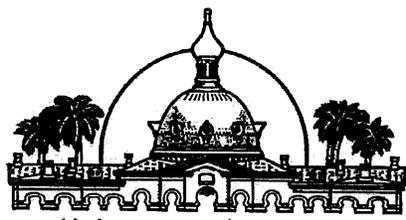


#208



Hillsborough County
Florida

Office of the County Administrator
Michael S. Merrill

BOARD OF COUNTY COMMISSIONERS
Kevin Beckner
Victor D. Crist
Ken Hagan
Al Higginbotham
Lesley "Les" Miller, Jr.
Sandra L. Murman
Mark Sharpe

CHIEF ADMINISTRATIVE OFFICER
Helene Marks
CHIEF FINANCIAL ADMINISTRATOR
Bonnie M. Wise
DEPUTY COUNTY ADMINISTRATORS
Lucia E. Garsys
Sharon D. Subadan

January 20, 2012

Mr. Adam Carnegie, AICP
Stantec Consulting Services
2205 North 20th Street
Tampa, FL 33605

RE: The Crescent Development of Regional Impact – DRI #208
Build Out Date Extension per HB 7207 & Extension of Time Pursuant to Section 252.363, F.S
and Executive Order Numbers 11-128, 11-172 & 11-202

Dear Mr. Carnegie:

We have received your revised notice letter notifying the County that you intend to utilize the Governor's Executive Order 11-202 which further extended the statewide State of Emergency declared by Executive Order 11-128 and first extended by Executive Order 11-172.

Accordingly, the build out date extension acknowledged in our December 29, 2011 letter (attached) is further extended from October 21, 2017 to November 21, 2017. The Development Order's effective date is also extended by a like period of time.

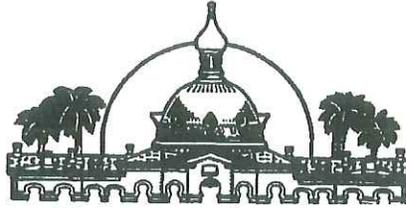
If you have any questions, please call me at 813.276.8393.

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)

#208



Hillsborough County
Florida

Office of the County Administrator
Patricia G. Bean

BOARD OF COUNTY COMMISSIONERS

Kevin Beckner
Rose V. Ferlita
Ken Hagan
Al Higginbotham
Jim Norman
Mark Sharpe
Kevin White

ADMINISTRATORS

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

August 26, 2009

Mr. Steven F. Swann
Pembroke Realty Services
14502 N. Dale Mabry Highway
Suite 200
Tampa, FL 3318

RE: The Crescent, Development of Regional Impact #208
Build Out Date Extension

Dear Mr. Swann:

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. You have stated that you are requesting the extension on behalf of PCC 301, LLC and FGH 301 LLC, the owners of property within Crescent Development of Regional Impact (DRI). You have identified the properties folio numbers as 7230.0406, 72303.0404 and 72303.0418.

The Crescent DRI is a single-phase project with a current build out date of December 31, 2010. Therefore, the Crescent DRI is eligible for the two year extension and the build out date is extended to December 31, 2012.

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)
Tracy H. Kistler, WilsonMiller, Inc. (via e-mail)
Nancy Takemori, County Attorney's Office (via e-mail)

PAT FRANK
Clerk of the Circuit Court
Hillsborough County, Florida



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

November 1, 2005

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

Re: Resolution No. R05-230 - Amending the Development Order for the Crescent (DRI #208)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on October 11, 2005.

We are providing this original for your files.

Sincerely,

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

jg

Attachment

Certified Mail 7002 2410 0001 4265 0648

- cc: Board files (orig.)
- Charles Gauthier, Chief, DCA Bureau of State Planning (orig.ltr.)
- Steve Luce, Developer's Agent @ WilsonMiller, Inc. (orig.ltr.)
- Nancy Takemori, Assistant County Attorney
- John Healy, Senior Planner, Planning & Growth Management
- Sandra Davidson, County Attorney's Office
- Jim Glaros, Assistant Chief Deputy, Valuation, Property Appraiser's Office
- Mary Mahoney, Management & Budget

RESOLUTION NO. R05-230
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH
COUNTY, FLORIDA, AMENDING THE
CRESCENT DEVELOPMENT OF REGIONAL
IMPACT #208 AND ADOPTING AN AMENDED
AND RESTATED DEVELOPMENT ORDER

Upon motion by Commissioner Blair, seconded by Commissioner Sharpe the following Resolution was adopted by a vote of 4 to 0.

WHEREAS, on May 15, 1989, Towermarc Corporation (the "Developer") filed an Application for Development Approval of a Development of Regional Impact (the "Application") with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 9, 1990, the Board of County Commissioners approved Development Order #208 for the Crescent Development of Regional Impact (the "Project") through Resolution 90-0029 hereinafter referred to as the Crescent; and

WHEREAS, on October 25, 1994, the Board of County Commissioners approved Development Order amendment R94-0271 which extended the build out date by four (4) years, eleven (11), months and fifteen (15) days; delayed the commencement date of physical development until January 9, 1996; extended the date for completion of the pipeline project until January 1, 1999, or alternatively, until a specified amount of the Project is developed, whichever occurs first; and extended the effective date of the development order; and

WHEREAS, on February 10, 1998, the Board of County Commissioners approved Development Order Amendment R98-029 which extended the build out date for the Project to December 31, 2005; extended the effective date and dates for downsizing and intensity reduction to January 16, 2010; and revised the Project's legal description to add approximately 35.20 acres of land for open space; and

WHEREAS, on April 13, 2004, the Board of County Commissioners approved Development Order Amendment R04-073 which amended Map H to include two additional access points along U.S. 301; and

WHEREAS, on January 19, 2005, First Industrial Development Services, Inc., filed a fourth Notification of Proposed Change to a previously approved Development of Regional Impact (DRI) which extended the build out date for the Project to December 31, 2010; extended the effective date and dates for downsizing and intensity reduction to January 16, 2015; and

WHEREAS, the Board of County Commissioners on October 11, 2005, held a public hearing on said Fourth Notification of Proposed Change and approved said notification through adoption of an Amended and Restated Development Order (the "Development Order") reflecting both the present amendment and the prior amendments described herein. The Development Order is not intended to supercede R 90-0029, as amended by R94-0271, R98-029, and R04-073, but rather to provide, for administrative efficiency, a single document reflecting the current regulatory status of the Project; and

WHEREAS, the Board of County Commissioners, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact and conclusions of law:

1. The proposed amendment, together with all previous amendments, do not increase the external traffic impact of the Project, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation, and mass transit; and

2. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency and, therefore, do not constitute a "substantial deviation" from the Crescent Development Order, pursuant to Chapter 380.06, Florida Statutes.

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 a Notification of Proposed Change to a previously approved Development of Regional Impact; and

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

WHEREAS, the Board of County Commissioners has received and considered the report and recommendations 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, state and regional agencies, as well as the review and report of the Hillsborough County Administration.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 11 DAY OF OCTOBER, 2005, AS FOLLOWS:

I. FINDINGS OF FACT

A. The recitals set forth in the "Whereas" paragraphs described above are true, accurate, and correct, and are incorporated herein by reference.

B. The real property which is the subject of the Fourth Notice of Proposed Change is legally described as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

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

D. All development will occur in accordance with this Development Order.

E. A comprehensive review of the impacts generated by the Project has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission ("EPC"), the Hillsborough County City-County Planning Commission ("HCCCPC"), the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

F. The authorized agent of the Project is Robert J. Krueger, First Industrial Development Services, 6302 Benjamin Road, Tampa, FL 33634.

II. CONCLUSIONS OF LAW

A. Based upon compliance with the terms and conditions of this Development Order, it is concluded that:

1. The development of the Project will not unreasonably interfere with the achievement of the objectives of the Adopted Land Development Plan applicable to the area.

2. The development of the Project is consistent with local land development regulations and the County's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Florida Statutes, as amended, and Chapter 75-390, Laws of Florida, as amended, and state and regional comprehensive plans.

