opportunity employment programs utilized by Development businesses and the program's effect should be incorporated into the Annual Report following issuance of the first Certificates of Occupancy for Development businesses.

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

3. The Developer shall encourage employers in the Development to institute programs to provide child care facilities at the place of employment or as a cooperative effort with other businesses. A report on child care programs utilized by Development business

employees shall be incorporated into the Annual Report following issuance of the first Certificate of Occupancy for Development businesses.

I. Public Facilities

1. Water.

a. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall stipulate to the satisfaction of Hillsborough County, in accordance with applicable regulations, the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the Development. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for the building construction which is the subject of the building permit.

b. On-site wells shall be operated and maintained by the Developer, its successors or assigns, or by the entity or agency permitted to install and operate said wells by SWFWMD.

c. The Developer, its successors or assigns, shall be responsible for maintenance of all on-site water facilities unless otherwise required or agreed to by Hillsborough County.

d. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall ensure the provision of adequate fire hydrants (in number and appropriate location), fire flows and water pressure to serve each building for which fire protection is required in accordance with applicable regulations. The installation of a sprinkler system, fire hydrants or fire plan shall be options to meet these requirements. No building permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve such building is available.

e. Development within the Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses. The Developer shall submit a plan to Hillsborough County and TBRPC for the use of non-potable water on-site in the first Annual Report following issuance of the first Certificate of Occupancy.

f. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act, Section 533.14, Florida Statutes, and native vegetation shall be used in landscaping to the greatest extent possible.

g. The Developer shall dedicate to Hillsborough County the two (2) acre fire station site shown on the revised General Site Plan. The Developer shall be eligible for impact fee credits in accordance with Hillsborough County Ordinance 88-23. Dedication of the fire station shall occur upon request of the County. In the event the Fire Department decides the fire station site is not

required or the location is inappropriate, the Developer shall be able to use the parcel for residential development provided the number of dwelling units approved for the Development is not increased.

2. Wastewater

a. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years by the Developer until said lines are dedicated to Hillsborough County. Faulty lines shall be replaced as quickly as feasible.

b. The Developer shall be required to take back effluent utilizing a functional recovered water system capable of taking back an amount at least equal to the quantity of wastewater generated by the Development in accordance with any uniformly applicable Hillsborough County ordinance or policy.

c. The selection of spray irrigation sites for the Development shall be based on a complete analysis in accordance with applicable regulations including the anticipated treatment level of the effluent and a detailed hydrogeological analysis of the sites to determine the potential for groundwater contamination from any hazardous waste or other pollutants.

d. The Developer shall pursue with Hillsborough County private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development and future surrounding development prior to application for permits to construct a project-specific package plant.

e. If an interim wastewater treatment plant becomes necessary, it shall only be located where a detailed hydrogeological analysis of the site in accordance with applicable rules and regulations determines low potential for groundwater contamination . Development within the Development shall be required to connect to public wastewater treatment facilities when said treatment becomes available to the site, at which time the interim plant shall be removed by the Developer.

3. Other Public Facilities. Prior to issuance of Building Permits, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, water, wastewater, electricity, fire, emergency medical services and police capabilities and facilities are available for the building(s) that are the subject of such Building Permits.

J. Energy Conservation

1. All Development tenants, businesses and residents shall be encouraged to do the following:

a. Establish energy policies, energy use monitoring and energy conservation, using a qualified energy use analyst;

b. Institute programs to promote energy conservation by employees, buyers, suppliers and the public;

c. Institute programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to encourage the use of energy efficient cooling, heating and lighting systems;

d. Institute recycling programs;

e. Employ innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

f. Install total energy systems on large facilities, when cost effective;

g. Use the most energy efficient technology economically feasible in the construction and operation of the Development's facilities;

h. Use landscaping and retention of existing vegetation as a means for energy conservation;

i. Use energy audits provided by energy companies or other qualified agencies;

j. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

k. Use landscaping and building orientation to reduce heat gain, where feasible;

l. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate; and

m. Utilize energy efficient packaging and/or recyclable materials.

2. A report on the status of implementation of the energy conservation measures referenced on pages 25.5 and 25.9 of the ADA and other such measures shall be included in each Annual Report.

3. The Developer should work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for Development businesses.

K. Education

1. The Developer shall dedicate to the Hillsborough County School Board four (4) 15-acre elementary school sites and one (1) 25-acre junior high school site as shown on the Revised General Site Plan, or as otherwise approved by the School Board. Credits for said dedications shall be given pursuant to the Hillsborough County School Site Dedication Program Ordinance, No. 86-20.

2. The Developer shall incorporate the water and wastewater requirements for the five (5) school sites into the design of its water and wastewater systems.

3. If the County School Board should decide that one or more of the school sites is not required or that the location(s) is inappropriate, then the Developer shall be able to use the applicable parcel(s) for residential development provided the number of dwelling units approved for the Development is not increased.

L. Housing

1. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

3. Residential areas of the Development 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.

4. The Developer shall encourage the development of neighborhood watch programs in the Development. A report on such programs shall be included in each Annual Report following occupancy of the 500th dwelling unit.

5. In order to ensure adequate housing opportunities exist at locations reasonably accessible to places of work and to address the housing policies of the state land development plan, prior to commencement of Phase II, the Developer shall conduct an analysis of the affordable housing needs to be generated by the Development, including the need for affordable housing for Phase I, (using a methodology approved by Hillsborough County and reviewed by DCA). If the analysis shows that the Development will generate significant affordable housing needs which will not be met in the South Hillsborough County area, the Developer shall prepare a Housing Affordability Plan ("HAP") and shall submit the HAP to Hillsborough County for incorporation as an amendment to this Development Order, which amendment shall not be considered a substantial deviation. The HAP shall be consistent with the County comprehensive plan and applicable County land development regulations.

   At a minimum, the HAP shall address:

   a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.

   b. Specific mechanism for HAP implementation.

   c. Monitoring.

   d. Location and placement of affordable units.

   e. An assessment of the HAP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

   f. Provisions for crediting the Developer for activities that address affordable housing.

M. General

1. Developer Commitments. The Developer's commitments set forth in the Application are summarized in Exhibit "D" entitled "Developer Commitments", and these commitments shall be honored, except as they may be superseded by specific terms of the Development Order.

2. Substantial Deviations. Pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the Development as described in the Application shall require a substantial deviation determination.

3. Notice of Adoption. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.

4. Excess Infrastructure. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve latter phases of the Development, shall be at the Developer's risk and shall not operate to relieve the Developer from conditions which must be complied with prior to commencement of the latter phases.

5. Effective Date. The effective date of this Development Order shall be the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.

6. Date Rendered. This Development Order shall be deemed rendered as of the postmark date of the transmittal of copies hereof to DCA, TBRPC and the Developer.

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 meeting of July 11, 1989 as same appears of record in Minute Book 158 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 25th day of July, 1989.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

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

COMPOSITE EXHIBIT A

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its application for development approval for Fish Hawk Ranch on November 2, 1988. The first sufficiency response was filed on February 16, 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 Exhibit 1.

3. Proportionate share calculations for Phase I were filed with Hillsborough County, TBRPC and DCA.

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 18th day of July, 1989.

Bonnie L. Boyette
Notary Public
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: JAN. 24, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

BRYRK17A16

RECEIVED
Planning and Zoning
Department
JUL 18 1989
A.M. 7 8 9 10 11 12 1 2 3 4 5 6 P.M.

EXHIBIT 1

DRI APPLICATION TRANSMITTAL LIST

Mr. David Smith South Area Planning Manager Hillsborough County Department of Planning and Zoning Post Office Box 1110 Tampa, Florida 33601	20 Copies Hand Delivered
Ms. Suzanne Cooper DRI Coordinator Tampa Bay Regional Planning Council 9455 Koger Boulevard, Suite 219 St. Petersburg, Florida 33702	10 Copies Hand Delivered
Mr. Richard Adair Florida Department of Transportation 4950 West Kennedy Blvd., Suite 500 Tampa, Florida 33609	1 Copy Certified Mail - RRR
Ms. Terry Porter, DRI Coordinator Mr. Louis Fernandez Department of Environmental Regulation 4520 Oak Fair Boulevard Tampa, Florida 33610-7347	2 Copies Certified Mail - RRR
Mr. George W. Percy State Historic Preservation Officer Chief, Bureau of Historic Preservation Division of Historical Resources Department of State, The Capitol Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. Rich Gooch Office of Environmental Services Florida Game and Fresh Water Fish Commission 29200 Tucker's Grade Punta Gorda, Florida 33955	1 Copy Certified Mail - RRR
Mr. Dave Slonena, Senior Environmental Scientist Resource Regulation Department Southwest Florida Water Management District 2379 Broad Street Brooksville, Florida 33512-9712	4 Copies Certified Mail - RRR
Mr. Bill Howell Bureau of Biological & Interpretive Services Department of Natural Resources 3900 Commonwealth Boulevard, Room 508 Tallahassee, Florida 32303	2 Copies Certified Mail - RRR

Mr. Dennis Harmon, Chief Bureau of Economic Analysis Florida Department of Commerce 406 Fletcher Building Tallahassee, Florida 32399-8132	1 Copy Certified Mail - RRR
Mr. Tom Beck, Chief Department of Community Affairs Bureau of State Planning Rhyne Building 2740 Centerview Drive Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. A.J. Salem Planning Division U.S. Army Corps of Engineers Post Office Box 4970 Jacksonville, Florida 32232-0019	1 Copy Certified Mail - RRR
Mr. Connor Davis Marine Fisheries Commission 2562 Executive Center Circle, E. Suite 211 Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. Gene Heath, General Manager West Coast Regional Water Supply Authority 2535 Landmark Drive, Suite 211 Clearwater, Florida 33519	1 Copy Certified Mail - RRR
Mr. William Saalman, III U.S. Department of Agriculture Soil Conservation Service 5118 North 56th Street, Suite 250 Tampa, Florida 33610	1 Copy Certified Mail - RRR
Mr. Jim Muller Florida Natural Areas Inventory 254 East Sixth Avenue Tallahassee, Florida 32303	1 Copy Certified Mail - RRR
Mr. Joseph D. Carroll, Jr. Field Supervisor U.S. Fish & Wildlife Service Post Office Box 2676 Vero Beach, Florida 32960 1360 U.S. #1 Vero Beach, Florida 32961-2676	1 Copy Certified Mail - RRR
Mr. Craig Heugel IFAS 12175 125th Street North Largo, Florida 34644	1 Copy Certified Mail - RRR

Mr. Jim Jeansonne Hillsborough County Environmental Protection Commission 1900 Ninth Avenue Tampa, Florida 33605	1 Copy Certified Mail - RRR
Mr. Joe Costa HART 4305 East 21st Avenue Tampa, Florida 33605	1 Copy Certified Mail - RRR
Mr. Brian Sodt, DRI Coordinator Central Florida RPC Post Office Drawer 2089 Bartow, Florida 33830	1 Copy Certified Mail - RRR

COMPOSITE EXHIBIT B

Legal Description

DESCRIPTIONS (As taken from Commitment for Title Insurance)

IN TOWNSHIP 30 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 15:

(a) The SW-1/4 of NW-1/4.

(b) The N-1/2 of SW-1/4.

(c) The S-1/2 of SW-1/4 and the SW-1/4 of SE-1/4, LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

Section 19: The SE-1/4.

Section 20: The S-1/2.

Section 21: The S-1/2 of the NE-1/4, and the S-1/2.

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Section 22:

(a) The E-1/2, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

(b) That part of the E-1/2 of SW-1/4 lying East of the Lithia Station-Boyette Road.

(c) The NW-1/4, (i) LESS that part described as begin at the intersection of the north boundary line of the SE-1/4 of NW-1/4 with the east right-of-way line of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company), run thence east 210 feet, thence southwesterly parallel to and 210 feet east of said railroad right-of-way line 630 feet, thence west 210 feet to said railroad right-of-way line, thence northeasterly along said railroad right-of-way line 630 feet, more or less, to the point of beginning, and (ii) LESS that part of the W-3/4 of SE-1/4 of NW-1/4 lying west of Lithia Station-Boyette Road and lying east of the right-of-way of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company) and lying South of the excepted parcel described immediately above, and (iii) LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records

Book 2974, page 1[illegible], Hillsborough County, Fl ida), and (iv) LESS those parts of the SE-1/4 of NW-1/4 conveyed by Agrico Chemical Company under deed to Bud Sanders and wife dated July 20, 1983, recorded in Official Records Book 4178, page 520, Hillsborough County, Florida, and under deed to Michael J. Brannon and wife dated July 20, 1983, recorded in Official Records Book 4178, page 522, Hillsborough County, Florida, and under deed to General Telephone Company of Florida dated July 20, 1983, recorded in Official Records Book 4161, page 1439, Hillsborough County, Florida, and (v) LESS those parts of the NW-1/4 of NW-1/4 conveyed by Agrico Chemical Company to the County of Hillsborough under deed dated April 29, 1985, recorded in Official Records Book 4557, page 1919, Hillsborough County, Florida, and (vi) LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

Section 23: The W-1/2 of NW-1/4, and the SW-1/4, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and LESS the north 25 feet of the NW-1/4 of NW-1/4 as described in right-of-way deed (Thompson Road) from American Agricultural Chemical Company to the County of Hillsborough dated November 9, 1954, recorded in Deed Book 1854, page 316, Hillsborough County, Florida.

Section 28: That part of the S-1/2 lying westerly of the Seaboard System Railroad, Inc., right-of-way, and the W-3/4 of N-1/2 of NE-1/4, and the W-3/4 of W-1/2 of NW-1/4, and the E-1/2 of NW-1/4 LESS the E-1/2 of SE-1/4 of NE-1/4 of NW-1/4.

Section 29: All, (i) LESS the E-1/2 of NE-1/4 of NW-1/4, and (ii) LESS the SE-1/4 of SE-1/4 of NE-1/4, and (iii) LESS the E-1/2 of W-1/2 of NE-1/4 of SW-1/4.

Section 30: The E-1/2.

Section 31: The NE-1/4, and the E-1/2 of SE-1/4.

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56

Section 32: All, (i) LESS the SW-1/4 of SW-1/4, and (ii) LESS the W-1/2 of NW-1/4 of SW-1/4.

Section 33: That part of the N-1/2 lying westerly of the Seaboard System Railroad, Inc., right-of-way, and the S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of old Lithia Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida), and LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County,

Florida.

Section 34:

(a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run south 209 feet, thence east 209 feet, thence north 109 feet, thence east 451 feet, more or less to the east boundary of the NW-1/4 of SW-1/4, thence north 100 feet to the northeast corner thereof, thence west along the north boundary thereof 660 feet, more or less, to the point of beginning.

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

IN TOWNSHIP 31 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 4: The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning.

Section 5:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) right-of-way, said point being 50 feet from and at right angles to the center line of said railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

(b) The NE-1/4 of NW-1/4, and that part of the SE-1/4 of NW-1/4, if any, lying north and west of Boyette-Balm Road, and that part of the N-1/2 of NE-1/4 lying westerly of the Seaboard System Railroad, Inc., right-of-way, LESS that part lying in the S-1/2 of SW-1/4 of NE-1/4 of NE-1/4. (The S-1/2 of SE-1/4 of NW-1/4 of NE-1/4 consists of Lots 1, 2, 3, and 4 according to the plat of A. F. TURNER'S SUBDIVISION recorded in Plat Book 8, page 26, Hillsborough County, Florida.)

EXHIBIT C

Upland and Wetland Preservation Areas
and Wildlife Corridors

Upland and Wetland Preservation Areas
and Wildlife Corridors

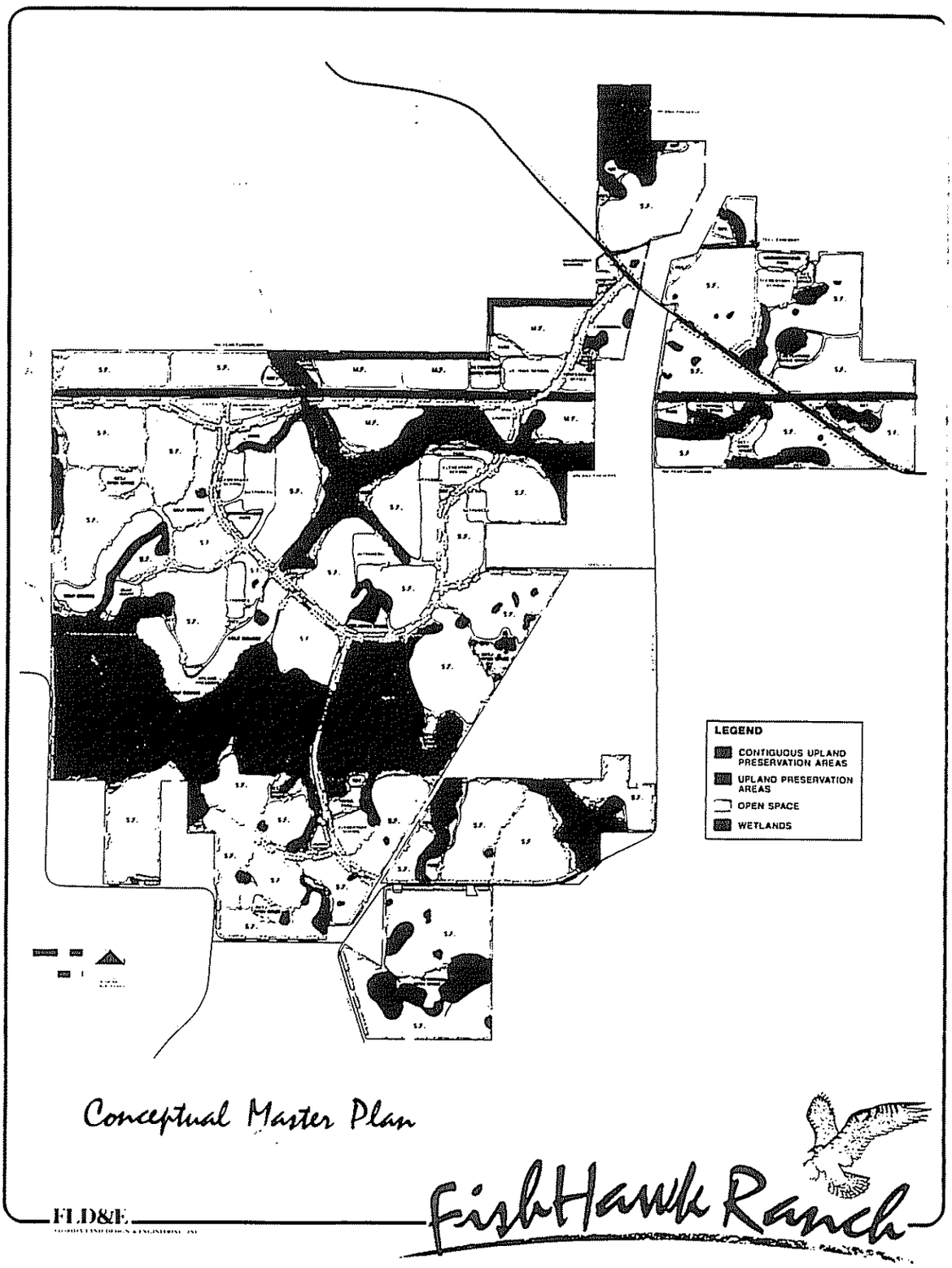

EXHIBIT D

Developer Commitments

DRI #191 - Fish Hawk Ranch

DEVELOPER COMMITMENTS

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

General Project Description

The Fish Hawk and Little Fish Hawk Creek floodplains will be preserved and setbacks from the wetland jurisdictional limits will be maintained primarily in natural vegetation. (ADA page 12-3) (Developer Clarification: Except as specifically permitted,...)

The Master Drainage System will utilize natural percolation for the treatment of stormwater or, for areas surrounding low-lying wetlands, biological treatment will be incorporated into the drainage design. (ADA page 12-7)

Scattered commercial development within the residential areas or along the Boyette Road extension (Developer Clarification: within the project) will not be permitted. (SR page 11 & 12-28)

The internal roadway network will provide access for each of the outparcels. (SR page 11 & 12-31)

Post-development stormwater runoff will be treated prior to discharge to Fish Hawk and Little Fish Hawk Creeks. (ADA page 12-7)

The only development proposed within the floodplain is one single family parcel east of Boyette Road. Any loss of floodplain storage will be mitigated for in the design of the Master Drainage System. (ADA page 12-8)

The Developer will develop the major internal roadways and the major water and sewer transmission mains. (ADA page 12-8)

The parcels north of the Boyette Road extension will have emergency evacuation procedures in case of an ammonia pipeline rupture. (SR 12-35)

Child care facilities will be a requested use for the PD-MU zoning district. (SR page 12-37)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

The contractor will be required to sod, seed, mulch or plant with landscape material the cleared and disturbed areas as soon as possible after clearing. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. The contractor will also be required to control wind erosion through sprinkling or other appropriate measures. (ADA page 13-6)

Land

To alleviate the erosive effects of wind and water, the following steps will be implemented during construction:

- Only those portions of the site ready for construction will be cleared.
- Sediment basins will be constructed at the start of each drainage system phase.
- Areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other landscape material, sodded, or planted with other landscape material as soon after the construction as possible. Areas adjacent to the roadways or where slopes are 3:1, or greater, will be sodded or landscaped.
- Construction areas will have interim water quality control features, such as hay bales, as needed to reduce turbidity.
- Embankment areas of stormwater filtration ponds will be seeded, sodded, or planted to stabilize shorelines and to filter runoff.
- If wind erosion becomes significant during construction, the contractor will sprinkle the problem area with water. Following construction, the planted ground cover and the drainage system vegetation and configuration will effectively control wind and water erosion.
- Landscaping will be initiated before development work is completed to ensure that bare soil is not unnecessarily exposed to wind and water erosion. (ADA pages 14-5 and 14-6)

Any springs or boils that might occur on-site in or along creek bottoms at the lower ground elevations will be included in conservation areas or passive recreational areas. (ADA page 14-6)

During the permitting of construction and actual development of the site a thorough investigation will take place to locate existing wells. (SR page 14-2).

