

#194



BOARD OF COUNTY COMMISSIONERS

Kevin Beckner  
Victor D. Crist  
Ken Hagan  
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DEPUTY COUNTY ADMINISTRATORS  
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Hillsborough County  
Florida

Office of the County Administrator  
Michael S. Merrill

April 24, 2013

Mr. John Falkner  
35100 State Road 64 East  
Myakka City, FL 34251

RE: DG Farms Development of Regional Impact – DRI #194  
Extension of Time Pursuant to Section 252.363, F.S and Executive Orders 12-140, 12-192, and 12-199

Dear Mr. Falkner:

We have received your letter notifying the County that you intend to utilize the provisions of Section 252.363, F.S and Executive Orders 12-140, 12-192, and 12-199 to extend the build out date of the DG Farms DRI.

In a letter dated July 27, 2009 the County recognized a two year extension of the Phase 1 build out date from December 31, 2011 to December 13, 2013 as authorized by Senate Bill 360.

In a letter dated August 18, 2011 the County recognized the four year extension authorized by HB 7202, which extended the build out date of Phase I from December 31, 2013 to December 31, 2017. The Development Orders' (DO) expiration date was likewise extended to June 30, 2022.

In a letter dated January 25, 2012 the County recognized an additional build out date extension from December 31, 2017 to November 21, 2018. The Development Order's effective date was also extended from June 30, 2022 to May 21, 2023. These extensions were pursuant to Section 252.363, F.S and Executive Orders 12-140, 12-192, and 12-199

The Department of Economic Opportunity has indicated that the cumulative extension period associated with Executive Orders for both Tropical Storm Debby and Tropical Storm Isaac, is one year plus one hundred and twenty (120) days. Pursuant the present notification, the build out date for Phase 1 is further extended from November 21, 2018 to March 20, 2020. The Development Order's effective date is also extended from May 21, 2023 to September 18, 2024.

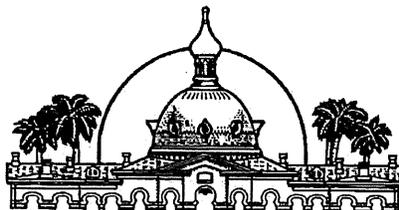
If you have any questions, please call me at 813.276.8393.

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)

#194



# Hillsborough County Florida

Office of the County Administrator  
Michael S. Merrill

BOARD OF COUNTY COMMISSIONERS  
Kevin Beckner  
Victor D. Crist  
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CHIEF ADMINISTRATIVE OFFICER  
Helene Marks  
CHIEF FINANCIAL ADMINISTRATOR  
Bonnie M. Wise  
DEPUTY COUNTY ADMINISTRATORS  
Lucia E. Garsys  
Sharon D. Subadan

January 25, 2012

Mr. John Falkner  
35100 State Road 64 East  
Myakka City, FL 34251

RE: DG Farms Development of Regional Impact – DRI #194  
Extension of Time Pursuant to Section 252.363, F.S and Executive Orders 11-128, 11-172 and 11-202

Dear Mr. Falkner:

We have received your letter notifying the County that you intend to utilize the provisions of Section 252.363, F.S and Executive Orders 11-128, 11-172 and 11-202 to extend the build out date of the DG Farms DRI.

In a letter dated August 18, 2011 the County recognized the four year extension authorized by HB 7202, which extended the build out date of Phase I from December 31, 2013 to December 31, 2017. The Development Orders' (DO) expiration date was likewise extended to June 30, 2022

Pursuant to your notification, the build out date is further extended from December 31, 2017 to November 21, 2018. The Development Order's effective date is also extended from June 30, 2022 to May 21, 2023.

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

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)

#194



BOARD OF COUNTY COMMISSIONERS

Kevin Beckner  
Victor D. Crist  
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Helene Marks

CHIEF FINANCIAL ADMINISTRATOR  
Bonnie M. Wise

DEPUTY COUNTY ADMINISTRATORS  
Lucia E. Garsys  
Sharon D. Subadan

August 18, 2011

Mr. John Falkener  
35100 State Road 64 East  
Myakka City, FL 34251

RE: DG Farms Development of Regional Impact – DRI #194  
Build Out Date Extension per HB 7207

Dear Mr. Falkner:

We have received your letter notifying the County that you intend to utilize the provisions of House Bill (HB) 7207 to extend the build out date of Phase I and the Development Order's (DO) expiration date by four (4) years.

On July 27, 2009 the County recognized a two (2) year extension authorized by Senate Bill 360 which extended the build out date for Phase 1 from December 31, 2011 to December 31, 2013.

Pursuant to HB 7202, the build out date of Phase I of the DG Farms DRI is further extended by four years to December 31, 2017. The DO's expiration date is likewise extended to June 30, 2022.

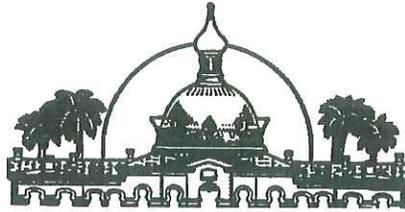
If you have any questions, please call me at 813.276.8393.

Sincerely,

John E. Healey, AICP

cc: John Meyer, Tampa Bay Regional Planning Council (via e-mail)  
Richard Arkin, G.L. Homes (via e-mail)

#194



Hillsborough County  
Florida

Office of the County Administrator  
Patricia G. Bean

BOARD OF COUNTY COMMISSIONERS

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Kevin White

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Carl S. Harness  
Eric R. Johnson  
Michael S. Merrill  
Manus J. O' Donnell  
Edith M. Stewart

July 27, 2009

Mr. John Falkner  
Falkner Farms  
35100 SR 64 East  
Myakka City, FL 34251

RE: DG Farms, Development of Regional Impact #194  
Build Out Date Extension

Dear Mr. Falkner:

We have received your request for a two (2) year build out date extension 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 for Phase 1 of the DG Farms Development of Regional Impact (DRI) is December 31, 2011. Therefore, Phase 1 of the DG Farms DRI is eligible for the two year extension and the build out date for Phase 1 is extended to December 31, 2013.

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

Sincerely,

John E. Healey, AICP

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

#194

VALENCIA LAKES PROPERTY OWNERS' ASSOCIATION, INC.  
1600 Sawgrass Corporate Parkway, Suite 400  
Sunrise, Florida 33323

February 10, 2009

**VIA: CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Florida Commission on Human Relations  
2009 Apalachee Parkway, Suite 100  
Tallahassee, Florida 32315-3388

Re: Valencia Lakes - Registration of Community for Older Persons

Ladies and Gentlemen:

This letter shall serve as registration of Valencia Lakes ("Community") as a community providing housing for older persons. The Community is located in Wimauma, Hillsborough County, Florida. The Community complies with the requirements of Subsection (4)(b)3 of Section 760.29, Florida Statutes.

Enclosed is our check in the amount of \$20.00 made payable to The Florida Commission on Human Relations, to register our Community as "housing for older persons".

If you have any questions concerning this letter, please contact us at (813) 634-8100.

Sincerely,

VALENCIA LAKES PROPERTY OWNERS' ASSOCIATION, INC.

By: Marisa Lufkin  
Marisa Lufkin, President

enclosure

7004 2890 0000 3277 2488

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

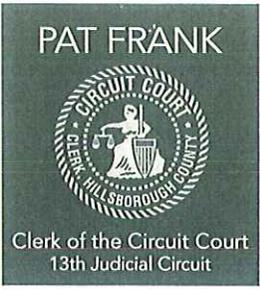
**OFFICIAL USE**

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Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees		

2-19-09  
Postmark Here

Sent To: Florida Commission on Human Relations  
Street, Apt. No., or PO Box No.: 2009 Apalachee Parkway, Suite 100  
City, State, ZIP+4: Tallahassee, FL 32315-3388

PS Form 3800, June 2002 See Reverse for Instructions



September 22, 2008

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

Re: Resolution R08-134 – Amended and Restated Development Order for DG Farms  
(DRI #194)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on September 9, 2008.

We are providing this original for your files.

Sincerely,

*Gail M. Letzring*  
\_\_\_\_\_  
Gail M. Letzring,  
Manager, BOCC Records

bam

Certified Mail Receipt # 7003 3110 0004 4683 0066

Attachment

- cc: Board files (orig.)
- Gordon J. Schiff, Esq., Schiff Law Group (orig. ltr.)
- Charles Gauthier, Chief, DCA Bureau of State Planning (orig. ltr.)
- Nancy Y. Takemori, Assistant County Attorney
- John Healey, Senior Planner, Planning and Growth Management
- Elaine Lund, Planning and Growth Management
- Sandra Davidson, County Attorney's Office
- Christopher Weiss, Property Appraiser's Office
- Mary Mahoney, Management and Budget

**AMENDED AND RESTATED DEVELOPMENT ORDER**

Resolution No. **R08-134**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF HILLSBOROUGH COUNTY, FLORIDA  
DRI #194 DEVELOPMENT ORDER  
DG FARMS

Upon motion by Commissioner Ferlita, seconded by Commissioner Sharpe, 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 approved a Development Order, Resolution No. R89-0171, for the DG Farms Development of Regional Impact ("DRI") #194 (the "Development Order") pursuant to the provisions of Chapter 380.06, Florida Statutes; and

**WHEREAS**, on January 23, 1990, the Board of County Commissioners approved a first amendment to the Development Order, Resolution No. R90-0024 (the "First Amendment") which authorized the extension of the date of buildout of the development of Phase 1 by two (2) years, eleven (11) months, and fifteen (15) days; and

**WHEREAS**, on November 10, 1992, the Board of County Commissioners approved a second amendment to the Development Order, Resolution No. R92-0276 (the "Second Amendment") which authorized the extension of the date of buildout of Phase I by an additional two (2) years for a total buildout date extension of four (4) years, eleven (11) months, and fifteen (15) days; authorized the extension of the deadline for commencement of development of Phase 1 by four (4) years, eleven (11) months, and fifteen (15) days; and clarified the pipeline proportionate share amount; and

**WHEREAS**, on April 8, 1997, the Board of County Commissioners approved a third amendment to the Development Order, Resolution No. R97-105 (the "Third Amendment") which authorized the extension of the date of buildout of Phase 1 by an additional seven (7) years, eleven (11) months, and sixteen (16) days; authorized the extension of the deadline for the commencement of development of Phase 1 by seven (7) years, eleven (11) months, and sixteen (16) days; clarified additional costs associated with the pipeline improvements; and amended the legal description to correct a scrivener's error; and

**WHEREAS**, on January 28, 2003, the Board of County Commissioners approved a fourth amendment to the Development Order, Resolution No. R03-025 (the "Fourth Amendment") which authorized an increase of 59,999 square feet in the Phase 1 Office gross leasable area, from 50,000 to 109,999 square feet; authorized an acceleration of 50,000 square feet of Commercial gross leasable area from Phase II to Phase I; authorized the inclusion of an equivalency matrix to allow for simultaneous exchange of approved land uses; and authorized a modification of the Master Site Plan (Map H), (hereinafter the Development Order, as amended by the First Amendment, Second Amendment, Third Amendment and Fourth Amendment shall collectively be referred to as the "Development Order"); and

**WHEREAS**, Chapter 2007-204, Laws of Florida, amended § 380.06(19)(c), Florida Statutes, and pursuant to § 380.06(19)(c), Florida Statutes, "[i]n recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional

impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.” (the “Statutory Extension”); and

**WHEREAS**, Hillsborough County Associates II, LLLP, Hillsborough County Associates III, LLLP and Hillsborough County Associates IV, LLLP (collectively, “Hillsborough Associates”), which own a portion of the DRI lands as well as a portion of the development entitlements of Phase I of the DRI, are desirous of documenting within the text of the Development Order the Statutory Extension with respect to Phase I of the DRI and with respect to the period of effectiveness of the DRI, and John Falkner (the “Developer”) is also desirous of such documentation; and

**WHEREAS**, the Developer is desirous of documenting in the Development Order the change in the address for the Developer and the name and address of the authorized agent of the Developer; and

**WHEREAS**, on July 1, 2008, the Developer and Hillsborough Associates filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06 (19), Florida Statutes, for the DG Farms DRI in accordance with Subsection 380.06(19), Florida Statutes (the "NOPC"), containing documentation establishing that the DG Farms DRI project has met the “active construction” requirement of § 380.06(19)(c), Florida Statutes, and to document within the text of the Development Order (a) that Phase I of the project has been extended for 3 years to 2011 and the period of effectiveness of the DRI has been extended to June 30, 2018; and (b) that the address for the developer and the name and address of the authorized agent of the Developer has changed, all of which is more particularly set forth in the NOPC; and

**WHEREAS**, the NOPC shall constitute the Fifth Amendment to the Development Order; and

**WHEREAS**, the Board of County Commissioners has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Developer concerning the NOPC; and

**WHEREAS**, the Board of County Commissioners, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the NOPC and to amend the Development Order; and

**WHEREAS**, all applicable public notice requirements of Chapter 380, Florida Statutes, and Hillsborough County, Florida ("County"), have been fulfilled; and

**WHEREAS**, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the Board of County Commissioners' approval of changes to the approved development order.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 9thDAY OF Sept., 2008, AS FOLLOWS:

1. The following findings of fact are made:
  - a. The developer of the DG Farms DRI is John Falkner, whose address is c/o Roy Cohn, Esquire, 35100 State Road 64 East, Myakka City, FL 34251 (hereinafter the "Developer").
  - b. The authorized agent for the Developer is Roy Cohn, Esquire, 35100 State Road 64 East, Myakka City, FL 34251.
  - c. The DG Farms DRI property is legally described on **Exhibit "A"**, attached hereto and incorporated herein.
  - d. All statutory procedures have been adhered to.
  - e. The findings of fact made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, that to the extent that a finding of fact or conclusion of law in the original Development Order, or any amendments thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.
  - f. The NOPC is consistent with all applicable local land use development regulations and all applicable provisions of the local comprehensive plan.
  - g. The NOPC does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
  - h. The NOPC is consistent with the report and recommendations of the Tampa Bay Regional Planning Council ("TBRPC").
  - i. The NOPC is consistent with the State Comprehensive Plan.
  - j. A comprehensive review of the impacts generated by the NOPC has been conducted by the County and TBRPC.
  - k. The NOPC does not create additional regional impacts or impacts that were not previously reviewed, nor meet or exceed any of the criteria set forth in Subsection 380.06(19).
  - l. The Development is not an Area of Critical Concern as designated pursuant to Section 380.05, Florida Statutes.
2. The Board of County Commissioners, having made the above findings of fact, renders the following conclusions of law:

- a. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject to the terms and conditions of the Development Order, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment and the amendments, conditions, restrictions and limitations set forth herein.
  - b. The review by the County, TBRPC, and other participating agencies and interested citizens concludes that the impacts of the NOPC are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Resolution.
  - c. Pursuant to Chapter 380.06, Florida Statutes, the NOPC is not a substantial deviation to the previously approved Development Order.
  - d. The conclusions of law made in the Development Order are hereby reaffirmed and are incorporated herein by reference; provided, however, that to the extent that a finding of fact or conclusion of law in the original Development Order, or any amendments thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.
3. The NOPC is hereby approved, and, accordingly, the Development Order, as amended by the First Amendment, Second Amendment, Third Amendment and Fourth Amendment, is hereby amended and restated as follows:

#### **I. GENERAL PROVISIONS**

- A. This resolution shall constitute the Amended and Restated Development Order of Hillsborough County for the DG FARMS Development of Regional Impact.
- B. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- C. This Development Order shall be binding upon the Developer and its heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the power and duties of any branch of government or governmental agency.

- D. 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.
- E. 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.
- F. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at DG FARMS, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility 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.
- G. 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 the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Section 380.06, Florida Statutes.
- H. 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 or deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- I. The Developer shall file an annual report in accordance with Subsection 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Forms BLWM-07-85, as amended. Such report shall be due on the anniversary of the date of adoption by the Board of County Commissioners of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be

submitted to the Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; 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 heir, assignee or successor in interest to this Development Order; and
  5. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- J. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable laws, rules, regulations and ordinances in effect at the time of this review.
- K. This Development Order shall become effective upon the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.
- L. The Developer has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 in effect at the time that this Development Order is issued. 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.

## II. SPECIFIC CONDITIONS

### A. Phasing Schedule and Deadlines

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

<u>Years</u>	<u>Office (sq. ft.)</u>	<u>Commercial (sq. ft.)</u>	<u>Residential (Dwelling Units)</u>
Phase I (1990-2011)	109,999	160,000	2,100
Phase II (1997-2003)	-0-	200,000	2,100
Phase III (2004-2010)	-0-	-0-	1,180
TOTAL	<u>109,999</u>	<u>360,000</u>	<u>5,380</u>

Total residential uses shall not exceed 5,380 units at project buildout.

The Equivalency Matrix attached hereto and incorporated herein as **Exhibit "B"** is hereby approved. The Equivalency Matrix includes Office, Retail, Single Family, Multi-Family, and Retirement Residential among the approved land uses and establishes minimum and maximum levels of development for each of the approved land uses contained therein, and all for the Developer to simultaneously exchange approved land uses in accordance with the Equivalency Matrix. If the Retirement Residential option is implemented under the Equivalency Matrix, those areas containing Retirement Residential uses shall maintain such designation by appropriate deed restriction or other legally permissible restrictions which limit Retirement Residential uses in such areas in accordance with applicable laws. At the time of selection of a land use exchange under the Equivalency Matrix, the Developer shall notify the Department of Community Affairs, TBRPC and the County of said selection, and shall also provide the Department of Community Affairs, TBRPC and the County with cumulative land use totals, and remaining allowable quantities. This condition shall not be construed as a requirement for an approval of a particular land use exchange so long as the desired exchange is consistent with the conversions set forth in the Equivalency Matrix. Further, any

such selection shall be reported in the annual report following said selection.<sup>1</sup>

In the event that Retirement Residential uses are selected, the Developer shall, as soon as practicable but not later than five (5) years from the date that a certificate of occupancy has been issued for a Retirement Residential unit, provide documentation that the area to be developed for Retirement Residential purposes has been registered as a facility for older persons with the Florida Commission on Human Relations. Thereafter, evidence of current registration shall be provided with each annual report filed in accordance with Section 380.06(18), Florida Statutes.

In the event that Retirement Residential uses implemented through the approved Equivalency Matrix are not utilized for Retirement Residential uses, then the Developer shall be required to submit revised cumulative land use totals and remaining allowable quantities. In the event that the revised cumulative land use totals exceed land use totals permitted pursuant to the approved Equivalency Matrix, the Developer shall be required to undergo further review under Section 380.06, Florida Statutes, for transportation with respect to such exceedances, or shall take steps to reduce cumulative land use totals to allowable quantities consistent with the approved DRI Development Order. This remedy is supplemental to any other remedies which the County, TBRPC or DCA may have under Section, 380.06, Florida Statutes, or this Development Order.

2. The Development Order is amended to refer to and incorporate a revised master site plan, Map H, attached hereto and incorporated herein as **Exhibit "C"**, in lieu of Map H previously approved for the Development.
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. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments 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

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<sup>1</sup> Selection and notification for utilization of the Equivalency Matrix is set forth in Paragraph II.A.1. Through the date of approval of the Fifth Amendment to the Development Order, the Equivalency Matrix has been utilized two times (as reflected in a letter dated July 25, 2003, from Wilson Miller, and a letter dated May 14, 2004, from Ruden McClosky), which letters each constituted selection and notification pursuant to Paragraph II.A.1., and resulted in revised cumulative totals for Phase I. Pursuant to such letters, as of the date of approval of the Fifth Amendment, the cumulative totals for Phase I are as follows:

Office:	10,000 sf
Retail:	235,047 sfgla
Single Family:	1,344 dwelling units
Retirement Residential	1,450 dwelling units
Multi Family/Single Family Attached	54 dwelling units

Selection and notification for future utilization(s) of the Equivalency Matrix shall continue to be pursuant to the procedures set forth in Paragraph II.A.1.

such departure constitutes a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.

5. This Development Order shall remain in effect for a period up to and including June 30, 2018. 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 DCA a minimum of thirty (30) days prior the expiration date of this Development Order.
6. The Development shall not be subject to down-zoning, or intensity reduction until June 30, 2018, 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.
7. The physical development of DG FARMS shall begin by July 22, 2005.
8. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve Phase II and/or Phase III 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 Phase II and/or Phase III.

B. Transportation

1. Monitoring. When Certificates of Occupancy have been issued for 1,000 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 project entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. Counts shall continue on an annual basis through build-out. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within 30 days of its due date, or if the Annual Report indicates that the total trips exceed projected counts by more than 15 percent, 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, as necessary, to change or require additional roadway improvements or other mitigations measures, according to the results of a revised transportation impact analysis. The revised transportation impact analysis shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior the

preparation of the new analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

2. Specific approval of Phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, to identify the impacts of each phase on the regional roadway network and amendment of this Development Order to specify the measures necessary to mitigate or cure these impacts.
3. Mitigation Alternatives. Within thirty (30) days of the Development Order becoming non-appealable, the Developer shall select one of the following alternatives to mitigate the Development's transportation impacts for Phase I.

a.. Option 1

Approval of any detailed site plans for Phase I of this Development shall require funding commitments from responsible entities for the following roadway link improvements listed in Table I and the intersection improvements listed in Table II. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

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TABLE I

Phase I (1996) Required Link Improvements for DG Farms  
 Based on 5 Percent of Level of Service  
 (LOS) C/D Peak-Hour Service Volumes

Road	Segment	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 301	Gibson Road to Rhodine Road	F	14.3	Construct 4-Lane Divided Arterial
U.S. 301	Rhodine Road to Big Bend Road	F	20.8	Construct 4-Lane Divided Arterial
U.S. 301	Big Bend Road to Balm Road	F	40.9	Construct 4-Lane Divided Arterial
U.S. 301	Balm Road to Bill Tucker Road	D	55.2	Construct 4-Lane Divided Arterial
U.S. 301	Bill Tucker Road to 19 <sup>th</sup> Avenue	D	55.2	Construct 4-Lane Divided Arterial
U.S. 301	19 <sup>th</sup> Avenue to S.R. 674	D	55.9	Construct 4-Lane Divided Arterial

TABLE II

Phase I (1996) Required Intersection Improvements for DG Farms  
 Based on 5 Percent of Level of Service  
 (LOS) C/D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 301 at North Residential Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right-turn lane NB and one left-turn lane SB. Construct one left-turn lane and one right-turn lane WB.
U.S. 301 at Central Residential Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right-turn lane NB and one left-turn lane SB. Construct one left-turn lane and one right-turn lane WB.
U.S. 301 at South Residential Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right-turn lane NB and one left-turn lane SB. Construct one left-turn lane and one right-turn lane WB.

TABLE II continued

Phase I (1996) Required Intersection Improvements for DG Farms  
 Based on 5 Percent of Level of Service  
 (LOS) C/D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 301 at North Commercial Drive	N/A	N/A	Construct one right-turn lane NB and one left-turn lane SB. Construct one left-right-turn lane WB.
U.S. 301 at South Commercial Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right-turn lane NB and one left-turn lane SB. Construct one left-right-turn WB.
SR 674 at East Commercial Drive	N/A	N/A	Construct one left-right-turn lane SB. Construct one left-turn lane EB and right-turn lane WB.
SR 674 at West Commercial Drive	N/A	N/A	Construct one left-right-turn lane SB. Construct one left-turn lane EB and one right-turn lane WB.

TABLE II continued

Phase I (1996) Required Intersection Improvements for DG Farms  
 Based on 5 Percent of Level of Service  
 (LOS) C/D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
SR 674 at Residential Drive	N/A	N/A	Signalize when Warranted by MUTCD. Construct one left- right-turn lane SB. Construct one left- turn lane EB and one right- turn lane WB.
U.S. 301 at Rhodine Road	F*	12.7	Signalize when warranted by MUTCD.
U.S. 301 at Balm Road	F*	36.8	Signalize when warranted by MUTCD.
U.S. 301 at 19th Avenue NW	F*	61.1	Signalize when warranted by MUTCD.
U.S. 674 at I-75 East Ramps	F*	32.9	Signalize when warranted by MUTCD.

\* Worst movement of unsignalized intersection.

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 DG FARMS transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Metropolitan Planning Organization (MPO), the 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 completion of the currently approved project construction plus that to be generated by the next 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 alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory Level of Service D at peak hour (C peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval of any subphase pursuant to this Option 2, the County or its designee shall ensure in written findings of fact that the above referenced roadways are operating at or above a Level of Service D at 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 a Level of Service D at peak hour (C peak in rural areas). The Development Order shall be amended to address the subphase approval.

c. Option 3

- 1) Specific development approval is accorded to Phase I, subject to the conditions contained herein.
- 2) In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. The pipeline option may be pursued to accommodate Phase I transportation impacts. The pipeline proportionate share calculation for Phase I, in accordance with current adopted methods, procedures and policies of Hillsborough County, TBRPC, Florida Department of Community Affairs ("DCA") and Florida Department of Transportation ("FDOT"), has been determined to be One Hundred Seven Thousand Six Hundred Forty Dollars and No Cents (\$107,640.00) ("Pipeline Proportionate Share Amount").