3. This Development Order is consistent with the report and recommendations of TBRPC.

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, the HCCCPC, the TBRPC, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order.

D. The Fourth Notice of Proposed Change is approved subject to all terms and conditions of this Development Order.

E. The Future of Hillsborough Land Use Plan Map for Hillsborough County designates the area within which this land lies as Regional Mixed Use-35 and Regional Mixed Use-20.

III. GENERAL PROVISIONS

A. This resolution shall constitute the Development Order of Hillsborough County for the CRESCENT Development of Regional Impact. An extension of the build out date for the Project to December 31, 2010; and an extension of the effective date and dates for downsizing and intensity reduction to January 16, 2015 are hereby approved (R05- 230).

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

D. 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 powers and duties of any branch of government or governmental agency.

E. 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.

F. 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.

G. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at the Project, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility will be transferred must be approved by the County, 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.

H. 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 this Development Order or other changes to the approved development plan 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 TBRPC shall result in further Development of Regional Impact ("DRI") review pursuant to Section 380.06, Florida Statutes.

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

J. 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 Form BLWM-07-85, as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Planning and Growth Management Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

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

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

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

4. A statement setting forth the name(s) and address(es) of any 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.

K. 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, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

L. This Development Order shall become effective upon the date of transmittal to the parties specified in Subsection 380.07(2) Florida Statutes, as amended.

IV. CONDITIONS OF APPROVAL

A. Project Description

1. The development of the project shall proceed in one phase in accordance with the following schedule:

Years (1998-12/31/2010) (R98-029, R94-0271, and R05- <u>230</u>)	Office (Sq. Ft.)	Industrial (Sq. Ft.)	Commercial/Retail (Sq. Ft.)	Hotel Rooms
	1,050,000	350,000	110,000	220

2. Development of the project may occur anywhere on the site, provided on-site infrastructure is available to serve the portion(s) of the site being developed.

3. The physical development of the Project shall begin by January 9, 1996 (R94-0271).

4. This Development Order shall remain in effect for a period up to and including January 16, 2015 (R98-029, R94-0271, and R05- 230). Extension of the build out period of the project by more than three (3) years may trigger a substantial deviation pursuant to Section 380.06(19) Florida Statutes. 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.

5. The Development shall not be subject to down zoning, or intensity reduction until January 16, 2015 (R98-029, R94-0271, and R05- 230), unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare. Provided, however, nothing herein shall be construed to prohibit legally enacted changes in zoning or land use regulations which do not adversely affect the development rights granted to the developer pursuant to this Development Order.

6. The Developer shall be permitted to trade-off a portion of two or more of the approved land uses for the Development so long as the change does not increase the P.M. peak hour traffic (516 entering; 1499 exiting) of the development. The Developer shall prepare a traffic analysis, for review and approval by Hillsborough County, which demonstrates that the change in the relative amounts of approved land uses will not create additional P.M. peak hour traffic beyond that approved for the Development. In no event shall square footages be increased above (a) 1,500,000 square feet for office uses; (b) 1,000,000 for industrial uses; or (c) 250,000 for commercial/retail uses; nor shall the number of hotel rooms exceed 440.

B. Transportation

1. 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.

a. Option 1

(1) Any approval of this Development shall require funding commitments from responsible entities for the following roadway improvements identified in Tables 1 and 2 below. Without funding commitments for these improvements, construction permits shall not be issued for the Development. Also, the following roads shall be in place prior to exercise of Option 1:

- a. Falkenburg Road from U.S. 301 to Lumsden Road; and
- b. Falkenburg Road from Crosstown Expressway to S.R. 60; and
- c. N/S Mall Road from Lumsden Road to S.R. 60. *(Note: The original Development Order (R90-0029) incorporated a list of additional improvements which have not been reproduced herein but are on file.)*

(2) As used in this Option 1, "funding commitment" shall mean that the responsible entity has provided for the construction of a roadway improvement in its one year capital improvement program.

(3) Sub-phasing, the concept of identifying and tying specific amounts of project development within a phase to specific regional improvements shall be permitted provided the following conditions are met.

(a) TBRPC and Hillsborough County shall concur with the defined amount of development to be specifically allowed;

(b) Funding commitments for roadway improvements will be required when the regional roadway will operate below LOS D at peak (C peak in rural areas) and the development contributes five percent or more of the existing LOS D at peak hour (C peak rural) capacity of the facility; and

(c) A stop order will be triggered by that point in the development which will require roadway improvements (pursuant to TBRPC policy) for which no funding commitments can be assured. The stop order shall require a new traffic analysis or monitoring as appropriate.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of the Development, the capacity and loading of transportation facilities in the Central Hillsborough County 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 sub phase 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 sub phase approval.

- c. Option 3 (*Status: The Developer has substantially completed the pipeline mitigation project in accordance with this Section, with the exception of the second of each dual left turn lane pair at the intersection of US Highway 301 with Falkenburg Road*).

(1) The pipeline mitigation procedure may be pursued to accommodate the Project transportation impacts. The pipeline proportionate share calculation for the Project, in accordance with current adopted methods, procedures and policies of Hillsborough County, TBRPC, Florida Department of Community Affairs ("DCA") and FDOT, has been determined to be One Million One Hundred Forty Three Thousand One Hundred Eighty Eight and No/Cents. The Developer share bear any additional costs for completion of the required improvement caused by the delay in construction until January 1999 (R94-0271).

(2) In Resolution Number R87-0319, the Board of County Commissioners of Hillsborough County approved a Development Order for Tampa Triangle's Development of Regional Impact. The Development Order provides for construction of Falkenburg Road from its present intersection with Causeway Boulevard south and west to an intersection with U.S. Highway 301. Tampa Triangle ("TT") is required to design this segment as a six lane divided urban section and shall construct two lanes of the segment in a matter consistent with the six-lane design. TT has submitted design drawings to the County for review at the 30 percent completion point. TT is required to expeditiously commence construction of the described segment of Falkenburg Road upon approval of the design and shall complete such construction on or before 18 months after said approval and final acquisition of right-of-way.

(3) The Developer of the Crescent shall design and construct an additional two lanes on Falkenburg Road from its present intersection with Lumsden Road south and west to an intersection with U.S. Highway 301, including dual left turn lanes on both Falkenburg Road and U.S. Highway 301 (the second of each dual left turn lane pair shall be constructed by the Developer when warranted, as determined by Hillsborough County in its sole discretion and with the approval of the Florida Department of Transportation), at their intersection, with appropriate signalization (Required Improvement). The estimated cost for right-of-way, design and construction for the Required Improvement is \$1,146,252.00. The addition of the two lanes will result in Falkenburg Road being a four-lane section from the described points of intersection with Lumsden Road and U.S. Highway 301. The Required Improvement shall be designed to adopted Hillsborough County standards. The Required Improvement shall be designed and constructed in conjunction with the two lanes being built pursuant to the approved Development Order for the Tampa Triangle Development of Regional Impact. Prior to commencing design of the Required Improvement, the Developer shall enter into a design, permitting and construction agreement with the Hillsborough County Capital Projects Department for the Required Improvement. Said agreement shall be based upon the applicable sections of the standard Hillsborough County Design and Construction Agreement which is entered into with contractors. The Agreement shall not modify the terms and conditions of this Development Order. The Agreement shall also provide for coordination of construction efforts by the Developer and the adjoining project. To the extent possible, and in lieu of entering into the design and construction agreement solely with Hillsborough County, the Developer shall endeavor to enter into a joint participation agreement within six (6) months after final adoption of this Development Order and resolution of any appeal thereof (or the expiration of the time period for such appeals without such an appeal having been filed) with both Hillsborough County and the developers of the Tampa Triangle project as a means of coordinating design, permitting and construction of the Required Improvement with construction of the initial two lanes for Falkenburg Road.