Water Quality

Prior to discharge to the Alafia River, filtration resulting from conveyance through a network of extended detention ponds and, where feasible, grassed swale sections and additional secondary treatment through freshwater swamps will be used to minimize the potential for the degradation of overall water quality discharged off-site. (ADA page 15-11) (Developer Clarification: ...as required by applicable regulations.)

The stormwater management system will treat stormwater runoff before discharging off-site or to wetlands on-site. (ADA pages 15-18 and 15-19)

Wetlands

Mitigation wetlands will be located so as to be contiguous to the same wetland system and will be designed to recreate the type of wetland displaced. (ADA page 16-3) (Developer Clarification:...except as permitted or required by permitting agencies.)

Development will be set back at least thirty feet from the jurisdictional wetland line. (ADA page 16-4)

During the construction phase efforts will be taken to protect the integrity of all wetland systems, primarily by preventing the erosion of uplands. Hay bale barriers or similar erosion control devices will be placed adjacent to wetlands to provide further erosion protection. Physical barriers will be located around wetlands to prevent access by vehicular equipment which may result in disturbance to the wetland. Silt screens will be placed in the creek channel during any bridge construction. (ADA pages 16-4 and 16-5)

All man-made ponds will be hydrologically compatible with adjacent natural wetlands. (SR page 16-1)

There shall be no net loss of wetland acreage post-development. (SR page 16-3)

There shall be no encroachment into floodplain wetlands other than for roadway crossings. (ADA page 18-17) (Developer Clarification: easements and grade-level bicycle paths and walkways and similar facilities.)

Floodplains

The finished floor elevations of all buildings within the project site will be constructed at or above the 100-year flood elevation as determined by the Master Drainage Study completed for the project. (ADA page 17-1)

The loss of any of the 100-year floodplain storage volume will be compensated by providing additional storage volume within the detention ponds. (SR page 17-1)

Vegetation and Wildlife

All large marshes and their natural hydroperiods, cypress wetlands and forested floodplain will be maintained on the property and buffered with appropriate setbacks from high intensity uses. (ADA page 18-33)

Only passive recreation will be allowed within the 67.8-acre sand pine preserve. Walking and bicycle trails will be clearly marked and signage used to inform the public of the unique habitat and wildlife as well as to discourage random pedestrian usage. (SR page 18-36)

An initial burn of the sand pine area will be conducted prior to development. (SR page 18-37) (Developer Clarification: An initial burn may be conducted.)

The roadway crossings will minimize right-of-way clearing to the extent feasible. The golf course will be designed to maintain natural features, particularly adjacent to the Fish Hawk Creek floodplain. (SR page 18-41)

Historical and Archaeological Sites

If either Site 8Hi59 or 8Hi3392 are verified as significant resources, the first course of action would be to preserve the site. If an alternate roadway alignment is not practical or feasible such as to avoid impacting the sites, excavation of the sites will be undert n in accordance with guidelines of the Division of Historic Resource (SR page 19-5)

ECONOMY

No capital improvement costs in excess of developer contributions for wastewater, Health/EMS, water, or fire protection facilities will be borne by Hillsborough County as a result of the Fish Hawk Ranch development. (SR pages 20-3, 20-4 and 20-5)

PUBLIC FACILITIES

Wastewater Management

The applicant intends that there will be no permanent septic tanks within the project site. Septic tanks may be used for the construction phases. (ADA page 21-5)

Prior to any development of sprayfields or percolation ponds, a detailed hydrogeologic investigation of the site(s) will be performed. No sprayfields or percolation ponds will be located in areas where the

placement of sprayfields and/or percolation ponds will increase the potential for sinkhole formation. (SR page 21-2)

If, for any reason, non-domestic waste will be generated, a specific permit for handling and/or treatment will be obtained from the appropriate regulatory agencies. (SR page 21-6)

Drainage

The proposed drainage system for Fish Hawk Ranch will be designed to maintain the water quality of the downstream waterways and to maintain the pre-development hydraulic and hydrologic characteristics of the watersheds. (ADA page 22-1)

Lakes will be designed to attenuate and convey stormwater runoff and provide water quality treatment for the site. (ADA page 22-2)

The drainage systems will be operated and maintained by the Developer or its heirs or assigns. (ADA Page 22-8)

The design of the stormwater detention ponds will take into account the tailwater conditions of the creek. (SR page 22-2)

Water Supply

In addition to potable water demands, the water distribution system will be designed to provide fire flow service as required by Hillsborough County. (ADA page 23-1)

The water distribution system, including fire hydrant locations, will be designed to provide fire protection in accordance with applicable Hillsborough County standards. Hydrant flow testing and pressure surveys will be completed after the system is installed to verify performance of the system. Testing will be conducted periodically to insure that the system is operating at the required pressure and flows. (ADA page 23-6)

The developer will encourage the use of water conservation devices by others. (SR page 23-1)

Natural vegetation will be incorporated into the project where feasible. (SR page 23-1)

Green space and rights-of-way within the development will be landscaped incorporating xeriscape techniques to minimize irrigation requirements. (SR page 23-3)

No percolation ponds will be located within 2500 feet of any South Central Hillsborough Regional Wellfield facility. All interim wastewater treatment facilities will provide advanced secondary treatment with dual media, deep-bed filtration. (SR page 23-21)

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

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

August 11, 1992

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

Re: Resolution No. R92-0166 - Amending the Development Order for Fish Hawk Ranch (DRI #191 - Amendment No. 2)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on July 14, 1992.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Linda Fryman
Linda Fryman
Manager, BOCC Records

mailed 8/12/92
received 8/14/92

revised maps - Exhibits C & D, and Ex. E are with the original document (D.O. amendment)

LF:ADF
Attachment
Certified Mail
cc: Board files (1 orig.)
J. Thomas Beck, Florida Department of Community Affairs
Keith W. Bricklemyer, Esquire
Honigman, Miller, Schwartz and Cohn (excluding exhibits)
Vincent A. Marchetti, Assistant County Attorney (excluding exhibits)
Gene Boles, Director, Planning and Development Management
Glen Cross, c/0 Honigman, Miller, Schwartz and Cohn
Dave Maltby, c/o Honigman, Miller, Schwarts and Cohn
Joe Egozcue, County Attorney's Office (excluding exhibits)

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R92-0166 - Amending the Development Order for Fish Hawk Ranch (DRI #191 - Amendment No. 2)

adopted by the Board in its regular meeting of July 14, 1992, as the same appears of record in MINUTE BOOK 194 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 11th day of August, 1992.

RICHARD AKE, CLERK

BY: Linda Lynn
Deputy Clerk

RESOLUTION NO. R92-0166

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA AMENDING THE DEVELOPMENT ORDER FOR FISH HAWK RANCH, DRI #191 AMENDMENT NO. 2

Upon motion of Commissioner Iorio, seconded by Commissioner Busansky, the following Resolution was adopted by a vote of 5 to 0.

WHEREAS, on July 11, 1989 the Board of County Commissioners adopted Resolution No. R89-0172 approving the Development Order for the Fish Hawk Ranch DRI #191, which became effective on July 25, 1989 (the "Development Order"); and,

WHEREAS, the Development Order was amended by Resolution R91-0085 on May 7, 1991; and,

WHEREAS, approximately 484 acres in the project have been sold to Hillsborough County under its Environmental Lands Acquisition Program requiring that the site plans be amended; and,

WHEREAS, on March 26, 1992, Fish Hawk Investment Fund, Ltd., by its authorized agent, Glen E. Cross, filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact for the Fish Hawk Ranch ("Notice of Change No. 2") in accordance with Section 380.06(19), Florida Statutes; and,

WHEREAS, Section 380.06(19), Florida Statutes requires that the Development Order be amended to reflect the revisions proposed in Notice of Change No. 2; and,

WHEREAS, pursuant to the provisions of Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on July 14, 1992 to consider a request to amend the Development Order; and,

WHEREAS, using current growth projections, the extension of the buildout for Phase I from 1995 to December 29, 2000, in lieu of using the growth projections in the Application for Development Approval, results in a decrease in background traffic at the end of the proposed revised Phase 1 buildout.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 14th DAY OF JULY, 1992 AS FOLLOWS:

1. That the following findings of fact are made:

   a. A review of the impacts generated by the amendment of the Development Order described herein has been conducted by Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs.

   b. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

   c. That the Developer's Certification, attached hereto as Exhibit "A", affirming that copies of the Notice of Change No. 2 have been delivered to all persons as required by law, is attached hereto and incorporated herein by reference.

   d. Approximately 484 acres in the project have been sold to Hillsborough County under its Environmental Lands Acquisition Program, requiring that the site plan be amended.

   e. Using current growth projects in lieu of the growth projections used in the Application for Development Approval results in a decrease in background traffic at the end of the proposed revised Phase 1 buildout.

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

2. That the following Conclusions of Law are made:

   a. That amendment of the Development Order, as set forth herein, does not involve a change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes.

   b. That all statutory procedures have been adhered to.

   c. That Resolutions No. 89-0172 and R91-0085 attached hereto and incorporated herein as Exhibit "E", are hereby reaffirmed in their entirety except as amended herein.

d. That nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.

e. That the amendment adopted hereby is consistent with the Comprehensive Plans of Hillsborough County and the State of Florida, and is consistent with applicable land development regulations.

3. Based on the above Findings of Fact and Conclusions of Law, the Board of County Commissioners hereby amends the Fish Hawk Ranch DRI Development Order as follows:

a. Section IV.A.1 is hereby amended to replace the original phasing schedule with the following schedule:

YEARS*	OFFICE** (SQ.FT.)	COMMERCIAL** (SQ.FT.)	RESIDENTIAL (DWELLING UNITS)
Phase I 1993- Dec. 29, 2000	–	110,000	2,238
Phase II Dec. 30, 2000- Dec. 29, 2005	50,000	280,000	2,168
Phase III Dec. 30, 2005- Dec. 29, 2010	42,000	–	2,168
Phase IV Dec. 30, 2010- Dec. 29, 2015	–	–	1,105
TOTAL	92,000	390,000	7,679

* The years shown are estimates only and do not prohibit development at a slower or faster rate, subject to the other conditions of this Development Order.

** The commercial and office square footages for each phase shall be limited to the maximum square footages permitted under the Horizon 2000 Plan or the Future of Hillsborough Plan, as applicable.

b. Section IV.A.5 is hereby amended as follows:

5. The physical development of FISH HAWK shall begin on or before July 24, 1999.

c. Section IV.A.6 is hereby amended as follows:

6. This Development Order shall remain in effect for a period up to and including December 29, 2020. No new construction shall commence 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, TBRPC and the Department of Community Affairs ("DCA") a minimum of thirty (30) days prior to the expiration date of this Development Order.

d. Section IV.A.7 is hereby amended as follows:

7. This Development shall not be subject to downzoning or intensity reduction until December 29, 2020, 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 the local government to be essential to the public health, safety, or welfare.

e. Section IV.F.3b is hereby amended as follows:

The designation of 326.5 acres of developable uplands as uplands preservation areas for gopher tortoise habitat, in conjunction with the design of wildlife corridors incorporating ± 1822 acres of upland and wetland habitats (1707 on-site after ELAP sale), and including buffers along Fish Hawk and Little Fish Hawk Creek, all as shown on Exhibit "C" attached hereto, has been determined to mitigate the impacts of disturbing other gopher tortoise habitat on site. The Developer shall provide for on-site relocation of gopher tortoises to achieve maximum carrying capacities of tortoises per acre as determined by FGFWFC for all upland preservation areas. Copies of all permits relative to the on-site gopher tortoise population shall be provided to Hillsborough County and TBRPC in the Annual Report.

f. Amend Section IV.B.2.c.(2)(b) to add the following:

"The Developer is obligated to complete the required construction regardless of the cost of such construction".

g. Exhibit "B" to the Development Order is hereby replaced with Exhibit "B" attached hereto.

h. Exhibit "C" to the Development Order is hereby replaced with Exhibit "C" attached hereto.

i. Map "H", the Master Plan for the project, is hereby replaced by the Revised Master Plan dated June 17, 1992 attached hereto as Exhibit "D".

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

5. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

6. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the Department of Community Affairs, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting on July 14, 1992, as the same appears of record in Minute Book 194 of the Public Records of Hillsborough County, Florida

WITNESS my hand and official seal this 11th day of August, 1992.

RICHARD AKE, CLERK

BY: Linda Lyons
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY: _____
Approved as to Form and
Legal Sufficiency

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI Notice of Proposed Change No. 2, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its Notice of Proposed Change No. 2 for the Fish Hawk Ranch DRI on March 26, 1992.

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

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 26 day of March, 1992.

Notary Public
My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. JAN. 6,1994
BONDED THRU GENERAL INS. UND.

EXHIBIT A

AFFIDAVIT

RECEIVED
Planning & Development Management
JUL 30 1992
A.M. 7 8 9 10 11 12 1 2 3 4 5 6 P.M.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI Notice of Proposed Change No. 2, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its Notice of Proposed Change No. 2 for the Fish Hawk Ranch DRI on March 26, 1992.

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

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 26 day of March, 1992.

Notary Public
My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA MY COMMISSION EXP. JAN. 6,1994 BONDED THRU GENERAL INS. UND.

EXHIBIT A

IN TOWNSHIP 30 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 15:

(a) The SW-1/4 of NW-1/4.

(b) The N-1/2 of SW-1/4, LESS Seaboard System Railroad, Inc. former right-of-way.

(c) The S-1/2 of SW-1/4 and the SW-1/4 of SE-1/4, LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida. and LESS Seaboard System Railroad, Inc. former right-of-way.

Section 19: The SE-1/4.

Section 20: The S-1/2.

Section 21: The S-1/2 of the NE-1/4, and the S-1/2.

Section 22:

(a) The E-1/2, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

(b) That part of the E-1/2 of SW-1/4 lying East of the Lithia Station-Boyette Road.

EXHIBIT "B"

(c) The NW-1/4, (i) LESS that pai described as begin at the intersection of the north boundary line of the SE-1/4 of NW-1/4 with the east former right-of-way line of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company), run thence east 210 feet, thence southwesterly parallel to and 210 feet east of said former railroad right-of-way line 630 feet, thence west 210 feet to said former railroad right-of-way line, thence northeasterly along said former railroad right-of-way line 630 feet, more or less, to the point of beginning, and (ii) LESS that part of the W-3/4 of SE-1/4 of NW-1/4 lying west of Lithia Station-Boyette Road and lying east of the former right-of-way of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company) and lying South of the excepted parcel described immediately above, and (iii) LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and (iv) LESS those parts of the SE-1/4 of NW-1/4 conveyed by Agrico Chemical Company under deed to Bud Sanders and wife dated July 20, 1983, recorded in Official Records Book 4178, page 520, Hillsborough County, Florida, and under deed to Michael J. Brannon and wife dated July 20, 1983, recorded in Official Records Book 4178, page 522, Hillsborough County, Florida, and under deed to General Telephone Company of Florida dated July 20, 1983, recorded in Official Records Book 4161, page 1439, Hillsborough County, Florida, and (v) LESS those parts of the NW-1/4 of NW-1/4 conveyed by Agrico Chemical Company to the County of Hillsborough under deed dated April 29, 1985, recorded in Official Records Book 4557, page 1919, Hillsborough County, Florida, and (vi) LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and (vii) LESS Seaboard System Railroad, Inc. former right-of-way.

Section 23: The W-1/2 of NW-1/4, and the SW-1/4, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and LESS the north 25 feet of the NW-1/4 of NW-1/4 as described in right-of-way deed (Thompson Road) from American Agricultural Chemical Company to the County of Hillsborough dated November 9, 1954, recorded in Deed Book 1854, page 316, Hillsborough County, Florida.

Section 28: That part of the S-1/2 lying westerly of the Seaboard System Railroad, Inc., former right-of-way, and the W-3/4 of N-1/2 of NE-1/4, and the W-3/4 of W-1/2 of NW-1/4, and the E-1/2 of NW-1/4 LESS the E-1/2 of SE-1/4 of NE-1/4 of NW-1/4.

Section 29: All, (i) LESS the E-1/2 of NE-1/4 of NW-1/4, and (ii) LESS the SE-1/4 of SE-1/4 of NE-1/4, and (iii) LESS the E-1/2 of W-1/2 of NE-1/4 of SW-1/4.

Section 30: The E-1/2.

Section 31: The NE-1/4, and the E-1/2 of SE-1/4.

Section 32: All, (i) LESS the SW-1/4 of SW-1/4, and (ii) LESS the W-1/2 of NW-1/4 of SW-1/4 and (iii) LESS Seaboard System Railroad, Inc. former right-of-way.

Section 33: That part of the N-1/2 lying westerly of the Seaboard System Railroad, Inc., former right-of-way, and the S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of old Lithia Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida), and LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida, and LESS Seaboard System Railroad, Inc. former right-of-way.

Section 34:

(a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run south 209 feet, thence east 209 feet, thence north 109 feet, thence east 451 feet, more or less to the east boundary of the NW-1/4 of SW-1/4, thence north 100 feet to the northeast corner thereof, thence west along the north boundary thereof 660 feet, more or less, to the point of beginning.

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

IN TOWNSHIP 31 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 4: The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning.

Section 5:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) former right-of-way, said point being 50 feet from and at right angles to the center line of said former railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

(b) The NE-1/4 of NW-1/4, and that part of the SE-1/4 of NW-1/4, if any, lying north and west of Boyette-Balm Road, and that part of the N-1/2 of NE-1/4 lying westerly of the Seaboard System Railroad, Inc., right-of-way, LESS that part lying in the S-1/2 of SW-1/4 of NE-1/4 of NE-1/4. (The S-1/2 of SE-1/4 of NW-1/4 of NE-1/4 consists of Lots 1, 2, 3, and 4 according to the plat of A. F. TURNER'S SUBDIVISION recorded in Plat Book 8, page 26, Hillsborough County, Florida.)

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: A parcel of land lying in Section 15 and Section 22, all in Township 30 South, Range 21 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

From the Southwest corr~r of the Southwest 1/4 of Section 15, Township 30 South, Range . East, Hillsborough Count: Florida, run thence N.89°41'37"E., 122.32 feet, along the South boundary of the Southwest 1/4 of said Section 15 to a point on the Northerly right of way line of Lithia-Pinecrest Road and the POINT OF BEGINNING; thence N.43°03'59"W., 178.67 feet, along said Northerly right of way line to a point on the West boundary of the Southwest 1/4 of said Section 15; thence N.00°08'13"E., 2536.17 feet, along said West boundary to the Northwest corner of the Southwest 1/4 of said Section 15 to the Northwest corner thereof; thence N.00°05'32"E., 1323.83 feet, along the West boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Northwest corner thereof; thence N.89°35'13"E., 1319.30 feet, along the North boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Northeast corner thereof; thence S.00°37'54"E., 1353.79 feet, along the East boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 15 to the Southeast corner thereof; thence N.89°42'51"E., 1318.59 feet, along the North boundary of the Southwest 1/4 of said Section 15 to the Northeast corner thereof; thence S.00°17'22"E., 1097.46 feet, along the East boundary of the Southwest 1/4 of said Section 15 to a point on the Northwesterly right of way line of a C.S.X. Transportation, Inc. 100 foot railroad right of way; thence S.28°54'31"W., 1419.12 feet, along said Northwesterly right of way line; thence S.71°24'42"W., 714.14 feet; thence S.12°25'51"W., 81.19 feet, to a point on the South boundary of said Section 15; thence continue S.12°25'51"W., 1005.43 feet, to a point on a curve and the aforesaid Northerly right of way line of Lithia-Pinecrest Road; thence Northwesterly, 444.15 feet along the arc of a curve to the left having a radius of 3769.72 feet and a central angle of 06°45'02" (chord bearing N.46°26'31"W., 443.89 feet); thence N.43°03'59"W., 916.75 feet, continuing along said Northerly right of way line to the POINT OF BEGINNING.

Containing 198.208 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the Southeast 1/4 of Section 19, and the South 1/2 of Section 20, all in Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast 1/4 of Section 19, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence S.89°25'59"E., 2659.31 feet, along the North boundary of the Southeast 1/4 of said Section 19, to the Northeast corner thereof; thence N.89°46'17"E., 1868.68 feet, along the North boundary of the South 1/2 of the aforesaid Section 20; thence S.00°14'27"W., 897.75 feet, to a point on the North boundary of a 160 foot Tampa Electric Company Easement as described in Deed Book 1737, Pages 19 & 20, of the Public Records of Hillsborough County, Florida; thence N.89°35'08"W., 4523.56 feet, along said North boundary, to a point on the West boundary of the Southeast 1/4 of said Section 19; thence N.00°02'24"W., 883.88 feet, along said West boundary, to the POINT OF BEGINNING.