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 subsequent phases of the Development is appropriate and permissible under the laws and regulations applicable at that time. If so, the Development Order shall be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the subsequent phase of the Development for which specific development approval is sought. If a pipeline option is not determined to be appropriate and permissible, transportation mitigation for subsequent phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phase I on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the Development's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of major public facilities, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

- 3) The developer shall:
  - (a) Provide a Park and Ride facility within the Development's transportation impact area to accommodate approximately 150 parking spaces. The facility will be designed to HART guidelines. Further, the Park and Ride facility will include patron shelters and a schedule kiosk. Upon commencement of physical development, the Developer shall have three (3) months to complete and submit the design plans to HART for review and approval. The Developer shall construct the improvements within nine (9) months of commencement of physical development. (Hereinafter the improvements described above shall be referred to as the "Initial Pipeline Improvements"); and
  - (b) Design the improvement of U.S. 301 from Gibsonton Road to Big Bend Road as a six lane divided rural arterial and, based on such FDOT approved design, expend in the construction of roadway improvements to U.S. 301 between Gibsonton Road and Big Bend Road, in order to improve this road link as a four lane divided rural arterial, an amount equal to Four Million Two Hundred Thousand Dollars (\$4,200,000.00). In the event the Developer's Additional Pipeline Expenses (as defined below) are less than Four Million Two Hundred Thousand Dollars (\$4,200,000.00) upon completion of design and construction of the foregoing road link, the Developer shall

utilize the unexpended portion of the above described sum of Four Million Two Hundred Thousand Dollars (\$4,200,000.00) in order to design the improvement of U.S. 301 south of Big Bend Road to a point determined by the County and, based on FDOT approved design, in order to construct roadway improvements to U.S. 301 south of Big Bend Road to such point determined by the County in order to improve this road link as a four (4) lane divided rural arterial. (Hereinafter the design and construction of improvements to this segment of U.S. 301 shall be together referred to as the "Additional Pipeline Improvements")

In its five (5) year work program FDOT has scheduled the design of the Additional Pipeline Improvements during the 1991-92 fiscal year. Therefore it is anticipated that such design will be completed and approved by FDOT prior to such time as the Developer will be otherwise required under this Development Order to commence such design. Nevertheless, in the event FDOT has not commenced such design when the Developer has received building permits for a total of fifteen hundred and thirty (1530) single family dwelling units (or a combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 1530 external P.M. peak hour trips), the Developer shall immediately commence design of the Additional Pipeline Improvements. If the Developer commences such design, the Developer shall complete such design and submit it for FDOT approval within twelve (12) months of its commencement of design.

If FDOT has commenced such design but has not completed and approved such design at the time building permits in the above referenced totals have been received, the Developer shall await FDOT completion and approval of such design, or if directed by the County and FDOT, undertake to complete such design and submit it for FDOT approval within twelve (12) months. Upon receipt of FDOT approval of such design, Developer shall enter into all necessary contracts and obtain all required permits.

Construction of the Additional Pipeline Improvements shall commence within three (3) months of FDOT approval of such design; provided however, if the FDOT has commenced such design the Developer shall commence construction within three (3) months of FDOT approval or within three (3) months of the date the Developer has received building permits in the above referenced totals, whichever date is later. Construction shall be completed within twenty-four (24) months of commencement of construction. In any event, such Additional Pipeline Improvements shall be completed prior to the

commencement of Phase II, which requirements shall be in addition to the Section 380.06, Florida Statutes transportation analysis required for Phase II under Section IV.B.2, above.

Hillsborough County, the responsible governmental agencies and the Developer shall, no later than upon issuance of building permits for twelve hundred (1200) single family dwelling units (or the equivalent thereof in terms of P.M. peak hour trip generation), commence discussion for the purpose of entering into a Joint Participation Agreement ("JPA") for the design and construction of the Additional Pipeline Improvements. The JPA shall address the timing and scope of the design and/or construction of the Additional Pipeline Improvements and may contemplate an expanded road improvement project with corresponding adjustments in the time frames for design and/or construction. The entry of the JPA shall not require amendment of this Development Order, provided that the JPA shall not be effective unless executed by Hillsborough County, the appropriate governmental agencies and the Developer. In the event that a JPA cannot be entered into which is satisfactory to the above parties by the date that the Developer has received building permits for fifteen hundred and thirty (1530) single family dwelling units (or the equivalent thereof in terms of P.M. peak hour trip generation), then the requirements of this Development Order for the design and/or construction of the Additional Improvements shall be and remain in full force and effect.

Prior to commencement of design of the Additional Pipeline Improvements, the County may identify alternative improvements and the Development Order shall be amended to reflect such alternative improvements; provided, however, Developer shall not be obligated to expend in the design, right-of-way acquisition, construction and construction engineering inspection of such alternative improvements an amount in excess of Four Million Two Hundred Thousand Dollars (\$4,200,000.00). (Hereinafter the Initial Pipeline Improvements and the Additional Pipeline Improvements, together shall be referred to as the "Pipeline Improvements".)

- 4) The Hillsborough County Road Network impact fee in accordance with Ordinances 86-4 as amended by 87-19 and as amended by 89-4 and as amended by 89-6, (Roadway Improvements) and 85-24E as amended by 86-5 and 87-17 and as amended by 89-3, (Right-of-Way) is approximately Three Million Seven Hundred Thousand Dollars and No Cents (\$3,700,000.00) for Phase I of DG FARMS. (Hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances".) The "Pipeline Proportionate Share Amount" contribution by the Developer for Phase I, in

accordance with Section 380.06, Florida Statutes, as calculated by Hillsborough County, FDOT and TBRPC is One Hundred Seven Thousand Six Hundred Forty Dollars and No Cents (\$107,640.00).

- 5) The cost of the Initial Pipeline Improvements is approximately One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00), which amount includes design, land and construction costs, which costs provide for a total payment by the Developer in an amount which exceeds the Pipeline Proportionate Share Amount. The cost of the Additional Pipeline Improvements is Four Million Two Hundred Thousand Dollars (\$4,200,000.00). It is assumed that the design of the Additional Pipeline Improvements will be completed and approved by FDOT and that the necessary right-of-way has been acquired by FDOT. In the event the Developer is required to expend sums to complete such design and/or acquire necessary right-of-way, the Developer shall do so; however the Developer shall not be obligated to incur Developer's Additional Pipeline Expenses (as defined below) in excess of Four Million Two Hundred Thousand Dollars (\$4,200,000.00).
- 6) Buildings within DG FARMS shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all costs and expenses borne by the Developer for design and installation of the Initial Pipeline Improvements ("Developer's Initial Pipeline Expenses") shall be applied toward and be credit against impact fees imposed thereunder.
- 7) The County shall reimburse the Developer for the actual costs and expenses borne by the Developer for the design, right-of-way acquisition, construction and construction engineering inspection of the Additional Pipeline Improvements ("Developer's Additional Pipeline Expenses") up to an amount which shall not exceed the total Hillsborough County Road Network Impact Fees previously paid on account of buildings constructed within DG FARMS prior to the completion of the Additional Pipeline Improvements. The Developer's Additional Pipeline Expenses in excess of such sums reimbursed by the County on account of previously paid impact fees, shall be applied toward and be a credit against future Hillsborough County Road Network Impact Fees paid by the Developer on account of the construction of buildings within DG FARMS subsequent to the completion of the Additional Pipeline Improvements. The Developer and the County acknowledge that the estimated Developer's Additional Pipeline Expenses exceed current estimated Hillsborough County Road Network Impact Fees for Phase I and that if an actual excess remains uncredited against impact fees at the completion of Phase I, such excess shall be applied toward the then applicable Road Network Impact Fees of Phase II.
- 8) 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.

- 9) The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Pipeline Improvements,
- 10) Upon approval of this Development Order, the Developer may construct and occupy Phase I, provided however no building permits shall be issued beyond fifteen hundred and thirty (1530) single family dwelling units (or any combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 1530 external P.M. peak hour trips) until commencement of design of the Additional Pipeline Improvements. Upon commencement of design of the Additional Pipeline Improvements, the Developer may construct and occupy one hundred fifty (150) additional dwelling units (or any combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 150 external P.M. peak hour trips). Upon FDOT approval of the design of the Additional Pipeline Improvements, the Developer may construct and occupy an additional one hundred fifty (150) dwelling units (or any combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 150 external P.M. peak hour trips). Upon commencement of construction of the Additional Pipeline Improvements, the Developer may construct and occupy the balance of Phase I.
- 11) If the Initial Pipeline Improvements are not designed and constructed within the above stated periods, no further building permits or certificates of occupancy shall be issued until such design or construction is completed. If the Additional Pipeline Improvements are not designed and constructed within the above stated periods, no further building permits shall be issued until such design or construction is completed. Further, in the event of such a failure to design and construct the Pipeline Improvements within the above stated periods, and after concurrence from TBRPC, the County shall either require the Developer to immediately complete the Pipeline Improvements 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 Pipeline Improvements. The County shall determine the reasonable amount of the Letter of Credit required from the Developer. The County shall draw down on the bond or on the Letter of Credit for completion of the Pipeline Improvements and shall complete the Pipeline Improvements as expeditiously as possible, but in any event the Initial Pipeline Improvements shall be completed within nine (9) months after the posting of the above stated bond or Letter of Credit.

- 12) The Developer shall design and construct the Initial Pipeline Improvements regardless of cost; however, the Developer shall not be obligated to expend more than Four Million Two Hundred Thousand Dollars (\$4,200,000.00) in the design and construction of the Additional Pipeline Improvements. The \$4,200,00.00 amount shall be adjusted for cumulative inflation or deflation by establishing the difference between the 1996 Annual Average Composite Price Trends Index for Florida Highway Construction (1987 Base) as published by the State of Florida Department of Transportation State Estimates Engineer, and the Annual Average Composite Price Trends Index in effect at the time of payment of costs of the Additional Pipeline Improvements. Any change to the Pipeline Improvements, schedule or transportation assessment obligations agreed to by the County and other reviewing agencies shall be accomplished through an amendment to the Development Order. Any additional costs associated with the delay in design, right-of-way acquisition and construction of the Initial Pipeline Improvement and the Additional Pipeline Improvement beyond April 8, 1997, shall be borne by the Developer.
  
  - 13) 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, civil commotion or natural disaster, 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 governmental approvals for the construction of the Pipeline Improvements 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, provided, however, in no event shall such extension exceed three (3) months. Any requested extensions beyond such three (3) month period may only be accomplished by an amendment to this Development Order in accordance with the provisions of Subsection 380.06 (19), Florida Statutes.
4. TSM. The applicant or its assigns shall prepare and implement a Transportation Systems Management (TSM) program upon issuance of Certificates of Occupancy for 1000 single-family residential units (or the equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the P.M. peak hour which is consistent with the assumptions used to prepare the Application. The plan shall be reviewed by Hillsborough County, Hillsborough Area Rapid Transit Authority ("HART"), the Hillsborough County MPO, TBRPC, and 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 the TSM objectives and/or required 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.

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

"Policy: Promote ridesharing by public and private sector employees:

Objectives:

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

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

5. A pedestrian circulation system and a bicycle circulation system plan shall be provided within the project and approved by the MPO. The bicycle system shall incorporate whatever elements are necessary to complement the County Bicycle Plan and extend the County System into DG FARMS. No detailed site plans shall be approved which do not indicate these systems.

C. Air Quality

1. If the Developer proposes a change which creates regional air quality impacts not previously reviewed as part of the Application, Hillsborough County reserves the right to require mitigation measures or a revision of the master plan to alleviate such potential adverse impacts of the Development on ambient air quality.
2. Specific approval of Phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, to address impacts on air quality, and amendment of the Development Order to incorporate necessary measures to alleviate

project impacts if significant regional air quality impacts are shown. The Developer shall submit an air quality impact analysis acceptable to FDER and HCEPC, with review and comment by TBRPC.

D. Soils/Wind and Water Erosion

The Developer shall undertake the soil conservation measures referenced on pages 14-3 and 14-4 of the Application for Development Approval (the "ADA") and the measures to reduce erosion, fugitive dust and other adverse air emissions referenced on page 14-4 of the ADA, at a minimum, during all phases of development.

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 DER for review and to Hillsborough County and SWFWMD for approval. The stormwater management system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The County drainage criteria in existence at the time of construction of the respective project phases shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria are more restrictive. The following parameters shall be included in the Master Stormwater Management Plan:
  - a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate 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 Development.
  - b. The proposed stormwater management systems shall be designed, constructed and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40D-4 Rules of SWFWMD. Treatment shall be provided by biological filtration wherever feasible.
  - c. Best Management Practices for reducing water quality impacts, as recommended by Hillsborough County and SWFWMD, in accordance with the applicable regulations of these agencies, shall be implemented, including a street cleaning program for parking and roadway areas within the Development.
2. Monitoring. In order to protect water quality in the Little Manatee and Bullfrog Creek watersheds, there shall be no degradation of adopted water quality standards by the Development's stormwater exiting the site. The Developer shall provide for a semiannual surface water quality monitoring program to be instituted before any

construction activity takes place in each subbasin of the Development and to continue through build-out of development within each subbasin, at minimum. If more stringent water quality monitoring is required by SWFWMD or Florida Department of Environmental Regulation ("DER") in applicable permits, the conditions of the permit shall supersede this requirement.

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 determined in cooperation with Hillsborough County, FDER, SWFWMD and TBRPC.
  - b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
  - c. The monitoring results shall be submitted to Hillsborough County, FDER 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 subbasin(s) where the violation is noted shall cease until the violation is corrected; or if the specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.
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, 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. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.
  6. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways and easements as long as they do not contribute to adverse water quality impacts from stormwater runoff.

7. The proposed retention/detention wetland systems should include the design guidelines of SWFWMD and Hillsborough County.

F. Wetlands/Vegetation and Wildlife/Open Space

1. The portions of the DG Farms site which meet the definition of conservation areas, as defined in the Regional Planning Council's adopted growth policy, Future of the Region, Section 10.1.2, shall be so designated and their ultimate disposition indicated on the revised General Development Plan submitted to Hillsborough County for Planned Development approval.
2. In order to protect the natural values of conserved wetland areas, the following shall be required at minimum:
  - a. Except as otherwise required by agencies having jurisdiction:
    - 1) No adverse hydroperiod alteration shall be permitted in conservation areas.
    - 2) Except as stated in the Application, activities within the conservation areas shall be limited to approved stormwater management outfall structures and boardwalks.
    - 3) All mitigation areas and littoral shelves shall be monitored semiannually for a period of four years. Monitoring shall include measurement of species diversity and composition and efforts to control nuisance species encroachment. Additional planting may be required to maintain an (eighty) 80 percent survival of planted species at the end of three (3) years.
    - 4) All losses of conservation areas shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetland being disturbed.
3. 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 by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC").
4. Representative tracts of xeric oak communities and pine flatwood upland communities adjacent to cypress communities and all major upland vegetative communities, as described on pages 18-4 and 18-5 of the ADA, shall be preserved on site in a manner which will ensure their continued natural function and value. The areas to be preserved are shown on Map H. In addition, natural plant communities shall be identified and preserved pursuant to the Hillsborough County Land Alteration and

Landscaping Ordinance 87-02, Section 4, prior to site development plan/construction plan approval.

5. The Developer 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.
6. Representative populations of the Foxtail Clubmoss and Catesby's Lily shall be relocated to suitable protected areas on-site. The plants shall be relocated with as much of their substratum intact as possible to further insure their survival. The applicant shall make every effort to maximize the survival of the relocated plant species.

G. Public Facilities

1. 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 (if applicable), 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.
2. Prior to construction plan approval for the Development, the Developer shall provide documentation to the Department of Development Review of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Public Utilities Department or other applicable entity. No Zoning Compliance Permits shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
3. The Developer, or its assigns, shall be responsible for maintenance of all on-site water and wastewater facilities unless dedicated to Hillsborough County.
4. 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 ensure the provision of acceptable fire flows. 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.

5. 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.
6. Concurrent with issuance of the first Certificate of Occupancy, the Developer shall use non-potable water, if available, for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall submit a plan to Hillsborough County and TBRPC for using non-potable water for irrigation in the first Annual Report following issuance of the first Certificate of Occupancy. Applicable Hillsborough County regulations and procedures may be adequate to meet this requirement. The Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses.
7. The water conservation measures referenced in the ADA shall be required.
8. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes, (1987)) and native vegetation shall be used in landscaping, wherever feasible.
9. The Developer shall be responsible for maintenance and operation of any on-site wells. There shall be no utilization or construction of any on-site wells as a source of potable water unless approved by Hillsborough County and appropriate reviewing agencies.
10. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years until such time as said lines are dedicated to Hillsborough County. The entity(ies) to carry out the monitoring shall be the Developer, or its assigns. Faulty lines shall be replaced as quickly as possible.
11. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

#### H. Hazardous Wastes

The Developer shall provide the following information through restrictive lease agreements to all Development businesses that:

- a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially designated containers/areas; and
- b. Describes construction requirements for hazardous waste holding areas; and

- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

I. Energy Conservation

1. The Developer shall encourage the following:
  - a. Reduced levels of operation of all air conditioning, heating and lighting systems during non-business hours.
  - b. Elimination of advertising requiring lighting after business hours.
  - c. The use of energy efficient packaging and/or recyclable materials.
  - d. Participation by Development tenants in recycling programs.
  - e. Installation of total energy systems where cost effective.
  - f. Residential tenants and residents to obtain energy audits provided by energy companies or other qualified agencies.
  - g. Residential builders and owners to install water heater timers and set water heaters at 130 degrees Fahrenheit or lower.
2. A report on the status of implementation of and participation in the above listed and any other energy programs referenced in the Application 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 and industries.
4. Where economically feasible, all of the Development's tenants, businesses, residents, etc. should use energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration.
5. The use of landscaping and building orientation to reduce heat gain should be used where feasible for all Development construction.

J. Equal Opportunity

The Developer shall seek, and urge and 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.

K. Historical or Archaeological Resources

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

L. Housing

1. In order to ensure adequate housing opportunities exist reasonably proximate to places of work and to address the housing policies of the state land development plan, prior to the 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 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 applicable rules of DCA, TBRPC, County comprehensive plan and 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.
2. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped and their families.
  3. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

M. General

1. Any approval of the Development shall, at minimum, satisfy the provisions of Subsection 380.06(15), Florida Statutes, as amended.
2. All of the Developer's commitments set forth in the ADA shall be honored, except as they may be superseded by specific terms of the Development Order, as amended.
3. The Developer shall encourage programs by employers to provide child care facilities at the place of employment or as a cooperative effort off-site.
4. The Developer shall record a notice of adoption of this Development Order pursuant to Subsection 380.06(15), Florida Statutes.
5. The following shall apply with regard to the Fifth Amendment to the Development Order:
  - a. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution approving the Fifth Amendment.
  - b. The Developer's Certification, attached hereto as **Exhibit "D"**, affirms that a copy of the Notice of Change has been delivered to all persons as required by law.
  - c. The Developer shall record a Notice of Adoption of the Fifth Amendment in accordance with Subsection 380.06(15), Florida Statutes.
  - d. This Resolution approving the Fifth Amendment shall become effective upon rendition by the Board of County Commissioners of Hillsborough County, Florida in accordance with Section 380.06, Florida Statutes.
  - e. Upon adoption, this Resolution approving the Fifth Amendment shall be transmitted by the Ex-Officio Clerk to the Board of County Commissioners by certified mail or other delivery service for which receipt as proof of service is required, to the State Land Planning Agency, the TBRPC, and other recipients specified by statute or rule.

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 September 9, 2008, as the same appears of record in Minute Book 388 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this **19th day of September, 2008.**

PAT FRANK, CLERK

By: Maudie O.K. Dyer  
Deputy Clerk

Approved by County Attorney

By: [Signature]  
Approved As To Form and Legal Sufficiency



LEGAL DESCRIPTION:

COMMENCE AT THE NW CORNER OF SECTION 32, TOWNSHIP 31 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA; THENCE N.89°37'18"E. ALONG THE NORTH BOUNDARY OF SAID SECTION 32 ALSO BEING THE CENTERLINE OF BILL TUCKER ROAD, A DISTANCE OF 132.00 FEET; THENCE S.00°29'28"E., A DISTANCE OF 25.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY BOUNDARY OF SAID BILL TUCKER ROAD FOR A POINT-OF-BEGINNING.

THENCE N.89°37'18"E., ALONG SAID RIGHT-OF-WAY 25.00 FEET FROM AND PARALLEL TO THE NORTH BOUNDARY OF SAID SECTION 32, A DISTANCE OF 2500.85 FEET; THENCE N.89°46'51"E. 25 FEET FROM AND PARALLEL TO SAID NORTH BOUNDARY OF SECTION 32 A DISTANCE OF 1124.10 FEET TO A POINT OF CURVATURE; THENCE ON AN ARC TO THE RIGHT, A DISTANCE OF 39.19 FEET, WITH A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD OF 35.30 FEET, CHORD BEARING S.45°18'42"E. TO A POINT OF TANGENCY ON THE WEST RIGHT-OF-WAY BOUNDARY OF OLD WIMAUMA ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY BOUNDARY S.00°24'15"E., A DISTANCE OF 1360.55 FEET TO A POINT OF CURVATURE; THENCE ALONG AN ARC TO THE LEFT, A DISTANCE OF 179.48 FEET, WITH A RADIUS OF 270.00 FEET, SUBTENDED BY A CHORD OF 176.19 FEET, CHORD BEARING S.19°26'51"E. TO A POINT OF TANGENCY; THENCE S.38°29'26"E., A DISTANCE OF 841.89 FEET TO A POINT OF CURVATURE; THENCE ALONG AN ARC TO THE RIGHT A DISTANCE OF 183.31 FEET, WITH A RADIUS OF 645.00 FEET, SUBTENDED BY A CHORD OF 182.69 FEET, CHORD BEARING S.30°20'56"E. TO A POINT OF TANGENCY; THENCE S.22°12'26"E., A DISTANCE OF 2286.96 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SECTION 32; THENCE S.00°42'26"E., LEAVING STATED WEST RIGHT-OF-WAY BOUNDARY, ALONG EAST BOUNDARY OF SAID SECTION 32, A DISTANCE OF 644.14 FEET TO THE NE CORNER OF SECTION 5, TOWNSHIP 32 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY; THENCE S.00°24'08"E., ALONG SAID EAST BOUNDARY OF SECTION 5, A DISTANCE OF 4685.05 FEET TO A POINT ON THE STATED WEST RIGHT-OF-WAY BOUNDARY OF OLD WIMAUMA ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY, S.04°38'56"W., A DISTANCE OF 367.06 FEET TO A POINT OF CURVATURE; THENCE ALONG AN ARC TO THE LEFT, A DISTANCE OF 86.27 FEET, WITH A RADIUS OF 975.00 FEET, SUBTENDED BY A CHORD OF 85.24 FEET, CHORD BEARING S.02°06'50"W., TO A POINT OF TANGENCY; THENCE S.00°25'15"E., A DISTANCE OF 106.39 FEET TO A POINT ON THE NORTH BOUNDARY OF SECTION 8, TOWNSHIP 32 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA; THENCE CONTINUE S.00°25'15"E. A DISTANCE OF 1994.34 FEET, THENCE S.89°14'32"W., LEAVING STATED WEST RIGHT-OF-WAY BOUNDARY ALONG THE SOUTH BOUNDARY OF TRACTS 9, 10 AND EAST 1/2 OF 11, OF DAVIS & DOWDELL ADDITION TO TOWN OF WIMAUMA AS RECORDED IN PLAT BOOK 7, PAGE 136, OF PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; A DISTANCE OF 1842.42 FEET; THENCE N.00°01'34"E., ALONG THE WEST BOUNDARY OF THE EAST 1/2 OF SAID TRACT 11, A DISTANCE OF 649.19 FEET, TO A POINT ON THE NORTH BOUNDARY OF SAID TRACT 11; THENCE S.89°13'09"W., ALONG SAID NORTH BOUNDARY, A DISTANCE OF 323.05 FEET TO A POINT ON THE WEST BOUNDARY OF SAID TRACT 11; THENCE S.00°00'10"W., ALONG SAID WEST BOUNDARY, A DISTANCE OF 649.05 FEET TO A POINT ON THE SOUTH BOUNDARY OF TRACT 12 OF STATED DAVIS & DOWDELL ADDITION; THENCE S.89°14'32"W., ALONG SAID SOUTH BOUNDARY OF TRACT 12, A DISTANCE OF 675.56 FEET TO A POINT ON THE EAST BOUNDARY OF TRACT 16 OF SAID DAVIS & DOWDELL ADDITION; THENCE S.00°32'37"E. ALONG SAID EAST BOUNDARY OF TRACT 16, A DISTANCE OF 526.78 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY BOUNDARY OF STATE ROAD NO. 874; THENCE S.89°16'36"W., ALONG SAID NORTH RIGHT-OF-WAY OF STATE ROAD NO. 874, A DISTANCE OF 2467.62 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY BOUNDARY OF US HIGHWAY NO. 301; THENCE N.00°31'07"W., 132.00 FEET FROM AND PARALLEL TO THE CENTERLINE OF SAID US HIGHWAY NO. 301 ALSO BEING THE WEST BOUNDARY OF STATED SECTION 8, A DISTANCE OF 2507.63 FEET, TO A POINT ON THE SOUTH BOUNDARY OF STATED SECTION 5; THENCE CONTINUE N.00°31'07"W., 132.00 FEET FROM AND PARALLEL TO THE WEST BOUNDARY OF SAID SECTION 5, A DISTANCE OF 5322.70 FEET, TO A POINT ON THE SOUTH BOUNDARY OF STATED SECTION 32; THENCE N.00°29'28"W., 132.00 FEET FROM AND PARALLEL TO THE WEST BOUNDARY OF SAID SECTION 32, A DISTANCE OF 5109.38 FEET TO THE POINT OF BEGINNING;

## AND LESS AND EXCEPT

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP 32 SOUTH, RANGE 20 EAST, THENCE PROCEED N.89°59'40"E., (AN ASSUMED BEARING), ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 132.01 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 30, THENCE PROCEED S.00°31'07"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, PARALLEL TO AND 132.00 FEET EAST OF THE WEST LINE OF SAID SECTION 5, A DISTANCE OF 1360.48 FEET TO THE POINT OF BEGINNING, THENCE S.8°38'37"E. A DISTANCE OF 828.53 FEET, THENCE S.00°31'07"E., A DISTANCE OF 485.35 FEET, THENCE S.89°21'56"W., A DISTANCE OF 824.18 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 301, THENCE N.00°31'07"W., ALONG SAID RIGHT-OF-WAY LINE PARALLEL TO AND 132.00 FEET EAST OF THE WEST LINE OF SAID SECTION 5, A DISTANCE OF 571.82 FEET TO THE POINT OF BEGINNING. ALL LYING AND BEING IN HILLSBOROUGH COUNTY, FLORIDA.