(4) The County, at its option, may elect to design and/or construct the required improvement with the Developer being responsible for the payment of the costs incurred by the County in connection with the design and/or construction of the Required Improvement. In the event the County elects to proceed with the design and/or construction of the Required Improvement, it shall inform the Developer of its intent to do so no later than ten (10) days prior to the date upon which the Developer must commence design or forty-five (45) days prior to the date upon which the Developer must commence construction of the Required Improvement, as applicable, and shall maintain the schedule for such design and construction as is imposed on the Developer under Paragraph 9, below.

(5) The necessary right-of-way for the Required Improvement is being provided by the developer of Tampa Triangle DRI pursuant to the terms of the approved Development Order, and by the Developer, pursuant to paragraphs g and h of Section 2 below.

(6) Prior to commencement of construction of the Required Improvement and upon: (i) a finding by the County and TBRPC that Tampa Triangle has breached its obligation to construct Falkenburg Road from 301 to Lumsden within applicable time requirements; and (ii) appropriate amendment of the Tampa Triangle Development Order eliminating the construction of Falkenburg Road as a mitigation option, the Developer may elect to construct the described segment of Falkenburg Road (hereinafter referred to as "Alternate Required Improvement") as a two lane facility in lieu of the Required Improvement. Construction of the Alternate Required Improvement shall proceed in accordance with the time frames described herein relating to construction of the Required Improvement. The estimated cost for construction of the Alternate Required Improvement is \$1,816,000.

(7) The Hillsborough County Road Network impact fee for the Development calculated in accordance with Ordinances 86-4 as amended by 87-19, 89-4 and 89-6 (Roadway Improvements), and 85-24E as amended by 86-5, 87-17 and 89-3 (Right-of-way), is estimated to be Three Million Twenty Eight Thousand Eight Hundred Ninety Two Dollars and 77 Cents (\$3,028,892.77). (Hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances.")

(8) Buildings within the Development shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable costs and expenses borne by the Developer for right of way, design, construction and construction inspection of the Required Improvement (the "Developer Pipeline Expenses") shall be applied toward and be a credit against applicable impact fees imposed there under. 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 there under.

(9) The Developer shall complete design of the Required Improvement within six (6) months after Tampa Triangle's completion of the design for the Falkenburg Road extension as described in Tampa Triangle's Development Order ("Tampa Triangle's Improvement"). The developer shall obtain at its sole expense any and all permits, approvals, utility relocation and easements necessary to complete the required improvements. The developer shall complete construction of the Required Improvement by January 1, 1999, or alternatively prior the issuance of the first certificate of occupancy after construction of 900,000 square feet of office space or an equivalent of a mixture of 50,000 square feet of retail space, 105,000 square feet of office space and 245,000 square feet of warehouse space whichever date occurs first. The Developer shall submit to Hillsborough County, TBRPC, and the State of Florida Department of Community Affairs quarterly status reports stating its progress in meeting the above time frames. (R94-0271).

As previously stated in Paragraph 3, the Developer shall endeavor to enter into a joint participation agreement with Hillsborough County and the Developers of the Tampa Triangle Development of Regional Impact.

(10) The Developer agrees to use due diligence, within the time frames set forth above to design and construct the Required Improvement.

(11) If the Required Improvement is not proceeding as set forth in Paragraph 9 above, no further building permits or certificates of occupancy shall be issued. After concurrence from TBRPC, the County shall either require the Developer to immediately complete the Required Improvement or shall require the Developer to provide the County a bond or letter of credit in the full amount of the cost of the uncompleted portion of the Required Improvement. The County shall determine the reasonable amount of the letter of credit required from the Developer to complete Required Improvement. The County shall draw down on the bond or on the letter of credit for completion of the Required Improvement. Construction of the Project shall not resume until: (i) the Developer provides the County such a bond or letter of credit, and (ii) construction of the Required Improvement is proceeding in accordance with the schedule set forth in Section (9) above. If at any time during the construction of the Required Improvement, the County determines that the cost of completing the Required Improvement will exceed the amount of the letter of credit or bond, the Developer, within forty-five (45) days after written request from County, shall reimburse the County the amount of that overage.

(12) If performance of the commitments set forth in this Development Order (by the Developer or the County, as applicable), shall be interrupted or delayed by war, riot, civil commotion or natural disaster, then 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 without an amendment to this Development Order in accordance with the provisions of Section 380.06(19), Florida Statutes.

(13) 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 Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to Hillsborough County and TBRPC for their review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof, provided, however, in no event shall such extension exceed three (3) months without an amendment to this Development Order in accordance with the provisions of Section 380.06(19), Florida Statutes.

(14) In no event shall certificates of occupancy be issued for more than 1,000,000 square feet of total project development prior to completion of the Required Improvement.

(15) In addition to the Required Improvement, the Developer of the Crescent shall design and construct southbound and westbound dual left turn lanes at the intersection of U.S. Highway 301 and Crescent Drive (the second of each dual left turn lane pair shall be constructed by the Developer when warranted, as determined by Hillsborough County in its sole discretion and with the approval of the Florida Department of Transportation).

2. General Transportation Conditions.

a. When Certificates of Occupancy have been issued for 600,000 square feet of office space (or the equivalent thereof in terms of trip generation, 139 entering; 732 exiting, pm peak hour), 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 exceeded. Counts shall continue on an annual basis through build out of the Development. 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 the projected number of

external trips for the Development by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06 (19), Florida Statutes, and may amend the Development Order to change or required additional roadway improvements. The results of the study may also serve as a basis for the Developer or reviewing agencies to require Development Order amendments.

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

b. When Certificates of Occupancy have been issued for 600,000 square feet of office use (or the equivalent thereof in terms of trip generation, 139 entering; 732 exiting pm peak hours), the Developer, or its assigns, shall prepare and implement a Transportations Systems Management (TSM) program which will divert a number of vehicle trips from the PM peak hours which is consistent with the assumptions used to prepare the Application. The plan shall be reviewed by Hillsborough County, Hillsborough Area Regional Transit ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("Tampa Urban Area Metropolitan Planning Organization ("Tampa Urban Area MPO"), Florida Department of Transportation ("FDOT") and TBRPC.

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

If the Annual Report indicates that the total peak hours trips exceed projected trips by more than fifteen percent (15%), 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 require Development Order amendments.

In addition, this TSM program shall be developed in cooperation with Hillsborough County, FDOT, the Hillsborough County Urban Area MPO, HART and TBRPC. This program includes, but shall not be limited to:

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

OBJECTIVES:

- Increase urban area peak automobile occupancy rates by ten (10%) by 1995 through expanded ridesharing efforts.

c. All internal roads shall be designed and constructed in accordance with Hillsborough County standards, where applicable.

d. The Developer shall, immediately upon commencement of construction of the Development, notify the County, TBRPC and DCA of the date of such commencement.

e. The Developer shall cooperate with Hillsborough County to identify and reserve right-of-way, within the project site, for future mass transit and roadway improvement needs.

f. The Developer shall design major roadways within the project to accommodate bus service.

g. Developer shall dedicate to Hillsborough County, prior to issuance of certificates of occupancy or upon request from the County to coincide with roadway improvements, whichever occurs first, up to 128 feet of additional right-of-way, along the distance of the applicant's Parcel A (shown on the north side of the proposed Falkenburg Road Extension), from the future center line of Falkenburg Road to accommodate for the future right-of-way as need for a urban six lane collector.

h. Developer shall dedicate to Hillsborough County, prior to issuance of certificates of occupancy or upon request from the County to coincide with roadway improvements, whichever occurs first, up to 64 feet of additional right-of-way, east of the applicant's Parcel A, (shown on the north side of the proposed Falkenburg Road Extension), from the future center line of Falkenburg Road as needed to accommodate for the future right-of-way as need for a urban six lane collector.

C. Air Quality (*Status: The Developer has implemented the procedures stated herein*).

1. Developer shall implement the fugitive dust abatement procedures indicated on page 38 of the Application which shall be a condition of this Order.

2. In the event that changes are proposed which create the likelihood of regional impact on air quality pursuant to Subsection 380.06(19), F.S., Hillsborough County shall reserve the right to require mitigation measures to alleviate any potential impacts of the Project on ambient air quality.