Containing 91.759 acres, more or less.

LESS AND EXCEPT THE F LOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.89°46'17"E., 1968.68 feet, along the North boundary of the South 1/2 of said Section 20, to the POINT OF BEGINNING; thence continue N.89°46'17"E., 676.71 feet, along the said North boundary; thence S.14°17'09"E., 121.75 feet; thence S.06°45'08"E., 127.24 feet; thence S.01°43'02"E., 118.16 feet; thence S.22°01'30"E., 125.24 feet; thence S.13°10'57"W., 110.09 feet; thence S.22°54'48"E., 190.56 feet; thence S.35°12'22"W., 53.98 feet; thence S.42°07'49"E., 111.31 feet; thence N.67°08'31"E., 67.62 feet; thence S.46°34'05"E., 68.37 feet, to a point on the North boundary of a 160 foot Tampa Electric Company Easement as described in Deed Book 1737, Pages 19 & 20, of the Public Records of Hillsborough County, Florida; thence N.89°35'08"W., 980.61 feet, along said North boundary; thence N.00°14'27"E., 898.88 feet, to the POINT OF BEGINNING.

Containing 15.742 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the Southeast 1/4 of Section 19, and South 1/2 of Section 20, and the East 1/2 of Section 30, all in Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

BEGINNING at the Southwest corner of the Southeast 1/4 of Section 19, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence N.00°02'24"W., 1362.64 feet, along the West boundary of the Southeast 1/4 of said Section 20, to a point on the proposed South right of way line of Boyette Road Extension; thence along said proposed South right of way line, the following three (3) courses; 1) S.88°50'07"E., 759.85 feet; 2) S.89°35'08"E., 2578.63 feet, to a point of curvature; 3) Southeasterly, 324.19 feet along the arc of a curve to the right having a radius of 1489.02 feet and a central angle of 12°28'28" (chord bearing S.83°20'54"E., 323.55 feet); thence S.33°24'52"W., 187.79 feet, to a point of curvature; thence Southwesterly, 572.32 feet along the arc of a curve to the left having a radius of 3015.00 feet and a central angle of 10°52'34" (chord bearing S.27°58'35"W., 571.46 feet); thence N.89°16'18"W., 2023.53 feet; thence S.00°07'27"E., 2558.78 feet; thence S.38°14'14"W., 1009.94 feet; thence S.00°05'49"E., 844.27 feet; thence S.67°42'11"W., 21.70 feet; thence S.04°44'45"E., 75.72 feet; thence S.26°16'35"W., 54.81 feet; thence S.86°49'51"W., 74.48 feet; thence S.66°00'44"W., 63.62 feet; thence S.70°27'36"W., 103.02 feet; thence S.71°00'44"W., 82.74 feet; thence S.57°49'50"W., 87.93 feet; thence N.54°46'44"W., 32.78 feet; thence S.46°40'07"W., 95.32 feet; thence N.84°06'42"W., 123.40 feet, to a point on the West boundary of the East 1/2 of the aforesaid Section 30; thence N.00°05'49"W., 3845.82 feet, along said West boundary, to the POINT OF BEGINNING.

Containing 162.499 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL 1 CONVEYED TO HILLSBOROUGH COUNTY.

DESCRIPTION: That part of the South 1/2 of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 20, Township 30 South, Range 21 East, Hillsborough County, Florida, run thence S.89°37'09"E., 2688.77 feet, along the South boundary of said Section 20; thence N.89°40'29"E., 278.98 feet, along the South boundary of said Section 20, to the POINT OF BEGINNING; thence N.00°19'32"W., 555.96 feet, to a point on a curve and the proposed South right of way line of Boyette Road Extension; thence Northeasterly, 553.85 feet along said proposed South right of way line and the arc of a curve to the left having a radius of 1248.92 feet and a central angle of 25°24'31" (chord bearing N.68°44'37"E., 549.32 feet); thence S.33°57'38"E., 158.90 feet; thence N.53°03'56"E., 292.27 feet; thence S.45°16'02"E., 33.19 feet; thence S.36°44'37"E., 25.26 feet; thence S.03°41'09"E., 27.08 feet; thence S.28°08'08"E., 46.00 feet; thence S.63°51'30"E., 31.64 feet; thence S.09°58'42"W., 25.01 feet; thence S.20°37'58"E., 22.65 feet; thence S.39°45'01"E., 33.46 feet; thence S.60°42'43"E., 31.73 feet; thence S.27°08'22"E., 35.51 feet; thence N.84°43'45"E., 26.98 feet; thence N.20°44'14"E., 35.03 feet; thence N.31°32'55"E., 37.55 feet; thence N.05°44'44"E., 46.05 feet; thence S.87°48'56"E., 16.35 feet; thence S.40°57'37"E., 40.90 feet; thence S.04°26'54"W., 48.86 feet; thence N.84°27'57"E., 31.61 feet; thence N.67°11'04"E., 13.88 feet; thence S.33°04'38"E., 34.36 feet; thence S.02°24'04"E., 53.18 feet; thence S.62°21'52"W., 66.53 feet; thence N.47°21'48"W., 80.46 feet; thence S.41°31'21"W., 53.59 feet; thence S.26°55'41"E., 67.53 feet; thence S.53°53'09"E., 56.36 feet; thence N.81°52'41"E., 33.53 feet; thence S.21°03'49"W., 69.53 feet; thence S.13°18'54"W., 56.88 feet; thence S.57°21'44"W., 100.87 feet; thence S.14°35'16"W., 73.81 feet; thence S.25°25'12"W., 67.39 feet; thence S.24°35'44"W., 83.06 feet; thence S.30°03'24"W., 25.14 feet, to a point on the South boundary of the aforesaid Section 20; thence S.89°40'29"W., 896.67 feet, along said South boundary, to the POINT OF BEGINNING.

Containing 15.614 acres, more or less.

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

June 4, 1991

RECEIVED
JUN 7 1991
Tampa Bay Regional
Planning Council

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

Re: Resolution No. R91-0085 - Amendment to Development Order for Fish Hawk Ranch (DRI #191)

Dear Ms. Cooper:

Attached is a certified executed copy of the referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on May 7, 1991.

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

mailed June 5, 1991

JMN:CS
Attachment
Certified Mail
cc: Board files (1 orig.)
Keith Bricklemyer, Esquire
J. Thomas Beck, State Department of Community Affairs
Lucia Garsys, Manager, Planning and Zoning
Paula Harvey, Acting Director, Planning and Zoning
John Dixon Wall, Chief Assistant County Attorney

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 H.C. Resolution No. R91-0085 - Amending the Development Order for Fish Hawk Ranch, DRI #191

adopted by the Board in its regular meeting of May 7, 1991, as the same appears of record in MINUTE BOOK 180 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 4th day of June, 1991.

RICHARD AKE, CLERK

BY: Judith M. Nichols
Deputy Clerk

FINAL
05/07/91
VAM/jk

RESOLUTION NO. R91-0085

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING THE DEVELOPMENT ORDER
FOR FISH HAWK RANCH, DRI #191

Upon motion of Commissioner James Selvey, seconded by Commissioner Ed Turanchik, the following Resolution was adopted by a vote of 6 to 0, with Commissioner(s) _____ voting "No."

WHEREAS, on July 11, 1989 the Board of County Commissioners adopted Resolution No. R89-0172 approving the Development Order for the Fish Hawk Ranch DRI #191, which became effective on July 25, 1989 (the "Development Order"); and,

WHEREAS, the Development Order requires the Developer to make certain roadway improvements pursuant to Section IV.B.2.c.; and,

WHEREAS, the required roadway improvement was originally envisioned to include only two four-lane bridge structures, but, based on environmental considerations, now requires four two-lane bridge structures; and,

WHEREAS, on March 12, 1991, Shimberg-Cross Company, by its authorized agent, Keith W. Bricklemyer, filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact for the Fish Hawk Ranch ("Notice of Change") in accordance with Section 380.06(19), Florida Statutes (Supp. 1990); and,

WHEREAS, Section 380.06(19), Florida Statutes (Supp. 1990) requires that the Development Order be amended to reflect the revisions proposed in the Notice of Change; and,

WHEREAS, pursuant to the provisions of Section 380.06(19), Florida Statutes (Supp. 1990), public notice was given that a public hearing would be held by the Board of County Commissioners on May 7, 1991 to consider a request to amend the Development Order.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 7th DAY OF May, 1991 AS FOLLOWS:

1. That the following findings of fact are made:

   a. A review of the impacts generated by the amendment of the Development Order described herein has been conducted by Hillsborough County, Tampa Bay

Regional Planning Council and the Department of Community Affairs.

b. The Proportionate Share for Phase I of the Development Order shall remain Three Million Four Hundred Thirty-Five Thousand Five Hundred Sixteen and No/100th Dollars ($3,435,516.00).

c. The cost of the new pipeline project is estimated to be Seven Million Eight Hundred Thousand and No/100th Dollars (7,800,000.00).

d. The pipeline project as amended is regionally significant.

e. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

f. All recitations and findings set forth herein are incorporated herein by reference.

2. That Subsection IV.B.2.c (2)(c) of the Development Order approved by Resolution No. R89-0172 is hereby deleted in its entirety and replaced with the following:

(c) To accommodate the four-lane divided arterial roadway approved as the Required Design, the bridges over Fish Hawk Creek and Little Fish Hawk Creek shall be designed as two-lane bridges at each of the four creek crossings. Developer shall construct two two-lane bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, to accommodate the two-lane roadway constructed by Developer under Required Construction.

Developer shall fund and construct the two remaining bridges, one over Fish Hawk Creek and one over Little Fish Hawk Creek, only if transportation analyses, required pursuant to the provisions of Section 380.06, Florida Statutes (per Section IV.A.2 of the Development Order) and prepared for Phases II, III and IV of Fish Hawk, identify the need for the Boyette Road Extension to be four-laned. The transportation analyses shall be done in accordance with generally accepted engineering practices and shall account for both background traffic and project traffic. Developer shall not be required to fund or construct the two remaining bridges if the transportation analyses required per Section IV.A.2 for development beyond Phase I do not indicate the need to four-lane the Boyette Road Extension to accommodate traffic generated by Fish Hawk Ranch DRI.

Developer shall be required to construct or fund construction of the two remaining bridges only in conjunction with and at the same time as the construction of the four-laning of the Boyette Road Extension on or before the buildout of Fish Hawk. The intent of this condition is to prevent Developer from constructing or committing funds to construct said bridges if the road said bridges will serve will not be constructed on or before the buildout of Fish Hawk. For purposes of this Development Order, the term "buildout" shall mean the issuance of the last certificate of occupancy to complete the final phase of the project according to the phasing schedule set out in Article IV.A. of the Development Order, as it may be amended from time to time. Developer hereby assumes no obligation or liability to construct or fund the construction of the four-laning of the Boyette Road Extension.

The developer shall enter into an agreement with Hillsborough County to specify the rights and obligations of each party with regard to the Boyette Road Extension. Said agreement shall not be inconsistent with the requirements of this Development Order. Said agreement shall be executed by both parties prior to final approval of the design of the Required Improvement.

3. That the Developer's Certification, Exhibit "A", affirming that copies of the Notice of Change have been delivered to all persons as required by law, is attached hereto and incorporated herein by reference.

4. That the Developer's Certification, Exhibit "B", affirming that a complete copy of the Application for Development Approval, as modified or amended, has been delivered to all persons as required by law, is attached hereto and incorporated herein by reference.

5. That amendment of the Development Order, as set forth herein, does not involve a change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes (Supp. 1990).

6. That all statutory procedures have been adhered to.

7. That Resolution No. 89-0172, attached hereto and incorporated herein as Exhibit "C," is hereby reaffirmed in its entirety except as amended herein.

8. That nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.

9. That the amendment adopted hereby is consistent with the Comprehensive Plan's of Hillsborough County and the State of Florida, and is consistent with land development regulations.

10. That the Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes (Supp. 1990).

11. That this Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (Supp. 1990).

12. That upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the Department of Community Affairs, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of May 7, 1991, as the same appears of record in Minute Book 180 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 4th day of June, 1991.

RICHARD AKE, CLERK

BY: Judith M. Nichols
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY: _____
Approved as to Form and
Legal Sufficiency

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI Notice of Proposed Change #1, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its Notice of Proposed Change #1 for the Fish Hawk Ranch DRI on March 12, 1991.

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

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 7th day of May, 1991.

Notary Public
My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA MY COMMISSION EXP. JAN. 8,1994 BONDED THRU GENERAL INS. UND.

EXHIBIT A

T6068o

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its application for development approval for Fish Hawk Ranch on November 2, 1988. The first sufficiency response was filed on February 16, 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 Exhibit 1.

3. Proportionate share calculations for Phase I were filed with Hillsborough County, TBRPC and DCA.

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 18th day of July, 1989.

Bonnie L. Boyette
Notary Public
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: JAN. 24, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

BRYRK17A16

EXHIBIT B

Resolution No. R89-0172
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #191 DEVELOPMENT ORDER FOR
FISH HAWK RANCH

Upon motion by Commissioner Selvey, seconded by Commissioner Colson, the following Resolution was adopted by a vote of 6 to 1, Commissioner Platt voting "No."

WHEREAS, on November 4, 1988, the Shimberg-Cross Company, Inc. (hereinafter "Applicant" or "Developer") filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a RESIDENTIAL, COMMERCIAL and OFFICE PROJECT on approximately FOUR THOUSAND EIGHT HUNDRED SIXTY-NINE (4,869.6) acres, located in South Hillsborough County, hereinafter referred to as "FISH HAWK" or "Development"; and

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

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

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

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on July 11, 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 agencies as well as the review and report of the Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 11th DAY OF July, 1989, AS FOLLOWS:

I. FINDINGS OF FACT

A. Shimberg-Cross Company submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Response which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval, Sufficiency Response and other exhibits specifically incorporated in this Resolution.

EXHIBIT C

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

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

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

E. A comprehensive review of the impacts generated by the Development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission (the "Planning Commission"), and the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

F. The authorized agent of FISH HAWK is Keith W. Bricklemyer, Honigman Miller Schwartz and Cohn, 777 South Harbour Island Blvd., Suite 350, Tampa, Florida 33602.

II. CONCLUSIONS OF LAW

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

1. The Development is consistent with local land development regulations and is consistent with the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and state and regional comprehensive plans.

2. The Development is consistent with the report and recommendations of TBRPC.

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

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

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

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

E. The current Hillsborough County Horizon 2000 Land Use Plan Map designates the area within which this land lies as SUBURBAN RESIDENTIAL (SR) and RURAL RESIDENTIAL (RR). These existing designations are consistent with the proposed Future of Hillsborough County Land Use Plan Map designations of the area as "LOW SUBURBAN DENSITY RESIDENTIAL" (LSDR) and "RURAL RESIDENTIAL" (RR).

III. GENERAL PROVISIONS

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

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

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

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

E. This Development Order shall be binding upon the Developer and its successors and assigns, 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 FISH HAWK, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate body created to perform such responsibilities, provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Subsection 380.06(19)(b), Florida Statutes, or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other type of regional impact not previously reviewed by Hillsborough County and TBRPC, shall result in further Development of Regional Impact ("DRI") review pursuant to Section 380.06, Florida Statutes.

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 issue a notice of such noncompliance to the Developer, or 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, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85, as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the 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; and

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

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

4. A statement setting forth the name(s) and address(es) of any successors or assigns 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, except as otherwise provided herein, to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order shall become effective upon the date of transmittal to the parties specified in Subsection 380.07 (2), Florida Statutes, as amended.

N. The Developer has elected, pursuant to Subsection 380.06(5) (c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 and each chapter's respective implementing rules and regulations in effect as of the effective date of this Development Order. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

Years*	Office** (Sq.Ft.)	Commercial** (Sq. Ft.)	Residential (Dwelling Units)
Phase I (1990-1995)	--	110,000	2,238
Phase II (1996-2000)	50,000	280,000	2,168
Phase III (2001-2005)	42,000	--	2,168
Phase IV (2006-2010)	--	--	2,168
TOTAL	92,000	390,000	8,742

* The years shown are estimates only and do not prohibit development at a slower or faster rate, subject to the other conditions of this Development Order.

** The commercial and office square footages for each phase shall be limited to the maximum square footages permitted under the Horizon 2000 Plan or the Future of Hillsborough Plan, as applicable.

2. Specific final development approval is accorded to Phase I, subject to the conditions contained herein. Specific approval of Phases II, III, and IV shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts.

3. For purposes of this Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the phase.

4. Any amendments to the proposed phasing schedule shall be submitted to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Development Order are otherwise fully complied with. Any significant departure in project buildout

from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

5. The physical development of FISH HAWK shall begin within five years of the effective date of this Development Order.

6. This Development Order shall remain in effect for a period up to and including December 31, 2015. No new construction shall commence 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, TBRPC and the Department of Community Affairs ("DCA") a minimum of thirty (30) days prior to the expiration date of this Development Order.

7. This Development shall not be subject to downzoning, or intensity reduction until January 1, 2016, 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 the local government to be essential to the public health, safety, or welfare.

B. Transportation

1. General Transportation Conditions

a. Monitoring. When Certificates of Occupancy have been issued for 1,500 single family residential units (or the equivalent thereof in terms of trip generation), an annual monitoring program to provide peak-hour traffic counts at the Development's entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. The Developer may perform a more detailed engineering survey to more accurately evaluate the results of the monitoring program. Counts shall be performed on an annual basis through build-out of Phase I. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, may amend the Development Order to require additional roadway improvements or other mitigation measures according to the results of a revised transportation analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

The methodology for a new traffic analysis required during the additional review shall be based upon the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

b. TSM. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of Certificates of Occupancy for 1,500 single family residential units (or the equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the PM peak-hour which is consistent with the assumptions used to prepare the Application. Such a program shall be reviewed by Hillsborough County, the Hillsborough County Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), TBRPC and the Florida Department of Transportation ("FDOT").

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the implementation of each TSM measure. The results of the TSM program shall be included in the Annual Report.

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

Development of such a TSM program shall be in cooperation with FDOT, Hillsborough County, MPO, HART and TBRPC. Such a program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ride sharing by public and private sector employees.

OBJECTIVES:
*Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ride-sharing efforts.

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

c. Boyette Road Extension. In the event the Boyette Road extension, to which traffic from this Development has been assigned, is not built as set forth in this Development Order, no specific approvals beyond Phase I of the Development shall be granted.

2. Mitigation Alternatives. The Developer shall, at its option, select one of the following alternatives to mitigate the Development's transportation impacts for Phase I. If Option 3 is selected but not performed as required in this section, mitigation of transportation impacts shall be governed by either Option 1 or Option 2.

a. Option 1

(1) Approval of any detailed site plans for Phase I of the Development shall require funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements indicated in Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(2) Subphasing of the Development is acceptable subject to agreement by Hillsborough County and TBRPC as to the amount of development in the subphase and the existence of funding commitments for roadway improvements on affected roadways that would operate below LOS D at peak hour (C peak in rural areas) and the development consumes five percent or more of the existing LOS D peak hour (C peak rural) service volume of the facility. At the point in the development of Phase I at which roadway improvements are required pursuant to TBRPC policy for which no funding commitments can be assured, development in the project shall be subject to a stop order. The stop order shall require a new traffic analysis or monitoring as appropriate.

Table 1

PHASE I (1995) REQUIRED LINK IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
Bloomingdale Ave.	Kings Ave. Bell Shoals Rd.	E	6.5	Construct 4-lane divided arterial
Bell Shoals Rd.	Bloomingdale Ave. to Boyette Rd.	E	23.7	Construct 4-lane divided arterial
Lithia-Pinecrest Rd.	SR 60 to Lumsden Rd.	E	16.0	Construct 4-lane divided arterial
Boyette Rd.	Bell Shoals Rd. to site entrance	(not existing)	100.0	Construct 2-lane arterial

Table 2

PHASE I (1995) REQUIRED INTERSECTION IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
SR 60 at Lithia-Pinecrest Rd.	F	16.3	Construct an EB right-turn lane. Construct NB left-turn lane
US 301 at Bloomingdale Avenue	F	5.8	Construct an additional EB through-lane. Construct an additional SB left-turn lane and an additional through-lane.
Bloomingdale Ave. at Bell Shoals Road	F	14.2	Construct EB through-lane. Construct WB through-lane and exclusive right-turn lane. Construct SB right-turn lane.
Boyette Road at Bell Shoals Rd.	F	33.8	Signalize. Construct WB right, through and left-turn lanes. Construct EB right- and left-turn lanes. Construct NB left-turn lane. Construct SB right-turn lane.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the FISH HAWK transportation study network, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, FDOT and TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of construction of any previously approved portion of Phase I plus that to be generated by the portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D at peak hour (C peak in rural areas). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak in rural areas), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak in rural areas).

c. Option 3

In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. If this option is not selected by written notice to Hillsborough County and TBRPC within ninety (90) days of the start date as defined below, this option shall expire. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phase I of the Development on the regionally significant transportation highway facilities within the primary impact area. Any approval of this mitigation/curing mechanism is based on the Development's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

(1) This pipeline option may be elected as full and complete satisfaction of the Developer's obligation to mitigate Phase I transportation impacts of the Development. Upon request of the Developer, prior to development beyond Phase I, a determination shall be made by Hillsborough County and coordinated by the County in writing with the other appropriate agencies whether or not a pipeline option for mitigation for the next Phase or Phases of the Development is permitted by then

existing rules and regulations. If so, the Development Order may be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the next Phase or Phases of the Development with due consideration given for all improvements and contributions made by the Developer to mitigate traffic impacts. If Hillsborough County determines that a pipeline option is not appropriate, transportation mitigation for the next Phase or Phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

(2) The Required Pipeline Improvement (the "Required Improvement") under this Option 3, which includes the "Required Design", the "Required Right-of-Way Acquisition" and the "Required Construction" as defined below, shall be as follows:

(a) Developer shall design the 4.7 mile extension of Boyette Road from Bell Shoals Road to Lithia-Pinecrest Road (the "Boyette Road Extension") as a four-lane, divided, arterial roadway consistent with Hillsborough County design standards including appropriate transitional geometric improvements at the intersection of Bell Shoals/Boyette Road Extension and Lithia Pinecrest/Boyette Road Extension to maintain at least level of service D peak hour, at buildout of Phase I, at these intersections (the "Required Design"). All roadway plans shall be submitted for review and approval by Hillsborough County at the 30%, 60%, 90% and 100% complete stage. If Hillsborough County does not complete its review within thirty (30) days after each submittal, the County's review time shall be added to the time allowed for completion of the Required Design as provided herein.