## AND ALSO LESS AND EXCEPT (O.R. BOOK 5144, PAGES 1762-1764)

THAT PART LYING WITHIN .11 FEET SOUTHWESTERLY, WESTERLY AND SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 31 SOUTH, RANGE 20 EAST, THENCE NORTH 00°42'26" WEST, ALONG THE EAST BOUNDARY OF SAID SECTION 32, A DISTANCE OF 644.14 FEET TO THE POINT OF BEGINNING OF SAID DESCRIBED LINE; THENCE NORTH 22°12'26" WEST, A DISTANCE OF 2286.96 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 182.31 FEET (SAID CURVE HAVING A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 16°17'00", A CHORD DISTANCE OF 182.69 FEET AND A CHORD BEARING OF NORTH 30°20'56" WEST) TO A POINT OF TANGENCY; THENCE NORTH 38°29'26" WEST, A DISTANCE OF 841.89 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE NORTHEAST; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 179.48 FEET (SAID CURVE HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 38°05'11", A CHORD DISTANCE OF 176.19 FEET AND A CHORD BEARING OF NORTH 19°26'51" WEST) TO A POINT OF TANGENCY; THENCE NORTH 00°24'15" WEST A DISTANCE OF 1360.75 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST; THENCE ALONG SAID CURVE A DISTANCE OF 39.18 FEET (SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°48'54", A CHORD DISTANCE OF 35.29 FEET AND A CHORD BEARING OF NORTH 45°18'42" WEST) TO A POINT 25.00 FEET SOUTHERLY OF THE CENTERLINE OF BILL TUCKER ROAD AND THE NORTH BOUNDARY OF SAID SECTION 32 AND THE END OF SAID DESCRIBED LINE.

CONTAINING 1383.74 ACRES MORE OR LESS.



TABLE 1  
(Revised 12/02)

EQUIVALENCY MATRIX  
DG Farms

Change To: Change From:	Office	Retail	Single Family	Multi- Family	Retirement Residential
Office	N/A	538 sf/ksf (0.5376) <sup>3</sup>	2.20 dus/ksf (2.1974) <sup>3</sup>	3.03 dus/ksf (3.0304) <sup>3</sup>	6.13 dus/ksf (6.1311) <sup>3</sup>
Retail	1,860 sf/ksf (1.8601) <sup>3</sup>	N/A	4.08 dus/ksf (4.0873) <sup>3</sup>	5.64 dus/ksf (5.6367) <sup>3</sup>	11.40 dus/ksf (11.4043) <sup>3</sup>
Single Family	455 sf/du (0.4551) <sup>3</sup>	245 sf/du (0.2447) <sup>3</sup>	N/A	1.38 dus/du (1.3791) <sup>3</sup>	2.79 dus/du (2.7902) <sup>3</sup>
Multi-Family	330 sf/du (0.3300) <sup>3</sup>	177 sf/du (0.1774) <sup>3</sup>	0.73 du/du (0.7251) <sup>3</sup>	N/A	2.02 dus/du (2.0232) <sup>3</sup>

<sup>1</sup>Land use exchanges are based on Phase 1 net external p.m. peak hour two-way project traffic. Use of this matrix shall be limited to the following minimums and maximums for Phase 1 to ensure that impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded.

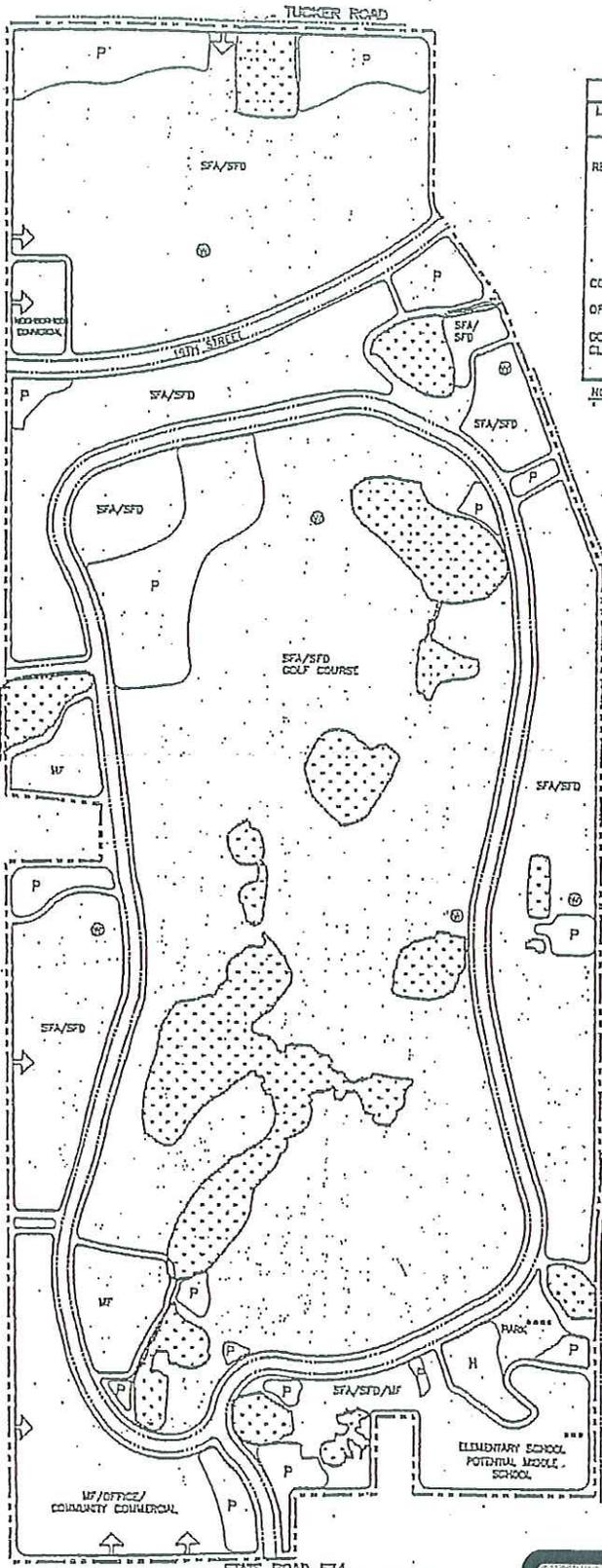
Land Use	Minimum	Approved	Maximum
Office	0 sf	109,999 sf	140,000 sf
Retail	50,000 sfgla	160,000 sfgla	250,000 sfgla
Single Family	1,300 dus	1,700 dus	1,900 dus
Multi-Family	0 dus	400 dus	400 dus
Retirement Residential	0 dus	0 dus	1,450 dus

<sup>2</sup>Example exchanges:

Add 50,000 sfgla of Retail by reducing Office, 50,000 sf ÷ 0.5376 (office factor) = 93,005.95; reduce Office by 93,006 sf

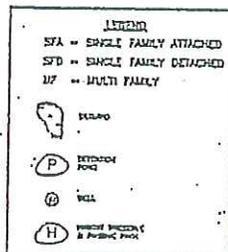
<sup>3</sup>Actual Equivalency factor for use in calculations





LAND USE	PHASED SCHEDULE		
	PHASE 1 <sup>a</sup> (2003)	PHASE 2 (2003)	PHASE 3 (2010)
RESIDENTIAL SINGLE FAMILY DETACHED	1,700 UNITS	1,450 UNITS	330 UNITS
SINGLE FAMILY ATTACHED	400 UNITS	300 UNITS	200 UNITS
MULTI-FAMILY	---	350 UNITS	650 UNITS
COMMERCIAL	160,000 Sq. Ft.	200,000 Sq. Ft.	---
OFFICE	109,599 Sq. Ft.	---	---
GOLF COURSE/ CLUBHOUSE	APPROX 137 ACRES	---	---

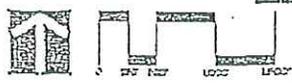
NOTES:  
 \* Quantities subject to change pursuant to DRJ Equivalency Matrix.



LAND USE	LAND USE SCHEDULE <sup>a</sup>	
	ACRES/DENSITY <sup>b</sup>	S.F./ACRES
COMM. COMMERCIAL	25 FAR	250,000 S.F.
NEIGH. COMMERCIAL	25 FAR	110,000 S.F.
OFFICE	25 FAR	109,599 S.F.
MULTI-FAMILY	15 U/A	1,000 UNITS
SINGLE FAMILY ATTACHED	7.5 U/A	900 UNITS
SINGLE FAMILY DETACHED	5.5 U/A	3,400 UNITS
GOLF COURSE/CLUBHOUSE	---	18 HOLES
ELEMENTARY SCHOOL	15.0 <sup>c</sup>	---
NEIGHBORHOOD PARK	12.0 <sup>c</sup>	---
PASSIVE PARK	10.0	---
ROAD BLDG.	74.2	---
RETENTION	155.5	---
WETLANDS (APPROX. LOCATION)	145.3	---
TOTAL	1,335.0	5,350 UNITS 463,599 S.F.

NOTES:  
 \* Quantities subject to change pursuant to DRJ Equivalency Matrix.  
 \*\* Density shown as average gross density.  
 \*\*\* May be developed as residential if not required by Hillsborough County.  
 \*\*\*\* May be increased if required by Hillsborough County, May be developed as residential if not required by Hillsborough County.

OWNER / AGENTS John Felner  
 c/o Gordon Sehn  
 Macdonova Ferguson & Halligan  
 P.O. Box 1531  
 Tampa, FL 33601-0531



RECEIVED  
 JAN 15 2003

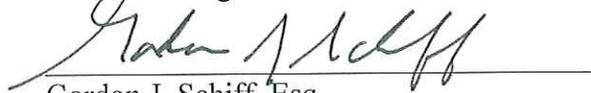
**EXHIBIT "D"**

**DEVELOPER'S CERTIFICATION  
STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH**

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Gordon J. Schiff of Schiff Law Group, Authorized Agent for John Falkner, one of the joint applicants of the Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the DG Farms DRI ("NOPC"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. John Falkner and Hillsborough County Associates II, LLLP, Hillsborough County Associates III, LLLP and Hillsborough County Associates IV, LLLP, as joint applicants, filed the NOPC on July 1, 2008.
2. The NOPC 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.

Schiff Law Group,  
Authorized Agent for John Falkner



Gordon J. Schiff, Esq.  
Authorized Agent for John Falkner

The foregoing was acknowledged before me this 17 day of September 2008, by Gordon J. Schiff, Schiff Law Group, Authorized Agent for John Falkner, who is personally known to me.

(SEAL)



Danielle Dixon  
Printed name of notary: Danielle Dixon  
Notary Public-State of Florida  
Commission Number: DD 758764  
My commission expires: 02.14.2012





2700 SUNTRUST FINANCIAL CENTRE  
401 EAST JACKSON STREET  
TAMPA, FLORIDA 33602-5841

(813) 222-6634  
FAX: (813) 314-6934  
SUE.MURPHY@RUDEN.COM

May 14, 2004

VIA FACSIMILE  
272-6068

Mr. John Healey  
Hillsborough County Planning  
And Growth Management  
601 E. Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, FL 33602

Re: DG Farms Equivalency Matrix

Dear John:

Pursuant to the amended and restated DRI Development Order for DG Farms (Resolution R03-025), GL Homes is hereby providing notice to the County, DCA and TBRPC that they intend to utilize the Equivalency Matrix incorporated in the Specific Conditions for the DRI. GL Homes recently purchased all of the DRI Phase 1 development entitlements under the Development Approval, less and except the equivalent of 250,000 square feet of retail uses in Phase I. The purchase encompasses 1,293 acres of the 1,385 acre DRI.

The original approved entitlements within Phase I were as follows:

Office:	109,999 s.f.
Retail:	160,000 s.f.
Single Family:	1,700 units
Retirement Residential:	0 units
Multi-family/Single Family Attached	400 units

There was a prior use of the matrix by Mr. Falkner in July, 2003, that converted 99,999 s.f. of office to 53,759 s.f. of retail and 120 multi-family units to 21,288 s.f. of retail. The total Phase I land use mix that resulted from these conversions is outlined below.

Office:	10,000 s.f.
Retail:	235,047 s.f.
Single Family:	1,700 units
Retirement Residential:	0 units
Multi-family/Single Family Attached	280 units

Per the Notice of Obligations between John Falkner and GL Homes, as recorded in public records of Hillsborough County, GL Homes is entitled to the 1,700 single family units and 226 of the multifamily units. The purpose of this letter is to notify you that GL Home is making the following Phase I conversions via the Equivalency Matrix:

- Reduce the multi-family by 226 units and increase the retirement residential by 457 units.
- Reduce the sing family by 356 units and increase the retirement resident by 993 units.

Overall, as a result of the preceding conversion by the use of the Equivalency Matrix, the following summaries the resulting revised balance of Phase I uses and identifies the property owners with rights to these entitlements.

	Total	GL Homes	Falkner
Office:	10,000 s.f.		10,000 s.f.
Retail:	235,047 s.f.		235,047 s.f.
Single Family:	1,344 units	1,344 units	
Retirement Residential:	1,450 units	1,450 units	
Multi-family/Single Family Attached	54 units		54 units

Please do not hesitate to contact me if you have any questions or need any additional information. For your use, I have enclosed a copy of the approved Equivalency Matrix for Phase I of the DRI.

Sincerely,

**RUDEN, McCLOSKEY, SMITH,  
SCHUSTER & RUSSELL, P.A.**



Sue Murphy, AICP  
Senior Planner

cc: Marina Pennington, FDCA  
John Meyer, TBRPC

TABLE 1  
(Revised 12/02)

EQUIVALENCY MATRIX  
DG Farms

Change To: Change From:	Office	Retail	Single Family	Multi-Family	Retirement Residential
Office	N/A	538 sf/ksf (0.5376) <sup>2,3</sup>	2.20 dus/ksf (2.1974) <sup>3</sup>	3.03 dus/ksf (3.0304) <sup>3</sup>	6.13 dus/ksf (6.1311) <sup>3</sup>
Retail	1,860 sf/ksf (1.8601) <sup>3</sup>	N/A	4.08 dus/ksf (4.0873) <sup>3</sup>	5.64 dus/ksf (5.6367) <sup>3</sup>	11.40 dus/ksf (11.4043) <sup>3</sup>
Single Family	455 sf/du (0.4551) <sup>3</sup>	245 sf/du (0.2447) <sup>3</sup>	N/A	1.38 dus/du (1.3791) <sup>3</sup>	2.79 dus/du (2.7902) <sup>3</sup>
Multi-Family	330 sf/du (0.3300) <sup>3</sup>	177 sf/du (0.1774) <sup>3</sup>	0.73 du/du (0.7251) <sup>3</sup>	N/A	2.02 dus/du (2.0232) <sup>3</sup>

<sup>1</sup>Land use exchanges are based on Phase 1 net external p.m. peak hour two-way project traffic. Use of this matrix shall be limited to the following minimums and maximums for Phase 1 to ensure that impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded.

Land Use	Minimum	Approved	Maximum
Office	0 sf	109,999 sf	140,000 sf
Retail	50,000 sf/ksf	160,000 sf/ksf	250,000 sf/ksf
Single Family	1,300 dus	1,700 dus	1,900 dus
Multi-Family	0 dus	400 dus	400 dus
Retirement Residential	0 dus	0 dus	1,450 dus

<sup>2</sup>Example exchanges:  
Add 50,000 sf of Retail by reducing Office, 50,000 sf ÷ 0.5376 (office factor) = 93,005.95; reduce Office by 93,006 sf

<sup>3</sup>Actual Equivalency factor for use in calculations

July 25, 2003

Mr. John Healy, DRI Coordinator  
Hillsborough County Planning & Growth Management  
601 E. Kennedy Bl., 20<sup>th</sup> Floor  
Tampa, Florida 33602

**Subject: DG Farms DRI Equivalency Matrix Utilization**

Dear Mr. Healy:

Please allow this letter to serve as a clarification to my letter of July 18, 2003 regarding this matter. The Phase I phasing schedule includes two single-family land uses; Single-Family Detached and Single Family-Attached. The Single-Family Attached land use utilized an ITE multi-family trip rate in the original DRI analysis and all subsequent analyses, including the Equivalency Matrix. The Equivalency Matrix identifies trades or conversions which may occur in accordance therewith.

A review of the Equivalency Matrix, attached to the July 18,2003 letter, indicates the approved Phase I land uses include 1,700 "Single-Family" dwelling units and 400 "Multi-Family" dwelling units. The "Multi-Family" dwelling units should have been labeled "Single-Family Attached" to clearly distinguish them from the "Multi-Family" land uses included in the later phases of the development.

The DG Farms Development Order correctly indicates that Phase I includes 2,100 Residential Dwelling Units and Map H attached to the D.O. further defines the Phase I Residential land use as containing 1,700 Single-Family Detached dwelling units and 400 Single-Family Attached dwelling units (a copy of Map H and page 7 of the D.O. are attached).

The actual land use trades identified in the previous letter are correct. To achieve a total of 235,047 sfgla of retail entitlements in Phase I, the following Phase I land use exchanges are hereby selected: 160,000 sfgla Retail (base approval) + 53,759 sfgla Retail from 99,999 sf of Office (leaving 10,000 sf of office) + 21,288 sfgla Retail from 120 Single-Family Attached dus (leaving 280 SFA dus) = 235,047 sfgla of Retail. Below please find a table that summarizes the above exchanges of land uses.

<u>Land Use</u>	<u>Approved</u>	<u>Exchange (to Retail)</u>	<u>Total</u>
Office	109,999 sf	99,999 sf to 53,759 sfgla	10,000 sf
Retail	160,000 sfgla	n/a	235,047 sfgla
Single-Family Detached	1,700 dus	n/a	1,700 dus
Single-Family Attached	400 dus	120 dus to 21,288 sfgla	280 dus

By copy of this letter notice is also being provided to the Florida Department of Community Affairs (DCA) and the Tampa Bay Regional Planning Council (TBRPC), as required by Section II.A.1. of

Mr. John Healy  
DG Farms EQ Exchange  
Page 2

Resolution R03-025 (the DG Farms DRI Development Order) regarding this clarification. Please contact us if you have any further questions.

Sincerely,

*WilsonMiller, Inc.*



Randy Coen, AICP  
Vice President  
Manager, Planning & Transportation Services

Attachment

XC. Marina Pennington, DCA (w/enc.)  
John Meyer, TBRPC (w/enc.)  
John Falkner (w/enc.)

Steve Reynolds (w/enc.)  
Gordon Schiff (w/enc.)  
Frank Pohl (w/enc.)

- J. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable laws, rules, regulations and ordinances in effect at the time of this review.
- K. This Development Order shall become effective upon the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.
- L. The Developer has elected, pursuant to Suction 380.06(5)(c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 in effect at the time that this Development Order is issued. 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.

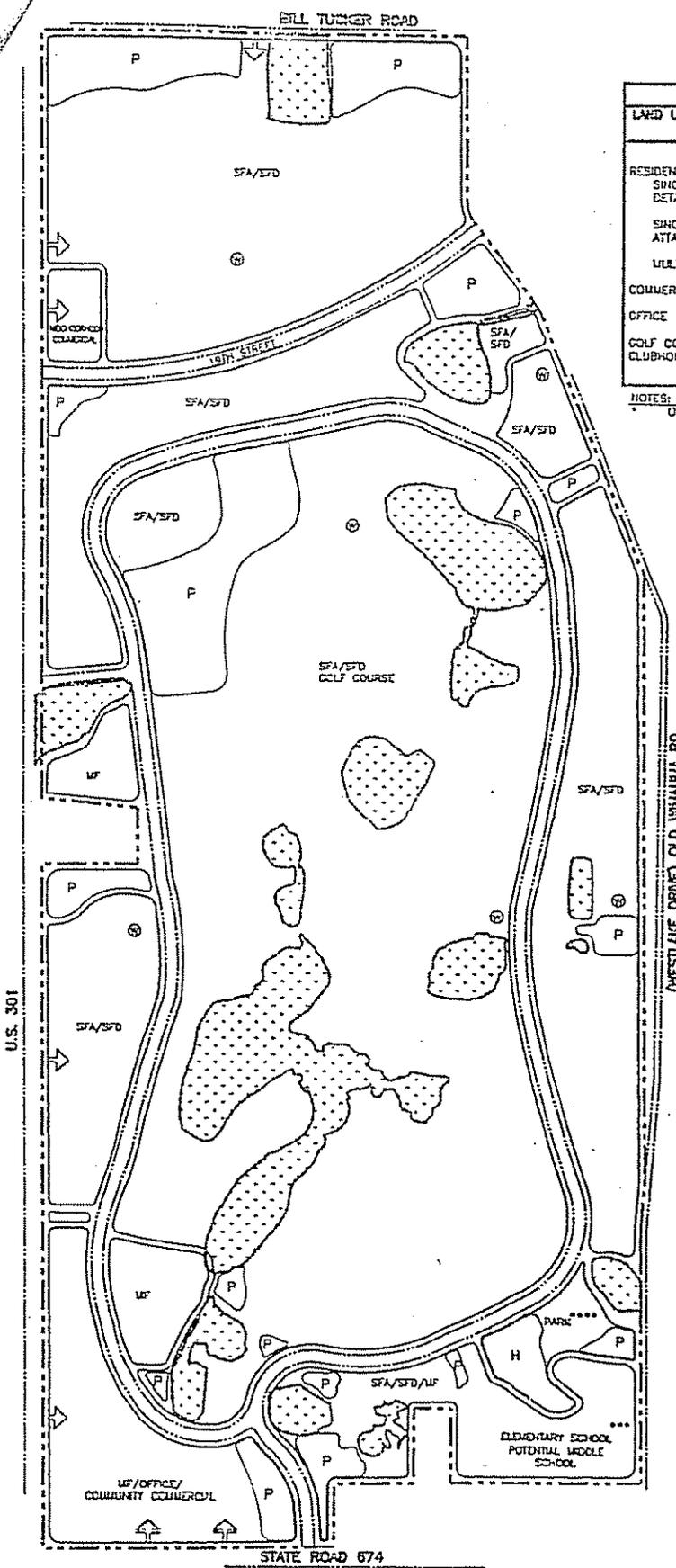
[The following sets forth the approved changes in a cumulative version of the Specific Conditions of the Development Order, as amended by the First, Second, Third and Fourth Amendments (Changes pursuant to the Fourth Amendment are in underline/strike through format)]

#### IV.I. SPECIFIC CONDITIONS

##### A. Phasing Schedule and Deadlines

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

<u>Years</u>	<u>Office (sq. ft.)</u>	<u>Commercial (sq. ft.)</u>	<u>Residential (Dwelling Units)</u>
Phase I (1990-2008)	<del>50,000</del> <u>109,999</u>	<del>110,000</del> <u>160,000</u>	2,100
Phase II (1997-2003)	-0-	<del>250,000</del> <u>200,000</u>	2,100
Phase III (2004-2010)	-0-	-0-	1,180
<b>TOTAL</b>	<u><del>50,000</del>109,999</u>	<u>360,000</u>	<u>5,380</u>



LAND USE	PHASING SCHEDULE		
	PHASE 1* (2005)	PHASE 2 (2003)	PHASE 3 (2010)
RESIDENTIAL SINGLE FAMILY DETACHED	1,700 UNITS	1,450 UNITS	330 UNITS
SINGLE FAMILY ATTACHED	400 UNITS	300 UNITS	200 UNITS
MULTI-FAMILY		350 UNITS	650 UNITS
COMMERCIAL	160,000 Sq. Ft.	200,000 Sq. Ft.	---
OFFICE	109,999 Sq. Ft.	---	---
GOLF COURSE/CLUBHOUSE	APPROX 1.37 ACRES	---	---

NOTES:  
 \* Quantities subject to change pursuant to DRI Equivalency Matrix.

**LEGEND**

- SFA - SINGLE FAMILY ATTACHED
- SFD - SINGLE FAMILY DETACHED
- WF - MULTI FAMILY

LAND USE	LAND USE SCHEDULE*	
	ACRES/DENSITY**	S.F./UNITS
COMM. COMMERCIAL	25 FAR	250,000 S.F.
MEDICAL COMMERCIAL	25 FAR	110,000 S.F.
OFFICE	25 FAR	109,999 S.F.
MULTI-FAMILY	15 U/A	1,000 UNITS
SINGLE FAMILY ATTACHED	7.3 U/A	300 UNITS
SINGLE FAMILY DETACHED	2.8 U/A	3,420 UNITS
GOLF COURSE/CLUBHOUSE		18 HOLES
ELEMENTARY SCHOOL	15.0***	
NEIGHBORHOOD PARK	12.0****	
PASSIVE PARK	16.0	
ROAD R.L.W.	74.8	
RETENTION	129.9	
WETLANDS (APPROX. LOCATIONS)	145.3	
<b>TOTAL</b>	<b>1,335.0</b>	<b>5,385 UNITS 469,999 S.F.</b>

NOTES:  
 \* Quantities subject to change pursuant to DRI Equivalency Matrix.  
 \*\* Density shown as average gross density.  
 \*\*\* May be developed as residential if not required by Hillsborough County.  
 \*\*\*\* May be increased if required by Hillsborough County. May be developed as residential if not required by Hillsborough County.