D. Soils/Wind and Water Erosion (*Status: The Developer has followed the measures stated herein*).

1. The soil conservation measures referenced in the Application (ADA pages 37 and 38) and the measures to reduce erosion, fugitive dust and air emissions referenced in the Application (ADA pages 37 and 38), at minimum, shall be implemented. Erosion and sediment control best management practices shall be used as necessary during construction to retain sediment on-site, as per Subsection 17-25.025, Florida Administrative Code.

2. The measures referenced on page 37 of the Application to overcome limitations associated with particular soil types shall be implemented.

E. Stormwater Management and Water Quality (*Status: The stormwater management system has been designed and constructed in accordance with all applicable regulations*).

1. Prior to issuance of Land Alteration and Landscaping permits/building permits, the Master Stormwater Management (drainage) Plan shall be submitted to DER and TBRPC for review and to Hillsborough County and SWFWMD for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such 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 or Site Development Regulations, whichever is applicable. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in effect at the time of construction plan submittal and review for a particular phase of the Project.

b. The stormwater management system(s) shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, F.A.C., and 40D-4, Rules of SWFMD 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. In order to protect water quality in the North Archie Creek and Delaney Creek Popoff Canal Watersheds, there shall be no degradation of water quality standards (defined in Chapter 17-3, FAC) by the Development's storm water and groundwater exiting the site. The Developer shall implement a semiannual surface water quality monitoring program, to be instituted before any construction activity takes place in each sub-basin of the project and to continue through build out, at minimum. If more stringent water quality monitoring is required by SWFWMD or Florida Department of Environmental Protection ("DEP") in applicable permits, the conditions of the permit shall supersede this requirement. Any violation of Chapter 17-3, F.A.C., determined to be caused by the Development shall require corrective measures as set forth by DEP. The following shall apply:

a. Sampling locations shall be determined in cooperation with Hillsborough County, DEP, SWFWMD and TBRPC.

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

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

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

4. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated by the Developer to the County, as required, and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents associated with a particular parcel or phase must be fully executed and recorded prior to, or concurrent with, the issuance of Certificates of Occupancy for the particular parcel or phase or plat approved, whichever is applicable. Nothing herein shall be deemed a waiver of Developer's rights to obtain credits against drainage impact fees in accordance with adopted County regulations.

5. Elevations for all habitable structures shall be at or above the applicable base (100-year) flood elevation.

6. The proposed retention/detention wetland systems shall be designed, constructed and maintained pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines, (TBRPC, 1978), where applicable.

7. No fill shall be allowed in the 100-year floodplain without equal storage compensation.

8. Developer shall make reasonable efforts to coordinate with and inform appropriate public authority of building closings, security and safety precautions, evacuation plans and the feasibility of the proposed notes for hurricane shelter.

F. Wetlands/Vegetation and Wildlife/Open Space (*Status: The Developer has obtained all permits required as of the date of this resolution for the protection of wetlands and related areas on site*),

1. All wetlands on-site defined as conservation areas by TBRPC Rule shall be conserved, or mitigated by in-kind replacement with no net loss of wetland acreage.

2. Any activity interfering with the integrity of the wetlands, such as clearing, excavating, draining or filling, without written authorization from the Director of the Environmental Protection Commission or his designated agent, pursuant to Section 17 of the Hillsborough County Environmental Protection Act and of Chapter 1-11, Rules of the Environmental Protection Commission, shall be prohibited.

3. The portions of the Project which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, are designated on Exhibit "B", attached hereto.

4. In order to protect the natural values of conserved wetland areas, the following shall be required at minimum:

a. No adverse hydroperiod alteration shall be permitted in conservation areas designated in the Application, including wetlands created for mitigation purposes.

b. All losses of conservation areas shall require 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed.

c. No dredging, filling or development activities shall be allowed within preservation areas, except roadway crossings. Any other necessary infrastructure crossings shall be accommodated within the roadway rights-of-way. Activities within the post-development conservation areas shall be limited to storm water management outfall structures, boardwalks and infrastructure, and as allowed by law.

d. The developer shall submit a wetland management plan (with the annual report) to TBRPC for review and to DEP, SWFWMD and HCEPC for approval. This plan shall address, but not be limited to, wetlands to be preserved, proposed wetland alterations, mitigation for lost wetlands, control of on-site water quality, and maintenance of hydro periods and methods for wetland restoration/enhancement.

e. All mitigation areas and littoral shelves shall be monitored semiannually for a period of four (4) years beginning immediately in selected mitigation areas. 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 five percent (85%) survival of planted species at the end of five (5) years. If it is apparent that conservation areas are being stressed due to project development activities, development activity shall cease until remedial measures have been taken to correct the hydro period imbalance. Such measures could include limitations on impervious surface, enlargement of natural buffer areas and increased upland retention of stormwater. The results of the monitoring shall be provided in each annual report.

5. The Developer shall provide a natural buffer zone around all conservation areas to provide an upland transition into the wetland areas and to protect the natural systems from development impact in accordance with Hillsborough County's Land Alteration and Landscape Ordinance. Alterations to buffer areas are permissible, if in accordance with the Hillsborough County Landscape Ordinance.

6. Existing wetlands which are permitted to be altered or eliminated should be used as donor material for re-vegetation of mitigation areas, where feasible.

7. In the event that any species listed in Sections 39-27.003-.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Fish and Wildlife Conservation Commission ("FWC").

8. The Developer shall be responsible for maintaining all common recreation and open space areas within the project site other than those for which Hillsborough County has assumed maintenance responsibilities.

9. The Towermarc/Crescent Development open space areas, (approximately 39.6 acres) and recreational areas conceptually shown in the Application shall be accessible to the elderly and handicapped, as required by applicable state and local ordinances and shall not be open to uses inconsistent with their purpose.

G. Public Facilities (*Status: The Developer has arranged for the provision of public facilities to the Project in accordance with all applicable requirements.*)

1. Prior to or simultaneous with construction plan or site 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 portion of the Development. This requirement shall include a determination of adequate water pressure and flows to meet firefighting requirements for the portion of the Development being submitted for construction plan or site plan approval. 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. The City of Tampa shall provide water and sanitary sewer service to the Project. The Developer, or its assigns, shall be responsible for maintenance of all on-site water and wastewater facilities unless dedicated to City of Tampa

3. 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.

4. The Developer shall use the lowest quality water available to meet non-potable water demands, in accordance with Hillsborough County standards. The Developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for irrigation, including implementation of a wastewater reuse system (when feasible), in the first annual report following issuance of the first Certificate of Occupancy for 200,000 square feet. The implementation dates shall be included in the report. The plan shall include investigation of a feasibility of using treated wastewater for irrigation purposes. In areas not suitable for wastewater reuse, landscaping shall include xeriscape techniques and native vegetation shall be used wherever feasible.

5. Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Subsection 553.14, Florida Statutes (1987).

6. Planning and development of this project shall conform to, and further, the rules and guidelines adopted by the Southwest Florida Water Management District for the Eastern Tampa Bay Water Use Caution Area.

7. The Developer shall implement a wastewater reuse system, in accordance with uniformly applicable rules and regulations of Hillsborough County.

8. The Developer shall pursue with the City of Tampa private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development. This shall be a preferred alternative over construction of a project-specific package plant. 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 hydro geological analysis of the site determines low potential for groundwater contamination. In addition on, 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.

9. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

10. The Developer shall be responsible for maintenance and operation of any on-site wells.

11. Project sewer lines shall be monitored for leaks and ruptures once every three (3) years until such time as said lines are dedicated to City of Tampa. The entity(ies) to carry out the monitoring shall be the Developer, or its assigns. Faulty lines shall be replaced as quickly as possible.

12. Disposal of non-domestic or hazardous waste into the sewer system which is a violation of applicable law shall be prohibited.

13. Any Crescent Project owners and tenants that generate hazardous waste shall be encouraged to utilize waste exchanges. A report of such use shall be included in each annual report.

14. Any Crescent Project tenants which produce waste which is not suitable for recycle, exchange or reuse shall be encouraged to develop permittable on-site hazardous waste treatment capabilities to ensure public safety prior to transport.