(b) Developer shall construct two lanes of the Boyette Road Extension in accordance with the Required Design in two segments (the "Required Construction"). The first segment ("Segment A") shall consist of a 1.7 mile segment from Bell Shoals Road to the west boundary of the Development. The second segment ("Segment B") shall consist of a 3.0 mile segment from the west boundary of the Development to Lithia-Pinecrest Road. Segment A shall be constructed prior to or concurrent with construction of Segment B.

(c) The two bridge structures included in the Required Improvement will be constructed to accommodate the future four-laning of the Boyette Road Extension.

(d) Hillsborough County shall provide the necessary right-of-way for the Required Improvement, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed for the Required Improvement, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the Required Improvement, including the exercise of its powers of eminent domain. Unless otherwise approved by the Hillsborough County Engineering

Services Department, the right-of-way shall be 176 feet wide for a rural section or 128 feet wide for an urban section.

(e) The Hillsborough County Road Network impact fee, in accordance with Ordinances 86-4 as amended by Ordinances 87-19, 89-4 and 89-6 (Roadway Improvements), and Ordinance 85-24E as amended by Ordinances 86-5, 87-17 and 89-3 (Right-of-Way), has been determined to be Two Million Fifty Thousand and No/100ths Dollars ($2,050,000.00) for Phase I and Seven Million Fourteen Thousand and No/100ths Dollars ($7,014,000.00) for the entire Development (hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances"). The "Proportionate Share" contribution by the Developer for Phase I, in accordance with Section 380.06, Florida Statutes, Rule 9J-2.0255, Florida Administrative Code, and Section 19.8.14, Future of the Region, has been determined to be Three Million Four Hundred Thirty-Five Thousand Five Hundred Sixteen and No/100th Dollars ($3,435,516.00).

(f) The cost of Segment A has been determined to be Three Million Eight Hundred Twenty-Eight Thousand Twenty-One and No/100th Dollars ($3,828,021.00), which amount exceeds the Developer's Proportionate Share obligation for Phase I. The total cost of the Required Improvement has been determined to be Eight Million Two Hundred Twenty-Eight Thousand One Hundred Fifty-Five and No/100th Dollars ($8,228,155.00), which amount includes design, right-of-way acquisition, construction and construction inspection. The total contribution by the Developer for the Required Improvement, therefore, exceeds the Phase I Pipeline Proportionate Share Amount by Four Million Seven Hundred Ninety-Two Thousand Six Hundred Thirty-Nine and No/100ths Dollars ($4,792,639.00), exceeds the Phase I Transportation Impact Fee amount by Six Million One Hundred Seventy-Eight Thousand One Hundred Fifty-Five and No/100th Dollars ($6,178,155.00), and exceeds the Development buildout Transportation Impact Fee amount by One Million Two Hundred Fourteen Thousand One Hundred Fifty-Five and No/100th Dollars ($1,214,155.00).

(g) Buildings within FISH HAWK shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable transportation contributions, costs and expenses borne by the Developer pursuant to this Development Order including but not limited to costs for right-of-way acquisition, design, construction and construction inspection of the Required Improvement ("Developer Pipeline Expenses") shall be applied toward and be a credit against impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder. To the extent that Developer Pipeline Expenses exceed the Phase I proportionate share contribution under this condition, such excess

shall, in accordance with then applicable law, be applied toward and be a credit against then applicable transportation impact fees and proportionate share or pipeline assessments for Phases II, III and IV of the Development. If permitted by applicable regulations, said excess impact fee credits shall also be transferable to other projects of the Developer subject to a case-by-case approval by the Board of County Commissioners. Subject to approval of the Board of County Commissioners, any excess credits not otherwise recovered as provided above shall be recoverable from transportation and right-of-way impact fees paid by all other development which uses any portion of the Required Improvement as a direct access point. For purposes of this paragraph, "direct access point" shall mean any point of ingress or egress from the boundaries of the development which connects directly to the Required Improvement or to any new connector road to the Required Improvement that does not now exist. Developer may apply to recover such excess credits on a quarterly basis after completion of the Required Improvement.

(h) The Developer shall comply with the following time schedule, which schedule anticipates the difficulties expected to be encountered with the design, permitting, and construction of the bridge structures that are part of the Required Improvement:

(aa) Developer shall complete the Required Design no later than fifteen (15) months after the Start Date, which is defined as the date of final approval of the Development Order and the resolution of any appeals thereof, or the expiration of all appeal periods with no appeals having been filed.

(bb) Developer shall acquire the necessary right-of-way for the Required Improvement within four (4) months after approval of the Required Design, or in such additional time as may be required for the County to acquire the right-of-way by condemnation.

(cc) Developer shall commence construction of Segment A no later than six (6) months after the date of final approval of the Required Design and the securing of all right-of-way required for said construction. Construction of Segment A shall be completed within eighteen (18) months after the commencement of its construction.

(dd) The Developer shall commence construction of Segment B within twelve (12) months after the issuance of the Certificate of Occupancy for the 1500th dwelling unit, and shall complete construction of Segment B within twenty-four (24) months after the commencement of its construction and in any event prior to the issuance of any building permits for Phase II.

(ee) In no event shall any more than three hundred (300) dwelling units (or peak hour traffic equivalent thereof) be developed in those parcels with direct access to Lithia

Pinecrest Road until construction of Segment B has commenced.

(i) The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Required Improvement.

(j) Subject to paragraphs IV.B.2 and IV.B.2.c.(2)(k) below, if the Required Improvement is not designed and constructed in accordance with the above stated schedule, no further building permits shall be issued. In such event, the County shall either require the Developer to immediately complete the Required Improvement or may require the Developer to provide the County a Bond or Letter of Credit in the full amount of the cost of the uncompleted portion of the Required Improvement, as determined by the County. The County shall draw down on the Bond or on the Letter of Credit for completion of the Required Improvement and shall complete the Required Improvement as expeditiously as possible and no further building permits shall be issued until completion of such improvement.

(k) In the event that the performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed by war, riot, strike, civil commotion, natural disaster or other event beyond Developer's control, then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed in connection with acquisition of necessary right-of-way or governmental approvals for the construction of the Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to Hillsborough County and TBRPC for their review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

C. <u>Air Quality</u>

1. The Developer and its successors or assigns shall be required to employ the fugitive dust emission abatement procedures referenced on page 13-6 of the Application.

2. Approval of Phases II, III and IV shall require further review of air quality, in the form of an updated air quality impact analysis as required by Chapter 380, Florida Statutes, and applicable rules and regulations of the Florida Department of Environmental Regulation ("FDER") and the Hillsborough County Environmental Protection Commission ("EPC"), with review and comment by TBRPC, and amendment of the Development Order to incorporate necessary measures to alleviate project impact.

3. If any proposed change to the Development is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed

change is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law, which remedial measures shall be incorporated as amendments to this Development Order.

D. Land

1. The methods identified on pages 14-1 and 14-4 of the ADA to overcome problems associated with particular soil types shall be implemented as appropriate.

2. The erosion control methods referenced on pages 14-4 and 14-5 of the ADA shall be implemented as appropriate.

E. Stormwater Management and Water Quality

1. Master Stormwater Management Plan. Prior to construction plan approval and the subsequent issuance of any site alteration/building permits, the Master Stormwater Management (drainage) Plan shall be submitted to TBRPC and FDER for review and to Hillsborough County and the Southwest Florida Water Management District ("SWFWMD") for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such Master Stormwater Management Plans:

   a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in effect at the time of construction plan submittal and review for a particular phase of the project.

   b. The stormwater management system shall be designed, constructed and maintained to meet or exceed the requirements of Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD; and pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978), where applicable. In the absence of dedication of the stormwater management systems to Hillsborough County, the Developer shall be responsible for the operation and maintenance of the systems and shall provide for periodic sediment and vegetation removal operations as required. The Developer shall provide a copy of the operation and maintenance schedule with the Annual Report.

   c. Incorporation of isolated wetlands within the stormwater management facilities shall be in compliance with requirements of FDER pursuant to Chapter 17-25, Florida Administrative Code, and the requirements of SWFWMD pursuant to Chapter 40D-4, Florida Administrative Code, subject to Section III.N. above.

d. Best Management Practices for reducing water quality impacts, as required by Hillsborough County and SWFWMD, shall be implemented, including a street cleaning program as necessary for private parking and roadway areas within the Development.

e. Biological treatment of stormwater shall be used wherever feasible.

2. Monitoring. In order to protect water quality in the Alafia River and its watershed, there shall be no degradation of applicable water quality standards by the Development's stormwater exiting the site. Groundwater monitoring wells maintained by West Coast Regional Water Supply Authority ("WCRWSA"), presently exist in two locations on site as shown on Figure SR23-1 of the ADA. In addition to the existing groundwater monitoring wells, the Developer shall implement a semi-annual surface water quality monitoring program, to be instituted before any construction activity implementing Phase I approvals takes place and to continue through build-out of the Development, at minimum. Any violation of Chapter 17-3, Florida Administrative Code, determined to be caused by the Development shall require corrective measures as set forth by FDER. The following shall apply:

a. Sampling locations shall be in the areas where Fishawk Creek and Little Fishawk Creek intersect the project boundary, with the specific location to be determined in cooperation with Hillsborough County, FDER, and SWFWMD.

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

c. The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met by the Developer, or its assigns, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

d. Monitoring shall be conducted semi-annually for one year during May and September, following issuance of the Development Order and following construction of 25 percent, 50 percent, 75 percent and 100 percent of the units in each Phase until build-out of the Development. Monitoring parameters shall include the following:

- Total phosphorous
- Total nitrogen
- Orthophosphate P
- Organic N
- Ammonia N
- Chlorophyll-a
- Dissolved oxygen
- Lead
- Zinc
- Copper
- Biological oxygen demand (5 day)

- o Oil and grease
- o T coliforms
- o F coliforms
- o pH
- o Specific conductivity

3. Maintenance. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County.

4. Easements. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated 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.

5. Flood Plains.

   a. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.

   b. All encroachments into the 100-year floodplain shall require that loss of hydrologic storage capacity is compensated on-site in accordance with the requirements of Hillsborough County and SWFWMD.

   c. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways or easements, including grade level walkways, bicycle paths and similar facilities.

6. Wellhead Protection.

   a. The Developer shall work with the West Coast Regional Water Supply Authority (the "Authority") to maintain access for Authority staff or duly appointed agents to the CUP-required monitor wells located in Sections 21 and 29 T30 R21 for the purposes of maintenance and monitoring, until such time as monitoring of the wells is not required under CUP No. 204352. If either monitor well requires repair or replacement as a result of damages caused by development activities, the Developer will bear the cost of such repair or replacement.

   b. Any interim wastewater treatment facilities or disposal site located on the project site shall comply with all existing Federal, State and County regulations as they relate to the construction and operation of wastewater facilities and the disposal of waste. No interim wastewater treatment facilities or disposal sites shall be located wholly or in part within 2500 feet of a South Central Hillsborough Regional Wellfield potable water supply well (referred to hereinafter as a "SCHRW wellhead") without approval from the Authority and Hillsborough County.

c. No stormwater detention/retention ponds or septic tanks shall be located within 200 feet of any then existing SCHRW wellhead property boundary. All retention/detention ponds located wholly or in part within 400 feet of any SCHRW wellhead property boundary shall be lined in all areas, other than littoral shelves, with an impermeable liner (clay or man-made material), unless otherwise approved by the Authority.

d. All excavations made on-site shall not remove the confining clay unit; not breach the limestone aquifer, regardless of the circumstances; not allow the discharge of toxic or hazardous substances into the excavated site at any time; and, for excavations located wholly or in part within 500 feet of any SCHRW wellhead, include provisions for collecting water samples and analyzing water quality for the purpose of protecting public health in accordance with applicable rules and regulations and include an analysis of the excavation's dewatering impact on the surficial aquifer and neighboring wells during the county review process.

e. The Developer shall insititute and implement groundwater monitoring within the project area to ensure maintenance of the water quality of the surficial aquifer, the Floridan aquifer, and adjacent public supply wells (i.e., the South Central Hillsborough Regional Wellfield) in accordance with the rules and regulations of the Florida Department of Environmental Regulation and the Southwest Florida Water Management District. Copies of all data shall be furnished to the Authority and other appropriate agencies within (thirty) 30 days of receipt by the Developer, its successors and assigns. The Authority shall be notified of and may be present for the construction of any monitor wells and at any sampling episodes.

f. No hazardous wastes shall be discharged or disposed of on the property, nor shall any hazardous waste be stored within 500 feet of any SCHRW wellhead property boundary.

g. If, at any time during the monitoring process instituted in accordance with the requirements of the Florida Department of Environmental Regulation or the Southwest Florida Water Management District, any monitor well on-site indicates the presence of pollutants, the Authority or other jurisdictional agencies may require intensified monitoring and data collection. If a source of pollution persists, then the Authority or other jurisdictional agencies may request modification of the Development Order based on action deemed necessary to protect the region's water supply, including the South Central Hillsborough Regional Wellfield, as determined by the Authority or any other jurisdictional regulatory agency.

h. The developer agrees to be bound by Federal and local rules and regulations and by rules and regulations adopted pursuant to Chapters 403 and 373, Florida Statutes, which rules and regulations govern groundwater classification, usage, reclassification and aquifer protection.

i. If the recommended protections listed above become redundant or unnecessary because local ordinances, state rules, and federal regulatory provisions are more strict or provide adequate assurances of groundwater protection, the Authority and other appropriate agencies may mutually agree to eliminate those requirements deemed unnecessary.

F. Vegetation and Wildlife

1. Wetlands.

a. The approximate locations of the portions of the Development which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be designated on the Revised General Site Plan for Zoning Petition No. 89-0098 S.

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

(1) Except as otherwise required by agencies having jurisdiction:

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

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

(c) All on-site conservation area(s) shall be conserved unless a mitigation plan is approved by the Environmental Protection Commission and submitted to the Planning and Zoning Department. The plan shall be implemented prior to or concurrent with the wetlands being disturbed. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

(d) All losses of conservation/preservation areas shall require in kind replacement on a 1:1 basis. Mitigation for conservation/preservation area losses shall be implemented prior to or concurrent with the wetlands being disturbed.

2. Upland Preservation. The representative tracts of major upland vegetative communities shall be preserved on-site as shown on Exhibit "C" in a manner which will protect or enhance their natural function and value. The Developer shall dedicate approximately 705 acres of upland and wetland preservation areas and wildlife corridors as shown on Exhibit "C", attached hereto, to Hillsborough County for use as a resource oriented regional park. The dedication of this park land shall occur on or before the platting and construction of the north-south roadway crossing Fishhawk Creek, as shown on the Revised General Site Plan. Along boundaries where upland preservation areas abut residential development, the Developer shall fence or otherwise delineate the boundaries of said preservation areas to discourage uncontrolled pedestrian traffic.

3. Protected Species.

a. In the event that any species listed in Section 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").

b. Gopher Tortoises. The designation of 326.5 acres of developable uplands as uplands preservation areas for gopher tortoise habitat, in conjunction with the design of wildlife corridors incorporating ±1822 acres of upland and wetland habitats, and including buffers along Fishawk and Little Fishawk Creek, all as shown on Exhibit "C" attached hereto, has been determined to mitigate the impacts of disturbing other gopher tortoise habitat on site. The Developer shall provide for on-site relocation of gopher tortoises to achieve maximum carrying capacities of tortoises per acre as determined by FGFWFC for all upland preservation areas. Copies of all permits relative to the on-site gopher tortoise population shall be provided to Hillsborough County and TBRPC in the Annual Report.

c. Southeastern Kestrel. The Developer shall implement a Southeastern Kestrel nest box program for the TECO easement in cooperation with the FGFWFC.

4. Recreation and Open Space.

a. The Developer, its successors or assigns, shall be responsible for maintaining all recreation and open space areas within the Development other than those for which Hillsborough County has assumed maintenance responsibilities.

b. The Developer shall provide a bike path/pedestrian system throughout the Development. The bicycle system shall incorporate whatever elements are necessary on the site to complement the County Bicycle Plan and extend the County System into the Development. No detailed site plans shall be approved which do not indicate these systems.

c. To comply with the park property assessment requirements of the Hillsborough County Park Site Improvement Program (Ordinances 85-23 and 85-25E, as amended), the Developer shall dedicate to Hillsborough County the neighborhood and district park sites identified on the Revised General Site Plan. The Developer shall dedicate those park sites in conjunction with the platting of the first lots abutting said sites. The district park site shall be dedicated as a resource oriented park.

d. The designated public parks and recreation facilities within the Development shall be accessible to the elderly, handicapped and economically disadvantaged. The location of park sites may be changed subject to approval by the County, but any overall decrease in the acreage set aside for parks as shown on the Revised General Site Plan shall be subject to a substantial deviation determination pursuant to

Subsection 380.06(19), Florida Statutes. If the County Parks and Recreation Department should decide that one or more of the park sites are not required or the locations are inappropriate, then the Developer shall be able to use the applicable parcel for residential development provided the number of dwelling units approved for the Development is not increased.

G. Archaeological and Historical Resources.

1. If archaeological sites 8Hi3393 or 8Hi3392 are to be impacted through development activities, archaeological test excavations shall be conducted to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing development activities at the sites. The final determination of significance shall be made in conjunction with the Florida Division of Historical Resources and Hillsborough County. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. These sites shall be included on the Revised General Site Plan.

2. If sites 8Hi3393 or 8Hi3392 are to be impacted by development activities and either or both are found to be significant, excavation of the significant sites shall be undertaken in accordance with guidelines of the Division of Historical Resources prior to the commencement of any ground-disturbing activities at the significant sites. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. Following review of the report by these agencies, notification of approval of the report by the Division of Historical Resources and the Hillsborough County Historical Commission shall allow ground-disturbing activities to commence.

3. The discovery of any additional 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 Hillsborough County.

H. Economics/Equal Opportunity.

1. The Developer shall encourage the promotion of entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities within the Development. A report on equal opportunity employment programs utilized by Development businesses and the program's effect should be incorporated into the Annual Report following issuance of the first Certificates of Occupancy for Development businesses.

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

3. The Developer shall encourage employers in the Development to institute programs to provide child care facilities at the place of employment or as a cooperative effort with other businesses. A report on child care programs utilized by Development business

employees shall be incorporated into the Annual Report following issuance of the first Certificate of Occupancy for Development businesses.

I. Public Facilities

1. Water.

a. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall stipulate to the satisfaction of Hillsborough County, in accordance with applicable regulations, the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the Development. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for the building construction which is the subject of the building permit.

b. On-site wells shall be operated and maintained by the Developer, its successors or assigns, or by the entity or agency permitted to install and operate said wells by SWFWMD.

c. The Developer, its successors or assigns, shall be responsible for maintenance of all on-site water facilities unless otherwise required or agreed to by Hillsborough County.

d. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall ensure the provision of adequate fire hydrants (in number and appropriate location), fire flows and water pressure to serve each building for which fire protection is required in accordance with applicable regulations. The installation of a sprinkler system, fire hydrants or fire plan shall be options to meet these requirements. No building permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve such building is available.

e. Development within the Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses. The Developer shall submit a plan to Hillsborough County and TBRPC for the use of non-potable water on-site in the first Annual Report following issuance of the first Certificate of Occupancy.

f. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act, Section 533.14, Florida Statutes, and native vegetation shall be used in landscaping to the greatest extent possible.

g. The Developer shall dedicate to Hillsborough County the two (2) acre fire station site shown on the revised General Site Plan. The Developer shall be eligible for impact fee credits in accordance with Hillsborough County Ordinance 88-23. Dedication of the fire station shall occur upon request of the County. In the event the Fire Department decides the fire station site is not

required or the location is inappropriate, the Developer shall be able to use the parcel for residential development provided the number of dwelling units approved for the Development is not increased.