OWNER / AGENT: John Felner  
 c/o Gordon Smith  
 Ucciferone Ferguson & McMillen  
 P.O. Box 1531  
 Tampa, FL 33601-0531

**RECEIVED**

IAN 15 2003

#194

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

February 7, 2003

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

Re: Resolution No. R03-025 - Amending the Development Order for  
DG Farms (DRI #194)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which  
was adopted by the Hillsborough County Board of County  
Commissioners on January 28, 2003.

We are providing this original for your files.

Sincerely,

*Gail M. Letzring for*  
Gail M. Letzring,  
Manager, BOCC Records

md

Attachment

Certified Mail #7000 0600 0029 5053 8292

cc: Board files (orig.)

Gordon J. Schiff, Macfarlane Ferguson & McMullen  
Charles Gauthier, Chief, DCA Bureau of State Planning  
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

**AMENDED AND RESTATED DEVELOPMENT ORDER**  
Resolution No. R03-025  
**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS**  
**OF HILLSBOROUGH COUNTY, FLORIDA**  
**DRI #194 DEVELOPMENT ORDER**  
**DG FARMS**

Upon motion by Commissioner Frack, seconded by Commissioner Storms, 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 approved a Development Order, Resolution No. R89-0171, for the DG Farms Development of Regional Impact ("DRI") #194 (the "Development Order") pursuant to the provisions of Chapter 380.06, Florida Statutes; and

**WHEREAS**, on January 23, 1990, the Board of County Commissioners approved a first amendment to the Development Order, Resolution No. R90-0024 (the "First Amendment") which authorized the extension of the date of buildout of the development of Phase 1 by two (2) years, eleven (11) months, and fifteen (15) days; and

**WHEREAS**, on November 10, 1992, the Board of County Commissioners approved a second amendment to the Development Order, Resolution No. R92-0276 (the "Second Amendment") which authorized the extension of the date of buildout of Phase 1 by an additional two (2) years for a total buildout date extension of four (4) years, eleven (11) months, and fifteen (15) days; authorized the extension of the deadline for commencement of development of Phase 1 by four (4) years, eleven (11) months, and fifteen (15) days; and clarified the pipeline proportionate share amount; and

**WHEREAS**, on April 8, 1997, the Board of County Commissioners approved a third amendment to the Development Order, Resolution No. R97-105 (the "Third Amendment") which authorized the extension of the date of buildout of Phase 1 by an additional seven (7) years, eleven (11) months, and sixteen (16) days; authorized the extension of the deadline for the commencement of development of Phase 1 by seven (7) years, eleven (11) months, and sixteen (16) days; clarified additional costs associated with the pipeline improvements; and amended the legal description to correct a scrivener's error (hereinafter the Development Order, as amended by the First Amendment, Second Amendment and Third Amendment shall collectively be referred to as the "Development Order"); and

**WHEREAS**, on July 26, 2002, John Falkner (the "Developer") filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06 (19), Florida Statutes, for the DG Farms DRI (the "Development") in accordance with Subsection 380.06 (19), Florida Statutes (the "Notice of Change"), a First Supplemental Response on September 27, 2002, a Second Supplemental Response on December 16, 2002, and additional supplemental information which was provided pursuant to agency request on January 10, 2003 and on January 15, 2003, by letter dated January 14, 2003 (the First Supplemental Response, Second Supplemental Response and additional supplemental information are collectively referred to as

“Supplemental Responses”), hereinafter the Notice of Change and Supplemental Responses shall be referred to as the “Notice of Change”; and

**WHEREAS**, the Notice of Change proposed to amend the Development Order, to provide for an increase of 59,999 square feet in the Phase 1 Office gross leasable area, from 50,000 to 109,999 square feet; to provide for an acceleration of 50,000 square feet of Commercial gross leasable area from Phase II to Phase I; to include an equivalency matrix to allow for simultaneous exchange of approved land uses; and to modify the Master Site Plan (Map H), all as more particularly set forth in the Notice of Change (hereinafter said changes shall be referred to as the “Proposed Changes”); and

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

**WHEREAS**, the Board of County Commissioners has reviewed and considered the Notice of Change as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

**WHEREAS**, the Board of County Commissioners, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

**WHEREAS**, the public notice requirements of Chapter 380, Florida Statutes, and Hillsborough County, Florida (“County”), have been fulfilled; and

**WHEREAS**, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Notice of Change and Proposed Changes before the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners has held a duly noticed public hearing on the Notice of Change and the Proposed Changes, and has reviewed and considered the Notice of Change and the Proposed Changes, as well as the testimony and evidence submitted by certain parties and members of the general public; and

**WHEREAS**, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the Board of County Commissioners’ approval of changes to the approved development order.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 28TH DAY OF JANUARY, 2003, AS FOLLOWS:**

1. The following findings of fact are made
  - a. The developer of the DG Farms DRI is John Falkner, whose address is c/o Gordon Schiff, Esquire, Post Office Box 1531, Tampa, FL 33601 (hereinafter the

“Developer”).

- b. The authorized agent for the Developer is Gordon J. Schiff, Esquire, Post Office Box 1531, Tampa, FL 33601.
- c. The DG Farms DRI property is legally described on Exhibit "A", attached hereto and incorporated herein.
- d. All statutory procedures have been adhered to.
- e. The findings of fact made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, that to the extent that a finding of fact or conclusion of law in the original Development Order, or any amendments thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.
- f. The Proposed Changes are consistent with all applicable local land use development regulations and all applicable provisions of the local comprehensive plan.
- g. The Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- h. The Proposed Changes are consistent with the report and recommendations of the Tampa Bay Regional Planning Council ("TBRPC").
- i. The Proposed Changes are consistent with the State Comprehensive Plan.
- j. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the County and TBRPC.
- k. The Proposed Changes do not create additional regional impacts or impacts that were not previously reviewed, nor meet or exceed any of the criteria set forth in Subsection 380.06(19).
- l. The Development is not an Area of Critical Concern as designated pursuant to Section 380.05, Florida Statutes.

2 The Board of County Commissioners, having made the above findings of fact, renders the following conclusions of law:

- a. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is  
  
authorized to conduct the Development as described herein, subject to the terms and conditions of the Development Order, as amended by the First Amendment, the

Second Amendment, the Third Amendment, and the amendments, conditions, restrictions and limitations set forth herein.

- b. The review by the County, TBRPC, and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Resolution.
  - c. While the Proposed Changes (as a whole) are presumed to create a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes, based upon the record of the proceedings and the aforementioned submittals and reviews, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.
  - d. Based upon the record of the proceeding, and the aforementioned reviews, and the conditions contained herein, and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Changes are not a substantial deviation to the previously approved Development Order.
  - e. The conclusions of law made in the Development Order are hereby reaffirmed and are incorporated herein by reference; provided, however, that to the extent that a finding of fact or conclusion of law in the original Development Order, or any amendments thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.
3. The Proposed Changes are hereby approved, and, accordingly, the Development Order, as amended by the First Amendment, Second Amendment, and Third Amendment, is hereby amended as follows:

#### I. GENERAL PROVISIONS

- A. This resolution shall constitute the Amended and Restated Development Order of Hillsborough County for the DG FARMS Development of Regional Impact.
- B. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- C. This Development Order shall be binding upon the Developer and its heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the power and duties of any branch of government or governmental agency.

- D. 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.
- E. 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.
- F. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at DG FARMS, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility 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.
- G. 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 the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Section 380.06, Florida Statutes.
- H. 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 or deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- I. The Developer shall file an annual report in accordance with Subsection 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Forms BLWM-07-85, as amended. Such report shall be due on the anniversary of the date of adoption by the

Board of County Commissioners of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; 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 heir, assignee or successor in interest to this Development Order; and
  5. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- J. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable laws, rules, regulations and ordinances in effect at the time of this review.
- K. This Development Order shall become effective upon the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.
- L. The Developer has elected, pursuant to Suction 380.06(5)(c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 in effect at the time that this Development Order is issued. 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.

## II. SPECIFIC CONDITIONS

### A. Phasing Schedule and Deadlines

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

<u>Years</u>	<u>Office (sq. ft.)</u>	<u>Commercial (sq. ft.)</u>	<u>Residential (Dwelling Units)</u>
Phase I (1990-2008)	109,999	160,000	2,100
Phase II (1997-2003)	-0-	200,000	2,100
Phase III (2004-2010)	-0-	-0-	1,180
TOTAL	<u>109,999</u>	<u>360,000</u>	<u>5,380</u>

Total residential uses shall not exceed 5,380 units at project buildout.

The Equivalency Matrix attached hereto and incorporated herein as Exhibit "B" is hereby approved. The Equivalency Matrix includes Office, Retail, Single Family, Multi-Family, and Retirement Residential among the approved land uses and establishes minimum and maximum levels of development for each of the approved land uses contained therein, and all for the Developer to simultaneously exchange approved land uses in accordance with the Equivalency Matrix. If the Retirement Residential option is implemented under the Equivalency Matrix, those areas containing Retirement Residential uses shall maintain such designation by appropriate deed restriction or other legally permissible restrictions which limit Retirement Residential uses in such areas in accordance with applicable laws. At the time of selection of a land use exchange under the Equivalency Matrix, the Developer shall notify the Department of Community Affairs, TBRPC and the County of said selection, and shall also provide the Department of Community Affairs, TBRPC and the County with cumulative land use totals, and remaining allowable quantities. This condition shall not be construed as a requirement for an approval of a particular land

use exchange so long as the desired exchange is consistent with the conversions set forth in the Equivalency Matrix. Further, any such selection shall be reported in the annual report following said selection.

In the event that Retirement Residential uses are selected, the Developer shall, as soon as practicable but not later than five (5) years from the date that a certificate of occupancy has been issued for a Retirement Residential unit, provide documentation that the area to be developed for Retirement Residential purposes has been registered as a facility for older persons with the Florida Commission on Human Relations. Thereafter, evidence of current registration shall be provided with each annual report filed in accordance with Section 380.06(18), Florida Statutes.

In the event that Retirement Residential uses implemented through the approved Equivalency Matrix are not utilized for Retirement Residential uses, then the Developer shall be required to submit revised cumulative land use totals and remaining allowable quantities. In the event that the revised cumulative land use totals exceed land use totals permitted pursuant to the approved Equivalency Matrix, the Developer shall be required to undergo further review under Section 380.06, Florida Statutes, for transportation with respect to such exceedances, or shall take steps to reduce cumulative land use totals to allowable quantities consistent with the approved DRI Development Order. This remedy is supplemental to any other remedies which the County, TBRPC or DCA may have under Section, 380.06, Florida Statutes, or this Development Order.

2. The Development Order is amended to refer to and incorporate a revised master site plan, Map H, attached hereto and incorporated herein as Exhibit "C", in lieu of Map H previously approved for the Development.
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. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments 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. This Development Order shall remain in effect for a period up to and including June 30, 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 DCA a minimum of thirty (30) days prior the expiration date of this Development Order.

6. The Development shall not be subject to down-zoning, or intensity reduction until June 30, 2015, 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.
7. The physical development of DG FARMS shall begin by July 22, 2005.
8. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve Phase II and/or Phase III 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 Phase II and/or Phase III.

B. Transportation

1. Monitoring. When Certificates of Occupancy have been issued for 1,000 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 project entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. Counts shall continue on an annual basis through build-out. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within 30 days of its due date, or if the Annual Report indicates that the total trips exceed projected counts by more than 15 percent, 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, as necessary, to change or require additional roadway improvements or other mitigations measures, according to the results of a revised transportation impact analysis. The revised transportation impact analysis shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior the preparation of the new analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.
2. Specific approval of Phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, to identify the impacts of each phase on the regional roadway network and amendment of this Development Order to specify the measures necessary to mitigate or cure these impacts.

3. Mitigation Alternatives. Within thirty (30) days of the Development Order becoming non-appealable, the Developer shall select one of the following alternatives to mitigate the Development's transportation impacts for Phase I.

- a. Option 1

Approval of any detailed site plans for Phase I of this Development shall require funding commitments from responsible entities for the following roadway link improvements listed in Table I and the intersection improvements listed in Table II. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

**THIS SPACE INTENTIONALLY LEFT BLANK**

TABLE I

Phase I (1996) Required Link Improvements for DG Farms  
 Based on 5 Percent of Level of Service  
 (LOS) C/D Peak-Hour Service Volumes

Road	Segment	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 301	Gibson Road to Rhodine Road	F	14.3	Construct 4-Lane Divided Arterial
U.S. 301	Rhodine Road to Big Bend Road	F	20.8	Construct 4-Lane Divided Arterial
U.S. 301	Big Bend Road to Balm Road	F	40.9	Construct 4-Lane Divided Arterial
U.S. 301	Balm Road to Bill Tucker Road	D	55.2	Construct 4-Lane Divided Arterial
U.S. 301	Bill Tucker Road to 19 <sup>th</sup> Avenue	D	55.2	Construct 4-Lane Divided Arterial
U.S. 301	19 <sup>th</sup> Avenue to S.R. 674	D	55.9	Construct 4-Lane Divided Arterial

TABLE II

Phase I (1996) Required Intersection Improvements for DG Farms  
 Based on 5 Percent of Level of Service  
 (LOS) C/D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 301 at North Residential Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right-turn lane NB and one left-turn lane SB. Construct one left-turn lane and one right-turn lane WB.
U.S. 301 at Central Residential Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right-turn lane NB and one left-turn lane SB. Construct one left-turn lane and one right-turn lane WB.
U.S. 301 at South Residential Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right-turn lane NB and one left-turn lane SB. Construct one left-turn lane and one right-turn lane WB.

TABLE II continued

Phase I (1996) Required Intersection Improvements for DG Farms  
Based on 5 Percent of Level of Service  
(LOS) C/D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 301 at North Commercial Drive	N/A	N/A	Construct one right- turn lane NB and one left-turn lane SB. Construct one left-right-turn lane WB.
U.S. 301 at South Commercial Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right-turn lane NB and one left-turn lane SB. Construct one left-right-turn WB.
SR 674 at East Commercial Drive	N/A	N/A	Construct one left- right-turn lane SB. Construct one left-turn lane EB and right-turn lane WB.
SR 674 at West Commercial Drive	N/A	N/A	Construct one left- right-turn lane SB. Construct one left- turn lane EB and one right-turn lane WB.

TABLE II continued

Phase I (1996) Required Intersection Improvements for DG Farms  
Based on 5 Percent of Level of Service  
(LOS) C/D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
SR 674 at Residential Drive	N/A	N/A	Signalize when Warranted by MUTCD. Construct one left- right-turn lane SB. Construct one left- turn lane EB and one right- turn lane WB.
U.S. 301 at Rhodine Road	F*	12.7	Signalize when warranted by MUTCD.
U.S. 301 at Balm Road	F*	36.8	Signalize when warranted by MUTCD.
U.S. 301 at 19th Avenue NW	F*	61.1	Signalize when warranted by MUTCD.
U.S. 674 at I-75 East Ramps	F*	32.9	Signalize when warranted by MUTCD.

\* Worst movement of unsignalized intersection.

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 DG FARMS transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Metropolitan Planning Organization (MPO), the 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 completion of the currently approved project construction plus that to be generated by the next 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 alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory Level of Service D at peak hour (C peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval of any subphase pursuant to this Option 2, the County or its designee shall ensure in written findings of fact that the above referenced roadways are operating at or above a Level of Service D at 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 a Level of Service D at peak hour (C peak in rural areas). The Development Order shall be amended to address the subphase approval.

c. Option 3

- 1) Specific development approval is accorded to Phase I, subject to the conditions contained herein.
- 2) In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. The pipeline option may be pursued to accommodate Phase I transportation impacts. The pipeline proportionate share calculation for Phase I, in accordance with current adopted methods, procedures and policies of Hillsborough County, TBRPC, Florida Department of Community Affairs (“DCA”) and Florida Department of Transportation (“FDOT”), has been determined to be One Hundred Seven Thousand Six Hundred Forty Dollars and No Cents (\$107,640.00) (“Pipeline Proportionate Share Amount”).

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 subsequent phases of the Development is appropriate and permissible under the laws and regulations applicable at that time. If so, the Development Order shall be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the subsequent phase of the Development for which specific development approval is sought. If a pipeline option is not determined to be appropriate and permissible, transportation mitigation for subsequent phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phase I on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the Development's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of major public facilities, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

- 3) The developer shall:
  - (a) Provide a Park and Ride facility within the Development's transportation impact area to accommodate approximately 150 parking spaces. The facility will be designed to HART guidelines. Further, the Park and Ride facility will include patron shelters and a schedule kiosk. Upon commencement of physical development, the Developer shall have three (3) months to complete and submit the design plans to HART for review and approval. The Developer shall construct the improvements within nine (9) months of commencement of physical development. (Hereinafter the improvements described above shall be referred to as the "Initial Pipeline Improvements"); and
  - (b) Design the improvement of U.S. 301 from Gibsonton Road to Big Bend Road as a six lane divided rural arterial and, based on such FDOT approved design, expend in the construction of roadway improvements to U.S. 301 between Gibsonton Road and Big Bend Road, in order to improve this road link as a four lane divided rural arterial, an amount equal to Four Million Two Hundred Thousand Dollars (\$4,200,000.00). In the event the Developer's Additional Pipeline Expenses (as defined below) are less than Four Million Two Hundred Thousand Dollars (\$4,200,000.00) upon completion of design and construction of the foregoing road link, the Developer shall

utilize the unexpended portion of the above described sum of Four Million Two Hundred Thousand Dollars (\$4,200,000.00) in order to design the improvement of U.S. 301 south of Big Bend Road to a point determined by the County and, based on FDOT approved design, in order to construct roadway improvements to U.S. 301 south of Big Bend Road to such point determined by the County in order to improve this road link as a four (4) lane divided rural arterial. (Hereinafter the design and construction of improvements to this segment of U.S. 301 shall be together referred to as the "Additional Pipeline Improvements".)

In its five (5) year work program FDOT has scheduled the design of the Additional Pipeline Improvements during the 1991-92 fiscal year. Therefore it is anticipated that such design will be completed and approved by FDOT prior to such time as the Developer will be otherwise required under this Development Order to commence such design. Nevertheless, in the event FDOT has not commenced such design when the Developer has received building permits for a total of fifteen hundred and thirty (1530) single family dwelling units (or a combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 1530 external P.M. peak hour trips), the Developer shall immediately commence design of the Additional Pipeline Improvements. If the Developer commences such design, the Developer shall complete such design and submit it for FDOT approval within twelve (12) months of its commencement of design.

If FDOT has commenced such design but has not completed and approved such design at the time building permits in the above referenced totals have been received, the Developer shall await FDOT completion and approval of such design, or if directed by the County and FDOT, undertake to complete such design and submit it for FDOT approval within twelve (12) months. Upon receipt of FDOT approval of such design, Developer shall enter into all necessary contracts and obtain all required permits.

Construction of the Additional Pipeline Improvements shall commence within three (3) months of FDOT approval of such design; provided however, if the FDOT has commenced such design the Developer shall commence construction within three (3) months of FDOT approval or within three (3) months of the date the Developer has received building permits in the above referenced totals, whichever date is later. Construction shall be completed within twenty-four (24) months of commencement of construction. In any event, such Additional Pipeline Improvements shall be completed prior to the

commencement of Phase II, which requirements shall be in addition to the Section 380.06, Florida Statutes transportation analysis required for Phase II under Section IV.B.2, above.

Hillsborough County, the responsible governmental agencies and the Developer shall, no later than upon issuance of building permits for twelve hundred (1200) single family dwelling units (or the equivalent thereof in terms of P.M. peak hour trip generation), commence discussion for the purpose of entering into a Joint Participation Agreement (“JPA”) for the design and construction of the Additional Pipeline Improvements. The JPA shall address the timing and scope of the design and/or construction of the Additional Pipeline Improvements and may contemplate and expanded road improvement project with corresponding adjustments in the time frames for design and/or construction. The entry of the JPA shall not require amendment of this Development Order, provided that the JPA shall not be effective unless executed by Hillsborough County, the appropriate governmental agencies and the Developer. In the event that a JPA cannot be entered into which is satisfactory to the above parties by the date that the Developer has received building permits for fifteen hundred and thirty (1530) single family dwelling units (or the equivalent thereof in terms of P.M. peak hour trip generation), then the requirements of this Development Order for the design and/or construction of the Additional Improvements shall be and remain in full force and effect.

Prior to commencement of design of the Additional Pipeline Improvements, the County may identify alternative improvements and the Development Order shall be amended to reflect such alternative improvements; provided, however, Developer shall not be obligated to expend in the design, right-of-way acquisition, construction and construction engineering inspection of such alternative improvements an amount in excess of Four Million Two Hundred Thousand Dollars (\$4,200,000.00). (Hereinafter the Initial Pipeline Improvements and the Additional Pipeline Improvements, together shall be referred to as the “Pipeline Improvements”.)

- 4) The Hillsborough County Road Network impact fee in accordance with Ordinances 86-4 as amended by 87-19 and as amended by 89-4 and as amended by 89-6, (Roadway Improvements) and 85-24E as amended by 86-5 and 87-17 and as amended by 89-3, (Right-of-Way) is approximately Three Million Seven Hundred Thousand Dollars and No Cents (\$3,700,000.00) for Phase I of DG FARMS. (Hereinafter said Ordinances shall be together referred to as the “Transportation Impact Fee Ordinances”.) The “Pipeline Proportionate Share Amount” contribution by the Developer for Phase I, in

accordance with Section 380.06, Florida Statutes, as calculated by Hillsborough County, FDOT and TBRPC is One Hundred Seven Thousand Six Hundred Forty Dollars and No Cents (\$107,640.00).

- 5) The cost of the Initial Pipeline Improvements is approximately One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00), which amount includes design, land and construction costs, which costs provide for a total payment by the Developer in an amount which exceeds the Pipeline Proportionate Share Amount. The cost of the Additional Pipeline Improvements is Four Million Two Hundred Thousand Dollars (\$4,200,000.00). It is assumed that the design of the Additional Pipeline Improvements will be completed and approved by FDOT and that the necessary right-of-way has been acquired by FDOT. In the event the Developer is required to expend sums to complete such design and/or acquire necessary right-of-way, the Developer shall do so; however the Developer shall not be obligated to incur Developer's Additional Pipeline Expenses (as defined below) in excess of Four Million Two Hundred Thousand Dollars (\$4,200,000.00).
- 6) Buildings within DG FARMS shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all costs and expenses borne by the Developer for design and installation of the Initial Pipeline Improvements ("Developer's Initial Pipeline Expenses") shall be applied toward and be credit against impact fees imposed thereunder.
- 7) The County shall reimburse the Developer for the actual costs and expenses borne by the Developer for the design, right-of-way acquisition, construction and construction engineering inspection of the Additional Pipeline Improvements ("Developer's Additional Pipeline Expenses") up to an amount which shall not exceed the total Hillsborough County Road Network Impact Fees previously paid on account of buildings constructed within DG FARMS prior to the completion of the Additional Pipeline Improvements. The Developer's Additional Pipeline Expenses in excess of such sums reimbursed by the County on account of previously paid impact fees, shall be applied toward and be a credit against future Hillsborough County Road Network Impact Fees paid by the Developer on account of the construction of buildings within DG FARMS subsequent to the completion of the Additional Pipeline Improvements. The Developer and the County acknowledge that the estimated Developer's Additional Pipeline Expenses exceed current estimated Hillsborough County Road Network Impact Fees for Phase I and that if an actual excess remains uncredited against impact fees at the completion of Phase I, such excess shall be applied toward the then applicable Road Network Impact Fees of Phase II.
- 8) 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.

- 9) The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Pipeline Improvements.
- 10) Upon approval of this Development Order, the Developer may construct and occupy Phase I, provided however no building permits shall be issued beyond fifteen hundred and thirty (1530) single family dwelling units (or any combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 1530 external P.M. peak hour trips) until commencement of design of the Additional Pipeline Improvements. Upon commencement of design of the Additional Pipeline Improvements, the Developer may construct and occupy one hundred fifty (150) additional dwelling units (or any combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 150 external P.M. peak hour trips). Upon FDOT approval of the design of the Additional Pipeline Improvements, the Developer may construct and occupy an additional one hundred fifty (150) dwelling units (or any combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 150 external P.M. peak hour trips). Upon commencement of construction of the Additional Pipeline Improvements, the Developer may construct and occupy the balance of Phase I.
- 11) If the Initial Pipeline Improvements are not designed and constructed within the above stated periods, no further building permits or certificates of occupancy shall be issued until such design or construction is completed. If the Additional Pipeline Improvements are not designed and constructed within the above stated periods, no further building permits shall be issued until such design or construction is completed. Further, in the event of such a failure to design and construct the Pipeline Improvements within the above stated periods, and after concurrence from TBRPC, the County shall either require the Developer to immediately complete the Pipeline Improvements 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 Pipeline Improvements. The County shall determine the reasonable amount of the Letter of Credit required from the Developer. The County shall draw down on the bond or on the Letter of Credit for completion of the Pipeline Improvements and shall complete the Pipeline Improvements as expeditiously as possible, but in any event the Initial Pipeline Improvements shall be completed within nine (9) months after the posting of the above stated bond or Letter of Credit.