15. Developer shall catalog tenant businesses where hazardous materials and wastes are stored, handled or transported and keep such information on file for emergency use.

16. There shall be no underground storage of hazardous materials on-site unless properly permitted by Hillsborough County and other applicable agencies.

17. The Developer shall provide to all Project businesses information 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.

d. A description of compliance with this condition shall be required in each annual report.

18. The Developer shall inform all tenants and occupants of the Project about their responsibility to comply with Florida's Right-to-Know Law. Insofar as the Developer is an employer and is located within the Project, it shall comply with Florida's Right-to-Know Law.

19. The Developer shall inform tenants and occupants of the Project of their responsibilities under the Resource Conservation and Recovery Act. Insofar as the Developer is an employer and is located within the Project, it shall comply with the Resource Conservation and Recovery Act, as applicable.

20. The Developer shall inform any tenants and occupants within the Project of their responsibilities pursuant to Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. Insofar as the Developer is an employer and is located within the Project, it shall comply, as applicable, with SARA Title III.

H. Energy Conservation

1. The Developer shall encourage all Project tenants and businesses to do the following:

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

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

c. institute and utilize recycling programs;

d. employ energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

e. install total energy Systems on large facilities, when cost effective;

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

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

h. Obtain energy audits provided by energy companies or other qualified agencies;

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

j. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project construction;

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

l. Use energy efficient packaging and/or recyclable materials.

2. A report on the implementation of and participation in these and other energy programs, as well as the energy conservation measures referenced in the Application (pages 108 and 109 of the ADA), shall be included in each annual report after the issuance of certificates of occupancy for the Project. The Developer may utilize a survey of Project occupants, or other effective means, to comply with this condition.

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

4. Tampa Electric Company will provide electricity to the Development.

I. Equal Opportunity/Economy

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

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

J. Historical or Archaeological Resources

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

K. Housing

In order to ensure adequate housing opportunities, for rent or for sale, reasonably proximate to places of work and to address the housing policies of the state land development plan, prior to the issuance of certificates of occupancy for more than 1,000,000 square feet of office space (or the equivalent thereof in terms of trip generation), the Developer shall conduct an analysis of the affordable housing needs, for ownership or for lease, to be generated by the Development. This analysis and determination shall be accomplished using a methodology consistent with accepted real estate market analysis practices and approved by the Department of Community Affairs. Based on the existing road systems and commuting patterns, the study area for the analysis shall consist of the area bounded by the Polk County Line to the east, the Pasco County Line to the north, Manatee County Line to the south, U.S. 41 to the northwest and Hillsborough Bay to the west, unless the Department of Community Affairs determines that a different study area is warranted based upon adoption rules. The boundaries of the study area may be adjusted in the future if subsequent studies of commuting patterns indicate cause to do so. If such analysis indicates that the development will create a substantial need for adequate housing that is not being provided by other residential development proximate to the development or if such an analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the developer shall prepare a Housing Affordability and Implementation Plan ("HAIP") and adopt the HAIP as an amendment to the Development Order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council Comprehensive Regional Policy The adopted local government comprehensive plan, and all applicable rules and policies established by the state land planning agency.

At a minimum, the HAIP shall contain:

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

- b. Specific mechanism for HAIP implementation.
- c. Provisions to ensure continued adequacy of units
- d. Monitoring provisions.
- e. Location and placement of affordable units.
- f. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

In addition, the HAIP may also contain:

- a. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities.
- b. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternatives or expedited development review, or partial or full fee waivers.

L. General

1. All of the Developer's commitments set forth in the Application, and as summarized in Attachment 1 thereto entitled "Developer Commitments," shall be honored, except as they may be superseded by specific terms of the Development Order.

2. Any change to the Project which departs significantly from the parameters set forth in the Project schedule set forth in this Development Order shall require a substantial deviation determination, pursuant to Subsection 380.06(19), Florida Statutes.

3. All outstanding amounts for initial review by TBRPC shall be paid within 15 days of billing.

4. Payment for any future activities of the TBRPC with regard to this Project including, but not limited to monitoring or enforcement actions, shall be paid to TBRPC by the Developer in accordance with the DRI Fee Schedule.

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

6. Excess infrastructure capacity constructed to potentially serve the Development shall be at Developer's risk and shall not vest rights to obtain construction permits beyond those rights obtained as a result of this Development Order nor shall it relieve the Developer from satisfying its obligations pursuant to this Development Order.

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 October 11, 2005, as same appears of record in Minute Book 353 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 1st day of November, 2005.

PAT FRANK, CLERK OF CIRCUIT COURT

By: *Micah K. Dill*
Deputy Clerk



APPROVED BY COUNTY ATTORNEY

BY: *Jane Stalder*
Approval As To Form and Legal Sufficiency

Exhibit A – Legal Description

Exhibit A
DRI #208 - The Crescent
NOPC
Legal Description

DESCRIPTION:

Tracts 1, 2, 7 and 8, in the Southwest ¼ of Section 31, Township 29 South, Range 20 East, SOUTH TAMPA Subdivision, according to map or plat thereof recorded in Plat Book 6, Page 3, of the Public Records of Hillsborough County, Florida;

AND

That part of Tracts 2, 3, 4, 5, 6, 11, 12 and 13, in the Southeast ¼ of Section 31, Township 29 South, Range 20 East, SOUTH TAMPA Subdivision, according to map or plat thereof recorded Plat Book 6, Page 3, of the Public Records of Hillsborough County, Florida, lying West of STATE ROAD 93-A (I-75);

AND

That part of Lots "M", "P", "Q", "R", and "U" in Section 31, Township 29 South, Range 20 East, BOULEVARD VILLAS, according to map or plat thereof recorded in Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, lying East of U.S. Highway 301.

THE PROPERTY DESCRIBED ABOVE BEING ONE AND THE SAME AS THE PROPERTY DESCRIBED AS:

That part of SOUTH TAMPA Subdivision, in Section 31, Township 29 South, Range 20 East, Plat Book 6, Page 3, of the Public Records of Hillsborough County, Florida and that part of BOULEVARD VILLAS, in Section 31, Township 29 South, Range 20 East, Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, described as follows:

BEGINNING at the Northwest corner of the Northeast ¼ of the Southwest ¼ of Section 31, Township 29 South, Range 20 East, Hillsborough County, Florida, run thence S.89°33'24"E., 1320.00 feet, along the North boundary of said Northeast ¼ of the Southwest ¼, to the Northeast corner thereof (Northwest corner of the Northwest ¼ of the Southeast ¼ of said Section 31); continue thence S.89°33'24"E., 1314.69 feet, along the North boundary of said Northwest ¼ of the Southeast ¼, to the Northeast corner thereof (Northwest corner of the Northeast ¼ of the Southeast ¼ of said Section 31); continue thence S.89°33'24"E., 157.87 feet, along the North boundary of said Northeast ¼ of the Southeast ¼; thence S.00°26'36"W., 60.00 feet, along drainage right-of-way line for STATE ROAD 93-A (1-75); thence S.89°33'24"E., 111.48 feet, along said drainage right-of-way line, to the Westerly (Limited Access) right-of-way line of STATE ROAD 93-A (1-75); thence S.26°01'41"W., 1856.30 feet, along said Westerly (Limited Access) right-of-way line; thence N.47°35'49"W., 48.05 feet, along drainage right-of-way line for STATE ROAD 93-A (1-75), to the beginning of a curve to the right; thence Northwesterly, 91.43 feet, along the arc of said curved drainage right-of-way line (having a radius of 110.00 feet, a central angle of 47°37'30", and a chord bearing and distance of N.23°47'04"W., 88.82 feet), to the end of said curve; thence N.00°01'41"E., 94.80 feet, along said drainage right-of-way line; thence N.89°58'19"W., 80.00 feet, along said drainage right-of-way line; thence S.00°01'41"W., 94.80 feet, along said drainage right-of-way line, to the beginning of a curve to the left; thence Southeasterly, 157.93 feet, along the arc of said curved drainage right-of-way line (having, a radius of 190.00 feet, a central angle of 47°37'30", and a chord bearing and distance of S.23°47'04"E., 153.42 feet), to the end of said curve; thence S.47°35'49"E., 71.56 feet, along said drainage right-of-way line, to the Westerly (Limited Access) right-of-way line of STATE ROAD 93-A (1-75); thence S.26°01'41"W., 12.35 feet, along said Westerly (Limited Access) right-of-way line, to the beginning of a curve to the right; thence Southwesterly, 815.75 feet, along the arc of said curved Westerly (Limited Access) right-of-way line (having a radius of 11,365.15 feet, a central angle of 04°06'45", and a chord