2. Wastewater

a. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years by the Developer until said lines are dedicated to Hillsborough County. Faulty lines shall be replaced as quickly as feasible.

b. The Developer shall be required to take back effluent utilizing a functional recovered water system capable of taking back an amount at least equal to the quantity of wastewater generated by the Development in accordance with any uniformly applicable Hillsborough County ordinance or policy.

c. The selection of spray irrigation sites for the Development shall be based on a complete analysis in accordance with applicable regulations including the anticipated treatment level of the effluent and a detailed hydrogeological analysis of the sites to determine the potential for groundwater contamination from any hazardous waste or other pollutants.

d. The Developer shall pursue with Hillsborough County private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development and future surrounding development prior to application for permits to construct a project-specific package plant.

e. If an interim wastewater treatment plant becomes necessary, it shall only be located where a detailed hydrogeological analysis of the site in accordance with applicable rules and regulations determines low potential for groundwater contamination . Development within the Development shall be required to connect to public wastewater treatment facilities when said treatment becomes available to the site, at which time the interim plant shall be removed by the Developer.

3. Other Public Facilities. Prior to issuance of Building Permits, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, water, wastewater, electricity, fire, emergency medical services and police capabilities and facilities are available for the building(s) that are the subject of such Building Permits.

J. Energy Conservation

1. All Development tenants, businesses and residents shall be encouraged to do the following:

a. Establish energy policies, energy use monitoring and energy conservation, using a qualified energy use analyst;

b. Institute programs to promote energy conservation by employees, buyers, suppliers and the public;

c. Institute programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to encourage the use of energy efficient cooling, heating and lighting systems;

d. Institute recycling programs;

e. Employ innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

f. Install total energy systems on large facilities, when cost effective;

g. Use the most energy efficient technology economically feasible in the construction and operation of the Development's facilities;

h. Use landscaping and retention of existing vegetation as a means for energy conservation;

i. Use energy audits provided by energy companies or other qualified agencies;

j. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

k. Use landscaping and building orientation to reduce heat gain, where feasible;

l. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate; and

m. Utilize energy efficient packaging and/or recyclable materials.

2. A report on the status of implementation of the energy conservation measures referenced on pages 25.5 and 25.9 of the ADA and other such measures shall be included in each Annual Report.

3. The Developer should work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for Development businesses.

K. Education

1. The Developer shall dedicate to the Hillsborough County School Board four (4) 15-acre elementary school sites and one (1) 25-acre junior high school site as shown on the Revised General Site Plan, or as otherwise approved by the School Board. Credits for said dedications shall be given pursuant to the Hillsborough County School Site Dedication Program Ordinance, No. 86-20.

2. The Developer shall incorporate the water and wastewater requirements for the five (5) school sites into the design of its water and wastewater systems.

3. If the County School Board should decide that one or more of the school sites is not required or that the location(s) is inappropriate, then the Developer shall be able to use the applicable parcel(s) for residential development provided the number of dwelling units approved for the Development is not increased.

L. Housing

1. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

3. Residential areas of the Development 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.

4. The Developer shall encourage the development of neighborhood watch programs in the Development. A report on such programs shall be included in each Annual Report following occupancy of the 500th dwelling unit.

5. In order to ensure adequate housing opportunities exist at locations reasonably accessible to places of work and to address the housing policies of the state land development plan, prior to commencement of Phase II, the Developer shall conduct an analysis of the affordable housing needs to be generated by the Development, including the need for affordable housing for Phase I, (using a methodology approved by Hillsborough County and reviewed by DCA). If the analysis shows that the Development will generate significant affordable housing needs which will not be met in the South Hillsborough County area, the Developer shall prepare a Housing Affordability Plan ("HAP") and shall submit the HAP to Hillsborough County for incorporation as an amendment to this Development Order, which amendment shall not be considered a substantial deviation. The HAP shall be consistent with the County comprehensive plan and applicable County land development regulations.

   At a minimum, the HAP shall address:

   a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.

   b. Specific mechanism for HAP implementation.

   c. Monitoring.

   d. Location and placement of affordable units.

   e. An assessment of the HAP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

   f. Provisions for crediting the Developer for activities that address affordable housing.

M. General

1. Developer Commitments. The Developer's commitments set forth in the Application are summarized in Exhibit "D" entitled "Developer Commitments", and these commitments shall be honored, except as they may be superseded by specific terms of the Development Order.

2. Substantial Deviations. Pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the Development as described in the Application shall require a substantial deviation determination.

3. Notice of Adoption. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.

4. Excess Infrastructure. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve latter phases of the Development, shall be at the Developer's risk and shall not operate to relieve the Developer from conditions which must be complied with prior to commencement of the latter phases.

5. Effective Date. The effective date of this Development Order shall be the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.

6. Date Rendered. This Development Order shall be deemed rendered as of the postmark date of the transmittal of copies hereof to DCA, TBRPC and the Developer.

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 meeting of July 11, 1989 as same appears of record in Minute Book 158 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 25th day of July, 1989.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

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

COMPOSITE EXHIBIT A

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its application for development approval for Fish Hawk Ranch on November 2, 1988. The first sufficiency response was filed on February 16, 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 Exhibit 1.

3. Proportionate share calculations for Phase I were filed with Hillsborough County, TBRPC and DCA.

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 18th day of July, 1989.

Bonnie L. Boyette
Notary Public
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: JAN. 24, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

BRYRK17A16

RECEIVED
Planning and Zoning
Department
JUL 18 1989
A.M. 7 8 9 10 11 12 1 2 3 4 5 6 P.M.

EXHIBIT 1

DRI APPLICATION TRANSMITTAL LIST

Mr. David Smith South Area Planning Manager Hillsborough County Department of Planning and Zoning Post Office Box 1110 Tampa, Florida 33601	20 Copies Hand Delivered
Ms. Suzanne Cooper DRI Coordinator Tampa Bay Regional Planning Council 9455 Koger Boulevard, Suite 219 St. Petersburg, Florida 33702	10 Copies Hand Delivered
Mr. Richard Adair Florida Department of Transportation 4950 West Kennedy Blvd., Suite 500 Tampa, Florida 33609	1 Copy Certified Mail - RRR
Ms. Terry Porter, DRI Coordinator Mr. Louis Fernandez Department of Environmental Regulation 4520 Oak Fair Boulevard Tampa, Florida 33610-7347	2 Copies Certified Mail - RRR
Mr. George W. Percy State Historic Preservation Officer Chief, Bureau of Historic Preservation Division of Historical Resources Department of State, The Capitol Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. Rich Gooch Office of Environmental Services Florida Game and Fresh Water Fish Commission 29200 Tucker's Grade Punta Gorda, Florida 33955	1 Copy Certified Mail - RRR
Mr. Dave Slonena, Senior Environmental Scientist Resource Regulation Department Southwest Florida Water Management District 2379 Broad Street Brooksville, Florida 33512-9712	4 Copies Certified Mail - RRR
Mr. Bill Howell Bureau of Biological & Interpretive Services Department of Natural Resources 3900 Commonwealth Boulevard, Room 508 Tallahassee, Florida 32303	2 Copies Certified Mail - RRR

Mr. Dennis Harmon, Chief Bureau of Economic Analysis Florida Department of Commerce 406 Fletcher Building Tallahassee, Florida 32399-8132	1 Copy Certified Mail - RRR
Mr. Tom Beck, Chief Department of Community Affairs Bureau of State Planning Rhyne Building 2740 Centerview Drive Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. A.J. Salem Planning Division U.S. Army Corps of Engineers Post Office Box 4970 Jacksonville, Florida 32232-0019	1 Copy Certified Mail - RRR
Mr. Connor Davis Marine Fisheries Commission 2562 Executive Center Circle, E. Suite 211 Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. Gene Heath, General Manager West Coast Regional Water Supply Authority 2535 Landmark Drive, Suite 211 Clearwater, Florida 33519	1 Copy Certified Mail - RRR
Mr. William Saalman, III U.S. Department of Agriculture Soil Conservation Service 5118 North 56th Street, Suite 250 Tampa, Florida 33610	1 Copy Certified Mail - RRR
Mr. Jim Muller Florida Natural Areas Inventory 254 East Sixth Avenue Tallahassee, Florida 32303	1 Copy Certified Mail - RRR
Mr. Joseph D. Carroll, Jr. Field Supervisor U.S. Fish & Wildlife Service Post Office Box 2676 Vero Beach, Florida 32960 1360 U.S. #1 Vero Beach, Florida 32961-2676	1 Copy Certified Mail - RRR
Mr. Craig Heugel IFAS 12175 125th Street North Largo, Florida 34644	1 Copy Certified Mail - RRR

Mr. Jim Jeansonne Hillsborough County Environmental Protection Commission 1900 Ninth Avenue Tampa, Florida 33605	1 Copy Certified Mail - RRR
Mr. Joe Costa HART 4305 East 21st Avenue Tampa, Florida 33605	1 Copy Certified Mail - RRR
Mr. Brian Sodt, DRI Coordinator Central Florida RPC Post Office Drawer 2089 Bartow, Florida 33830	1 Copy Certified Mail - RRR

COMPOSITE EXHIBIT B

Legal Description

DESCRIPTIONS (As taken from Commitment for Title Insurance)

IN TOWNSHIP 30 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 15:

(a) The SW-1/4 of NW-1/4.

(b) The N-1/2 of SW-1/4.

(c) The S-1/2 of SW-1/4 and the SW-1/4 of SE-1/4, LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

Section 19: The SE-1/4.

Section 20: The S-1/2.

Section 21: The S-1/2 of the NE-1/4, and the S-1/2.

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Section 22:

(a) The E-1/2, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

(b) That part of the E-1/2 of SW-1/4 lying East of the Lithia Station-Boyette Road.

(c) The NW-1/4, (i) LESS that part described as begin at the intersection of the north boundary line of the SE-1/4 of NW-1/4 with the east right-of-way line of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company), run thence east 210 feet, thence southwesterly parallel to and 210 feet east of said railroad right-of-way line 630 feet, thence west 210 feet to said railroad right-of-way line, thence northeasterly along said railroad right-of-way line 630 feet, more or less, to the point of beginning, and (ii) LESS that part of the W-3/4 of SE-1/4 of NW-1/4 lying west of Lithia Station-Boyette Road and lying east of the right-of-way of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company) and lying South of the excepted parcel described immediately above, and (iii) LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records

Book 2974, page 116?, Hillsborough County, Fl ida), and (iv LESS those parts of the SE-1/4 of NW-1/4 conveyed by Agrico Chemical Company under deed to Bud Sanders and wife dated July 20, 1983, recorded in Official Records Book 4178, page 520, Hillsborough County, Florida, and under deed to Michael J. Brannon and wife dated July 20, 1983, recorded in Official Records Book 4178, page 522, Hillsborough County, Florida, and under deed to General Telephone Company of Florida dated July 20, 1983, recorded in Official Records Book 4161, page 1439, Hillsborough County, Florida, and (v) LESS those parts of the NW-1/4 of NW-1/4 conveyed by Agrico Chemical Company to the County of Hillsborough under deed dated April 29, 1985, recorded in Official Records Book 4557, page 1919, Hillsborough County, Florida, and (vi) LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

Section 23: The W-1/2 of NW-1/4, and the SW-1/4, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and LESS the north 25 feet of the NW-1/4 of NW-1/4 as described in right-of-way deed (Thompson Road) from American Agricultural Chemical Company to the County of Hillsborough dated November 9, 1954, recorded in Deed Book 1854, page 316, Hillsborough County, Florida.

Section 28: That part of the S-1/2 lying westerly of the Seaboard System Railroad, Inc., right-of-way, and the W-3/4 of N-1/2 of NE-1/4, and the W-3/4 of W-1/2 of NW-1/4, and the E-1/2 of NW-1/4 LESS the E-1/2 of SE-1/4 of NE-1/4 of NW-1/4.

Section 29: All, (i) LESS the E-1/2 of NE-1/4 of NW-1/4, and (ii) LESS the SE-1/4 of SE-1/4 of NE-1/4, and (iii) LESS the E-1/2 of W-1/2 of NE-1/4 of SW-1/4.

Section 30: The E-1/2.

Section 31: The NE-1/4, and the E-1/2 of SE-1/4.

R2-89-0048-S
56

Section 32: All, (i) LESS the SW-1/4 of SW-1/4, and (ii) LESS the W-1/2 of NW-1/4 of SW-1/4.

Section 33: That part of the N-1/2 lying westerly of the Seaboard System Railroad, Inc., right-of-way, and the S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of old Lithia Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida), and LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County,

Florida.

Section 34:

(a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run south 209 feet, thence east 209 feet, thence north 109 feet, thence east 451 feet, more or less to the east boundary of the NW-1/4 of SW-1/4, thence north 100 feet to the northeast corner thereof, thence west along the north boundary thereof 660 feet, more or less, to the point of beginning.

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

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IN TOWNSHIP 31 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 4: The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning. .

Section 5:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) right-of-way, said point being 50 feet from and at right angles to the center line of said railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

(b) The NE-1/4 of NW-1/4, and that part of the SE-1/4 of NW-1/4, if any, lying north and west of Boyette-Balm Road, and that part of the N-1/2 of NE-1/4 lying westerly of the Seaboard System Railroad, Inc., right-of-way, LESS that part lying in the S-1/2 of SW-1/4 of NE-1/4 of NE-1/4. (The S-1/2 of SE-1/4 of NW-1/4 of NE-1/4 consists of Lots 1, 2, 3, and 4 according to the plat of A. F. TURNER'S SUBDIVISION recorded in Plat Book 8, page 26, Hillsborough County, Florida.)

EXHIBIT C

Upland and Wetland Preservation Areas
and Wildlife Corridors

LAND AND WETLAND PRESERVATION AREAS
AND WILDLIFE CORRIDORS

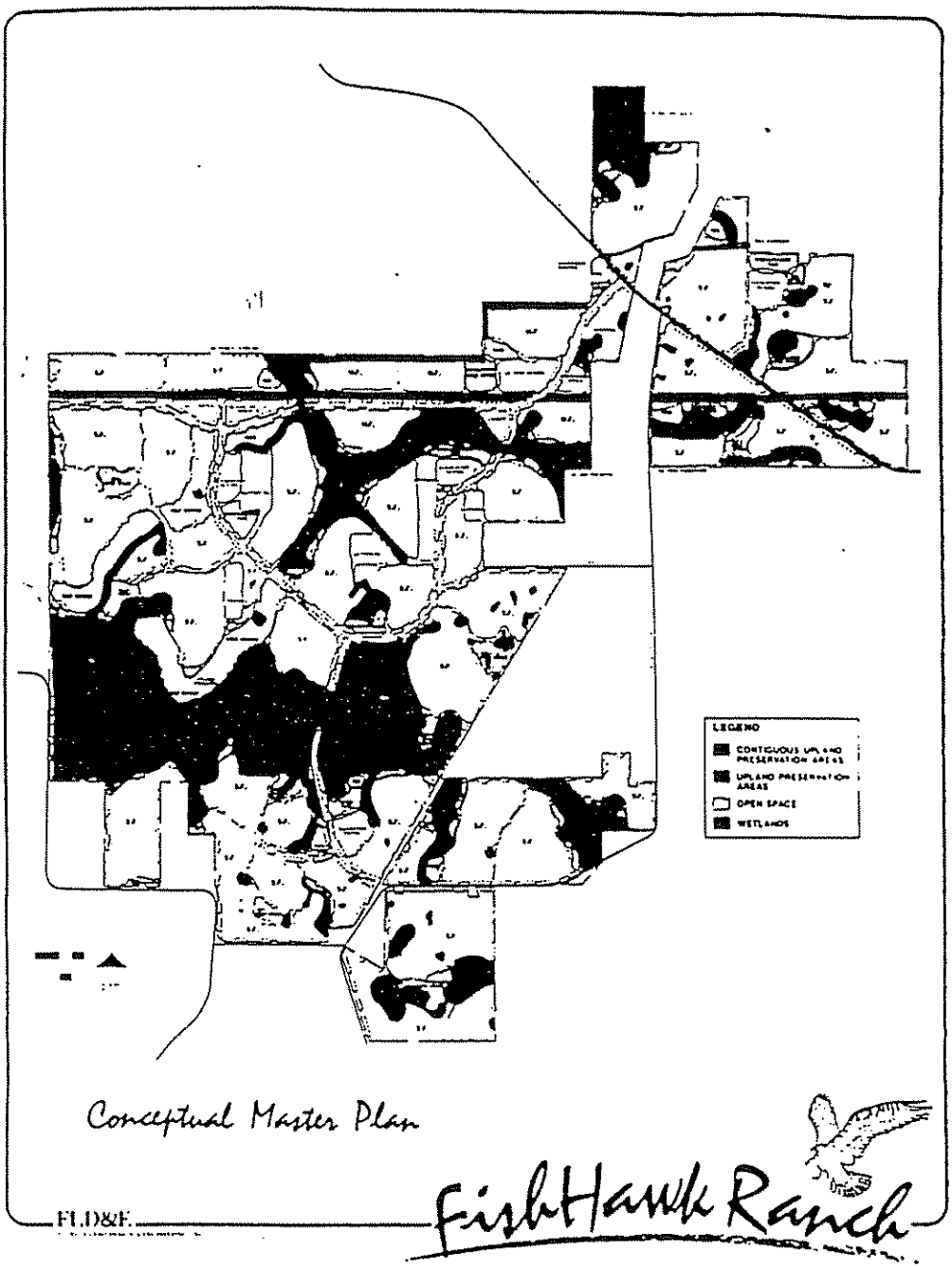

EXHIBIT D

Developer Commitments

DRI #191 - Fish Hawk Ranch

DEVELOPER COMMITMENTS

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

General Project Description

The Fish Hawk and Little Fish Hawk Creek floodplains will be preserved and setbacks from the wetland jurisdictional limits will be maintained primarily in natural vegetation. (ADA page 12-3) (Developer Clarification: Except as specifically permitted,...)

The Master Drainage System will utilize natural percolation for the treatment of stormwater or, for areas surrounding low-lying wetlands, biological treatment will be incorporated into the drainage design. (ADA page 12-7)

Scattered commercial development within the residential areas or along the Boyette Road extension (Developer Clarification: within the project) will not be permitted. (SR page 11 & 12-28)

The internal roadway network will provide access for each of the outparcels. (SR page 11 & 12-31)

Post-development stormwater runoff will be treated prior to discharge to Fish Hawk and Little Fish Hawk Creeks. (ADA page 12-7)

The only development proposed within the floodplain is one single family parcel east of Boyette Road. Any loss of floodplain storage will be mitigated for in the design of the Master Drainage System. (ADA page 12-8)

The Developer will develop the major internal roadways and the major water and sewer transmission mains. (ADA page 12-8)

The parcels north of the Boyette Road extension will have emergency evacuation procedures in case of an ammonia pipeline rupture. (SR 12-35)

Child care facilities will be a requested use for the PD-MU zoning district. (SR page 12-37)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

The contractor will be required to sod, seed, mulch or plant with landscape material the cleared and disturbed areas as soon as possible after clearing. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. The contractor will also be required to control wind erosion through sprinkling or other appropriate measures. (ADA page 13-6)

Land

To alleviate the erosive effects of wind and water, the following steps will be implemented during construction:

- Only those portions of the site ready for construction will be cleared.
- Sediment basins will be constructed at the start of each drainage system phase.
- Areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other landscape material, sodded, or planted with other landscape material as soon after the construction as possible. Areas adjacent to the roadways or where slopes are 3:1, or greater, will be sodded or landscaped.
- Construction areas will have interim water quality control features, such as hay bales, as needed to reduce turbidity.
- Embankment areas of stormwater filtration ponds will be seeded, sodded, or planted to stabilize shorelines and to filter runoff.
- If wind erosion becomes significant during construction, the contractor will sprinkle the problem area with water. Following construction, the planted ground cover and the drainage system vegetation and configuration will effectively control wind and water erosion.
- Landscaping will be initiated before development work is completed to ensure that bare soil is not unnecessarily exposed to wind and water erosion. (ADA pages 14-5 and 14-6)

Any springs or boils that might occur on-site in or along creek bottoms at the lower ground elevations will be included in conservation areas or passive recreational areas. (ADA page 14-6)

During the permitting of construction and actual development of the site a thorough investigation will take place to locate existing wells. (SR page 14-2).

Water Quality

Prior to discharge to the Alafia River, filtration resulting from conveyance through a network of extended detention ponds and, where feasible, grassed swale sections and additional secondary treatment through freshwater swamps will be used to minimize the potential for the degradation of overall water quality discharged off-site. (ADA page 15-11) (Developer Clarification: ...as required by applicable regulations.)

The stormwater management system will treat stormwater runoff before discharging off-site or to wetlands on-site. (ADA pages 15-18 and 15-19)

Wetlands

Mitigation wetlands will be located so as to be contiguous to the same wetland system and will be designed to recreate the type of wetland displaced. (ADA page 16-3) (Developer Clarification:...except as permitted or required by permitting agencies.)

Development will be set back at least thirty feet from the jurisdictional wetland line. (ADA page 16-4)

During the construction phase efforts will be taken to protect the integrity of all wetland systems, primarily by preventing the erosion of uplands. Hay bale barriers or similar erosion control devices will be placed adjacent to wetlands to provide further erosion protection. Physical barriers will be located around wetlands to prevent access by vehicular equipment which may result in disturbance to the wetland. Silt screens will be placed in the creek channel during any bridge construction. (ADA pages 16-4 and 16-5)

All man-made ponds will be hydrologically compatible with adjacent natural wetlands. (SR page 16-1)

There shall be no net loss of wetland acreage post-development. (SR page 16-3)

There shall be no encroachment into floodplain wetlands other than for roadway crossings. (ADA page 18-17) (Developer Clarification: easements and grade-level bicycle paths and walkways and similar facilities.)