- 12) The Developer shall design and construct the Initial Pipeline Improvements regardless of cost; however, the Developer shall not be obligated to expend more than Four Million Two Hundred Thousand Dollars (\$4,200,000.00) in the design and construction of the Additional Pipeline Improvements. The \$4,200,00.00 amount shall be adjusted for cumulative inflation or deflation by establishing the difference between the 1996 Annual Average Composite Price Trends Index for Florida Highway Construction (1987 Base) as published by the State of Florida Department of Transportation State Estimates Engineer, and the Annual Average Composite Price Trends Index in effect at the time of payment of costs of the Additional Pipeline Improvements. Any change to the Pipeline Improvements, schedule or transportation assessment obligations agreed to by the County and other reviewing agencies shall be accomplished through an amendment to the Development Order. Any additional costs associated with the delay in design, right-of-way acquisition and construction of the Initial Pipeline Improvement and the Additional Pipeline Improvement beyond April 8, 1997, shall be borne by the Developer.
  - 13) 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, civil commotion or natural disaster, 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 governmental approvals for the construction of the Pipeline Improvements 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, provided, however, in no event shall such extension exceed three (3) months. Any requested extensions beyond such three (3) month period may only be accomplished by an amendment to this Development Order in accordance with the provisions of Subsection 380.06 (19), Florida Statutes.
4. TSM. The applicant or its assigns shall prepare and implement a Transportation Systems Management (TSM) program upon issuance of Certificates of Occupancy for 1000 single-family residential units (or the equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the P.M. peak hour which is consistent with the assumptions used to prepare the Application. The plan shall be reviewed by Hillsborough County, Hillsborough Area Rapid Transit Authority ("HART"), the Hillsborough County MPO, TBRPC, and 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 the TSM objectives and/or required 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.

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

“Policy: Promote ridesharing by public and private sector employees:

Objectives:

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

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

5. A pedestrian circulation system and a bicycle circulation system plan shall be provided within the project and approved by the MPO. The bicycle system shall incorporate whatever elements are necessary to complement the County Bicycle Plan and extend the County System into DG FARMS. No detailed site plans shall be approved which do not indicate these systems.

C. Air Quality

1. If the Developer proposes a change which creates regional air quality impacts not previously reviewed as part of the Application, Hillsborough County reserves the right to require mitigation measures or a revision of the master plan to alleviate such potential adverse impacts of the Development on ambient air quality.
2. Specific approval of Phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, to address impacts on air quality, and amendment of the Development Order to incorporate necessary measures to alleviate

project impacts if significant regional air quality impacts are shown. The Developer shall submit an air quality impact analysis acceptable to FDER and HCEPC, with review and comment by TBRPC.

D. Soils/Wind and Water Erosion

The Developer shall undertake the soil conservation measures referenced on pages 14-3 and 14-4 of the Application for Development Approval (the "ADA") and the measures to reduce erosion, fugitive dust and other adverse air emissions referenced on page 14-4 of the ADA, at a minimum, during all phases of development.

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 DER for review and to Hillsborough County and SWFWMD for approval. The stormwater management system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The County drainage criteria in existence at the time of construction of the respective project phases shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria are more restrictive. The following parameters shall be included in the Master Stormwater Management Plan:
  - a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate 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 Development.
  - b. The proposed stormwater management systems shall be designed, constructed and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40D-4 Rules of SWFWMD. Treatment shall be provided by biological filtration wherever feasible.
  - c. Best Management Practices for reducing water quality impacts, as recommended by Hillsborough County and SWFWMD, in accordance with the applicable regulations of these agencies, shall be implemented, including a street cleaning program for parking and roadway areas within the Development.
2. Monitoring. In order to protect water quality in the Little Manatee and Bullfrog Creek watersheds, there shall be no degradation of adopted water quality standards by the Development's stormwater exiting the site. The Developer shall provide for a semiannual surface water quality monitoring program to be instituted before any

construction activity takes place in each subbasin of the Development and to continue through build-out of development within each subbasin, at minimum. If more stringent water quality monitoring is required by SWFWMD or Florida Department of Environmental Regulation (“DER”) in applicable permits, the conditions of the permit shall supersede this requirement.

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 determined in cooperation with Hillsborough County, FDER, SWFWMD and TBRPC.
  - b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
  - c. The monitoring results shall be submitted to Hillsborough County, FDER 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 subbasin(s) where the violation is noted shall cease until the violation is corrected; or if the specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.
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, 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. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.
  6. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways and easements as long as they do not contribute to adverse water quality impacts from stormwater runoff.

7. The proposed retention/detention wetland systems should include the design guidelines of SWFWMD and Hillsborough County.

F. Wetlands/Vegetation and Wildlife/Open Space

1. The portions of the DG Farms site which meet the definition of conservation areas, as defined in the Regional Planning Council's adopted growth policy, Future of the Region, Section 10.1.2, shall be so designated and their ultimate disposition indicated on the revised General Development Plan submitted to Hillsborough County for Planned Development approval.
2. In order to protect the natural values of conserved wetland areas, the following shall be required at minimum:
  - a. Except as otherwise required by agencies having jurisdiction:
    - 1) No adverse hydroperiod alteration shall be permitted in conservation areas.
    - 2) Except as stated in the Application, activities within the conservation areas shall be limited to approved stormwater management outfall structures and boardwalks.
    - 3) All mitigation areas and littoral shelves shall be monitored semiannually for a period of four years. Monitoring shall include measurement of species diversity and composition and efforts to control nuisance species encroachment. Additional planting may be required to maintain an (eighty) 80 percent survival of planted species at the end of three (3) years.
    - 4) All losses of conservation areas shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetland being disturbed.
3. 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 by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC").
4. Representative tracts of xeric oak communities and pine flatwood upland communities adjacent to cypress communities and all major upland vegetative communities, as described on pages 18-4 and 18-5 of the ADA, shall be preserved on site in a manner which will ensure their continued natural function and value. The areas to be preserved are shown on Map H. In addition, natural plant communities shall be identified and preserved pursuant to the Hillsborough County Land Alteration and

Landscaping Ordinance 87-02, Section 4, prior to site development plan/construction plan approval.

5. The Developer 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.
6. Representative populations of the Foxtail Clubmoss and Catesby's Lily shall be relocated to suitable protected areas on-site. The plants shall be relocated with as much of their substratum intact as possible to further insure their survival. The applicant shall make every effort to maximize the survival of the relocated plant species.

G. Public Facilities

1. 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 (if applicable), 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.
2. Prior to construction plan approval for the Development, the Developer shall provide documentation to the Department of Development Review of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Public Utilities Department or other applicable entity. No Zoning Compliance Permits shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
3. The Developer, or its assigns, shall be responsible for maintenance of all on-site water and wastewater facilities unless dedicated to Hillsborough County.
4. 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 ensure the provision of acceptable fire flows. 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.

5. 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.
6. Concurrent with issuance of the first Certificate of Occupancy, the Developer shall use non-potable water, if available, for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall submit a plan to Hillsborough County and TBRPC for using non-potable water for irrigation in the first Annual Report following issuance of the first Certificate of Occupancy. Applicable Hillsborough County regulations and procedures may be adequate to meet this requirement. The Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses.
7. The water conservation measures referenced in the ADA shall be required.
8. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes, (1987)) and native vegetation shall be used in landscaping, wherever feasible.
9. The Developer shall be responsible for maintenance and operation of any on-site wells. There shall be no utilization or construction of any on-site wells as a source of potable water unless approved by Hillsborough County and appropriate reviewing agencies.
10. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years until such time as said lines are dedicated to Hillsborough County. The entity(ies) to carry out the monitoring shall be the Developer, or its assigns. Faulty lines shall be replaced as quickly as possible.
11. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

#### H. Hazardous Wastes

The Developer shall provide the following information through restrictive lease agreements to all Development businesses that:

- a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially designated containers/areas; and
- b. Describes construction requirements for hazardous waste holding areas; and

- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

I. Energy Conservation

1. The Developer shall encourage the following:
  - a. Reduced levels of operation of all air conditioning, heating and lighting systems during non-business hours.
  - b. Elimination of advertising requiring lighting after business hours.
  - c. The use of energy efficient packaging and/or recyclable materials.
  - d. Participation by Development tenants in recycling programs.
  - e. Installation of total energy systems where cost effective.
  - f. Residential tenants and residents to obtain energy audits provided by energy companies or other qualified agencies.
  - g. Residential builders and owners to install water heater timers and set water heaters at 130 degrees Fahrenheit or lower.
2. A report on the status of implementation of and participation in the above listed and any other energy programs referenced in the Application 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 and industries.
4. Where economically feasible, all of the Development's tenants, businesses, residents, etc. should use energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration.
5. The use of landscaping and building orientation to reduce heat gain should be used where feasible for all Development construction.

J. Equal Opportunity

The Developer shall seek, and urge and 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.

K. Historical or Archaeological Resources

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

L. Housing

1. In order to ensure adequate housing opportunities exist reasonably proximate to places of work and to address the housing policies of the state land development plan, prior to the 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 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 applicable rules of DCA, TBRPC, County comprehensive plan and 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.
2. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped and their families.
  3. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

M. General

1. Any approval of the Development shall, at minimum, satisfy the provisions of Subsection 380.06(15), Florida Statutes, as amended.
2. All of the Developer's commitments set forth in the ADA shall be honored, except as they may be superseded by specific terms of the Development Order, as amended.
3. The Developer shall encourage programs by employers to provide child care facilities at the place of employment or as a cooperative effort off-site.
4. The Developer shall record a notice of adoption of this Development Order pursuant to Subsection 380.06(15), Florida Statutes.
5. The following shall apply with regard to the Fourth Amendment to the Development Order:
  - a. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution approving the Fourth Amendment.
  - b. The Developer's Certification, attached hereto as Exhibit "D", affirms that a copy of the Notice of Change has been delivered to all persons as required by law.
  - c. The Developer shall record a Notice of Adoption of the Fourth Amendment in accordance with Subsection 380.06(15), Florida Statutes.
  - d. This Resolution approving the Fourth Amendment shall become effective upon rendition by the Board of County Commissioners of Hillsborough County, Florida in accordance with Section 380.06, Florida Statutes.
  - e. Upon adoption, this Resolution approving the Fourth Amendment shall be transmitted by the Ex-Officio Clerk to the Board of County Commissioners by certified mail or other delivery service for which receipt as proof of service is required, to the State Land Planning Agency, the TBRPC, and other recipients specified by statute or rule.

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 January 28, 2003, as the same appears of record in Minute Book 320 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 7th day of February, 2003

RICHARD AKE, CLERK

By: Mildred K. Dyer  
Deputy Clerk



Approved by County Attorney

By: [Signature]  
Approved As To Form And Legal Sufficiency

**EXHIBIT "A"**

**LEGAL DESCRIPTION OF DG FARMS DRI #194**



LEGAL DESCRIPTION - CONT.

11; thence S 00°-00'-10" W, along said West boundary, a distance of 649.05 feet to a point on the South boundary of Tract 12 of stated DAVIS & DOWDELL ADDITION; thence S 89°-14'-12" W, along said South boundary of Tract 12, a distance 675.56 feet to a point on the East boundary of Tract 15 of said DAVIS & DOWDELL ADDITION; thence S 00°-02'-37" E, along said East boundary of Tract 15, a distance of 526.78 feet to a point on the North right-of-way boundary of State Road No. 674; thence S 85°-16'-16" W, along said North right-of-way of State Road No. 674, a distance of 2467.52 feet, to a point on the East right-of-way boundary of US Highway No. 101; thence N 00°-31'-07" W, 112.00 feet from and parallel to the centerline of said US Highway No. 101 also being the West boundary of stated Section 8, a distance of 2507.63 feet, to a point on the South boundary of stated Section 5; thence continue N 00°-11'-07" W, 112.00 feet from and parallel to the West boundary of said Section 5, a distance of 5122.70 feet, to a point on the South boundary of stated Section 12; thence N 00°-29'-13" W, 112.00 feet from and parallel to the West boundary of said Section 12, a distance of 5109.18 feet to the point-of-beginning;

AND LESS AND EXCEPT:

For a point of reference commence at the Northwest corner of Section 5, Township 12 South, Range 20 East, thence proceed N 89°-19'-40" East, (an assumed bearing), along the North line of said Section 5, a distance of 112.01 feet to a point on the Easterly right-of-way line of U.S. Highway No. 101, thence proceed S 00°-11'-07" East, along said Easterly right-of-way line, parallel to and 112.00 feet East of the West line of said Section 5, a distance of 1180.48 feet to the point of beginning, thence South 84°-12'-17" East a distance of 828.60 feet, thence S 00°-11'-07" East, a distance of 485.15 feet, thence South 89°-21'-56" West, a distance of 824.18 feet to the Easterly right-of-way line of U.S. Highway No. 101, thence North 00°-11'-07" West, along said right-of-way line parallel to and 112.00 feet East of the West line of said Section 5, a distance of 571.82 feet to the point of beginning. All lying and being in Hillsborough County, Florida.

**EXHIBIT "B"**

**EQUIVALENCY MATRIX**

TABLE 1  
(Revised 12/02)

EQUIVALENCY MATRIX  
DG Farms

Change To: Change From:	Office	Retail	Single Family	Multi- Family	Retirement Residential
Office	N/A	538 sf/ksf (0.5376) <sup>3</sup>	2.20 dus/ksf (2.1974) <sup>3</sup>	3.03 dus/ksf (3.0304) <sup>3</sup>	6.13 dus/ksf (6.1311) <sup>3</sup>
Retail	1,860 sf/ksf (1.8601) <sup>3</sup>	N/A	4.08 dus/ksf (4.0873) <sup>3</sup>	5.64 dus/ksf (5.6367) <sup>3</sup>	11.40 dus/ksf (11.4043) <sup>3</sup>
Single Family	455 sf/du (0.4551) <sup>3</sup>	245 sf/du (0.2447) <sup>3</sup>	N/A	1.38 dus/du (1.3791) <sup>3</sup>	2.79 dus/du (2.7902) <sup>3</sup>
Multi-Family	330 sf/du (0.3300) <sup>3</sup>	177 sf/du (0.1774) <sup>3</sup>	0.73 du/du (0.7251) <sup>3</sup>	N/A	2.02 dus/du (2.0232) <sup>3</sup>

<sup>1</sup>Land use exchanges are based on Phase 1 net external p.m. peak hour two-way project traffic. Use of this matrix shall be limited to the following minimums and maximums for Phase 1 to ensure that impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded.

Land Use	Minimum	Approved	Maximum
Office	0 sf	109,999 sf	140,000 sf
Retail	50,000 sf/la	160,000 sf/la	250,000 sf/la
Single Family	1,300 dus	1,700 dus	1,900 dus
Multi-Family	0 dus	400 dus	400 dus
Retirement Residential	0 dus	0 dus	1,450 dus

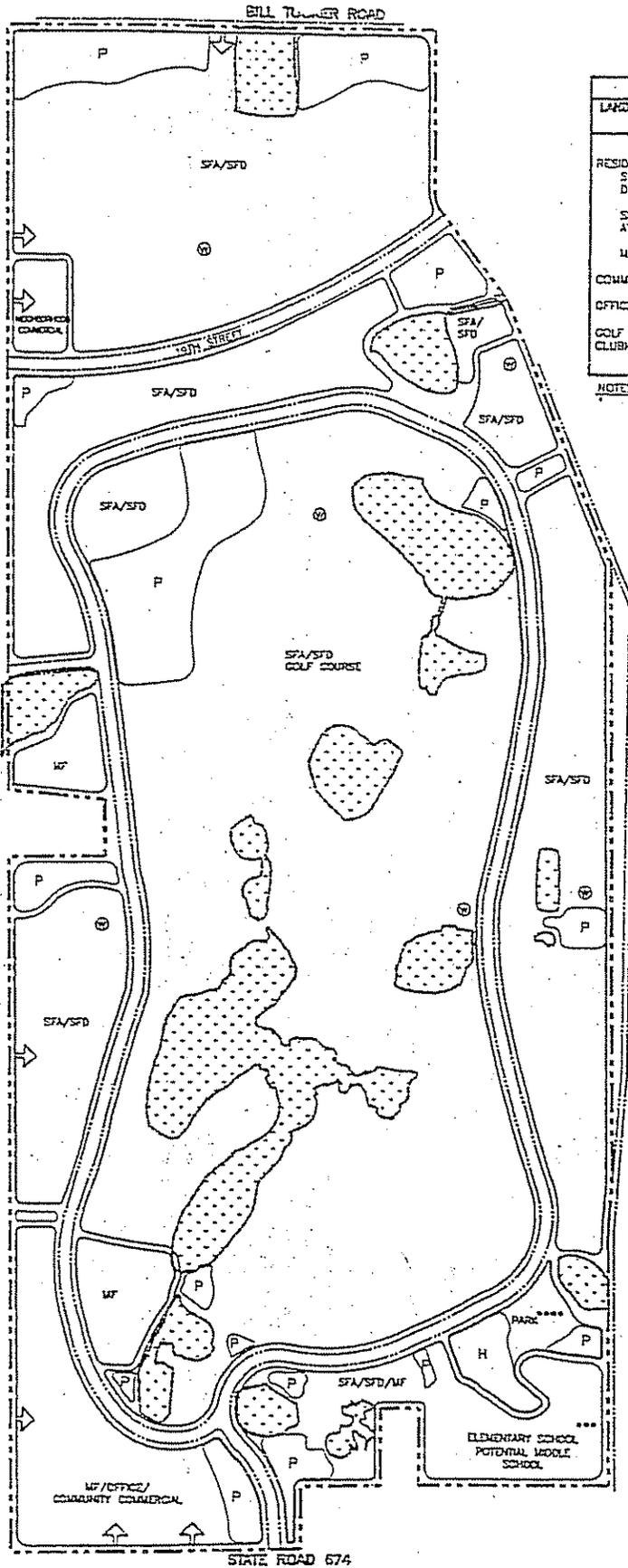
<sup>2</sup>Example exchanges:

Add 50,000 sf/la of Retail by reducing Office, 50,000 sf ÷ 0.5376 (office factor) = 93,005.95; reduce Office by 93,006 sf

<sup>3</sup>Actual Equivalency factor for use in calculations

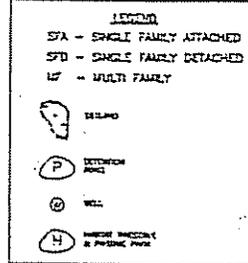
EXHIBIT "C"

REVISED MASTER SITE PLAN (MAP H)



LAND USE	PHASING SCHEDULE		
	PHASE 1 <sup>a</sup> (2005)	PHASE 2 (2005)	PHASE 3 (2010)
RESIDENTIAL SINGLE FAMILY DETACHED	1,700 UNITS	1,450 UNITS	330 UNITS
SINGLE FAMILY ATTACHED	400 UNITS	300 UNITS	300 UNITS
MULTI-FAMILY		250 UNITS	650 UNITS
COMMERCIAL	150,000 Sq. Ft.	200,000 Sq. Ft.	---
OFFICE	109,999 Sq. Ft.	---	---
GOLF COURSE/ CLUBHOUSE	APPROX 1.37 ACRES	---	---

NOTES:  
<sup>a</sup> Quantities subject to change pursuant to DRI Equivalency Matrix.



LAND USE	LAND USE SCHEDULE <sup>a</sup>	
	ACRES/DENSITY <sup>b</sup>	S.F./ACRES
COMM. COMMERCIAL	1.5 FAR	30,000 S.F.
NEEDL COMMERCIAL	1.5 FAR	110,000 S.F.
OFFICE	1.5 FAR	109,999 S.F.
MULTI-FAMILY	15 U/A	1,000 UNITS
SINGLE FAMILY ATTACHED	7.3 U/A	900 UNITS
SINGLE FAMILY DETACHED	5.5 U/A	3,400 UNITS
GOLF COURSE/CLUBHOUSE		18 HOLES
ELEMENTARY SCHOOL	15.0***	
NEIGHBORHOOD PARK	12.0***	
PASSIVE PARK	10.0	
ROAD BLOW	74.0	
RETENTION	150.0	
WETLANDS (APPROX. LOCATION)	145.3	
TOTAL	1,325.0	5,320 UNITS 489,999 S.F.

NOTES:  
 Quantities subject to change pursuant to DRI Equivalency Matrix.  
 \*\*\* Density shown as average gross density.  
 May be developed as residential if not required by Hillsborough County.  
 May be increased if required by Hillsborough County, May be developed as residential if not required by Hillsborough County.

OWNER / AGENT: John Folmer  
 c/o Gordon Schutt  
 Madeline Ferguson & McMillan  
 P.O. Box 1531  
 Tampa, FL 33601-0531

RECEIVED

JAN 15 2003

JANUARY 2003  
 MAP H  
 MASTER  
 DEVELOPMENT  
 PLAN

DG FARMS  
 DRI # 194  
 Hillsborough County, Florida

PLANNING & GROWTH  
 WilsonMiller, Inc. Madeline Ferguson & McMillan  
 Project Coordination, Planning  
 Civil Engineering and Transportation  
 Legal Counsel

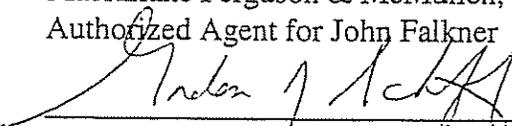
EXHIBIT "D"

DEVELOPER'S CERTIFICATION  
STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Gordon J. Schiff of Macfarlane Ferguson & McMullen, Authorized Agent for John Falkner, the applicant of the Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the DG Farms DRI ("NOPC"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. John Falkner filed the NOPC on July 26, 2003, a First Supplemental Response on September 27, 2002 and a Second Supplemental Response on December 16, 2002.
2. The NOPC, First Supplemental Response and Second Supplemental Response 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.

Macfarlane Ferguson & McMullen,  
Authorized Agent for John Falkner

  
Gordon J. Schiff, Esq.  
Authorized Agent for John Falkner

The foregoing was acknowledged before me this 28th day of January, 2003, by Gordon J. Schiff, Macfarlane Ferguson & McMullen, Authorized Agent for John Falkner, who is personally known to me.

(SEAL)



Diana F Anton  
My Commission CC992156  
Expires March 12, 2005



Printed name of notary: \_\_\_\_\_  
Notary Public-State of Florida  
Commission Number: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

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 276-2029, ext. 6730

May 7, 1997

TIM BUTTS DRI COORDINATOR  
TAMPA BAY REGIONAL PLANNING COUNCIL  
9455 KOGER BOULEVARD, SUITE 219  
ST. PETERSBURG, FL 33702

Re: Resolution No. R97-105 - Amending the Development Order for DG  
Farms (DRI #194)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was  
adopted by the Hillsborough County Board of County Commissioners on  
April 8, 1997.

We are providing this copy for your files.

Sincerely,

Linda Fryman  
Senior Manager, BOCC Records

LF:SAB

Attachment

Certified Mail

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs  
David Mechanik, Esquire, Mechanik, Davis & Nuccio  
Vincent Marchetti, Sr. Assistant County Attorney  
Gene Boles, Director, Planning & Growth Management  
Joe Egozcue, County Attorney's Office

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. R97-105 Amending the Development Order for DG Farms (DRI #194), approved by the Board in its regular meeting of April 8, 1997, as the same appears of record in MINUTE BOOK 251 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 7th day of May,  
1997.

RICHARD \_\_\_\_\_ ERK



BY: Gary Melton  
Deputy Clerk

**AMENDED DEVELOPMENT ORDER**

Resolution No. R97-105

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF HILLSBOROUGH COUNTY, FLORIDA  
DRI#194 DEVELOPMENT ORDER  
DG FARMS**

Upon Motion by Commissioner Chillura, seconded by  
Commissioner Norman, the following Resolution was adopted by  
vote of 7 to 0, Commissioner(s) \_\_\_\_\_ Voting No.

WHEREAS, on July 11, 1989, the Board of County Commissioners approved a Development Order, Resolution No. R89-0171, for the DG FARMS Development of Regional Impact ("DRI") #194 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved an amendment to the Development Order, Resolution No. R90-0024 (the "First Amendment"), which authorized the extension of the date of buildout of the development of Phase I by two (2) years, eleven (11) months and fifteen (15) days; and

WHEREAS, on November 10, 1992, the Board of County Commissioners approved an amendment to the Development Order, Resolution No. R92-0276 (the "Second Amendment") which authorized the extension of the date of buildout of Phase I by an additional two (2) years for a total buildout date extension of four (4) years, eleven months and fifteen (15) days; authorized the extension of the deadline for commencement of development of Phase I by four (4) years, eleven (11) months and fifteen (15) days; and clarified the pipeline portionate share amount.

WHEREAS, on October 31, 1996, O.W. Caspersen Trust/DG Farms, a Florida general partnership ("Developer"), filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact, Subsection 380.06 (19), Florida Statutes, for the DG FARMS DRI and submitted a Sufficiency Response letter on March 12, 1997 (which documents are collectively referred to as the "Notice of Change") in accordance with Subsection 380.06 (19), Florida Statutes; and

WHEREAS, the Notice of Change proposed to extend the date of buildout of Phase I of the DG Farms DRI by an additional seven (7) years (11) eleven months and (16) sixteen days for a total buildout date extension of twelve (12 years); to extend the deadline for commencement of development of Phase I by an additional seven (7) years, eleven (11) months and sixteen (16) days for a total extension of twelve (12) years; and to modify

the legal description of the DG Farms DRI to correct a scrivener's error, (hereinafter all proposed modifications as set forth in the Notice of Change shall be referred to as the "Proposed Changes"); and

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

WHEREAS, the Board of County Commissioners has reviewed and considered the Notice of Change, as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Hillsborough County, Florida ("County") have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the proposed Third Amendment before the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has held a duly notice public hearing on the proposed Third Amendment to the Development Order and has reviewed and considered the Notice of Change, as well as the testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the Board of County Commissioners' approval of changes to the approved development order.