hearing and distance of S.28°05'04"W., 815.58 feet), to a point of compound curve; thence Southwesterly, 130.84 feet, along the arc of said curved Westerly (Limited Access) right-of-way line (being a curve to the right, having a radius of 724.51 feet, a central angle of 102°50", and a chord bearing and distance of S.35°18'51"W., 130.66 feet), to the South boundary of Tract 13, in the Southeast ¼ of Section 31, Township 29 South, Range 20 East, of said SOUTH TAMPA subdivision; continue thence Southwesterly, 19.91 feet, along the arc of said curved Westerly (Limited Access) right-of-way line (having a radius of 724.51 feet, a central angle of 01°34'27", and a chord bearing and distance of S.41°16'29.5"W., 19.90 feet), to the South boundary of the Southeast ¼ of said Section 31; thence N.89°48'57"W., 258.78 feet, along said South boundary, to the Southwest corner of said Southeast ¼; thence N.00°05'43"E., 1333.30 feet, along the West boundary of the Southwest ¼ of the Southeast ¼ of said Section 31, to the Northwest corner thereof; thence N.89°41'11"W., 1320.00 feet, along the South boundary of the Northeast ¼ of the Southwest ¼ of said Section 31, to the Southwest corner thereof; continue thence N.89°41'11"W., 16.53 feet, along South boundary of the Northwest ¼ of the Southwest ¼ of said Section 31, to the curved Easterly right-of-way line of Frontage Road for STATE ROAD 93-A (1-75) at U.S. HIGHWAY 301; thence, from a tangent bearing of N.16°39'30"W., Northwesterly, 8.43 feet, along the arc of said curved Easterly right-of-way line (being a curve to the right, having a radius of 5,103.85 feet, and a central angle of 00°05'41", and a chord bearing and distance of N.16°36'39.5"W., 8.43 feet), to the East boundary of Lot "U", in Section 31, Township 29 South, Range 20 East, of said BOULEVARD VILLAS; continue thence Northwesterly, 24.93 feet, along the arc of said curved Easterly right-of-way line (being a curve to the right, having a radius of 5,103.85 feet, a central angle of 00°16'47", and a chord bearing and distance of N.16°25'25.5"W., 24.92 feet), to the end of said curve; thence N.89°24'15"W., 104.66 feet, along said Frontage Road right-of-way line, to the curved Easterly right-of-way line of U.S. HIGHWAY 301 (STATE ROAD 43); thence, from a tangent bearing of N.15°25'42"W., Northwesterly, 711.29 feet, along the arc of said curved Easterly right-of-way line (being a curve to the right, having a radius of 5,572.58 feet, a central angle of 07°18'48", and a chord bearing and distance of N.11°46'18"W., 710.81 feet), to the end of said curve; thence, N.08°06'54"W., 1290.23 feet, along said Easterly right-of-way line, to the North boundary of Lot "M", in Section 31, Township 29 South, Range 20 East, of said BOULEVARD VILLAS, thence, S.89°26'24"E., 461.15 feet, along the North boundary of said Lot "M" and an Easterly projection thereof, to the East boundary of the Southwest ¼ of the Northwest ¼ of said Section 31; thence S.00°05'45"W., 665.53 feet, along said East boundary, to the POINT OF BEGINNING.

TOGETHER WITH:

Tract 9 in the Southwest ¼ of Section 31, Township 29 South, Range 20 East, SOUTH TAMPA according to map or plat thereof as recorded in Plat Book 6, Page 3 of the Public Records of Hillsborough County, Florida.

AND

Tracts "V" and "Y" in the Southwest ¼ of Section 31, Township 29 South, Range 20 East, of BOULEVARD VILLAS SUBDIVISION according to map or plat thereof as recorded in Plat Book 8, Page 45 of the Public Records of Hillsborough County, Florida.

LESS AND EXCEPT

Existing rights of way of State 43 (U.S. Highway 301) including adjacent Frontage Road, State Road 93-A (1-75) and those streets shown on recorded plats of said SOUTH TAMPA Subdivision and said BOULEVARD VILLAS Subdivision.

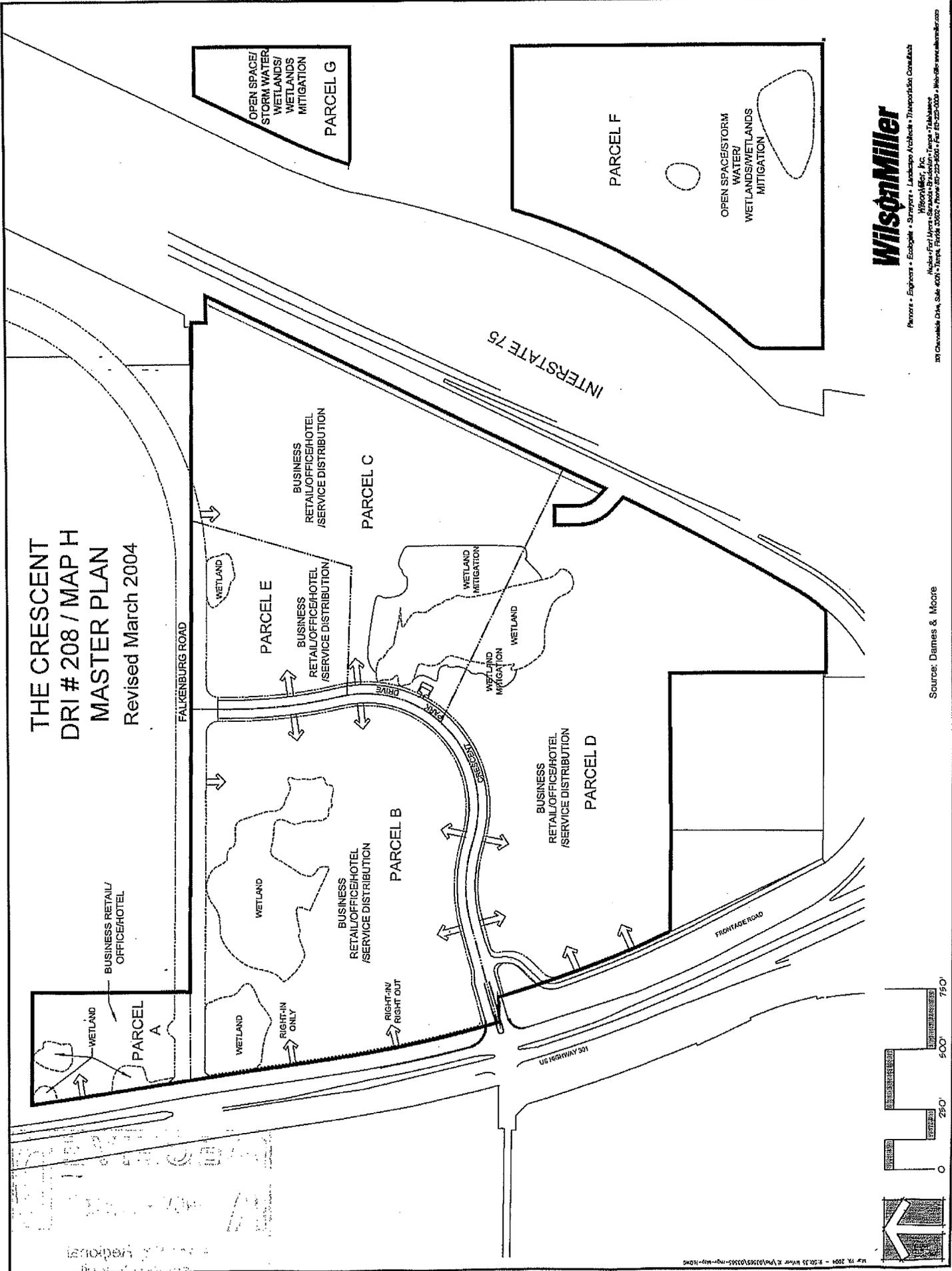
AND

South Tampa Subdivision Tracts 9 and 16 and that part of Tracts 1, 10 and 15 in SE ¼ Lying E of 100 FT Drainage R/W.