Floodplains

The finished floor elevations of all buildings within the project site will be constructed at or above the 100-year flood elevation as determined by the Master Drainage Study completed for the project. (ADA page 17-1)

The loss of any of the 100-year floodplain storage volume will be compensated by providing additional storage volume within the detention ponds. (SR page 17-1)

Vegetation and Wildlife

All large marshes and their natural hydroperiods, cypress wetlands and forested floodplain will be maintained on the property and buffered with appropriate setbacks from high intensity uses. (ADA page 18-33)

Only passive recreation will be allowed within the 67.8-acre sand pine preserve. Walking and bicycle trails will be clearly marked and signage used to inform the public of the unique habitat and wildlife as well as to discourage random pedestrian usage. (SR page 18-36)

An initial burn of the sand pine area will be conducted prior to development. (SR page 18-37) (Developer Clarification: An initial burn may be conducted.)

The roadway crossings will minimize right-of-way clearing to the extent feasible. The golf course will be designed to maintain natural features, particularly adjacent to the Fish Hawk Creek floodplain. (SR page 18-41)

Historical and Archaeological Sites

If either Site 8Hi59 or 8Hi3392 are verified as significant resources, the first course of action would be to preserve the site. If an alternate roadway alignment is not practical or feasible such as to avoid impacting the sites, excavation of the sites will be undert n in accordance with guidelines of the Division of Historic Resource (SR page 19-5)

ECONOMY

No capital improvement costs in excess of developer contributions for wastewater, Health/EMS, water, or fire protection facilities will be borne by Hillsborough County as a result of the Fish Hawk Ranch development. (SR pages 20-3, 20-4 and 20-5)

PUBLIC FACILITIES

Wastewater Management

The applicant intends that there will be no permanent septic tanks within the project site. Septic tanks may be used for the construction phases. (ADA page 21-5)

Prior to any development of sprayfields or percolation ponds, a detailed hydrogeologic investigation of the site(s) will be performed. No sprayfields or percolation ponds will be located in areas where the

placement of sprayfields and/or percolation ponds will increase the potential for sinkhole formation. (SR page 21-2)

If, for any reason, non-domestic waste will be generated, a specific permit for handling and/or treatment will be obtained from the appropriate regulatory agencies. (SR page 21-6)

Drainage

The proposed drainage system for Fish Hawk Ranch will be designed to maintain the water quality of the downstream waterways and to maintain the pre-development hydraulic and hydrologic characteristics of the watersheds. (ADA page 22-1)

Lakes will be designed to attenuate and convey stormwater runoff and provide water quality treatment for the site. (ADA page 22-2)

The drainage systems will be operated and maintained by the Developer or its heirs or assigns. (ADA Page 22-8)

The design of the stormwater detention ponds will take into account the tailwater conditions of the creek. (SR page 22-2)

Water Supply

In addition to potable water demands, the water distribution system will be designed to provide fire flow service as required by Hillsborough County. (ADA page 23-1)

The water distribution system, including fire hydrant locations, will be designed to provide fire protection in accordance with applicable Hillsborough County standards. Hydrant flow testing and pressure surveys will be completed after the system is installed to verify performance of the system. Testing will be conducted periodically to insure that the system is operating at the required pressure and flows. (ADA page 23-6)

The developer will encourage the use of water conservation devices by others. (SR page 23-1)

Natural vegetation will be incorporated into the project where feasible. (SR page 23-1)

Green space and rights-of-way within the development will be landscaped incorporating xeriscape techniques to minimize irrigation requirements. (SR page 23-3)

No percolation ponds will be located within 2500 feet of any South Central Hillsborough Regional Wellfield facility. All interim wastewater treatment facilities will provide advanced secondary treatment with dual media, deep-bed filtration. (SR page 23-21)

Stormwater retention/detention ponds or septic tanks will not be located within 200 feet of any South Central Hillsborough Regional Wellfield well site property boundary without a permit from SWFWMD. (SR page 23-22)

The developer or a Homeowner's Association or other designated entity will operate and maintain the internal non-potable water well system. (SR page 23-23)

Solid Waste

No hazardous wastes will be disposed of on-site. The only storage of hazardous wastes would be temporary, prior to off-site transfer and proper disposal by qualified and permitted hazardous waste handlers such as GSX Services, Inc. (SR page 15-1)

Energy

The applicant will cooperate with TECO regarding the location of a site for a future substation. (SR page 11 and 12 -34)

Recreation and Open Space

Open space areas outside the dedicated parks will be maintained by the Developer or its successors or assigns. (ADA page 27-2)

The landscaping for boulevards and/or entranceways will be maintained by the Developer or by a Homeowner's Association or designated entity. (SR page 27-2)

Transportation

The developer will cooperate with HART to encourage transit usage by the Fish Hawk Ranch patrons. (ADA page 27-2)

Construction of the Boyette Road extension will occur as development of the project proceeds through Phase I. (SR page 31-20)

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida

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

CERTIFIED MAIL

July 25, 1989

Tampa Bay Regional Planning Council
9455 Koger Boulevard
Suite 219
St. Petersburg, FL 33702

Attn: Suzanne Cooper
DRI Coordinator

Re: DRI #191 Development Order - FISH HAWK RANCH
Resolution No. R89-0172

Dear Ms. Cooper:

Enclosed for your official files, please find an executed copy of the referenced Resolution No. R89-0172, adopted by the Hillsborough County Board of County Commissioners on July 11, 1989.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick/jm.
Edna L. Fitzpatrick
Director, BOCC Records

ELF:LT

cc: Board files (orig.)
Tom Beck, State Department of Community Affairs
Keith Bricklemyer, Esquire (for Fish Hawk Ranch)
Silvina Kade, Planning & Zoning
Vince Marchetti, Assistant County Attorney

Enclosure

An Affirmative Action - Equal Opportunity Employer

Resolution No. 89-0172
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #191 DEVELOPMENT ORDER FOR
FISH HAWK RANCH

Upon motion by Commissioner Selvey, seconded by Commissioner Colson, the following Resolution was adopted by a vote of 6 to 1, Commissioner Platt voting "No."

WHEREAS, on November 4, 1988, the Shimberg-Cross Company, Inc. (hereinafter "Applicant" or "Developer") filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a RESIDENTIAL, COMMERCIAL and OFFICE PROJECT on approximately FOUR THOUSAND EIGHT HUNDRED SIXTY-NINE (4,869.6) acres, located in South Hillsborough County, hereinafter referred to as "FISH HAWK" or "Development"; and

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

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

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

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on July 11, 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 agencies as well as the review and report of the Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 11th DAY OF July, 1989, AS FOLLOWS:

I. FINDINGS OF FACT

A. Shimberg-Cross Company submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Response which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval, Sufficiency Response and other exhibits specifically incorporated in this Resolution.

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

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

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

E. A comprehensive review of the impacts generated by the Development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission (the "Planning Commission"), and the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

F. The authorized agent of FISH HAWK is Keith W. Bricklemyer, Honigman Miller Schwartz and Cohn, 777 South Harbour Island Blvd., Suite 350, Tampa, Florida 33602.

II. CONCLUSIONS OF LAW

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

1. The Development is consistent with local land development regulations and is consistent with the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and state and regional comprehensive plans.

2. The Development is consistent with the report and recommendations of TBRPC.

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

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

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

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

E. The current Hillsborough County Horizon 2000 Land Use Plan Map designates the area within which this land lies as SUBURBAN RESIDENTIAL (SR) and RURAL RESIDENTIAL (RR). These existing designations are consistent with the proposed Future of Hillsborough County Land Use Plan Map designations of the area as "LOW SUBURBAN DENSITY RESIDENTIAL" (LSDR) and "RURAL RESIDENTIAL" (RR).

III. GENERAL PROVISIONS

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

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

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

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

E. This Development Order shall be binding upon the Developer and its successors and assigns, 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 FISH HAWK, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate body created to perform such responsibilities, provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Subsection 380.06(19)(b), Florida Statutes, or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other type of regional impact not previously reviewed by Hillsborough County and TBRPC, shall result in further Development of Regional Impact ("DRI") review pursuant to Section 380.06, Florida Statutes.

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 issue a notice of such noncompliance to the Developer, or 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, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85, as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the 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; and

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

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

4. A statement setting forth the name(s) and address(es) of any successors or assigns 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, except as otherwise provided herein, to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order shall become effective upon the date of transmittal to the parties specified in Subsection 380.07 (2), Florida Statutes, as amended.

N. The Developer has elected, pursuant to Subsection 380.06(5) (c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 and each chapter's respective implementing rules and regulations in effect as of the effective date of this Development Order. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

Years*	Office** (Sq.Ft.)	Commercial** (Sq. Ft.)	Residential (Dwelling Units)
Phase I (1990-1995)	--	110,000	2,238
Phase II (1996-2000)	50,000	280,000	2,168
Phase III (2001-2005)	42,000	--	2,168
Phase IV (2006-2010)	--	--	2,168
TOTAL	92,000	390,000	8,742

* The years shown are estimates only and do not prohibit development at a slower or faster rate, subject to the other conditions of this Development Order.

** The commercial and office square footages for each phase shall be limited to the maximum square footages permitted under the Horizon 2000 Plan or the Future of Hillsborough Plan, as applicable.

2. Specific final development approval is accorded to Phase I, subject to the conditions contained herein. Specific approval of Phases II, III, and IV shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts.

3. For purposes of this Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the phase.

4. Any amendments to the proposed phasing schedule shall be submitted to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Development Order are otherwise fully complied with. Any significant departure in project buildout

from the phasing schedule set forth in the Application shall be subject to review to determine if such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

5. The physical development of FISH HAWK shall begin within five years of the effective date of this Development Order.

6. This Development Order shall remain in effect for a period up to and including December 31, 2015. No new construction shall commence 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, TBRPC and the Department of Community Affairs ("DCA") a minimum of thirty (30) days prior to the expiration date of this Development Order.

7. This Development shall not be subject to downzoning, or intensity reduction until January 1, 2016, 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 the local government to be essential to the public health, safety, or welfare.

B. Transportation

1. General Transportation Conditions

a. Monitoring. When Certificates of Occupancy have been issued for 1,500 single family residential units (or the equivalent thereof in terms of trip generation), an annual monitoring program to provide peak-hour traffic counts at the Development's entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. The Developer may perform a more detailed engineering survey to more accurately evaluate the results of the monitoring program. Counts shall be performed on an annual basis through build-out of Phase I. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, may amend the Development Order to require additional roadway improvements or other mitigation measures according to the results of a revised transportation analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

The methodology for a new traffic analysis required during the additional review shall be based upon the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

b. TSM. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of Certificates of Occupancy for 1,500 single family residential units (or the equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the PM peak-hour which is consistent with the assumptions used to prepare the Application. Such a program shall be reviewed by Hillsborough County, the Hillsborough County Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), TBRPC and the Florida Department of Transportation ("FDOT").

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the implementation of each TSM measure. The results of the TSM program shall be included in the Annual Report.

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

Development of such a TSM program shall be in cooperation with FDOT, Hillsborough County, MPO, HART and TBRPC. Such a program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ride sharing by public and private sector employees.

OBJECTIVES:
*Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ride-sharing efforts.

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

c. Boyette Road Extension. In the event the Boyette Road extension, to which traffic from this Development has been assigned, is not built as set forth in this Development Order, no specific approvals beyond Phase I of the Development shall be granted.

2. Mitigation Alternatives. The Developer shall, at its option, select one of the following alternatives to mitigate the Development's transportation impacts for Phase I. If Option 3 is selected but not performed as required in this section, mitigation of transportation impacts shall be governed by either Option 1 or Option 2.

a. Option 1

(1) Approval of any detailed site plans for Phase I of the Development shall require funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements indicated in Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(2) Subphasing of the Development is acceptable subject to agreement by Hillsborough County and TBRPC as to the amount of development in the subphase and the existence of funding commitments for roadway improvements on affected roadways that would operate below LOS D at peak hour (C peak in rural areas) and the development consumes five percent or more of the existing LOS D peak hour (C peak rural) service volume of the facility. At the point in the development of Phase I at which roadway improvements are required pursuant to TBRPC policy for which no funding commitments can be assured, development in the project shall be subject to a stop order. The stop order shall require a new traffic analysis or monitoring as appropriate.

Table 1

PHASE I (1995) REQUIRED LINK IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
Blooming-dale Ave.	Kings Ave. Bell Shoals Rd.	E	6.5	Construct 4-lane divided arterial
Bell Shoals Rd.	Bloomingdale Ave. to Boyette Rd.	E	23.7	Construct 4-lane divided arterial
Lithia-Pinecrest Rd.	SR 60 to Lumsden Rd.	E	16.0	Construct 4-lane divided arterial
Boyette Rd.	Bell Shoals Rd. to site entrance	(not existing)	100.0	Construct 2-lane arterial

Table 2

PHASE I (1995) REQUIRED INTERSECTION IMPROVEMENTS FOR FISH HAWK RANCH BASED ON 5 PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
SR 60 at Lithia-Pinecrest Rd.	F	16.3	Construct an EB right-turn lane. Construct NB left-turn lane
US 301 at Bloomingdale Avenue	F	5.8	Construct an additional EB through-lane. Construct an additional SB left-turn lane and an additional through-lane.
Bloomingdale Ave. at Bell Shoals Road	F	14.2	Construct EB through-lane. Construct WB through-lane and exclusive right-turn lane. Construct SB right-turn lane.
Boyette Road at Bell Shoals Rd.	F	33.8	Signalize. Construct WB right, through and left-turn lanes. Construct EB right- and left-turn lanes. Construct NB left-turn lane. Construct SB right-turn lane.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the FISH HAWK transportation study network, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, FDOT and TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of construction of any previously approved portion of Phase I plus that to be generated by the portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Option 1) or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D at peak hour (C peak in rural areas). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak in rural areas), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak in rural areas).

c. Option 3

In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. If this option is not selected by written notice to Hillsborough County and TBRPC within ninety (90) days of the start date as defined below, this option shall expire. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phase I of the Development on the regionally significant transportation highway facilities within the primary impact area. Any approval of this mitigation/curing mechanism is based on the Development's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

(1) This pipeline option may be elected as full and complete satisfaction of the Developer's obligation to mitigate Phase I transportation impacts of the Development. Upon request of the Developer, prior to development beyond Phase I, a determination shall be made by Hillsborough County and coordinated by the County in writing with the other appropriate agencies whether or not a pipeline option for mitigation for the next Phase or Phases of the Development is permitted by then

existing rules and regulations. If so, the Development Order may be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the next Phase or Phases of the Development with due consideration given for all improvements and contributions made by the Developer to mitigate traffic impacts. If Hillsborough County determines that a pipeline option is not appropriate, transportation mitigation for the next Phase or Phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

(2) The Required Pipeline Improvement (the "Required Improvement") under this Option 3, which includes the "Required Design", the "Required Right-of-Way Acquisition" and the "Required Construction" as defined below, shall be as follows:

(a) Developer shall design the 4.7 mile extension of Boyette Road from Bell Shoals Road to Lithia-Pinecrest Road (the "Boyette Road Extension") as a four-lane, divided, arterial roadway consistent with Hillsborough County design standards including appropriate transitional geometric improvements at the intersection of Bell Shoals/Boyette Road Extension and Lithia Pinecrest/Boyette Road Extension to maintain at least level of service D peak hour, at buildout of Phase I, at these intersections (the "Required Design"). All roadway plans shall be submitted for review and approval by Hillsborough County at the 30%, 60%, 90% and 100% complete stage. If Hillsborough County does not complete its review within thirty (30) days after each submittal, the County's review time shall be added to the time allowed for completion of the Required Design as provided herein.

(b) Developer shall construct two lanes of the Boyette Road Extension in accordance with the Required Design in two segments (the "Required Construction"). The first segment ("Segment A") shall consist of a 1.7 mile segment from Bell Shoals Road to the west boundary of the Development. The second segment ("Segment B") shall consist of a 3.0 mile segment from the west boundary of the Development to Lithia-Pinecrest Road. Segment A shall be constructed prior to or concurrent with construction of Segment B.

(c) The two bridge structures included in the Required Improvement will be constructed to accommodate the future four-laning of the Boyette Road Extension.

(d) Hillsborough County shall provide the necessary right-of-way for the Required Improvement, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right-of-way needed for the Required Improvement, provided that the County shall, within applicable legal limitations, and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the Required Improvement, including the exercise of its powers of eminent domain. Unless otherwise approved by the Hillsborough County Engineering

Services Department, the right-of-way shall be 176 feet wide for a rural section or 128 feet wide for an urban section.

(e) The Hillsborough County Road Network impact fee, in accordance with Ordinances 86-4 as amended by Ordinances 87-19, 89-4 and 89-6 (Roadway Improvements), and Ordinance 85-24E as amended by Ordinances 86-5, 87-17 and 89-3 (Right-of-Way), has been determined to be Two Million Fifty Thousand and No/100ths Dollars ($2,050,000.00) for Phase I and Seven Million Fourteen Thousand and No/100ths Dollars ($7,014,000.00) for the entire Development (hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances"). The "Proportionate Share" contribution by the Developer for Phase I, in accordance with Section 380.06, Florida Statutes, Rule 9J-2.0255, Florida Administrative Code, and Section 19.8.14, Future of the Region, has been determined to be Three Million Four Hundred Thirty-Five Thousand Five Hundred Sixteen and No/100th Dollars ($3,435,516.00).

(f) The cost of Segment A has been determined to be Three Million Eight Hundred Twenty-Eight Thousand Twenty-One and No/100th Dollars ($3,828,021.00), which amount exceeds the Developer's Proportionate Share obligation for Phase I. The total cost of the Required Improvement has been determined to be Eight Million Two Hundred Twenty-Eight Thousand One Hundred Fifty-Five and No/100th Dollars ($8,228,155.00), which amount includes design, right-of-way acquisition, construction and construction inspection. The total contribution by the Developer for the Required Improvement, therefore, exceeds the Phase I Pipeline Proportionate Share Amount by Four Million Seven Hundred Ninety-Two Thousand Six Hundred Thirty-Nine and No/100ths Dollars ($4,792,639.00), exceeds the Phase I Transportation Impact Fee amount by Six Million One Hundred Seventy-Eight Thousand One Hundred Fifty-Five and No/100th Dollars ($6,178,155.00), and exceeds the Development buildout Transportation Impact Fee amount by One Million Two Hundred Fourteen Thousand One Hundred Fifty-Five and No/100th Dollars ($1,214,155.00).

(g) Buildings within FISH HAWK shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable transportation contributions, costs and expenses borne by the Developer pursuant to this Development Order including but not limited to costs for right-of-way acquisition, design, construction and construction inspection of the Required Improvement ("Developer Pipeline Expenses") shall be applied toward and be a credit against impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder. To the extent that Developer Pipeline Expenses exceed the Phase I proportionate share contribution under this condition, such excess

shall, in accordance with then applicable law, be applied toward and be a credit against then applicable transportation impact fees and proportionate share or pipeline assessments for Phases II, III and IV of the Development. If permitted by applicable regulations, said excess impact fee credits shall also be transferable to other projects of the Developer subject to a case-by-case approval by the Board of County Commissioners. Subject to approval of the Board of County Commissioners, any excess credits not otherwise recovered as provided above shall be recoverable from transportation and right-of-way impact fees paid by all other development which uses any portion of the Required Improvement as a direct access point. For purposes of this paragraph, "direct access point" shall mean any point of ingress or egress from the boundaries of the development which connects directly to the Required Improvement or to any new connector road to the Required Improvement that does not now exist. Developer may apply to recover such excess credits on a quarterly basis after completion of the Required Improvement.

(h) The Developer shall comply with the following time schedule, which schedule anticipates the difficulties expected to be encountered with the design, permitting, and construction of the bridge structures that are part of the Required Improvement:

(aa) Developer shall complete the Required Design no later than fifteen (15) months after the Start Date, which is defined as the date of final approval of the Development Order and the resolution of any appeals thereof, or the expiration of all appeal periods with no appeals having been filed.

(bb) Developer shall acquire the necessary right-of-way for the Required Improvement within four (4) months after approval of the Required Design, or in such additional time as may be required for the County to acquire the right-of-way by condemnation.

(cc) Developer shall commence construction of Segment A no later than six (6) months after the date of final approval of the Required Design and the securing of all right-of-way required for said construction. Construction of Segment A shall be completed within eighteen (18) months after the commencement of its construction.

(dd) The Developer shall commence construction of Segment B within twelve (12) months after the issuance of the Certificate of Occupancy for the 1500th dwelling unit, and shall complete construction of Segment B within twenty-four (24) months after the commencement of its construction and in any event prior to the issuance of any building permits for Phase II.

(ee) In no event shall any more than three hundred (300) dwelling units (or peak hour traffic equivalent thereof) be developed in those parcels with direct access to Lithia

Pinecrest Road until construction of Segment B has commenced.

(i) The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Required Improvement.

(j) Subject to paragraphs IV.B.2 and IV.B.2.c.(2)(k) below, if the Required Improvement is not designed and constructed in accordance with the above stated schedule, no further building permits shall be issued. In such event, the County shall either require the Developer to immediately complete the Required Improvement or may require the Developer to provide the County a Bond or Letter of Credit in the full amount of the cost of the uncompleted portion of the Required Improvement, as determined by the County. The County shall draw down on the Bond or on the Letter of Credit for completion of the Required Improvement and shall complete the Required Improvement as expeditiously as possible and no further building permits shall be issued until completion of such improvement.