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

1. The following findings of fact are made:

a. The Developer submitted to the County the Notice of Change, incorporated herein by this reference, which requested an extension of the date of buildout of Phase I of the DG Farms DRI by an additional seven (7) years, eleven (11) months and sixteen (16) days and an extension of the deadline for commencement of development as forth in Subsection IV. 6. of the Development Order by an additional seven (7) years, eleven (11) months and sixteen (16) days and modification of the legal

description of the DG Farms DRI to correct a scrivener's error.

- b. All statutory procedures have been adhered to.
- c. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.
- d. The Proposed Changes are consistent with all local land use development regulations and the local comprehensive plan.
- e. The Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- f. The Proposed Changes are consistent with the report and recommendations of the Tampa Bay Regional Planning Council ("TBRPC").
- g. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the County and TBRPC.
- h. The Proposed Changes do not create additional regional impacts or impacts that were not previously reviewed, nor meet or exceed any of the criteria set forth in Subsection 380.06(19)(b), Florida Statutes.

2. The Board of County Commissioners having made the above findings of fact, renders the following conclusions of law.

- a. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject to the terms and conditions of the Development Order, as amended by the First Amendment, the Second Amendment, and the amendments, conditions, restrictions and limitations set forth herein.
- b. The review by the County, TBRPC and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Resolution.
- c. The Proposed Changes are presumed to create a substantial deviation.
- d. Based upon the record of the proceeding and the aforementioned reviews, and the conditions contained herein, the Developer has submitted clear and

convincing evidence to rebut the presumption created under Subsection 380.16(19), Florida Statutes.

e. Based on the foregoing and pursuant to Subsection 380.16(19), Florida Statutes, the Proposed Changes are found not to be a substantial deviation to the previously approved Development Order.

3. The Development Order as amended by the First Amendment and the Second Amendment is hereby amended as follows:

a. To incorporate the Third Revised Phasing Schedule attached hereto as Exhibit 1 and incorporated herein by this reference, which reflects the extension of the date of the buildout of Phase I of the DG Farms DRI by seven (7) years, eleven (11) months, and sixteen (16) days to December 31, 2008. This results in a cumulative extension of twelve (12) years.

b. Section IV.A.6. of the Development Order is hereby amended to extend the deadline for commencement of development of the DG Farms DRI by a period of seven (7) years, eleven (11) months and sixteen (16) days to July 22, 2005.

c. The following condition is added to Section IV.B.3.c.12.

Any additional costs associated with the delay in design, right-of-way acquisition and construction of the Initial Pipeline Improvement and the Additional Pipeline Improvement beyond April 8, 1997, shall be borne by the Developer.

d. The legal description contained in the Application for Development approval for the DG Farms DRI is hereby amended by substituting therefor the Revised Legal Description for the DG Farms DRI as provided on Exhibit 2, attached hereto.

4. The Development Order, as amended by the First Amendment and the Second Amendment, is hereby reaffirmed in its entirety except as amended by this Resolution.

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

6. The Developer shall record a Notice of Adoption of this Resolution in accordance with Subsection 380.06(15), Florida Statutes.

7. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County, Florida in accordance with Section 380.06, Florida Statutes.

8. Upon adoption, this Resolution shall be transmitted by the Ex-Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the TBRPC, and other recipients specified by statute or rule.

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 8, 1997, as the same appears of record in Minute Book 251 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 7th day of May, 1997.



RICHARD AKE, CLERK

By: [Signature]  
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY [Signature]

Approved As To Form And  
Legal Sufficiency.

amdevord.

EXHIBIT 1

THIRD REVISED PHASING SCHEDULE

DG Farms

Years	Office (Sq. Ft.)	Commercial (Sq. Ft.)	Residential Dwelling Units
Phase I (1990 - 2008)	50,000	110,000	2,100
Phase II (1997-2003)	- 0 -	250,000	2,100
Phase III (2004-2010)	- 0 -	- 0 -	1,180
<b>Total</b>	<b>50,000</b>	<b>360,000</b>	<b>5,380</b>

## LEGAL DESCRIPTION

Commence at the NW corner of Section 32, Township 31 South, Range 20 East, Hillsborough County, Florida; thence N 89 degrees, 37'-18" East, along the North boundary of said Section 32 also being the centerline of Bill Tucker Road, a distance of 132.00 feet; thence S 00°-29'-28" East, a distance of 25.00 feet to a point on the South right-of-way boundary of said Bill Tucker Road for a Point-of-Beginning.

Thence N 89°-37'-18" East, along said right-of-way 25.00 feet from and parallel to the North boundary of said Section 32, a distance of 2500.85 feet; thence N 89°-46'-51" East 25 feet from and parallel to said North boundary of Section 32 a distance of 1124.10 feet to a point of curvature; thence on an arc to the right, a distance of 39.19 feet, with a radius of 25.00 feet, subtended by a chord of 35.30 feet, chord bearing S 45°-18'-42" East, to a point of tangency on the West right-of-way boundary of Old Wimauma Road; thence along said West right-of-way boundary S 00°-24'-15" East, a distance of 1360.55 feet to a point of curvature; thence along an arc to the left, a distance of 179.48 feet, with a radius of 270.00 feet, subtended by a chord of 176.19 feet, chord bearing S 19°-26'-51" East to a point of tangency; thence S 38°-29'-26" East, a distance of 841.89 feet to a point of curvature; thence along an arc to the right a distance of 183.31 feet, with a radius of 645.00 feet, subtended by a chord of 182.69 feet, chord bearing S 30°-20'-56" East to a point of tangency; thence S 22°-12'-26" E, a distance of 2286.96 feet to a point on the East boundary of said Section 32; thence S 00°-42'-26" East, leaving stated West right-of-way boundary, along East boundary of said Section 32, a distance of 644.14 feet to the NE corner of Section 5, Township 32 South, Range 20 East, Hillsborough County; thence S 00°-24'-08" East, along said East boundary of Section 5, a distance of 4685.05 feet to a point on the stated West right-of-way boundary of Old Wimauma Road; thence along said West right-of-way, S 04°-38'-56" West, a distance of 367.06 feet to a point of curvature; thence along an arc to the left, a distance of 86.27 feet, with a radius of 975.00 feet, subtended by a chord of 86.24 feet, chord bearing S 02°-06'-50" W, to a point of tangency; thence S 00°-25'-15" East, a distance of 106.39 feet to a point on North boundary of Section 8, Township 32 South, Range 20 East, Hillsborough County, Florida; thence continue S 00°-25'-15" E, a distance of 1994.34 feet, thence S 89°-14'-32" W, leaving stated West right-of-way boundary along the South boundary of Tracts 9, 10 and East 1/2 of 11, of DAVIS & DOWDELL ADDITION to Town of WIMAUMA, as recorded in Plat Book 7, Page 136, of Public Records of Hillsborough County, Florida; a distance of 1642.42 feet; thence N 00°-01'-34" E, along the West boundary of the E-1/2 of Said Tract II, a distance of 649.19 feet, to a point on the North boundary of said Tract 11; thence S 89°-13'-09" W along said North boundary, a distance of 323.05 feet to a point on the West boundary of said Tract

11; thence S 00°-00'-10" W, along said West boundary, a distance of 649.05 feet to a point on the South boundary of Tract 12 of stated DAVIS & DOWDELL ADDITION; thence S 89°-14'-32" W, along said South boundary of Tract 12, a distance 675.56 feet to a point on the East boundary of Tract 16 of said DAVIS & DOWDELL ADDITION; thence S 00°-02'-37" E, along said East boundary of Tract 16, a distance of 526.78 feet to a point on the North right-of-way boundary of State Road No. 674; thence S 89°-16'-36" W, along said North right-of-way of State Road No. 674, a distance of 2467.52 feet, to a point on the East right-of-way boundary of US Highway No. 301; thence N 00°-31'-07" W, 132.00 feet from and parallel to the centerline of said US Highway No. 301 also being the West boundary of stated Section 8, a distance of 2507.63 feet, to a point on the South boundary of stated Section 5; thence continue N 00°-31'-07" W, 132.00 feet from and parallel to the West boundary of said Section 5, a distance of 5322.70 feet, to a point on the South boundary of stated Section 32; thence N 00°-29'-28" W, 132.00 feet from and parallel to the West boundary of said Section 32, a distance of 5109.38 feet to the Point-of-Beginning;

## AND LESS AND EXCEPT:

For a point of reference commence at the Northwest corner of Section 5, Township 32 South, Range 20 East, thence proceed N 89°-59'40" East, (an assumed bearing), along the North line of said Section 5, a distance of 132.01 feet to a point on the Easterly Right-of-Way line of U.S. Highway No. 301, thence proceed S 00°-31'07" East, along said Easterly Right-of-Way line, parallel to and 132.00 feet East of the West line of said Section 5, a distance of 1360.48 feet to the Point of Beginning, thence South 84°-38'37" East a distance of 828.53 feet, thence S 00°-31'07" East, a distance of 485.35 feet, thence South 89°-21'56" West, a distance of 824.18 feet to the Easterly Right-of-Way line of U.S. Highway No. 301, thence North 00°-31'07" West, along said Right-of-Way line parallel to and 132.00 feet East of the West line of said Section 5, a distance of 571.82 feet to the Point of Beginning. All lying and being in Hillsborough County, Florida.

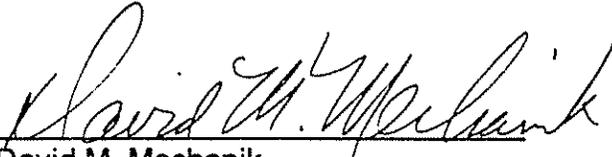
EXHIBIT 3

DEVELOPER'S CERTIFICATION

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

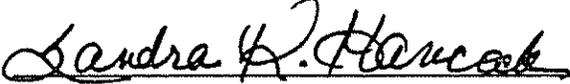
I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared David M. Mechanik, attorney for O. W. Caspersen Trust/DG Farms, the applicant of the Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the DG Farms DRI (the "NOPC"), to me well known, who being by me first duly sworn, says upon oath as stated below:

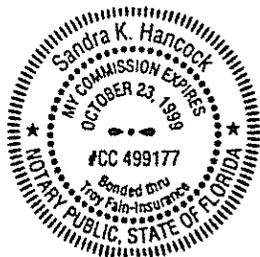
1. O. W. Caspersen Trust/DG Farms filed the NOPC on October 31, 1996, and Sufficiency Response letter on March 12, 1997.
2. The NOPC and Sufficiency Response letter were filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA") and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.

  
 David M. Mechanik  
 Attorney for  
 O. W. Caspersen Trust/DG Farms

The foregoing was acknowledged before me this 23<sup>rd</sup> day of April, 1997, by David M. Mechanik, who is personally known to me.

(SEAL)





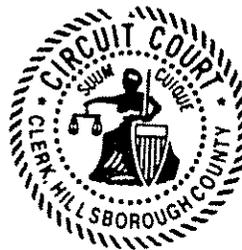
Printed name of notary:

\_\_\_\_\_  
Notary Public-State of Florida

Commission Number:

My commission expires: \_\_\_\_\_

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

November 23, 1992

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

Re: Resolution No. R92-0276 - Amending the Development Order for DG  
Farms (DRI #194)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was adopted  
by the Hillsborough County Board of County Commissioners on November 10, 1992.

We are providing the copy for your files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

By: Linda Fryman  
Linda Fryman  
Manager, BOCC Records

mailed 11/25/92  
received 11/30/92

LF:ADF

Attachment

Certified Mail

cc: Board files (1 orig.)  
Brian D. Forbes, Esquire - Macfarlane, Ferguson  
J. Thomas Beck, Florida Department of Community Affairs  
John Dixon Wall, Chief Assistant County Attorney  
Gene Boles, Director, Planning and Development Management  
Joe Egozcue, County Attorney's Office

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. R92-0276 Amending the Development Order for DG Farms  
\_\_\_\_\_  
(DRI #194)  
\_\_\_\_\_  
\_\_\_\_\_

approved by the Board in its \_\_\_\_\_ regular meeting  
of \_\_\_\_\_ November 10 \_\_\_\_\_, 1992, as the same  
appears of record in MINUTE BOOK \_\_\_\_\_ 198 \_\_\_\_\_ of the  
Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 23rd  
day of \_\_\_\_\_ November \_\_\_\_\_, 1992.

RICHARD AKE, CLERK

By: *L. L. Lyman*  
Deputy Clerk

AMENDED DEVELOPMENT ORDER

Resolution No. R92-0276

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA  
DRI #194 DEVELOPMENT ORDER  
DG FARMS

Upon motion by Commissioner Pam Iorio, seconded by Commissioner Phyllis Busansky, the following Resolution was adopted on this 10th day of November, 1992. Vote: 5 to 1. Commissioner Jan Platt voting No.

WHEREAS, on July 11, 1989, the Board of County Commissioners approved a Development Order, Resolution No. R89-0171, for the DG FARMS Development of Regional Impact ("DRI") #194 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved an amendment to the Development Order, Resolution No. R90-0024 (the "First Amendment"), which authorized the extension of the date of buildout of the development of Phase I by two (2) years, eleven (11) months and fifteen (15) days; and

WHEREAS, on April 28, 1992, O. W. Caspersen Trust/DG Farms, a Florida general partnership ("Developer"), filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact, Subsection 380.06(19), Florida Statutes, for the DG Farms DRI ("Notice of Change") in accordance with Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Change proposed to extend the date of buildout of Phase I of the DG Farms DRI by an additional two (2) years, for a total buildout date extension of four (4) years, eleven (11) months and fifteen (15) days, and to extend the deadline for commencement of development of Phase I by four (4) years, eleven (11) months and fifteen (15) days (hereinafter all proposed modifications as set forth in the Notice of Change shall be referred to as the "Proposed Changes"); and

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

WHEREAS, the Board of County Commissioners has reviewed and considered the Notice of Change, as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order;

and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Hillsborough County, Florida ("County") have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the proposed Second Amendment before the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has held a duly noticed public hearing on the proposed Second Amendment to the Development Order and has reviewed and considered the Notice of Change, as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the Board of County Commissioners' approval of changes to the approved development order.

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

1. The following findings of fact are made:
  - a. The Developer submitted to the County the Notice of Change, which is attached hereto as Composite Exhibit 1 and incorporated herein by this reference, which requested an extension of the date of buildout of Phase I of the DG Farms DRI by an additional two (2) years, and an extension of the deadline for commencement of development as set forth in Subsection IV. 6. of the Development Order, by four (4) years, eleven (11) months and fifteen (15) days.
  - b. All statutory procedures have been adhered to.
  - c. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.
  - d. The Proposed Changes are consistent with all local land use development regulations and the local comprehensive plan.
  - e. The Proposed Changes do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
  - f. The Proposed Changes are consistent with the report

and recommendations of the Tampa Bay Regional Planning Council ("TBRPC").

- g. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the County and TBRPC.
- h. The Proposed Changes do not create additional regional impacts or impacts that were not previously reviewed, nor meet or exceed any of the criteria set forth in Subsection 380.06(19)(b), Florida Statutes.

2. The Board of County Commissioners having made the above findings of fact, renders the following conclusions of law:

- a. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject to the terms and conditions of the Development Order, as amended by the First Amendment and the amendments, conditions, restrictions and limitations set forth herein.
- b. The review by the County, TBRPC and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Resolution.
- c. While the proposed extension of the date of buildout of Phase I of the DG Farms DRI, when considered individually, or cumulatively with the previous change (i.e., extension of the date of buildout of Phase I by two (2) years, eleven (11) months and fifteen (15) days, as authorized by the First Amendment), is not a substantial deviation to the previously approved Development, the extension of the deadline for commencement of development of the DG Farms DRI, because it is for a period which is longer than this proposed buildout extension (2 years), is presumed to create a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes.
- d. Based upon the record of the proceeding and the aforementioned reviews, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.16(19), Florida Statutes.

- e. Based on the foregoing and pursuant to Subsection 380.16(19)(e)3., Florida Statutes, the Proposed Changes are found not to be a substantial deviation to the previously approved Development Order.

3. The Development Order is hereby amended as follows:

- a. The Development Order, as amended by the First Amendment, is hereby amended to incorporate the Second Revised Phasing Schedule attached hereto as Exhibit 2 and incorporated herein by this reference, which reflects the extension of the date of buildout of Phase I of the DG Farms DRI by two (2) years to December 15, 2001. This results in a cumulative extension of four years, 11 months and 15 days.
- b. Section IV.A.6. of the Development Order is hereby amended to extend the deadline for commencement of development of the DG Farms DRI by a period of four (4) years, eleven (11) months and fifteen (15) days to July 6, 1997.
- c. Section IV.B.3.c.12) of the Development Order is hereby amended to read:

The Developer shall design and construct the Initial Pipeline Improvements regardless of cost; however, the Developer shall not be obligated to expend more than Four Million Two Hundred Thousand Dollars (\$4,200,000.00) in the design and construction of the Additional Pipeline Improvements. The \$4,200,000.00 amount shall be adjusted for cumulative inflation or deflation by establishing the difference between the 1996 Annual Average Composite Price Trends Index for Florida Highway Construction (1987 Base) as published by the State of Florida Department of Transportation State Estimates Engineer, and the Annual Average Composite Price Trends Index in effect at the time of payment of the costs of the Additional Pipeline Improvements. Any change to the Pipeline Improvements, schedule or transportation assessment obligations agreed to by the County and other reviewing agencies shall be accomplished through an amendment to the Development Order.

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

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

6. The Developer shall record a Notice of Adoption of this Resolution in accordance with Subsection 380.06(15), Florida Statutes.

7. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County, Florida in accordance with Section 380.06, Florida Statutes.

8. Upon adoption, this Resolution shall be transmitted by the Ex-Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the TBRPC, and other recipients specified by statute or rule.

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 10, 1992, as the same appears of record in Minute Book 198 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 23rd day of November, 1992.

RICHARD AKE, CLERK

By: *Luella L. Linton*  
Deputy Clerk

*[Signature]*

Exhibit 1

FORM RPM-BSP-PROPCHANGE-1

Effective Date  
11/20/90

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

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

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

1. I, Brian D. Forbes, the undersigned authorized representative of O. W. Caspersen Trust/DG Farms, a Florida general partnership, hereby give notice of  
(developer)

a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the DG Farms  
(original & current project names)

development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Hillsborough County, to the Tampa Bay Regional Planning Council, and to  
(local government)

the Bureau of Resource Management, Department of Community Affairs.

4/27/92  
(Date)

Brian D. Forbes  
(Signature)  
Brian D. Forbes, Authorized Agent  
for O.W. Caspersen Trust/DG Farms

2. Applicant (name, address, phone).

O. W. Caspersen Trust/DG Farms,  
a Florida general partnership  
c/o David C. G. Kerr, Esquire  
Macfarlane Ferguson  
2300 First Florida Tower  
111 Madison Street  
Tampa, FL 33602  
(813) 273-4200

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

Brian D. Forbes, Esquire  
Macfarlane Ferguson  
2300 First Florida Tower  
111 Madison Street  
Tampa, FL 33602  
(813) 273-4200

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

Parts of Section 32, Township 31 South, Range 20 East, and Sections 5 and 8, Township 32 South, Range 20 East, Hillsborough County, Florida.

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

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

On January 23, 1990, the Board of County Commissioners of Hillsborough County adopted Resolution No. R90-0024 which extended the date of buildout of Phase I of the DG Farms DRI by a period two (2) years, eleven (11) months and fifteen (15) days.

Pursuant to Subsection 380.06(19)(e)2., F.S., as amended by Chapter 92-129, Laws of Florida, the proposed change is to extend the date of buildout of Phase I of the DG Farms DRI by an additional two (2) years, for a total buildout date extension of four (4) years, eleven (11) months and fifteen (15) days, and to extend the deadline for commencement of development of Phase I by four (4) years, eleven (11) months and fifteen (15) days.

Subsection 380.06(19)(e)2., F.S., as amended, conclusively deems an extension(s) of the dates of commencement and buildout of a development or

phase of a development by less than five (5) years not to be a substantial deviation or subject to a public hearing.

Subsection IV.A.3. of the Development Order for DG Farms states that "[i]f the Developer elects to amend the proposed phasing schedule, he shall submit said amendments 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."

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

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

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

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

The original DRI Development Order for the DG Farms DRI, Resolution No. R89-0171, was adopted by the Board of County Commissioners of Hillsborough County ("BOCC") on July 11, 1989.

An amendment to the Development Order, Resolution No. R90-0024, was adopted by the BOCC on January 23, 1990, and became effective on January 30, 1990. The Amendment provided for an extension of the date of buildout of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

There has been no change in local government jurisdiction for any portion of the development since the last approval or development order was issued.

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

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

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

The proposed changes are less than 40% (cumulatively with other previous changes) of any of the criteria listed in Subsection 380.06(19)(b), F.S.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES \_\_\_\_\_ X \_\_\_\_\_ NO \_\_\_\_\_

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

Yes, the proposed change will result in a new development buildout date for Phase I of 2001.

11. Will the proposed change require an amendment to the local government comprehensive plan?

No amendment to the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County will be required by the proposed change.

12. Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S., and 9J-2.025, Florida Administrative Code:

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

The proposed change does not require revision of the master site plan (Map H) or any other maps of the development.

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

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

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

Not applicable.

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

The proposed amended development order deadline for commencing physical development of Phase I is 1997.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Exhibit 2

SECOND REVISED PHASING SCHEDULE \*

<u>Years</u>	<u>Office (sq.ft.)</u>	<u>Commercial (sq.ft.)</u>	<u>Residential (Dwelling Units)</u>
Phase I (1990-2001)	50,000	110,000	2,100
Phase II (1997-2003)	- 0 -	250,000	2,100
Phase III (2004-2010)	- 0 -	- 0 -	1,180
	<hr/>	<hr/>	<hr/>
	50,000	360,000	5,380

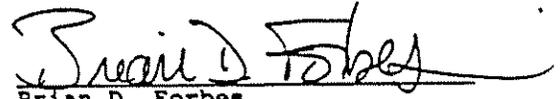
\* The Phasing Schedule in effect prior to the adoption of this Second Revised Phasing Schedule provided that buildout of Phase I would occur in 1999. This Second Revised Phasing Schedule shall be construed to extend the previous date of buildout of Phase I by a period of two (2) years to December 15, 2001. This results in a cumulative extension of four years, 11 months and 15 days.

AFFIDAVIT

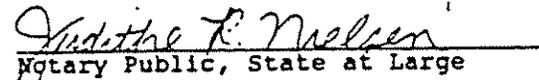
STATE OF FLORIDA            )  
COUNTY OF HILLSBOROUGH    )

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 Brian D. Forbes, authorized agent for O.W. Caspersen Trust/DG Farms, the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the DG Farms DRI #194 ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. O.W. Caspersen Trust/DG Farms filed the Notice of Change on April 28, 1992.
2. The Notice of Change was filed with all persons as required by law.

  
 Brian D. Forbes  
 Authorized Agent for  
 O.W. Caspersen Trust/DG Farms

SWORN TO and subscribed before me this 28<sup>th</sup> day of April, 1992.

  
 Notary Public, State at Large

Print Name: Judith R. Nielsen

My Commission Expires: Dec 15, 1992

Serial No.: AA628378

NOTARY PUBLIC  
 STATE OF FLORIDA  
 My Commission Expires Dec 15, 1992  
 AA628378

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

January 30, 1990

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

Attn: Suzanne Cooper  
DRI Coordinator

Re: Resolution No. R90-0024 Amending DRI #194 Development  
Order - DG Farms

Dear Ms. Cooper:

Enclosed please find an executed certified copy of the  
referenced resolution, adopted by the Hillsborough County  
Board of County Commissioners on January 23, 1990.

We are providing this certified copy for your official  
files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

By: *Edna L. Fitzpatrick*  
Edna L. Fitzpatrick  
Director, BOCC Records

ELF:LT

cc: Board files (orig.)  
Ed Lehman, State of Florida, Department of Community  
Affairs  
Jeff Miller, Director, Planning & Zoning  
Gordon J. Schiff, Attorney for DG Farms  
John Dixon Wall, Assistant County Attorney

Enclosure

**RECEIVED**

FEB 2 1990

Tampa Bay Regional  
Planning Council

*mailed 1/31/90*

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of \_\_\_\_\_  
Resolution No. R90-0024 Amending DRI #194 Development Order  
for DG Farms

\_\_\_\_\_

adopted by the Board in \_\_\_\_\_ its regular meeting \_\_\_\_\_ of  
January 23, 1990, as the same appears of  
record in MINUTE BOOK 164 of the Public Records of  
Hillsborough County, Florida.

WITNESS my hand and official seal this 30th  
day of January, 1990.

RICHARD AKE, CLERK

By: Merte Iris Bishop  
Deputy Clerk

Resolution No. R 90-0024

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA  
AMENDING DRI #194 DEVELOPMENT ORDER  
FOR DG FARMS

Upon motion of Commissioner Colson, seconded by Commissioner Padgett, the following Resolution was adopted on this 23rd day of January, 1990.