Totaling 131.86 acres, MOL.

Exhibit B – Map H

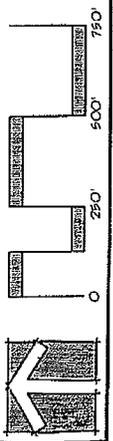
**THE CRESCENT
DRI # 208 / MAP H
MASTER PLAN**
Revised March 2004



Wilson Miller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants
 Wilson Miller, Inc.
 11000 N. 15th Ave., Suite 100, Tampa, FL 33613 • Phone: 813-225-1500 • Fax: 813-225-1505 • Web: www.wilsonmiller.com

Source: Dames & Moore



Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

April 23, 2004

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

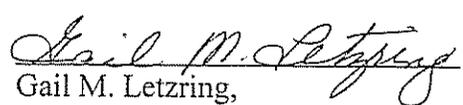
Re: Resolution No. R04-073 - Amending the Development Order for Crescent (DRI #208)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on April 13, 2004.

We are providing this original for your files.

Sincerely,


Gail M. Letzring,
Senior Manager, BOCC Records

md

Attachment

Certified Mail 70022410000142651072

- cc: Board files (orig.)
- Charles Gauthier, Chief, DCA Bureau of State Planning
- Richard E. Davis, Attorney at Law
- Susan Fernandez, Senior Assistant County Attorney
- John Healy, Senior Planner, Planning & Growth Management
- Barbara Hutcheson, County Attorney's Office
- Jim Glaros, Assistant Chief Deputy, Valuation, Property Appraiser's Office

RESOLUTION NO. R04-073
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH
COUNTY, FLORIDA, AMENDING THE
CRESCENT DEVELOPMENT OF REGIONAL
IMPACT #208 AND ADOPTING AN
AMENDED AND RESTATED DEVELOPMENT
ORDER

Upon motion by Commissioner Frank, seconded by Commissioner Castor the following Resolution was adopted by a vote of 6 to 0.

WHEREAS, on May 15, 1989, Towermarc Corporation (the "Developer") filed an Application for Development Approval of a Development of Regional Impact (the "Application") with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 9, 1990, the Board of County Commissioners approved Development Order #208 for the Crescent Development of Regional Impact (the "Project") through Resolution 90-0029 hereinafter referred to as the Crescent; and

WHEREAS, on October 25, 1994, the Board of County Commissioners approved Development Order amendment R94-0271 which extended the build out date by four (4) years, eleven (11) months and fifteen(15) days; delayed the commencement date of physical development until January 9, 1996; extended the date for completion of the pipeline project until January 1, 1999, or alternatively, until a specified amount of the Project is developed, whichever occurs first; and extended the effective date of the development order; and

WHEREAS, on February 10, 1998, the Board of County Commissioners approved Development Order Amendment R98-029 which extended the build out date for the Project to December 31, 2005; extended the effective date and dates for downsizing and intensity reduction to January 16, 2010; and revised the Project's legal description to add approximately 35.20 acres of land for open space; and

WHEREAS, on January 9, 2004, Towermarc Corporation filed a third Notification of Proposed Change to a previously approved Development of Regional Impact (DRI) which provides for an amendment to Map H to include two additional access points along U.S. 301; and

WHEREAS, the Board of County Commissioners on April 13, 2004, held a public hearing on said third Notification of Proposed Change and approved said notification through adoption of an Amended and Restated Development Order (the "Development Order") reflecting both the present amendment and the prior amendments described herein. The Development Order is not intended to supercede R 90-0029, as amended by R94-0271 and R98-029, but rather to provide, for administrative efficiency, a single document reflecting the current regulatory status of the Project; and

WHEREAS, the Board of County Commissioners, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact and conclusions of law:

1. The proposed amendment, together with all previous amendments, do not increase the external traffic impact of the Project, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation, and mass transit; and
2. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the

regional planning agency and, therefore, do not constitute a "substantial deviation" from the Crescent Development Order, pursuant to Chapter 380.06, Florida Statutes.

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 a Notification of Proposed Change to a previously approved Development of Regional Impact; and

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

WHEREAS, the Board of County Commissioners has received and considered the report and recommendations 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, state and regional agencies, as well as the review and report of the Hillsborough County Administration.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 13 DAY OF April, 2004, AS FOLLOWS:

I. FINDINGS OF FACT

A. The recitals set forth in the "Whereas" paragraphs described above are true, accurate, and correct, and are incorporated herein by reference.

B. The real property which is the subject of the third Notice of Proposed Change is legally described as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

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

D. All development will occur in accordance with this Development Order.

E. A comprehensive review of the impacts generated by the Project has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission ("EPC"), the Hillsborough County City-County Planning Commission ("HCCCPC"), the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

F. The authorized agent of the Project is D. Scott Ross at Towermarc Realty, Inc., 225 Franklin Street, Suite 2609, Boston, MA 02110.

II. CONCLUSIONS OF LAW

A. Based upon compliance with the terms and conditions of this Development Order, it is concluded that:

1. The development of the Project will not unreasonably interfere with the achievement of the objectives of the Adopted Land Development Plan applicable to the area.

2. The development of the Project is consistent with local land development regulations and the County's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Florida Statutes, as amended, and Chapter 75-390, Laws of

Florida, as amended, and state and regional comprehensive plans.

3. This Development Order is consistent with the report and recommendations of TBRPC.

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, the HCCCPC, the TBRPC, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order.

D. The third Notice of Proposed Change is approved subject to all terms and conditions of this Development Order.

E. The Future of Hillsborough Land Use Plan Map for Hillsborough County designates the area within which this land lies as Regional Mixed Use-35 and Regional Mixed Use-20.

III. GENERAL PROVISIONS

A. This resolution shall constitute the Development Order of Hillsborough County for the CRESCENT Development of Regional Impact. A revised Map H dated March 2004, that includes two additional access points along U.S. 301, is hereby approved, and is attached as Exhibit "B" and incorporated into and made a part of the Development Order (R04-073).

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

D. 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 powers and duties of any branch of government or governmental agency.

E. 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.

F. 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.

G. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at the Project, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body created to perform

such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility will be transferred must be approved by the County, 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.

H. 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 this Development Order or other changes to the approved development plan 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 TBRPC shall result in further Development of Regional Impact ("DRI") review pursuant to Section 380.06, Florida Statutes.

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

J. 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 Form BLWM-07-85, as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Planning and Growth Management Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

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

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

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

4. A statement setting forth the name(s) and address (es) of any 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.

K. 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, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

L. This Development Order shall become effective upon the date of transmittal to the parties specified in Subsection 380.07(2) Florida Statutes, as amended.

IV. CONDITIONS OF APPROVAL

A. Project Description

1. The development of the project shall proceed in one phase in accordance with the following schedule:

	Office	Industrial	Commercial/Retail	Hotel
Years (1998-12/31/2005) (R98-029 and R94-0271)	(Sq. Ft.) 1,050,000	(Sq. Ft.) 350,000	(Sq. Ft.) 110,000	Rooms 220

2. Development of the project may occur anywhere on the site, provided on-site infrastructure is available to serve the portion(s) of the site being developed.

3. The physical development of the Project shall begin by January 9, 1996 (R94-0271).

4. This Development Order shall remain in effect for a period up to and including January 16, 2010 (R98-029 and R94-0271). Extension of the build out period of the project by more than three (3) years may trigger a substantial deviation pursuant to Section 380.06(19) Florida Statutes. 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.