(k) In the event that the performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed by war, riot, strike, civil commotion, natural disaster or other event beyond Developer's control, then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed in connection with acquisition of necessary right-of-way or governmental approvals for the construction of the Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to Hillsborough County and TBRPC for their review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

C. Air Quality

1. The Developer and its successors or assigns shall be required to employ the fugitive dust emission abatement procedures referenced on page 13-6 of the Application.

2. Approval of Phases II, III and IV shall require further review of air quality, in the form of an updated air quality impact analysis as required by Chapter 380, Florida Statutes, and applicable rules and regulations of the Florida Department of Environmental Regulation ("FDER") and the Hillsborough County Environmental Protection Commission ("EPC"), with review and comment by TBRPC, and amendment of the Development Order to incorporate necessary measures to alleviate project impact.

3. If any proposed change to the Development is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed

change is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law, which remedial measures shall be incorporated as amendments to this Development Order.

D. Land

1. The methods identified on pages 14-1 and 14-4 of the ADA to overcome problems associated with particular soil types shall be implemented as appropriate.

2. The erosion control methods referenced on pages 14-4 and 14-5 of the ADA shall be implemented as appropriate.

E. Stormwater Management and Water Quality

1. Master Stormwater Management Plan. Prior to construction plan approval and the subsequent issuance of any site alteration/building permits, the Master Stormwater Management (drainage) Plan shall be submitted to TBRPC and FDER for review and to Hillsborough County and the Southwest Florida Water Management District ("SWFWMD") for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such Master Stormwater Management Plans:

   a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in effect at the time of construction plan submittal and review for a particular phase of the project.

   b. The stormwater management system shall be designed, constructed and maintained to meet or exceed the requirements of Chapter 17-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD; and pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978), where applicable. In the absence of dedication of the stormwater management systems to Hillsborough County, the Developer shall be responsible for the operation and maintenance of the systems and shall provide for periodic sediment and vegetation removal operations as required. The Developer shall provide a copy of the operation and maintenance schedule with the Annual Report.

   c. Incorporation of isolated wetlands within the stormwater management facilities shall be in compliance with requirements of FDER pursuant to Chapter 17-25, Florida Administrative Code, and the requirements of SWFWMD pursuant to Chapter 40D-4, Florida Administrative Code, subject to Section III.N. above.

d. Best Management Practices for reducing water quality impacts, as required by Hillsborough County and SWFWMD, shall be implemented, including a street cleaning program as necessary for private parking and roadway areas within the Development.

e. Biological treatment of stormwater shall be used wherever feasible.

2. Monitoring. In order to protect water quality in the Alafia River and its watershed, there shall be no degradation of applicable water quality standards by the Development's stormwater exiting the site. Groundwater monitoring wells maintained by West Coast Regional Water Supply Authority ("WCRWSA"), presently exist in two locations on site as shown on Figure SR23-1 of the ADA. In addition to the existing groundwater monitoring wells, the Developer shall implement a semi-annual surface water quality monitoring program, to be instituted before any construction activity implementing Phase I approvals takes place and to continue through build-out of the Development, at minimum. Any violation of Chapter 17-3, Florida Administrative Code, determined to be caused by the Development shall require corrective measures as set forth by FDER. The following shall apply:

a. Sampling locations shall be in the areas where Fishawk Creek and Little Fishawk Creek intersect the project boundary, with the specific location to be determined in cooperation with Hillsborough County, FDER, and SWFWMD.

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

c. The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met by the Developer, or its assigns, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

d. Monitoring shall be conducted semi-annually for one year during May and September, following issuance of the Development Order and following construction of 25 percent, 50 percent, 75 percent and 100 percent of the units in each Phase until build-out of the Development. Monitoring parameters shall include the following:

- Total phosphorous
- Total nitrogen
- Orthophosphate P
- Organic N
- Ammonia N
- Chlorophyll-a
- Dissolved oxygen
- Lead
- Zinc
- Copper
- Biological oxygen demand (5 day)

- Oil and grease
- T coliforms
- F coliforms
- pH
- Specific conductivity

3. Maintenance. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County.

4. Easements. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated 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.

5. Flood Plains.

   a. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.

   b. All encroachments into the 100-year floodplain shall require that loss of hydrologic storage capacity is compensated on-site in accordance with the requirements of Hillsborough County and SWFWMD.

   c. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways or easements, including grade level walkways, bicycle paths and similar facilities.

6. Wellhead Protection.

   a. The Developer shall work with the West Coast Regional Water Supply Authority (the "Authority") to maintain access for Authority staff or duly appointed agents to the CUP-required monitor wells located in Sections 21 and 29 T30 R21 for the purposes of maintenance and monitoring, until such time as monitoring of the wells is not required under CUP No. 204352. If either monitor well requires repair or replacement as a result of damages caused by development activities, the Developer will bear the cost of such repair or replacement.

   b. Any interim wastewater treatment facilities or disposal site located on the project site shall comply with all existing Federal, State and County regulations as they relate to the construction and operation of wastewater facilities and the disposal of waste. No interim wastewater treatment facilities or disposal sites shall be located wholly or in part within 2500 feet of a South Central Hillsborough Regional Wellfield potable water supply well (referred to hereinafter as a "SCHRW wellhead") without approval from the Authority and Hillsborough County.

c. No stormwater detention/retention ponds or septic tanks shall be located within 200 feet of any then existing SCHRW wellhead property boundary. All retention/detention ponds located wholly or in part within 400 feet of any SCHRW wellhead property boundary shall be lined in all areas, other than littoral shelves, with an impermeable liner (clay or man-made material), unless otherwise approved by the Authority.

d. All excavations made on-site shall not remove the confining clay unit; not breach the limestone aquifer, regardless of the circumstances; not allow the discharge of toxic or hazardous substances into the excavated site at any time; and, for excavations located wholly or in part within 500 feet of any SCHRW wellhead, include provisions for collecting water samples and analyzing water quality for the purpose of protecting public health in accordance with applicable rules and regulations and include an analysis of the excavation's dewatering impact on the surficial aquifer and neighboring wells during the county review process.

e. The Developer shall insititute and implement groundwater monitoring within the project area to ensure maintenance of the water quality of the surficial aquifer, the Floridan aquifer, and adjacent public supply wells (i.e., the South Central Hillsborough Regional Wellfield) in accordance with the rules and regulations of the Florida Department of Environmental Regulation and the Southwest Florida Water Management District. Copies of all data shall be furnished to the Authority and other appropriate agencies within (thirty) 30 days of receipt by the Developer, its successors and assigns. The Authority shall be notified of and may be present for the construction of any monitor wells and at any sampling episodes.

f. No hazardous wastes shall be discharged or disposed of on the property, nor shall any hazardous waste be stored within 500 feet of any SCHRW wellhead property boundary.

g. If, at any time during the monitoring process instituted in accordance with the requirements of the Florida Department of Environmental Regulation or the Southwest Florida Water Management District, any monitor well on-site indicates the presence of pollutants, the Authority or other jurisdictional agencies may require intensified monitoring and data collection. If a source of pollution persists, then the Authority or other jurisdictional agencies may request modification of the Development Order based on action deemed necessary to protect the region's water supply, including the South Central Hillsborough Regional Wellfield, as determined by the Authority or any other jurisdictional regulatory agency.

h. The developer agrees to be bound by Federal and local rules and regulations and by rules and regulations adopted pursuant to Chapters 403 and 373, Florida Statutes, which rules and regulations govern groundwater classification, usage, reclassification and aquifer protection.

i. If the recommended protections listed above become redundant or unnecessary because local ordinances, state rules, and federal regulatory provisions are more strict or provide adequate assurances of groundwater protection, the Authority and other appropriate agencies may mutually agree to eliminate those requirements deemed unnecessary.

F. Vegetation and Wildlife

1. Wetlands.

a. The approximate locations of the portions of the Development which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be designated on the Revised General Site Plan for Zoning Petition No. 89-0098 S.

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

(1) Except as otherwise required by agencies having jurisdiction:

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

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

(c) All on-site conservation area(s) shall be conserved unless a mitigation plan is approved by the Environmental Protection Commission and submitted to the Planning and Zoning Department. The plan shall be implemented prior to or concurrent with the wetlands being disturbed. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.

(d) All losses of conservation/preservation areas shall require in kind replacement on a 1:1 basis. Mitigation for conservation/preservation area losses shall be implemented prior to or concurrent with the wetlands being disturbed.

2. Upland Preservation. The representative tracts of major upland vegetative communities shall be preserved on-site as shown on Exhibit "C" in a manner which will protect or enhance their natural function and value. The Developer shall dedicate approximately 705 acres of upland and wetland preservation areas and wildlife corridors as shown on Exhibit "C", attached hereto, to Hillsborough County for use as a resource oriented regional park. The dedication of this park land shall occur on or before the platting and construction of the north-south roadway crossing Fishhawk Creek, as shown on the Revised General Site Plan. Along boundaries where upland preservation areas abut residential development, the Developer shall fence or otherwise delineate the boundaries of said preservation areas to discourage uncontrolled pedestrian traffic.

3. Protected Species.

a. In the event that any species listed in Section 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").

b. Gopher Tortoises. The designation of 326.5 acres of developable uplands as uplands preservation areas for gopher tortoise habitat, in conjunction with the design of wildlife corridors incorporating ±1822 acres of upland and wetland habitats, and including buffers along Fishawk and Little Fishawk Creek, all as shown on Exhibit "C" attached hereto, has been determined to mitigate the impacts of disturbing other gopher tortoise habitat on site. The Developer shall provide for on-site relocation of gopher tortoises to achieve maximum carrying capacities of tortoises per acre as determined by FGFWFC for all upland preservation areas. Copies of all permits relative to the on-site gopher tortoise population shall be provided to Hillsborough County and TBRPC in the Annual Report.

c. Southeastern Kestrel. The Developer shall implement a Southeastern Kestrel nest box program for the TECO easement in cooperation with the FGFWFC.

4. Recreation and Open Space.

a. The Developer, its successors or assigns, shall be responsible for maintaining all recreation and open space areas within the Development other than those for which Hillsborough County has assumed maintenance responsibilities.

b. The Developer shall provide a bike path/pedestrian system throughout the Development. The bicycle system shall incorporate whatever elements are necessary on the site to complement the County Bicycle Plan and extend the County System into the Development. No detailed site plans shall be approved which do not indicate these systems.

c. To comply with the park property assessment requirements of the Hillsborough County Park Site Improvement Program (Ordinances 85-23 and 85-25E, as amended), the Developer shall dedicate to Hillsborough County the neighborhood and district park sites identified on the Revised General Site Plan. The Developer shall dedicate those park sites in conjunction with the platting of the first lots abutting said sites. The district park site shall be dedicated as a resource oriented park.

d. The designated public parks and recreation facilities within the Development shall be accessible to the elderly, handicapped and economically disadvantaged. The location of park sites may be changed subject to approval by the County, but any overall decrease in the acreage set aside for parks as shown on the Revised General Site Plan shall be subject to a substantial deviation determination pursuant to

Subsection 380.06(19), Florida Statutes. If the County Parks and Recreation Department should decide that one or more of the park sites are not required or the locations are inappropriate, then the Developer shall be able to use the applicable parcel for residential development provided the number of dwelling units approved for the Development is not increased.

G. Archaeological and Historical Resources.

1. If archaeological sites 8Hi3393 or 8Hi3392 are to be impacted through development activities, archaeological test excavations shall be conducted to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing development activities at the sites. The final determination of significance shall be made in conjunction with the Florida Division of Historical Resources and Hillsborough County. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. These sites shall be included on the Revised General Site Plan.

2. If sites 8Hi3393 or 8Hi3392 are to be impacted by development activities and either or both are found to be significant, excavation of the significant sites shall be undertaken in accordance with guidelines of the Division of Historical Resources prior to the commencement of any ground-disturbing activities at the significant sites. The resulting project report shall be submitted to the Division of Historical Resources, the Hillsborough County Historical Commission and TBRPC. Following review of the report by these agencies, notification of approval of the report by the Division of Historical Resources and the Hillsborough County Historical Commission shall allow ground-disturbing activities to commence.

3. The discovery of any additional 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 Hillsborough County.

H. Economics/Equal Opportunity.

1. The Developer shall encourage the promotion of entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities within the Development. A report on equal opportunity employment programs utilized by Development businesses and the program's effect should be incorporated into the Annual Report following issuance of the first Certificates of Occupancy for Development businesses.

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

3. The Developer shall encourage employers in the Development to institute programs to provide child care facilities at the place of employment or as a cooperative effort with other businesses. A report on child care programs utilized by Development business

employees shall be incorporated into the Annual Report following issuance of the first Certificate of Occupancy for Development businesses.

I. Public Facilities

1. Water.

a. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall stipulate to the satisfaction of Hillsborough County, in accordance with applicable regulations, the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service the Development. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for the building construction which is the subject of the building permit.

b. On-site wells shall be operated and maintained by the Developer, its successors or assigns, or by the entity or agency permitted to install and operate said wells by SWFWMD.

c. The Developer, its successors or assigns, shall be responsible for maintenance of all on-site water facilities unless otherwise required or agreed to by Hillsborough County.

d. Prior to or simultaneous with construction plan or site development plan approval for all or a portion of the Development, the Developer shall ensure the provision of adequate fire hydrants (in number and appropriate location), fire flows and water pressure to serve each building for which fire protection is required in accordance with applicable regulations. The installation of a sprinkler system, fire hydrants or fire plan shall be options to meet these requirements. No building permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve such building is available.

e. Development within the Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses. The Developer shall submit a plan to Hillsborough County and TBRPC for the use of non-potable water on-site in the first Annual Report following issuance of the first Certificate of Occupancy.

f. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act, Section 533.14, Florida Statutes, and native vegetation shall be used in landscaping to the greatest extent possible.

g. The Developer shall dedicate to Hillsborough County the two (2) acre fire station site shown on the revised General Site Plan. The Developer shall be eligible for impact fee credits in accordance with Hillsborough County Ordinance 88-23. Dedication of the fire station shall occur upon request of the County. In the event the Fire Department decides the fire station site is not

required or the location is inappropriate, the Developer shall be able to use the parcel for residential development provided the number of dwelling units approved for the Development is not increased.

2. Wastewater

a. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years by the Developer until said lines are dedicated to Hillsborough County. Faulty lines shall be replaced as quickly as feasible.

b. The Developer shall be required to take back effluent utilizing a functional recovered water system capable of taking back an amount at least equal to the quantity of wastewater generated by the Development in accordance with any uniformly applicable Hillsborough County ordinance or policy.

c. The selection of spray irrigation sites for the Development shall be based on a complete analysis in accordance with applicable regulations including the anticipated treatment level of the effluent and a detailed hydrogeological analysis of the sites to determine the potential for groundwater contamination from any hazardous waste or other pollutants.

d. The Developer shall pursue with Hillsborough County private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development and future surrounding development prior to application for permits to construct a project-specific package plant.

e. If an interim wastewater treatment plant becomes necessary, it shall only be located where a detailed hydrogeological analysis of the site in accordance with applicable rules and regulations determines low potential for groundwater contamination . Development within the Development shall be required to connect to public wastewater treatment facilities when said treatment becomes available to the site, at which time the interim plant shall be removed by the Developer.

3. Other Public Facilities. Prior to issuance of Building Permits, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, water, wastewater, electricity, fire, emergency medical services and police capabilities and facilities are available for the building(s) that are the subject of such Building Permits.

J. Energy Conservation

1. All Development tenants, businesses and residents shall be encouraged to do the following:

a. Establish energy policies, energy use monitoring and energy conservation, using a qualified energy use analyst;

b. Institute programs to promote energy conservation by employees, buyers, suppliers and the public;

c. Institute programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to encourage the use of energy efficient cooling, heating and lighting systems;

d. Institute recycling programs;

e. Employ innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

f. Install total energy systems on large facilities, when cost effective;

g. Use the most energy efficient technology economically feasible in the construction and operation of the Development's facilities;

h. Use landscaping and retention of existing vegetation as a means for energy conservation;

i. Use energy audits provided by energy companies or other qualified agencies;

j. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

k. Use landscaping and building orientation to reduce heat gain, where feasible;

l. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate; and

m. Utilize energy efficient packaging and/or recyclable materials.

2. A report on the status of implementation of the energy conservation measures referenced on pages 25.5 and 25.9 of the ADA and other such measures shall be included in each Annual Report.

3. The Developer should work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for Development businesses.

K. Education

1. The Developer shall dedicate to the Hillsborough County School Board four (4) 15-acre elementary school sites and one (1) 25-acre junior high school site as shown on the Revised General Site Plan, or as otherwise approved by the School Board. Credits for said dedications shall be given pursuant to the Hillsborough County School Site Dedication Program Ordinance, No. 86-20.

2. The Developer shall incorporate the water and wastewater requirements for the five (5) school sites into the design of its water and wastewater systems.

3. If the County School Board should decide that one or more of the school sites is not required or that the location(s) is inappropriate, then the Developer shall be able to use the applicable parcel(s) for residential development provided the number of dwelling units approved for the Development is not increased.

L. Housing

1. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

3. Residential areas of the Development 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.

4. The Developer shall encourage the development of neighborhood watch programs in the Development. A report on such programs shall be included in each Annual Report following occupancy of the 500th dwelling unit.

5. In order to ensure adequate housing opportunities exist at locations reasonably accessible to places of work and to address the housing policies of the state land development plan, prior to commencement of Phase II, the Developer shall conduct an analysis of the affordable housing needs to be generated by the Development, including the need for affordable housing for Phase I, (using a methodology approved by Hillsborough County and reviewed by DCA). If the analysis shows that the Development will generate significant affordable housing needs which will not be met in the South Hillsborough County area, the Developer shall prepare a Housing Affordability Plan ("HAP") and shall submit the HAP to Hillsborough County for incorporation as an amendment to this Development Order, which amendment shall not be considered a substantial deviation. The HAP shall be consistent with the County comprehensive plan and applicable County land development regulations.

   At a minimum, the HAP shall address:

   a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.

   b. Specific mechanism for HAP implementation.

   c. Monitoring.

   d. Location and placement of affordable units.

   e. An assessment of the HAP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

   f. Provisions for crediting the Developer for activities that address affordable housing.

M. General

1. Developer Commitments. The Developer's commitments set forth in the Application are summarized in Exhibit "D" entitled "Developer Commitments", and these commitments shall be honored, except as they may be superseded by specific terms of the Development Order.

2. Substantial Deviations. Pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the Development as described in the Application shall require a substantial deviation determination.

3. Notice of Adoption. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.

4. Excess Infrastructure. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve latter phases of the Development, shall be at the Developer's risk and shall not operate to relieve the Developer from conditions which must be complied with prior to commencement of the latter phases.

5. Effective Date. The effective date of this Development Order shall be the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.

6. Date Rendered. This Development Order shall be deemed rendered as of the postmark date of the transmittal of copies hereof to DCA, TBRPC and the Developer.

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 meeting of July 11, 1989 as same appears of record in Minute Book 158 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 25th day of July, 1989.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

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

COMPOSITE EXHIBIT A

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Keith W. Bricklemyer, as attorney for Shimberg Cross Company, the applicant for the Fish Hawk Ranch DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Shimberg Cross Company filed its application for development approval for Fish Hawk Ranch on November 2, 1988. The first sufficiency response was filed on February 16, 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 Exhibit 1.

3. Proportionate share calculations for Phase I were filed with Hillsborough County, TBRPC and DCA.

Keith W. Bricklemyer
Attorney for Shimberg Cross Company

Sworn to and subscribed before me this 18th day of July, 1989.

Bonnie L. Boyette
Notary Public
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: JAN. 24, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

BRYRK17A16

RECEIVED
Planning and Zoning
Department
JUL 18 1989
A.M. 7 8 9 10 11 12 1 2 3 4 5 6 P.M.