WHEREAS, on July 11, 1989, the Board of County Commissioners approved a Development Order, Resolution No. R89-0171 for the DG FARMS Development of Regional Impact (DRI) #194 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 14, 1989, O.W. Caspersen Trust/DG Farms, a Florida general partnership, filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the DG FARMS DRI ("Notice of Change") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Change proposed an extension of the date of buildout of development of Phase I by less than three (3) years, as more particularly stated in the Notice of Change; and

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

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

1. The following findings of fact are made:

a. O.W. Caspersen Trust/DG Farms submitted to Hillsborough County the Notice of Change, which is attached hereto as Exhibit 1 and incorporated herein, which requested an extension of the date of buildout of development of Phase I by two (2) years, eleven (11) months and fifteen (15) days (the "Proposed Change").

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

c. All statutory procedures have been adhered to.

d. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

2. The Development Order is hereby amended to extend the date of buildout of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days. Accordingly, the Development Order is further amended to incorporate the Revised Phasing Schedule, attached hereto as Exhibit 2, which reflects such extension of date of buildout.

3. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.

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

5. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

6. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, 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 January 23, 1990, as the same appears of record in Minute Book 164 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 29th day of January, 1990.

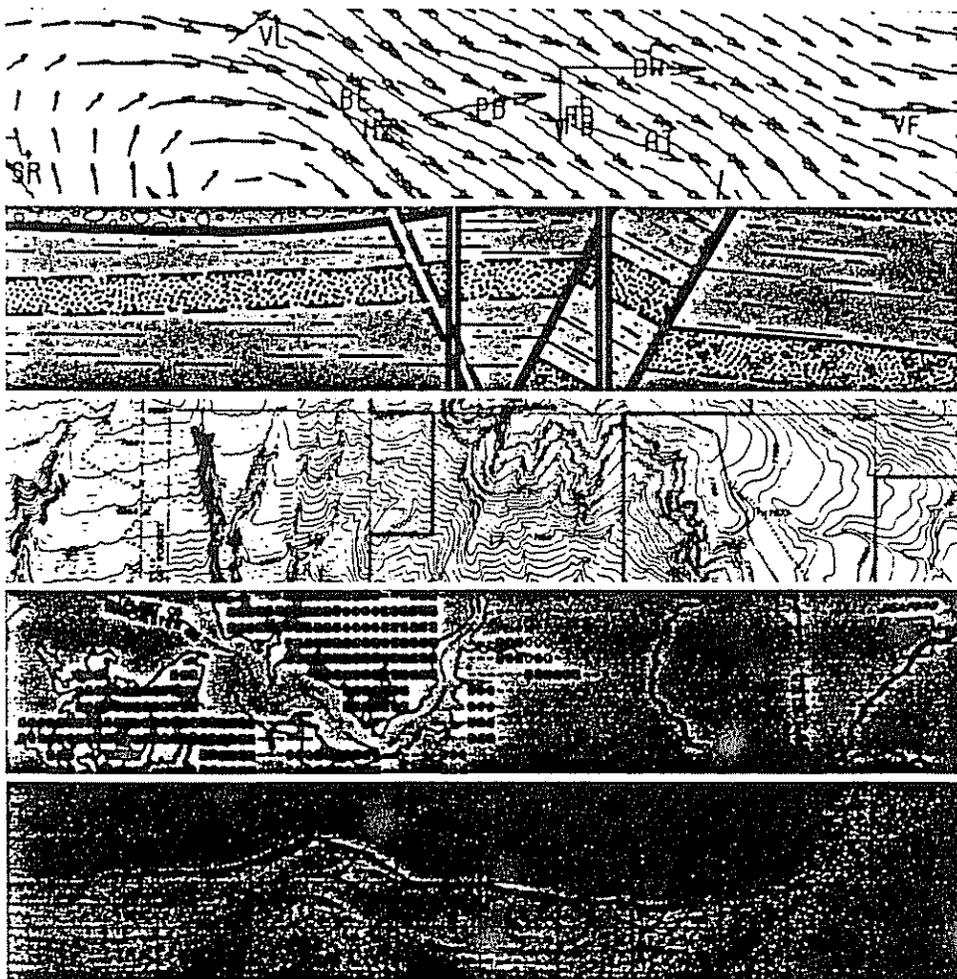
RICHARD AKE, CLERK

APPROVED BY COUNTY ATTORNEY

BY John R. Wall

By:

Judith M. Nichols  
Deputy Clerk



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

DAMES & MOORE

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

PREPARED FOR :

O. W. CASPERSEN TRUST / D G FARMS,  
A FLORIDA GENERAL PARTNERSHIP

PREPARED BY :

DAMES & MOORE  
ONE NORTH DALE MABRY HIGHWAY  
SUITE 700  
TAMPA, FLORIDA 33609

DECEMBER 14, 1989

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF RESOURCE PLANNING AND MANAGEMENT  
BUREAU OF STATE PLANNING  
2470 Centerview Drive - Rhyne Building  
Tallahassee, Florida 32399  
(904) 488-4925

BRM-08-86

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

Subsection 380.06 (19), Florida Statutes (1985), requires that submittal of a proposed change to a previously approved D R I be made to the local government, the regional planning council, and the state land planning agency according to this form.

1. I, John N. LaRocca, the undersigned Authorized Agent for O. W. Caspersen Trust/D G Farms, a Florida General Partnership, hereby gives notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06 (19), Florida Statutes (1985). In support thereof, I submit the following information concerning the DG Farms development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Hillsborough County, to the Tampa Bay Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

12-14-89

( Date )

John N. LaRocca

John N. LaRocca  
Authorized Agent for  
O.W. Caspersen Trust/DG Farms

2. **Applicant ( name, address, phone )**

O. W. Caspersen Trust/D G Farms,  
A Florida General Partnership  
c/o Macfarlane, Ferguson, Allison & Kelly  
215 E. Madison Street  
Tampa, Florida 33601  
(813) 223-2411

3. **Authorized Agents ( name, address, phone )**

Macfarlane, Ferguson, Allison & Kelly  
O. W. Caspersen Trust/D G Farms,  
A Florida General Partnership  
c/o Macfarlane, Ferguson, Allison & Kelly  
215 E. Madison Street  
Tampa, Florida 33601  
(813) 223-2411  
David C. G. Kerr, Esquire

Dames & Moore  
One North Dale Mabry Highway  
Suite 700  
Tampa, Florida 33609  
(813) 875-1115  
John N. LaRocca

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

The D G Farms DRI is located in the southern portion of unincorporated Hillsborough County, encompassing parts of Section 32, of Township 31 South, Range 20 East, and Sections 5 and 8, Township 32 South, Range 20 East.

5. **Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, buildout date, development order conditions and requirements, or in the representations contained either in the development order or the Application for Development Approval.**

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

Pursuant to Section 380.06 (19)(e)(2), Florida Statutes as amended, the developer wishes to extend the date of buildout of development of phase one for a period of two years, eleven months and fifteen days. Section 380.06 (19)(e)(2) deems such extensions not to be substantial deviations within the meaning of sub-section 380.06(19).

6. Complete the following table for all land use types approved in the development. If no change is proposed or has occurred, please indicate no change.

**SUBSTANTIAL DEVIATION CHART**

Type of Land Use	Proposed Change	Presently Approved Plan	Proposed Plan
Attraction/ Recreation	# Parking spaces	*	**
	# Spectators	*	**
	# Seats	*	**
	Site Locational Changes	*	**
	Acreage, including drainage, ROW, easements, etc.	*	**
	# External Vehicle Trips	*	**
	D.O. Conditions	*	**
	ADA Representations	*	**
Airports	Runway ( length )	*	**
	Runway ( strength )	*	**
	Terminal ( gross square feet )	*	**
	# Parking spaces	*	**
	# Gates	*	**
	Apron Area ( gross square feet )	*	**
	Site Locational Changes	*	**
	Airport Acreage, including drainage, ROW, easements, etc.	*	**
	# External Vehicle Trips	*	**
	D.O. Conditions	*	**
ADA Representations	*	**	
Hospitals	# Beds	*	**
	# Parking Spaces	*	**
	Building ( gross square feet )	*	**
	Site Locational Changes	*	**
	Acreage, including drainage, ROW, easements, etc.	*	**
	# External Vehicle Trips	*	**
	D.O. Conditions	*	**
	ADA Representations	*	**
Industrial	Acreage, including drainage, ROW, easements, etc.	*	**
	# Parking spaces	*	**
	Building ( gross square feet )	*	**

SUBSTANTIAL DEVIATION CHART ( Cont'd. )

Type of Land Use	Proposed Change	Presently Approved Plan	Proposed Plan
Industrial ( Cont'd )			
	# Employees	*	**
	Chemical storage ( barrels and lbs. )	*	**
	Site Locational Changes	*	**
	# External Vehicle Trips	*	**
	D.O. Conditions	*	**
	ADA Representations	*	**
Mining Operations			
	Acreage mined ( year )	*	**
	Water Withdrawal ( Gal/day )	*	**
	Size of Mine ( acres ), including drainage, ROW, easements , etc.	*	**
	Site Locational Changes	*	**
	# External Vehicle Trips	*	**
	D.O. Conditions	*	**
	ADA Representations	*	**
Office			
	Acreage, including drainage, ROW, easements , etc.	*	**
	Building ( gross square feet )	*	**
	# Parking spaces	*	**
	# Employees	*	**
	Site Locational Changes	*	**
	# External Vehicle Trips	*	**
	D.O. Conditions	*	**
	ADA Representations	*	**
Petroleum/Chem. Storage			
	Storage Capacity ( barrels and/or lbs. )	*	**
	Distance to Navigable Waters ( feet )	*	**
	Site Locational Changes	*	**
	Facility Acreage, including drainage, ROW easements , etc.	*	**
	# External Vehicle Trips	**	**
	D.O. Conditions	*	**
	ADA Representations	*	**
Ports (Marinas)			
	# Boats, Wet Storage	*	**
	# Boats, Dry Storage	*	**
	Dredge and Fill ( cu. yds. )	*	**
	Petroleum Storage ( gals. )	*	**
	Site Locational Changes	*	**
	Port Acreage, including drainage, ROW, easements , etc.	*	**
	# External Vehicle Trips	*	**
	D.O. Conditions	*	**
	ADA Representations	*	**
Residential			
	# Dwelling Units	*	**
	Type of Dwelling Units	*	**
	# Lots	*	**
	Acreage, including drainage, ROW, easements , etc.	*	**
	Site Locational Changes	*	.
	# External Vehicle Trips	*	.
	D.O. Conditions	*	.
	ADA Representations	*	.

SUBSTANTIAL DEVIATION CHART ( Cont'd. )

Type of Land Use	Proposed Change	Presently Approved Plan	Proposed Plan
Wholesale/Retail/Service	Acreage, including drainage, ROW, easements, etc.	*	*
	Floor Space ( gross square feet )	*	*
	# Parking spaces	*	*
	# Employees	*	*
	Site Locational Changes	*	*
	# External Vehicle Trips	*	*
	D.O. Conditions ADA Representations	*	*
Hotel/Motel	# Rental Units	*	**
	Floor Space ( gross square feet )	*	**
	# Parking Spaces	*	**
	# Employees	*	**
	Site Locational Changes	*	**
	Acreage, including drainage, ROW easements, etc.	*	**
	# External Vehicle Trips	*	**
	D. O. Conditions ADA Representations	*	**
R.V. Park	Acreage, including drainage, ROW, easements, etc.	*	**
	# Parking spaces	*	**
	Buildings ( gross square feet )	*	**
	# Employees	*	**
	Site Locational Changes	*	**
	# External Vehicle Trips	*	**
	D.O. Conditions	*	**
	ADA Representations	*	**
Open Space ( All natural and vegetated non-impervious surfaces )	Acreage	*	**
	Site Locational Changes	*	**
	Type of Open Space	*	**
	D.O. Conditions	*	**
	ADA Representations	*	**
Preservation, Buffer or Special Protection Areas	Acreage	*	**
	Site Locational Changes	*	**
	Development of Site Proposed	*	**
	D.O. Conditions	*	**
	ADA Representations	*	**

NOTES:

- \* No changes to the original approval have previously been requested.
- \*\* This is a proposal for time extension only. No changes to the presently approved site plan are being requested.

7. List all the dates and resolution numbers ( or other appropriate identification numbers ) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes ( i.e., any information not already addressed in the Substantial Deviation Chart ).

Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new D R I development order for the project ?

No modifications or amendments have been made to the originally approved development order. Furthermore, there has been no change in local government jurisdiction for any portion of the development site.

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

No additional lands have been purchased or optioned within 1/4-mile of the original DRI development site.

9. Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 9J-2.025, Florida Administrative Code:

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

Not applicable.

10. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify :

- a. All proposed specific changes to the nature, phasing, and build-out date of the development ; to development order conditions and requirements ; to commitments and representations in the Application for Development Approval ; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts ; to structures or to other improvements including locations, square footage, number of units ; and other major characteristics or components of the proposed change ;

The developer proposes to extend the date of buildout of development of phase one by two years, eleven months and fifteen days (see attached proposed resolution for precise language of amendment).

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

Exhibit 2

REVISED PHASING SCHEDULE \*

<u>Years</u>	<u>Office (sq. ft.)</u>	<u>Commercial (sq. ft.)</u>	<u>Residential (Dwelling Units)</u>
Phase I (1990-1999)	50,000	110,000	2,100
Phase II (1997-2003)	-0-	250,000	2,100
Phase III (2004-2010)	-0-	-0-	1,180
TOTAL	50,000	360,000	5,380

\* The Phasing Schedule in effect prior to the adoption of this Revised Phasing Schedule provided that the buildout of Phase I would occur in 1996. This Revised Phasing Schedule shall be construed to extend the previous date of buildout of development of Phase I by a period of two (2) years, eleven (11) months and fifteen (15) days.

Exhibit 3

AFFIDAVIT

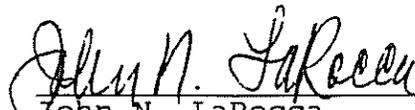
STATE OF FLORIDA

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 John N. LaRocca, as authorized agent for O.W. Caspersen Trust/DG Farms, the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes for the DG Farms DRI #194 ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. O.W. Caspersen Trust/DG Farms filed the Notice of Change on December 14, 1989.

2. The Notice of Change was filed with all persons as required by law.



John N. LaRocca  
Authorized agent for  
O.W. Caspersen Trust/DG Farms

Sworn to and subscribed before me this 17<sup>th</sup> day of January, 1990.

  
Notary Public

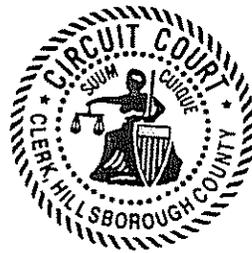
(Notarial Seal)

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXPIRES JAN. 22, 1993  
BONDED THRU GENERAL INS. UND.

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida

CERTIFIED MAIL



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

July 21, 1989

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

Attn: Suzanne Cooper  
DRI Coordinator  
#194

Re: DRI #94 Development - DG Farms  
Resolution No. R89-0171

Dear Ms. Cooper:

Enclosed for your official files, please find an executed copy of the referenced Resolution No. R89-0171, adopted by the Hillsborough County Board of County Commissioners on July 11, 1989.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick  
Edna L. Fitzpatrick  
Director, BOCC Records

ELF/lr

cc: Board files (orig.)  
Tom Beck, State Department of Community Affairs  
Vincent L. Nuccio, Jr., Esquire (for DG Farms)  
Silvina Kade, Planning & Zoning  
John Dixon Wall, Assistant County Attorney

Enclosure

Resolution No. R89-0171  
RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA  
DRI #194 DEVELOPMENT ORDER  
FOR DG FARMS

Upon motion by Commissioner Colson, seconded by Commissioner Padgett, the following Resolution was adopted by a vote of 6 to 1, Commissioner Platt voting "No".

WHEREAS, on December 20, 1988, the O.W. Caspersen Trust/DG Farms, 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 RESIDENTIAL, COMMERCIAL, RECREATION, and OFFICE uses on approximately ONE THOUSAND THREE HUNDRED AND EIGHTY-FIVE (1385) ACRES, located in south Hillsborough County; hereinafter referred to as "DG Farms" or the "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 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. O.W. Caspersen Trust/DG Farms, a Florida general partnership, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an Application for Development Approval ("ADA") 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 the exhibits thereto duly submitted and recorded.

- B. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit "A".
- 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 shall occur in accordance with this Development Order and Application.
- E. A comprehensive review of the impact 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, and the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.
- F. The authorized agents of DG Farms are Vincent L. Nuccio, Jr., Esquire, Macfarlane, Ferguson, Allison & Kelly, Suite 700, 215 E. Madison Street, Tampa, Florida 33602, and Georgianne Ratliff, Florida Land Design and Engineering, Inc., Suite 700, One North Dale Mabry, Tampa, Florida 33609.

## 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 will not unreasonably interfere with the achievement of the objectives of the Adopted Land Development Plan applicable to the area.
  - 2. 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.
  - 3. The Development is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.
- 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 Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, 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 Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as COMMUNITY COMMERCIAL and LOW DENSITY RESIDENTIAL.

### III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for the DG FARMS Development of Regional Impact.
- B. The legal description set forth in Composite Exhibit "A" is hereby incorporated into and by reference made a part of this Development Order.
- C. All provisions contained within the Application marked 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 heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the power 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 DG FARMS, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility 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 the Tampa Bay Regional Planning Council 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 immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- K. The Developer shall file an annual report in accordance with Subsection 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Forms BLWM-07-85, as amended. Such report shall be due on the anniversary of the date of adoption by the Board of County Commissioners of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:
1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; 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 heir, assignee or successor in interest to this Development Order; and
  5. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable laws, rules, regulations and ordinances in effect at the time of the review.
- 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 in effect at the time that this Development Order is issued. 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:

<u>Years</u>	<u>Office (sq.ft.)</u>	<u>Commercial (sq.ft.)</u>	<u>Residential (Dwelling Units)</u>
Phase I (1990-1996)	50,000	110,000	2,100
Phase II (1997-2003)	-0-	250,000	2,100
Phase III (2004-2010)	-0-	-0-	1,180
TOTAL	50,000	360,000	5,380

2. For purposes of this Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the phase.
3. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments 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.
4. This Development Order shall remain in effect for a period up to and including June 30, 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 DCA a minimum of thirty (30) days prior to the expiration date of this Development Order.
5. The Development shall not be subject to down-zoning, or intensity reduction until June 30, 2015, 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.

6. The physical development of DG FARMS shall begin within three years of the effective date of this Development Order.
7. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve Phase II and/or Phase III 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 Phase II and/or Phase III.

B. Transportation

1. Monitoring. When Certificates of Occupancy have been issued for 1,000 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 project entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. Counts shall continue on an annual basis through build-out. This information shall be supplied in the required Annual Report. If an Annual Report is not submitted within 30 days of its due date, or if the Annual Report indicates that the total trips exceed projected counts by more than 15 percent, 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, as necessary, to change or require additional roadway improvements or other mitigation measures, according to the results of a revised transportation impact analysis. The revised transportation impact analysis shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.
2. Specific approval of Phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, to identify the impacts of each phase on the regional roadway network and amendment of this Development Order to specify the measures necessary to mitigate or cure these impacts.
3. Mitigation Alternatives. Within thirty (30) days of the Development Order becoming non-appealable, the Developer shall select one of the following alternatives to mitigate the Development's transportation impacts for Phase I.
  - a. Option 1

Approval of any detailed site plans for Phase I of this Development shall require funding commitments from responsible entities for the following roadway link improvements listed in Table I and the intersection improvements listed in Table II. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

TABLE I

Phase I (1996) Required Link Improvements for DG Farms  
Based on 5 Percent of Level of Service  
(LOS) C/D Peak-Hour Service Volumes

Road	Segment	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 301	Gibsonton Road to Rhodine Road	F	14.3	Construct 4-Lane Divided Arterial
U.S. 301	Rhodine Road to Big Bend Road	F	20.8	Construct 4-Lane Divided Arterial
U.S. 301	Big Bend Road to Balm Road	F	40.9	Construct 4-Lane Divided Arterial
U.S. 301	Balm Road to Bill Tucker Road	D	55.2	Construct 4-Lane Divided Arterial
U.S. 301	Bill Tucker Road to 19th Avenue	D	55.2	Construct 4-Lane Divided Arterial
U.S. 301	19th Avenue to S.R. 674	D	55.9	Construct 4-Lane Divided Arterial

TABLE II

Phase I (1996) Required Intersection Improvements for DG Farms  
Based on 5 Percent of Level of Service  
(LOS) C/D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 301 at North Residential Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right- turn lane NB and one left-turn lane SB. Construct one left- turn lane and one right-turn lane WB.
U.S. 301 at Central Residential Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right- turn lane NB and one left-turn lane SB. Construct one left- turn lane and one right-turn lane WB.
U.S. 301 at South Residential Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right- turn lane NB and one left-turn lane SB. Construct one left- turn lane and one right-turn lane WB.
U.S. 301 at North Commercial Drive	N/A	N/A	Construct one right- turn lane NB and one left-turn lane SB. Construct one left- right-turn lane WB.
U.S. 301 at South Commercial Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one right- turn lane NB and one left-turn lane SB. Construct one left- right-turn lane WB.

TABLE II continued

Phase I (1996) Required Intersection Improvements for DG Farms  
Based on 5 Percent of Level of Service  
(LOS) C/D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
SR 674 at East Commercial Drive	N/A	N/A	Construct one left- right-turn lane SB. Construct one left- turn lane EB and one right-turn lane WB.
SR 674 at West Commercial Drive	N/A	N/A	Construct one left- right-turn lane SB. Construct one left- turn lane EB and one right-turn lane WB.
SR 674 at Residential Drive	N/A	N/A	Signalize when warranted by MUTCD. Construct one left- right-turn lane SB. Construct one left- turn lane EB and one right-turn lane WB.
U.S. 301 at Rhodine Road	F*	12.7	Signalize when warranted by MUTCD.
U.S. 301 at Balm Road	F*	36.8	Signalize when warranted by MUTCD.
U.S. 301 at 19th Avenue NW	F*	61.1	Signalize when warranted by MUTCD.
U.S. 674 at I-75 East Ramps	F	32.9	Signalize when warranted by MUTCD.

\* Worst movement of unsignalized intersection

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 DG FARMS transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Metropolitan Planning Organization (MPO), the 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 completion of the currently approved project construction plus that to be generated by the next 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 alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory Level of Service D at peak hour (C peak in rural areas). Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval of any subphase pursuant to this Option 2, the County or its designee shall ensure in written findings of fact that the above referenced roadways are operating at or above a Level of Service D at 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 a Level of Service D at peak hour (C peak in rural areas). The Development Order shall be amended to address the subphase approval.

c. Option 3

1) Specific development approval is accorded to Phase I, subject to the conditions contained herein.

2) In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. The pipeline option may be pursued to accommodate Phase I transportation impacts. The pipeline proportionate share calculation for Phase I, in accordance with current adopted methods, procedures and policies of Hillsborough County, TBRPC, Florida Department of Community Affairs ("DCA") and Florida Department of Transportation ("FDOT"), has been determined to be One Hundred Seven Thousand Six Hundred Forty Dollars and No Cents (\$107,640.00) ("Pipeline Proportionate Share Amount").

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 subsequent phases of the Development is appropriate and permissible under the laws and regulations applicable at that time. If so, the Development Order shall be amended to identify a

pipeline project(s) and proportionate share amount which will mitigate the subsequent phase of the Development for which specific development approval is sought. If a pipeline option is not determined to be appropriate and permissible, transportation mitigation for subsequent phases of the Development shall be determined in accordance with other then applicable rules of Hillsborough County, TBRPC and DCA.

The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phase I on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the Development's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of major public facilities, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

3) The developer shall:

(a) Provide a Park and Ride facility within the Development's transportation impact area to accommodate approximately 150 parking spaces. The facility will be designed to HART guidelines. Further, the Park and Ride facility will include patron shelters and a schedule kiosk. Upon commencement of physical development, the Developer shall have three (3) months to complete and submit the design plans to HART for review and approval. The Developer shall construct the improvements within nine (9) months of commencement of physical development. (Hereinafter the improvements described above shall be referred to as the "Initial Pipeline Improvements"); and

(b) Design the improvement of U.S. 301 from Gibsonton Road to Big Bend Road as a six lane divided rural arterial and, based on such FDOT approved design, expend in the construction of roadway improvements to U.S. 301 between Gibsonton Road and Big Bend Road, in order to improve this road link as a four lane divided rural arterial, an amount equal to Four Million Two Hundred Thousand Dollars (\$4,200,000.00). In the event the Developer's Additional Pipeline Expenses (as defined below) are less than Four Million Two Hundred Thousand Dollars (\$4,200,000.00) upon completion of design and construction of the foregoing road link, the Developer shall utilize the unexpended portion of the above described sum of Four Million Two Hundred Thousand Dollars (\$4,200,000.00) in order to design the improvement of U.S. 301 south of Big Bend Road to a point determined by the County and, based on FDOT approved design, in order to construct roadway improvements to U.S. 301 south of Big Bend Road to such point determined by the County in order to improve this road link as a four (4) lane divided rural arterial. (Hereinafter the design and construction of improvements to this segment of U.S. 301 shall be together referred to as the "Additional Pipeline Improvements".)

In its five (5) year work program FDOT has scheduled the design of the Additional Pipeline Improvements during the 1991-92 fiscal year. Therefore it is anticipated that such design will be completed and approved by FDOT prior to such time as the Developer will be otherwise required under this Development Order to commence such design. Nevertheless, in the event FDOT has not commenced such design when the Developer has received building permits for a total of fifteen hundred and thirty (1530) single family dwelling units (or any combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 1530 external P.M. peak hour trips), the Developer shall immediately commence design of the Additional Pipeline Improvements. If the Developer commences such design, the Developer shall complete such design and submit it for FDOT approval within twelve (12) months of its commencement of design.