EXHIBIT 1

DRI APPLICATION TRANSMITTAL LIST

Mr. David Smith South Area Planning Manager Hillsborough County Department of Planning and Zoning Post Office Box 1110 Tampa, Florida 33601	20 Copies Hand Delivered
Ms. Suzanne Cooper DRI Coordinator Tampa Bay Regional Planning Council 9455 Koger Boulevard, Suite 219 St. Petersburg, Florida 33702	10 Copies Hand Delivered
Mr. Richard Adair Florida Department of Transportation 4950 West Kennedy Blvd., Suite 500 Tampa, Florida 33609	1 Copy Certified Mail - RRR
Ms. Terry Porter, DRI Coordinator Mr. Louis Fernandez Department of Environmental Regulation 4520 Oak Fair Boulevard Tampa, Florida 33610-7347	2 Copies Certified Mail - RRR
Mr. George W. Percy State Historic Preservation Officer Chief, Bureau of Historic Preservation Division of Historical Resources Department of State, The Capitol Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. Rich Gooch Office of Environmental Services Florida Game and Fresh Water Fish Commission 29200 Tucker's Grade Punta Gorda, Florida 33955	1 Copy Certified Mail - RRR
Mr. Dave Slonena, Senior Environmental Scientist Resource Regulation Department Southwest Florida Water Management District 2379 Broad Street Brooksville, Florida 33512-9712	4 Copies Certified Mail - RRR
Mr. Bill Howell Bureau of Biological & Interpretive Services Department of Natural Resources 3900 Commonwealth Boulevard, Room 508 Tallahassee, Florida 32303	2 Copies Certified Mail - RRR

Mr. Dennis Harmon, Chief Bureau of Economic Analysis Florida Department of Commerce 406 Fletcher Building Tallahassee, Florida 32399-8132	1 Copy Certified Mail - RRR
Mr. Tom Beck, Chief Department of Community Affairs Bureau of State Planning Rhyne Building 2740 Centerview Drive Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. A.J. Salem Planning Division U.S. Army Corps of Engineers Post Office Box 4970 Jacksonville, Florida 32232-0019	1 Copy Certified Mail - RRR
Mr. Connor Davis Marine Fisheries Commission 2562 Executive Center Circle, E. Suite 211 Tallahassee, Florida 32399	1 Copy Certified Mail - RRR
Mr. Gene Heath, General Manager West Coast Regional Water Supply Authority 2535 Landmark Drive, Suite 211 Clearwater, Florida 33519	1 Copy Certified Mail - RRR
Mr. William Saalman, III U.S. Department of Agriculture Soil Conservation Service 5118 North 56th Street, Suite 250 Tampa, Florida 33610	1 Copy Certified Mail - RRR
Mr. Jim Muller Florida Natural Areas Inventory 254 East Sixth Avenue Tallahassee, Florida 32303	1 Copy Certified Mail - RRR
Mr. Joseph D. Carroll, Jr. Field Supervisor U.S. Fish & Wildlife Service Post Office Box 2676 Vero Beach, Florida 32960 1360 U.S. #1 Vero Beach, Florida 32961-2676	1 Copy Certified Mail - RRR
Mr. Craig Heugel IFAS 12175 125th Street North Largo, Florida 34644	1 Copy Certified Mail - RRR

Mr. Jim Jeansonne Hillsborough County Environmental Protection Commission 1900 Ninth Avenue Tampa, Florida 33605	1 Copy Certified Mail - RRR
Mr. Joe Costa HART 4305 East 21st Avenue Tampa, Florida 33605	1 Copy Certified Mail - RRR
Mr. Brian Sodt, DRI Coordinator Central Florida RPC Post Office Drawer 2089 Bartow, Florida 33830	1 Copy Certified Mail - RRR

COMPOSITE EXHIBIT B

Legal Description

DESCRIPTIONS (As taken from Commitment for Title Insurance)

IN TOWNSHIP 30 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 15:

(a) The SW-1/4 of NW-1/4.

(b) The N-1/2 of SW-1/4.

(c) The S-1/2 of SW-1/4 and the SW-1/4 of SE-1/4, LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records Book 2974, page 1180, Hillsborough County, Florida), and LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

Section 19: The SE-1/4.

Section 20: The S-1/2.

Section 21: The S-1/2 of the NE-1/4, and the S-1/2.

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Section 22:

(a) The E-1/2, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

(b) That part of the E-1/2 of SW-1/4 lying East of the Lithia Station-Boyette Road.

(c) The NW-1/4, (i) LESS that part described as begin at the intersection of the north boundary line of the SE-1/4 of NW-1/4 with the east right-of-way line of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company), run thence east 210 feet, thence southwesterly parallel to and 210 feet east of said railroad right-of-way line 630 feet, thence west 210 feet to said railroad right-of-way line, thence northeasterly along said railroad right-of-way line 630 feet, more or less, to the point of beginning, and (ii) LESS that part of the W-3/4 of SE-1/4 of NW-1/4 lying west of Lithia Station-Boyette Road and lying east of the right-of-way of the Seaboard System Railroad, Inc. (formerly West Shore Railroad Company) and lying South of the excepted parcel described immediately above, and (iii) LESS that part conveyed by Agrico Chemical Company to Tampa Electric Company under deed dated July 24, 1974, recorded in Official Records Book 2931, page 337, Hillsborough County, Florida (and corrective deed dated November 22, 1974, recorded in Official Records

Book 2974, page 1[illegible], Hillsborough County, Fl ida), and (iv) LESS those parts of the SE-1/4 of NW-1/4 conveyed by Agrico Chemical Company under deed to Bud Sanders and wife dated July 20, 1983, recorded in Official Records Book 4178, page 520, Hillsborough County, Florida, and under deed to Michael J. Brannon and wife dated July 20, 1983, recorded in Official Records Book 4178, page 522, Hillsborough County, Florida, and under deed to General Telephone Company of Florida dated July 20, 1983, recorded in Official Records Book 4161, page 1439, Hillsborough County, Florida, and (v) LESS those parts of the NW-1/4 of NW-1/4 conveyed by Agrico Chemical Company to the County of Hillsborough under deed dated April 29, 1985, recorded in Official Records Book 4557, page 1919, Hillsborough County, Florida, and (vi) LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida.

Section 23: The W-1/2 of NW-1/4, and the SW-1/4, LESS that part described in right-of-way deed (State Road S-640) from Continental Oil Company to the State of Florida dated April 16, 1971, recorded in Official Records Book 2313, page 449 (re-recorded in Official Records Book 2326, page 952), Hillsborough County, Florida, and LESS the north 25 feet of the NW-1/4 of NW-1/4 as described in right-of-way deed (Thompson Road) from American Agricultural Chemical Company to the County of Hillsborough dated November 9, 1954, recorded in Deed Book 1854, page 316, Hillsborough County, Florida.

Section 28: That part of the S-1/2 lying westerly of the Seaboard System Railroad, Inc., right-of-way, and the W-3/4 of N-1/2 of NE-1/4, and the W-3/4 of W-1/2 of NW-1/4, and the E-1/2 of NW-1/4 LESS the E-1/2 of SE-1/4 of NE-1/4 of NW-1/4.

Section 29: All, (i) LESS the E-1/2 of NE-1/4 of NW-1/4, and (ii) LESS the SE-1/4 of SE-1/4 of NE-1/4, and (iii) LESS the E-1/2 of W-1/2 of NE-1/4 of SW-1/4.

Section 30: The E-1/2.

Section 31: The NE-1/4, and the E-1/2 of SE-1/4.

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56

Section 32: All, (i) LESS the SW-1/4 of SW-1/4, and (ii) LESS the W-1/2 of NW-1/4 of SW-1/4.

Section 33: That part of the N-1/2 lying westerly of the Seaboard System Railroad, Inc., right-of-way, and the S-1/2, LESS that part of the SE-1/4 of SE-1/4 lying south and east of old Lithia Station-Boyette Road (as it was located on January 1, 1968, and not as realigned farther north as shown by right-of-way deed from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County, Florida), and LESS that part of the S-1/2 of SE-1/4 described in said right-of-way deed (Boyette Road Bridge at Fishhawk Creek) from Fishhawk Ranch, Inc., to the County of Hillsborough dated February 14, 1975, recorded in Official Records Book 3003, page 566, Hillsborough County,

Florida.

Section 34:

(a) The SW-1/4 of SW-1/4 of NW-1/4, and the NW-1/4 of SW-1/4 LESS that part described as begin at the northwest corner of the NE-1/4 of NW-1/4 of SW-1/4, run south 209 feet, thence east 209 feet, thence north 109 feet, thence east 451 feet, more or less to the east boundary of the NW-1/4 of SW-1/4, thence north 100 feet to the northeast corner thereof, thence west along the north boundary thereof 660 feet, more or less, to the point of beginning.

(b) The west 30 feet of the SE-1/4 of SW-1/4 of NW-1/4.

IN TOWNSHIP 31 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA:

Section 4: The W-1/2, (i) LESS the south 1516 feet thereof, and (ii) LESS a one-acre homesite described as the north 210 feet of the east 210 feet of the west 518 feet of the NW-1/4 of NW-1/4 of NW-1/4, and (iii) LESS a one-acre homesite in the NE-1/4 of NE-1/4 of NW-1/4 described as begin 204 feet east of the northwest corner of the NE-1/4 of NE-1/4 of NW-1/4, run thence south 342 feet, thence east 190 feet, thence northwesterly to a point lying 100 feet east of the point of beginning, thence west 100 feet to the point of beginning.

Section 5:

(a) Those parts of the SE-1/4, and of the S-1/2 of SE-1/4 of NE-1/4, and of Lots 7 to 18, inclusive, A. F. TURNER'S SUBDIVISION, according to the plat thereof recorded in Plat Book 8, page 26, Hillsborough County, Florida, lying east of a public road (sometimes called Hobson Simmons Road), (i) LESS any part lying in the south 1516 feet of the SE-1/4, and (ii) LESS that part of the S-1/2 of SE-1/4 of NE-1/4 lying within a tract described as begin at the northeast corner of Section 5, run thence west along the north line of Section 5 a distance of 100.2 feet, more or less, to a point on the Seaboard System Railroad, Inc. (formerly Seaboard Air Line Railroad Company) right-of-way, said point being 50 feet from and at right angles to the center line of said railroad right-of-way, thence southwesterly parallel with the center line of said railroad right-of-way to the northerly boundary of said A. F. TURNER'S SUBDIVISION, thence turn at a right angle and run southeasterly along said northerly boundary (and extension thereof) to the east line of Section 5, thence north along said east line to the point of beginning.

(b) The NE-1/4 of NW-1/4, and that part of the SE-1/4 of NW-1/4, if any, lying north and west of Boyette-Balm Road, and that part of the N-1/2 of NE-1/4 lying westerly of the Seaboard System Railroad, Inc., right-of-way, LESS that part lying in the S-1/2 of SW-1/4 of NE-1/4 of NE-1/4. (The S-1/2 of SE-1/4 of NW-1/4 of NE-1/4 consists of Lots 1, 2, 3, and 4 according to the plat of A. F. TURNER'S SUBDIVISION recorded in Plat Book 8, page 26, Hillsborough County, Florida.)

EXHIBIT C

Upland and Wetland Preservation Areas
and Wildlife Corridors

Upland and Wetland Preservation Areas
and Wildlife Corridors

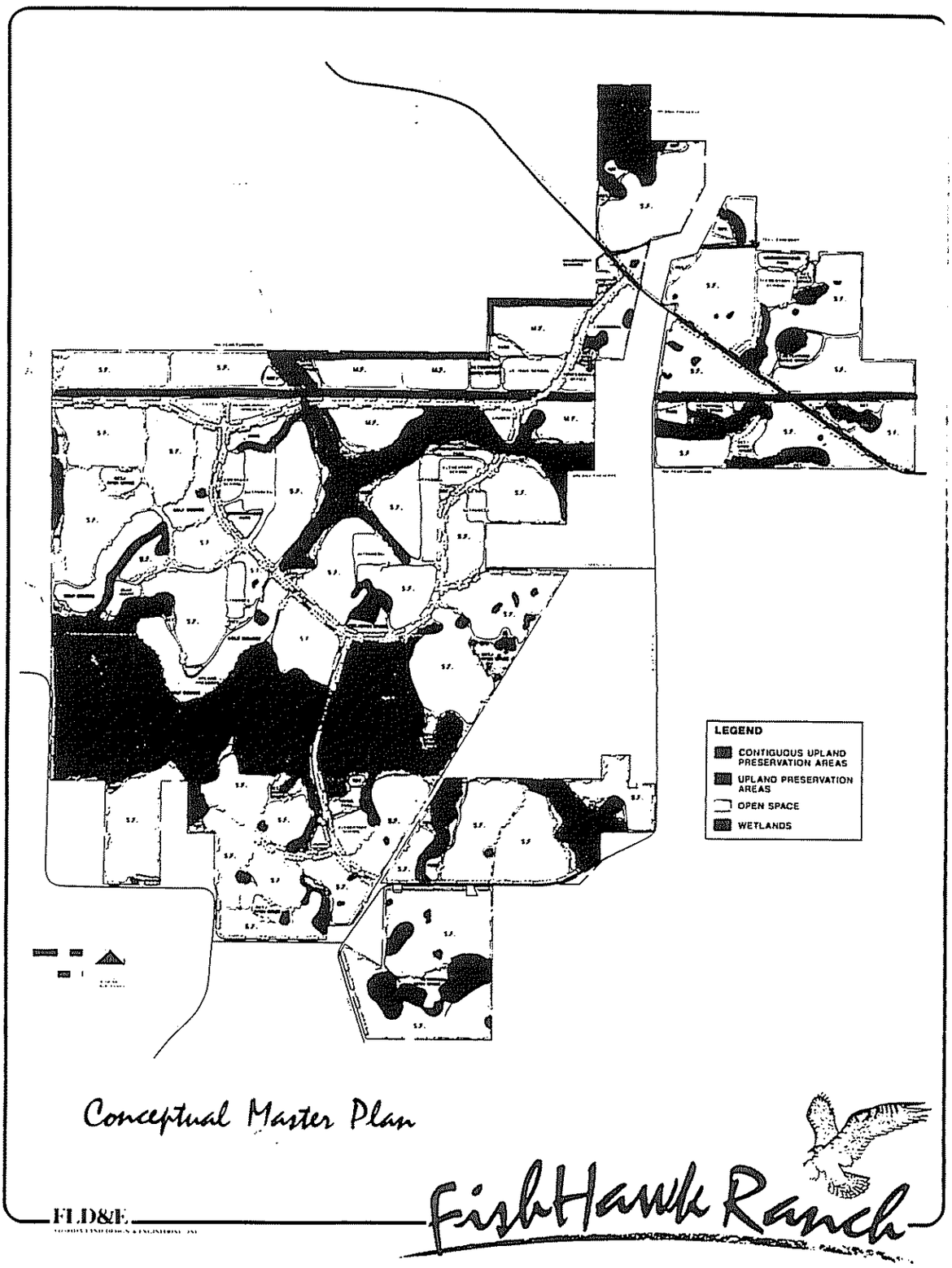

EXHIBIT D

Developer Commitments

DRI #191 - Fish Hawk Ranch

DEVELOPER COMMITMENTS

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

General Project Description

The Fish Hawk and Little Fish Hawk Creek floodplains will be preserved and setbacks from the wetland jurisdictional limits will be maintained primarily in natural vegetation. (ADA page 12-3) (Developer Clarification: Except as specifically permitted,...)

The Master Drainage System will utilize natural percolation for the treatment of stormwater or, for areas surrounding low-lying wetlands, biological treatment will be incorporated into the drainage design. (ADA page 12-7)

Scattered commercial development within the residential areas or along the Boyette Road extension (Developer Clarification: within the project) will not be permitted. (SR page 11 & 12-28)

The internal roadway network will provide access for each of the outparcels. (SR page 11 & 12-31)

Post-development stormwater runoff will be treated prior to discharge to Fish Hawk and Little Fish Hawk Creeks. (ADA page 12-7)

The only development proposed within the floodplain is one single family parcel east of Boyette Road. Any loss of floodplain storage will be mitigated for in the design of the Master Drainage System. (ADA page 12-8)

The Developer will develop the major internal roadways and the major water and sewer transmission mains. (ADA page 12-8)

The parcels north of the Boyette Road extension will have emergency evacuation procedures in case of an ammonia pipeline rupture. (SR 12-35)

Child care facilities will be a requested use for the PD-MU zoning district. (SR page 12-37)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

The contractor will be required to sod, seed, mulch or plant with landscape material the cleared and disturbed areas as soon as possible after clearing. The side slopes of detention ponds will be sodded or natural vegetation will be encouraged to grow. The contractor will also be required to control wind erosion through sprinkling or other appropriate measures. (ADA page 13-6)

Land

To alleviate the erosive effects of wind and water, the following steps will be implemented during construction:

- Only those portions of the site ready for construction will be cleared.
- Sediment basins will be constructed at the start of each drainage system phase.
- Areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other landscape material, sodded, or planted with other landscape material as soon after the construction as possible. Areas adjacent to the roadways or where slopes are 3:1, or greater, will be sodded or landscaped.
- Construction areas will have interim water quality control features, such as hay bales, as needed to reduce turbidity.
- Embankment areas of stormwater filtration ponds will be seeded, sodded, or planted to stabilize shorelines and to filter runoff.
- If wind erosion becomes significant during construction, the contractor will sprinkle the problem area with water. Following construction, the planted ground cover and the drainage system vegetation and configuration will effectively control wind and water erosion.
- Landscaping will be initiated before development work is completed to ensure that bare soil is not unnecessarily exposed to wind and water erosion. (ADA pages 14-5 and 14-6)

Any springs or boils that might occur on-site in or along creek bottoms at the lower ground elevations will be included in conservation areas or passive recreational areas. (ADA page 14-6)

During the permitting of construction and actual development of the site a thorough investigation will take place to locate existing wells. (SR page 14-2).

Water Quality

Prior to discharge to the Alafia River, filtration resulting from conveyance through a network of extended detention ponds and, where feasible, grassed swale sections and additional secondary treatment through freshwater swamps will be used to minimize the potential for the degradation of overall water quality discharged off-site. (ADA page 15-11) (Developer Clarification: ...as required by applicable regulations.)

The stormwater management system will treat stormwater runoff before discharging off-site or to wetlands on-site. (ADA pages 15-18 and 15-19)

Wetlands

Mitigation wetlands will be located so as to be contiguous to the same wetland system and will be designed to recreate the type of wetland displaced. (ADA page 16-3) (Developer Clarification:...except as permitted or required by permitting agencies.)

Development will be set back at least thirty feet from the jurisdictional wetland line. (ADA page 16-4)

During the construction phase efforts will be taken to protect the integrity of all wetland systems, primarily by preventing the erosion of uplands. Hay bale barriers or similar erosion control devices will be placed adjacent to wetlands to provide further erosion protection. Physical barriers will be located around wetlands to prevent access by vehicular equipment which may result in disturbance to the wetland. Silt screens will be placed in the creek channel during any bridge construction. (ADA pages 16-4 and 16-5)

All man-made ponds will be hydrologically compatible with adjacent natural wetlands. (SR page 16-1)

There shall be no net loss of wetland acreage post-development. (SR page 16-3)

There shall be no encroachment into floodplain wetlands other than for roadway crossings. (ADA page 18-17) (Developer Clarification: easements and grade-level bicycle paths and walkways and similar facilities.)

Floodplains

The finished floor elevations of all buildings within the project site will be constructed at or above the 100-year flood elevation as determined by the Master Drainage Study completed for the project. (ADA page 17-1)

The loss of any of the 100-year floodplain storage volume will be compensated by providing additional storage volume within the detention ponds. (SR page 17-1)

Vegetation and Wildlife

All large marshes and their natural hydroperiods, cypress wetlands and forested floodplain will be maintained on the property and buffered with appropriate setbacks from high intensity uses. (ADA page 18-33)

Only passive recreation will be allowed within the 67.8-acre sand pine preserve. Walking and bicycle trails will be clearly marked and signage used to inform the public of the unique habitat and wildlife as well as to discourage random pedestrian usage. (SR page 18-36)

An initial burn of the sand pine area will be conducted prior to development. (SR page 18-37) (Developer Clarification: An initial burn may be conducted.)

The roadway crossings will minimize right-of-way clearing to the extent feasible. The golf course will be designed to maintain natural features, particularly adjacent to the Fish Hawk Creek floodplain. (SR page 18-41)

Historical and Archaeological Sites

If either Site 8Hi59 or 8Hi3392 are verified as significant resources, the first course of action would be to preserve the site. If an alternate roadway alignment is not practical or feasible such as to avoid impacting the sites, excavation of the sites will be undert n in accordance with guidelines of the Division of Historic Resource (SR page 19-5)

ECONOMY

No capital improvement costs in excess of developer contributions for wastewater, Health/EMS, water, or fire protection facilities will be borne by Hillsborough County as a result of the Fish Hawk Ranch development. (SR pages 20-3, 20-4 and 20-5)

PUBLIC FACILITIES

Wastewater Management

The applicant intends that there will be no permanent septic tanks within the project site. Septic tanks may be used for the construction phases. (ADA page 21-5)

Prior to any development of sprayfields or percolation ponds, a detailed hydrogeologic investigation of the site(s) will be performed. No sprayfields or percolation ponds will be located in areas where the

placement of sprayfields and/or percolation ponds will increase the potential for sinkhole formation. (SR page 21-2)

If, for any reason, non-domestic waste will be generated, a specific permit for handling and/or treatment will be obtained from the appropriate regulatory agencies. (SR page 21-6)

Drainage

The proposed drainage system for Fish Hawk Ranch will be designed to maintain the water quality of the downstream waterways and to maintain the pre-development hydraulic and hydrologic characteristics of the watersheds. (ADA page 22-1)

Lakes will be designed to attenuate and convey stormwater runoff and provide water quality treatment for the site. (ADA page 22-2)

The drainage systems will be operated and maintained by the Developer or its heirs or assigns. (ADA Page 22-8)

The design of the stormwater detention ponds will take into account the tailwater conditions of the creek. (SR page 22-2)

Water Supply

In addition to potable water demands, the water distribution system will be designed to provide fire flow service as required by Hillsborough County. (ADA page 23-1)

The water distribution system, including fire hydrant locations, will be designed to provide fire protection in accordance with applicable Hillsborough County standards. Hydrant flow testing and pressure surveys will be completed after the system is installed to verify performance of the system. Testing will be conducted periodically to insure that the system is operating at the required pressure and flows. (ADA page 23-6)

The developer will encourage the use of water conservation devices by others. (SR page 23-1)

Natural vegetation will be incorporated into the project where feasible. (SR page 23-1)

Green space and rights-of-way within the development will be landscaped incorporating xeriscape techniques to minimize irrigation requirements. (SR page 23-3)

No percolation ponds will be located within 2500 feet of any South Central Hillsborough Regional Wellfield facility. All interim wastewater treatment facilities will provide advanced secondary treatment with dual media, deep-bed filtration. (SR page 23-21)