If FDOT has commenced such design but has not completed and approved such design at the time building permits in the above referenced totals have been received, the Developer shall await FDOT completion and approval of such design, or if directed by the County and FDOT, undertake to complete such design and submit it for FDOT approval within twelve (12) months. Upon receipt of FDOT approval of such design, Developer shall enter into all necessary contracts and obtain all required permits.

Construction of the Additional Pipeline Improvements shall commence within three (3) months of FDOT approval of such design; provided however, if the FDOT has commenced such design the Developer shall commence construction within three (3) months of FDOT approval or within three (3) months of the date the Developer has received building permits in the above referenced totals, whichever date is later. Construction shall be completed within twenty-four (24) months of commencement of construction. In any event, such Additional Pipeline Improvements shall be completed prior to the commencement of Phase II, which requirements shall be in addition to the Section 380.06, Florida Statutes transportation analysis required for Phase II under Section IV. B. 2, above.

Hillsborough County, the responsible governmental agencies and the Developer shall, no later than upon issuance of building permits for twelve hundred (1200) single family dwelling units (or the equivalent thereof in terms of P.M. peak hour trip generation), commence discussion for the purpose of entering into a Joint Participation Agreement ("JPA") for the design and construction of the Additional Pipeline Improvements. The JPA shall address the timing and scope of the design and/or construction of the Additional Pipeline Improvements and may contemplate an expanded road improvement project with corresponding adjustments in the time frames for design and/or construction. The entry of the JPA shall not require amendment of this Development Order, provided that the JPA shall not be effective unless executed by Hillsborough County, the appropriate governmental agencies and the Developer. In the event that a JPA cannot be

entered into which is satisfactory to the above parties by the date that the Developer has received building permits for fifteen hundred and thirty (1530) single family dwelling units (or the equivalent thereof in terms of P.M. peak hour trip generation), then the requirements of this Development Order for the design and/or construction of the Additional Improvements shall be and remain in full force and effect.

Prior to commencement of design of the Additional Pipeline Improvements, the County may identify alternative improvements and the Development Order shall be amended to reflect such alternative improvements; provided, however, Developer shall not be obligated to expend in the design, right-of-way acquisition, construction and construction engineering inspection of such alternative improvements an amount in excess of Four Million Two Hundred Thousand Dollars (\$4,200,000.00). (Hereinafter the Initial Pipeline Improvements and the Additional Pipeline Improvements, together shall be referred to as the "Pipeline Improvements".)

4) The Hillsborough County Road Network impact fee in accordance with Ordinances 86-4 as amended by 87-19 and as amended by 89-4 and as amended by 89-6, (Roadway Improvements) and 85-24E as amended by 86-5 and 87-17 and as amended by 89-3, (Right-of-Way) is approximately Three Million Seven Hundred Thousand Dollars and No Cents (\$3,700,000.00) for Phase I of DG FARMS. (Hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances".) The "Pipeline Proportionate Share Amount" contribution by the Developer for Phase I, in accordance with Section 380.06, Florida Statutes, as calculated by Hillsborough County, FDOT and TBRPC is One Hundred Seven Thousand Six Hundred Forty Dollars and No Cents (\$107,640.00).

5) The cost of the Initial Pipeline Improvements is approximately One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00), which amount includes design, land and construction costs, which costs provide for a total payment by the Developer in an amount which exceeds the Pipeline Proportionate Share Amount. The cost of the Additional Pipeline Improvements is Four Million Two Hundred Thousand Dollars (\$4,200,000.00). It is assumed that the design of the Additional Pipeline Improvements will be completed and approved by FDOT and that the necessary right-of-way has been acquired by FDOT. In the event the Developer is required to expend sums to complete such design and/or acquire necessary right-of-way, the Developer shall do so; however the Developer shall not be obligated to incur Developer's Additional Pipeline Expenses (as defined below) in excess of Four Million Two Hundred Thousand Dollars (\$4,200,000.00).

6) Buildings within DG FARMS shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all costs and expenses borne by the Developer for design and installation of the Initial Pipeline Improvements ("Developer's Initial Pipeline Expenses") shall be applied toward and be a credit against impact fees imposed thereunder.

- 7) The County shall reimburse the Developer for the actual costs and expenses borne by the Developer for the design, right-of-way acquisition, construction and construction engineering inspection of the Additional Pipeline Improvements ("Developer's Additional Pipeline Expenses") up to an amount which shall not exceed the total Hillsborough County Road Network Impact Fees previously paid on account of buildings constructed within DG FARMS prior to the completion of the Additional Pipeline Improvements. The Developer's Additional Pipeline Expenses in excess of such sums reimbursed by the County on account of previously paid impact fees, shall be applied toward and be a credit against future Hillsborough County Road Network Impact Fees paid by the Developer on account of the construction of buildings within DG FARMS subsequent to the completion of the Additional Pipeline Improvements. The Developer and the County acknowledge that the estimated Developer's Additional Pipeline Expenses exceed current estimated Hillsborough County Road Network Impact Fees for Phase I and that if an actual excess remains uncredited against impact fees at the completion of Phase I, such excess shall be applied toward the then applicable Road Network Impact Fees of Phase II.
- 8) 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.
- 9) The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Pipeline Improvements.
- 10) Upon approval of this Development Order, the Developer may construct and occupy Phase I, provided however no building permits shall be issued beyond fifteen hundred and thirty (1530) single family dwelling units (or any combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 1530 external P.M. peak hour trips) until commencement of design of the Additional Pipeline Improvements. Upon commencement of design of the Additional Pipeline Improvements, the Developer may construct and occupy one hundred fifty (150) additional dwelling units (or any combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 150 external P.M. peak hour trips). Upon FDOT approval of the design of the Additional Pipeline Improvements, the Developer may construct and occupy an additional one hundred fifty (150) dwelling units (or any combination of other approved uses which, in combination with dwelling units for which building permits have been issued, generate 150 external P.M. peak hour trips). Upon commencement of construction of the Additional Pipeline Improvements, the Developer may construct and occupy the balance of Phase I.
- 11) If the Initial Pipeline Improvements are not designed and constructed within the above stated periods, no further building permits or certificates of occupancy shall be issued until

such design or construction is completed. If the Additional Pipeline Improvements are not designed and constructed within the above stated periods, no further building permits shall be issued until such design or construction is completed. Further, in the event of such a failure to design and construct the Pipeline Improvements within the above stated periods, and after concurrence from TBRPC, the County shall either require the Developer to immediately complete the Pipeline Improvements 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 Pipeline Improvements. The County shall determine the reasonable amount of the Letter of Credit required from the Developer. The County shall draw down on the bond or on the Letter of Credit for completion of the Pipeline Improvements and shall complete the Pipeline Improvements as expeditiously as possible, but in any event the Initial Pipeline Improvements shall be completed within nine (9) months after the posting of the above stated bond or Letter of Credit.

12) The Developer shall design and construct the Initial Pipeline Improvements regardless of cost; however, the Developer shall not be obligated to expend more than Four Million Two Hundred Thousand Dollars (\$4,200,000.00) in the design and construction of the Additional Pipeline Improvements. Any change to the Pipeline Improvements, schedule or transportation assessment obligations agreed to by the County and other reviewing agencies shall be accomplished through an amendment to the Development Order.

13) 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, civil commotion or natural disaster, 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 governmental approvals for the construction of the Pipeline Improvements 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, provided, however, in no event shall such extension exceed three (3) months. Any requested extensions beyond such three (3) month period may only be accomplished by an amendment to this Development Order in accordance with the provisions of Subsection 380.06 (19), Florida Statutes.

4. TSM. The applicant or its assigns shall prepare and implement a Transportation Systems Management (TSM) program upon issuance of Certificates of Occupancy for 1000 single-family residential units (or the

equivalent thereof in terms of trip generation) which will divert a number of vehicle trips from the P.M. peak hour which is consistent with the assumptions used to prepare the Application. The plan shall be reviewed by Hillsborough County, Hillsborough Area Rapid Transit Authority ("HART"), the Hillsborough County MPO, TBRPC and 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.

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

"Policy: Promote ridesharing by public and private sector employees.

Objectives:

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

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

5. A pedestrian circulation system and a bicycle circulation system plan shall be provided within the project and approved by the MPO. The bicycle system shall incorporate whatever elements are necessary to complement the County Bicycle Plan and extend the County System into DG FARMS. No detailed site plans shall be approved which do not indicate these systems.

C. Air Quality

1. If the Developer proposes a change which creates regional air quality impacts not previously reviewed as part of the Application, Hillsborough County reserves the right to require mitigation measures or a revision of the master plan to alleviate such potential adverse impacts of the Development on ambient air quality.
2. Specific approval of Phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, to address impacts on air quality, and amendment of the Development Order to incorporate necessary measures to alleviate project impacts if significant regional air quality impacts are shown. The Developer shall submit an air quality

impact analysis acceptable to FDER and HCEPC, with review and comment by TBRPC.

D. Soils/Wind and Water Erosion

The Developer shall undertake the soil conservation measures referenced on pages 14-3 and 14-4 of the ADA and the measures to reduce erosion, fugitive dust and other adverse air emissions referenced on page 14-4 of the ADA, at a minimum, during all phases of development.

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 DER for review and to Hillsborough County and SWFWMD for approval. The stormwater management system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The County drainage criteria in existence at the time of construction of the respective project phases shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria are more restrictive. The following parameters shall be included in the Master Stormwater Management Plan:
  - a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Hillsborough County's Subdivision Regulations. The appropriate 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 Development.
  - b. The proposed stormwater management systems shall be designed, constructed and maintained to meet or exceed Chapter 17-25, Florida Administrative Code, and 40D-4 Rules of SWFWMD. Treatment shall be provided by biological filtration wherever feasible.
  - c. Best Management Practices for reducing water quality impacts, as recommended by Hillsborough County and SWFWMD, in accordance with the applicable regulations of these agencies, shall be implemented, including a street cleaning program for parking and roadway areas within the Development.
2. Monitoring. In order to protect water quality in the Little Manatee and Bullfrog Creek watersheds, there shall be no degradation of adopted water quality standards by the Development's stormwater exiting the site. The Developer shall provide for a semiannual surface water quality monitoring program to be instituted before any construction activity takes place in each subbasin of the Development and to continue through build-out of development within each subbasin, at minimum. If more stringent water quality monitoring is required by SWFWMD or Florida Department of Environmental Regulation ("DER") in applicable permits, the conditions of the permit shall supersede this requirement. 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 determined in cooperation with Hillsborough County, FDER, SWFWMD and TBRPC.
  - b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
  - c. The monitoring results shall be submitted to Hillsborough County, FDER 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 subbasin(s) where the violation is noted shall cease until the violation is corrected; or if the specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.
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, 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. Elevations for all habitable structures shall be at or above the applicable base (100 year) flood elevations.
  6. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways and easements as long as they do not contribute to adverse water quality impacts from stormwater runoff.
  7. The proposed retention/detention wetland systems should include the design guidelines of SWFWMD and those cited on page 113 of the Stormwater and Lake System Maintenance and Design Guidelines (Tampa Bay Regional Planning Council, 1978).
- F. Wetlands/Vegetation and Wildlife/Open Space
1. The portions of the DG Farms site which meet the definition of conservation areas, as defined in the Regional Planning Council's adopted growth policy, Future of the Region, Section 10.1.2, as shown on the Conservation Area/Vegetation Map attached hereto as Exhibit "B", shall be so designated and their ultimate disposition indicated on the revised General Development Plan submitted to Hillsborough County for Planned Development approval.
  2. In order to protect the natural values of conserved wetland areas, the following shall be required at minimum:
    - a. Except as otherwise required by agencies having jurisdiction:

- 1) No adverse hydroperiod alteration shall be permitted in conservation areas as identified on the Conservation Area/Vegetation Map attached hereto as Exhibit "B".
  - 2) Except as stated in the Application, activities within the conservation areas shall be limited to approved stormwater management outfall structures and boardwalks.
  - 3) All mitigation areas and littoral shelves shall be monitored semiannually for a period of four years. Monitoring shall include measurement of species diversity and composition and efforts to control nuisance species encroachment. Additional planting may be required to maintain an (eighty) 80 percent survival of planted species at the end of three (3) years.
  - 4) All losses of conservation areas shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetland being disturbed.
3. In the event that any species listed in Sections 39-27.003 - .005, Florida Administrative Code, are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission ("FGWFC").
  4. Representative tracts of xeric oak communities and pine flatwood upland communities adjacent to cypress communities and all major upland vegetative communities, as described on pages 18-4 and 18-5 of the ADA, shall be preserved on site in a manner which will ensure their continued natural function and value. The areas to be preserved are shown on the Conservation Area/Vegetation Map attached hereto as Exhibit "B". In addition, natural plant communities shall be identified and preserved pursuant to the Hillsborough County Land Alteration and Landscaping Ordinance 87-02, Section 4, prior to site development plan/construction plan approval.
  5. The Developer 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.
  6. Representative populations of the Foxtail Clubmoss and Catesby's Lily shall be relocated to suitable protected areas on-site. The plants shall be relocated with as much of their substratum intact as possible to further insure their survival. The applicant shall make every effort to maximize the survival of the relocated plant species.

G. Public Facilities

1. 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 (if applicable), 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.

2. Prior to construction plan approval for the Development, the Developer shall provide documentation to the Department of Development Review of a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Public Utilities Department or other applicable entity. No Zoning Compliance Permits shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
3. The Developer, or its assigns, shall be responsible for maintenance of all on-site water and wastewater facilities unless dedicated to Hillsborough County.
4. 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 seeking approval of a project specific interim wastewater treatment plant; provided, however, the foregoing requirement to pursue private interest cost-sharing shall not obligate Hillsborough County to enter into any contractual relationship with the Developer nor shall Hillsborough County be thereby restricted in any way from seeking bids or proposals from other entities. Should an interim wastewater treatment plant be utilized, it shall be subject to review and approval under applicable regulations of Hillsborough County in effect at the time of such application. The interim wastewater treatment plant shall only be located where a detailed hydrogeological analysis of the site determines low potential for groundwater contamination. In addition, a timetable, plan and system of standards shall be developed whereby the Development will connect to regional wastewater facilities and close down its interim wastewater treatment plant.
5. 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.
6. The selection of spray irrigation sites for the Development shall be based on a complete analysis of the treated effluent and a detailed hydrogeological analysis of the sites to determine the potential for groundwater contamination from any hazardous waste or other pollutants.
7. 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 ensure the provision of acceptable fire flows. 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.

8. 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.
9. Concurrent with issuance of the first Certificate of Occupancy, the Developer shall use non-potable water, if available, for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall submit a plan to Hillsborough County and TBRPC for using non-potable water for irrigation in the first Annual Report following issuance of the first Certificate of Occupancy. Applicable Hillsborough County regulations and procedures may be adequate to meet this requirement. The Development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar non-potable uses.
10. The water conservation measures referenced in the Application shall be required.
11. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes, (1987)) and native vegetation shall be used in landscaping, wherever feasible.
12. The Developer shall be responsible for maintenance and operation of any on-site wells. There shall be no utilization or construction of any on-site wells as a source of potable water unless approved by Hillsborough County and appropriate reviewing agencies.
13. The Development's sewer lines shall be monitored for leaks and ruptures once every three (3) years until such time as said lines are dedicated to Hillsborough County. The entity(ies) to carry out the monitoring shall be the Developer, or its assigns. Faulty lines shall be replaced as quickly as possible.
14. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

H. Hazardous Wastes

The Developer shall provide the following information through restrictive lease agreements to all Development businesses that:

- a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially designated containers/areas; and
- b. Describes construction requirements for hazardous waste holding areas; and
- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

I. Energy Conservation

1. The Developer shall encourage the following:
  - a. Reduced levels of operation of all air conditioning, heating and lighting systems during non-business hours.
  - b. Elimination of advertising requiring lighting after business hours.
  - c. The use of energy efficient packaging and/or recyclable materials.
  - d. Participation by Development tenants in recycling programs.
  - e. Installation of total energy systems where cost effective.
  - f. Residential tenants and residents to obtain energy audits provided by energy companies or other qualified agencies.
  - g. Residential builders and owners to install water-heater timers and set water heaters at 130 degrees Fahrenheit or lower.
2. A report on the status of implementation of and participation in the above listed and any other energy programs referenced in the Application 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 and industries.
4. Where economically feasible, all of the Development's tenants, businesses, residents, etc. should use energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration.
5. The use of landscaping and building orientation to reduce heat gain should be used where feasible for all Development construction.

J. Equal Opportunity

The Developer shall seek, and urge and 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.

K. Historical or Archaeological Resources

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

L. Housing

1. In order to ensure adequate housing opportunities exist reasonably proximate to places of work and to address the housing policies of the state land development plan, prior to the 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 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 applicable rules of DCA, TBRPC, the County comprehensive plan and 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.
2. The Developer shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped and their families.
  3. The Developer shall promote equal housing opportunity for minorities, the handicapped and families with children.

M. General

1. Any approval of the Development shall, at minimum, satisfy the provisions of Subsection 380.06(15), Florida Statutes, as amended.
2. All of the Developer's commitments set forth in the Application, and as summarized in Exhibit "C" entitled "Developer Commitments" shall be honored, except as they may be superseded by specific terms of the Development Order.
3. The Developer shall encourage programs by employers to provide child care facilities at the place of employment or as a cooperative effort off-site.
4. The Developer shall record a notice of adoption of this Development Order pursuant to Subsection 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 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 20th day of July, 1989.

RICHARD AKE, CLERK

By: Edna A. Fitzpatrick  
Deputy Clerk

John Dixon Wall  
Attorney at Law and  
Legal Counsellor.

**COMPOSITE EXHIBIT A**

COMPOSITE EXHIBIT "A"  
TO DG FARMS DEVELOPMENT ORDER  
APPLICATION FOR DEVELOPMENT APPROVAL,  
AND SUFFICIENCY RESPONSE

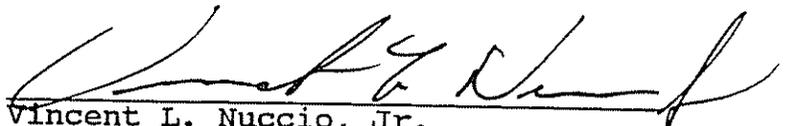
AFFIDAVIT

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 Vincent L. Nuccio, Jr., as attorney for O. W. Caspersen Trust/DG Farms, the applicant/owner of the DG Farms DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

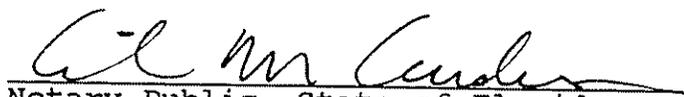
1. O. W. Caspersen Trust/DG Farms filed its application for development approval for DG Farms on December 20, 1988. The sufficiency response was filed on March 6, 1989.

2. The aforementioned documents were filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TBRPC") and those other governmental agencies described in the distribution list attached to this Affidavit as Exhibit 1.



Vincent L. Nuccio, Jr.  
Attorney for O. W. Caspersen  
Trust/DG Farms

Sworn to and subscribed before me this 13<sup>th</sup> day of JULY, 1989.

  
Notary Public, State of Florida  
at Large.

(Notarial Seal)

My Commission expires:

NOTARY PUBLIC, State of Florida  
My Commission Expires Feb. 7, 1993

**RECEIVED**  
Planning and Zoning  
Department

JUL 14 1989

A.M.  
7 | 8 | 9 | 10 | 11 | 12 | 1 | 2 | 3 | 4 |

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. Oliver DeWitt Resource Regulation Department Southwest Florida Water Management District 2379 Broad Street Brooksville, Florida 33512-9712	5 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

1 Copy  
Certified Mail - RRR

Mr. Craig Heugel  
Urban Wildlife Specialist, Department  
of Wildlife and Range Sciences  
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. Phil Steinmiller  
Tampa Urban Metropolitan  
Planning Organization  
P.O Box 1110  
Tampa, Florida 33601

1 Copy  
Certified Mail - RRR

**EXHIBIT B**  
**Conservation Area/Vegetation Map**



**EXHIBIT C**  
**Developer Commitments**

DRI # 194 - DG FARMS

DEVELOPER COMMITMENTS

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

General Project Description

1. The site design will meet or exceed the minimum requirements established in the Hillsborough County Zoning Code for Planned Development zoning regulations. (ADA page 12-3)
2. Portions of pine flatwoods and xeric oak habitats will be preserved through site planning efforts in the residential areas. (ADA page 12-7)
3. An internal loop transportation system will service the project minimizing external impacts on adjacent roadways. (ADA page 12-3)

ENVIRONMENTAL AND NATURAL RESOURCES

Air

1. Areas to be cleared and disturbed by construction will be seeded, mulched with hay, straw and other suitable materials, sodded, or planted with other landscape materials as soon after the construction as possible. (ADA pages 14-3 and 14-4)

Land

1. To overcome soil limitations, building pads will be elevated above base flood elevation levels on developed parcels. (ADA page 14-3)
2. To alleviate the erosive effects of wind and water, the following steps will be implemented during construction. (ADA pages 14-3 and 14-4)
  - 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 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 help 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.

#### Water

1. Should percolation ponds or spray irrigation be utilized for effluent disposal, the requirements of Chapter 17-6, FAC, for surficial groundwater monitoring will be accommodated. (ADA page 21-3 and 21-5)
2. Should a sinkhole be encountered a buffer, in accordance with applicable FDER and HCEPC regulations, will be maintained to eliminate the potential for water quality impacts to the surficial and/or Floridan Aquifer. (ADA page 21-5)

#### Wetlands

1. During construction, the construction manager will oversee the maintenance and control of erosion control devices to ensure effective erosion control. (SR, page 17)
2. The 0.6 acres of wetland hardwoods that were proposed to be mitigated in the ADA will be preserved. (SR, page 10) (Developer clarification: The area will be maintained, not preserved.)
3. The developer has elected, pursuant to subsection 380.06(5)(c), F.S., to be bound by the provisions of Chapters 403 and 373 in effect at the time that the Development Order for the DG Farms project is issued. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), F.S., affect the determination as to which laws, rules or regulations are applicable to the DG Farms project, said determination shall apply. (ADA page 22-2)
4. All rim-ditches will be filled and the land graded to its natural elevation. (SR page 24)
5. The wetlands on-site will be designated as conservation areas pursuant to HCEPC regulations. (SR page 48)

### Floodplains

1. No buildings are proposed in the 100-year floodplain; however some development such as roads, golf courses and parks may occur within the 100-year floodplain. (ADA page 17-1)

### Vegetation and Wildlife

1. Some representatives of the Catesby's Lily and the Foxtail Clubmoss will be relocated to preserved areas on-site. The plants will be relocated with as much of their substrate intact as possible to further insure their survival. Portions of the pine flatwoods will be preserved in wetland setbacks and along rough areas of the golf course. (SR, page 27)
2. Neighborhood park and other recreation areas will be located so as to include xeric oak and pine flatwoods areas. (SR, page 28)

### Historical and Archaeological Sites

1. Should archaeological or historical resources be discovered on-site during development, a professional archaeologist will be contacted to review and remove the resources prior to development activity. The Division of Historical Resources will be contacted prior to beginning or continuing development activity on-site. (SR, page 29)

## PUBLIC FACILITIES

### Wastewater Management

1. Any IWWTP will be constructed and operated to the requirements set forth and maintained by the Florida Department of Environmental Regulation, the Environmental Protection Commission of Hillsborough County, the Southwest Florida Water Management District, and Hillsborough County. (SR, page 36)
2. The developer will cooperate in the usage of recovered water for irrigation of green space and the planned golf course. (ADA page 21-3)

### Drainage

1. The stormwater management system will be designed in coordination with the site plan and provide treatment of runoff prior to discharge into wetland areas. (ADA, page 12-9 and 15-15)
2. Detention areas will have side slopes of 4:1 or greater and will be sodded or otherwise stabilized as soon after construction as possible so as to overcome the soil limitations for embankments. (ADA page 14-3)

3. The drainage system will meet the regulations defined in Chapter 17-25 of Florida Administrative Code (FAC) using wet detention systems. (ADA page 22-2)
4. The wetlands and lakes on the site will be designed to attenuate and convey stormwater runoff and provide water quality treatment for the site. (ADA page 22-3)
5. The applicant or its assigns will operate and maintain the drainage system until the system is dedicated to the County. (SR page 39)
6. A stormwater master plan will be submitted to FDER for review and approval. This plan will follow the standards in Chapter 17-25, FAC. (SR page 143)

#### Water Supply

1. The water distribution system, including fire hydrant locations, will be designed to provide fire protection in accordance with applicable Hillsborough County standards. (ADA page 23-4)
2. The wells previously existing on-site may be used during construction, however, it is anticipated that these wells will be plugged and abandoned as part of the construction process. (ADA page 23-3)
3. The internal water supply system will be operated and maintained by Hillsborough County. (ADA page 23-3)

#### Education

1. Fifteen acres will be dedicated to Hillsborough County for an elementary school site and appropriate fees will be paid in accordance with County's School Impact Fee Ordinance. (SR page 46)

#### Recreation and Open Space

1. Common open space areas will be maintained by the applicant or the applicant's assigns. (ADA page 27-2)
2. It is intended that a twelve acre park will be dedicated to the County, dependent on the type of park facilities and maintenance program to be provided by the County. In, addition the proper park impact fees will be provided to the County in lieu of additional land. (SR page 47)

Police

1. The applicant will incorporate Crime Prevention Through Environmental Design (CPTED), design procedures into the project. (SR page 52)

Transportation

1. The major roadways within the project will be designed to accommodate bus service in anticipation of future transit services. (ADA page 31-20)