5. The Development shall not be subject to down zoning, or intensity reduction until January 16, 2010 (R98-029 and R94-0271), unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare. Provided, however, nothing herein shall be construed to prohibit legally enacted changes in zoning or land use regulations which do not adversely affect the development rights granted to the developer pursuant to this Development Order.

6. The Developer shall be permitted to trade-off a portion of two or more of the approved land uses for the Development so long as the change does not increase the P.M. peak hour traffic (629 entering; 1754 exiting) of the development. The Developer shall prepare a traffic analysis, for review and approval by Hillsborough County, which demonstrates that the change in the relative amounts of approved land uses will not create additional P.M. peak hour traffic beyond that approved for the Development. In no event shall square footages be increased above (a) 1,500,000 square feet for office uses; (b) 1,000,000 for industrial uses; or (c) 250,000 for commercial/retail uses; nor shall the number of hotel rooms exceed 440.

B. Transportation

1. 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.

a. Option 1

(1) Any approval of this Development shall require funding commitments from responsible entities for the following roadway improvements identified in Tables 1 and 2 below. Without funding commitments for these improvements, construction permits shall not be issued for the Development. Also, the following roads shall be in place prior to exercise of Option 1:

- a. Faulkenburg Road from U.S. 301 to Lumsden Road; and
- b. Faulkenburg Road from Crosstown Expressway to S.R. 60; and
- c. N/S Mall Road from Lumsden Road to S.R. 60. *(Note: The original Development Order (R90-0029) incorporated a list of additional improvements, which have not been reproduced herein but are on file.)*

(2) As used in this Option 1, "funding commitment" shall mean that the responsible entity has provided for the construction of a roadway improvement in its one-year capital improvement program.

(3) Sub-phasing, the concept of identifying and tying specific amounts of project development within a phase to specific regional improvements shall be permitted provided the following conditions are met.

(a) TBRPC and Hillsborough County shall concur with the defined amount of development to be specifically allowed;

(b) Funding commitments for roadway improvements will be required when the regional roadway will operate below LOS D at peak (C peak in rural areas) and the development contributes five percent or more of the existing LOS D at peak hour (C peak rural) capacity of the facility; and

(c) A stop order will be triggered by that point in the development which will require roadway improvements (pursuant to TBRPC policy) for which no funding commitments can be assured. The stop order shall require a new traffic analysis or monitoring as appropriate.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of the Development, the capacity and loading of transportation facilities in the Central Hillsborough County 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 sub phase 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 sub

phase approval.

c. Option 3 (*Status: The Developer has completed the pipeline mitigation project in accordance with this Section*).

(1) The pipeline mitigation procedure may be pursued to accommodate the Project transportation impacts. The pipeline proportionate share calculation for the Project, in accordance with current adopted methods, procedures and policies of Hillsborough County, TBRPC, Florida Department of Community Affairs ("DCA") and FDOT, has been determined to be One Million One Hundred Forty Three Thousand One Hundred Eighty Eight and No/Cents. The Developer share bear any additional costs for completion of the required improvement caused by the delay in construction until January 1999 (R94-0271).

(2) In Resolution Number R87-0319, the Board of County Commissioners of Hillsborough County approved a Development Order for Tampa Triangle's Development of Regional Impact. The Development Order provides for construction of Faulkenburg Road from its present intersection with Causeway Boulevard south and west to an intersection with U.S. Highway 301. Tampa Triangle ("TT") is required to design this segment as a six lane divided urban section and shall construct two lanes of the segment in a matter consistent with the six-lane design. TT has submitted design drawings to the County for review at the 30 percent completion point. TT is required to expeditiously commence construction of the described segment of Faulkenburg Road upon approval of the design and shall complete such construction on or before 18 months after said approval and final acquisition of right-of-way.

(3) The Developer of the Crescent shall design and construct an additional two lanes on Faulkenburg Road from its present intersection with Lumsden Road south and west to an intersection with U.S. Highway 301, including dual left turn lanes on both Faulkenburg Road and U.S. Highway 301, at their intersection, with appropriate signalization (Required Improvement). The estimated cost for right-of-way, design and construction for the Required Improvement is \$1,146,252.00. The addition of the two lanes will result in Faulkenburg Road being a four lane section from the described points of intersection with Lumsden Road and U.S. Highway 301. The Required Improvement shall be designed to adopted Hillsborough County standards. The Required Improvement shall be designed and constructed in conjunction with the two lanes being built pursuant to the approved Development Order for the Tampa Triangle Development of Regional Impact. Prior to commencing design of the Required Improvement, the Developer shall enter into a design, permitting and construction agreement with the Hillsborough County Capital Projects Department for the Required Improvement. Said agreement shall be based upon the applicable sections of the standard Hillsborough County Design and Construction Agreement which is entered into with contractors. The Agreement shall not modify the terms and conditions of this Development Order. The Agreement shall also provide for coordination of construction efforts by the Developer and the adjoining project. To the extent possible, and in lieu of entering into the design and construction agreement solely with Hillsborough County, the Developer shall endeavor to enter into a joint participation agreement within six (6) months after final adoption of this Development Order and resolution of any appeal thereof (or the expiration of the time period for such appeals without such an appeal having been filed) with both Hillsborough County and the developers of the Tampa Triangle project as a means of coordinating design, permitting and construction of the Required Improvement with construction of the initial two lanes for Faulkenburg Road.

(4) The County, at its option, may elect to design and/or construct the required improvement with the Developer being responsible for the payment of the costs incurred by the County in connection with the design and/or construction of the Required Improvement. In the event the County elects to proceed with the design and/or construction of the Required Improvement, it shall inform the Developer of its intent to do so no later than ten (10) days prior to the date upon which the Developer must commence design or forty-five (45) days prior to the date upon which the Developer must commence construction of the Required Improvement, as applicable, and shall maintain the schedule for such design and construction as is imposed on the Developer under Paragraph 9, below.

(5) The necessary right-of-way for the Required Improvement is being provided by the developer of Tampa Triangle DRI pursuant to the terms of the approved Development Order, and by the Developer, pursuant to paragraphs g and h of Section 2 below.

(6) Prior to commencement of construction of the Required Improvement and upon: (i) a finding by the County and TBRPC that Tampa Triangle has breached its obligation to construct Faulkenberg Road from 301 to Lumsden within applicable time requirements; and (ii) appropriate amendment of the Tampa Triangle Development Order eliminating the construction of Faulkenberg Road as a mitigation option, the Developer may elect to construct the described segment of Faulkenberg Road (hereinafter referred to as "Alternate Required Improvement") as a two lane facility in lieu of the Required Improvement. Construction of the Alternate Required Improvement shall proceed in accordance with the time frames described herein relating to construction of the Required Improvement. The estimated cost for construction of the Alternate Required Improvement is \$1,816,000.

(7) The Hillsborough County Road Network impact fee for the Development calculated in accordance with Ordinances 86-4 as amended by 87-19, 89-4 and 89-6 (Roadway Improvements), and 85-24E as amended by 86-5, 87-17 and 89-3 (Right-of-way), is estimated to be Three Million Twenty Eight Thousand Eight Hundred Ninety Two Dollars and 77 Cents (\$3,028,892.77). (Hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances.")

(8) Buildings within the Development shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable costs and expenses borne by the Developer for right of way, design, construction and construction inspection of the Required Improvement (the "Developer Pipeline Expenses") shall be applied toward and be a credit against applicable impact fees imposed there under. 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 there under.

(9) The Developer shall complete design of the Required Improvement within six (6) months after Tampa Triangle's completion of the design for the Faulkenberg Road extension as described in Tampa Triangle's Development Order ("Tampa Triangle's Improvement"). The developer shall obtain at its sole expense any and all permits, approvals, utility relocation and easements necessary to complete the required improvements. The developer shall complete construction of the Required Improvement by January 1, 1999, or alternatively prior the issuance of the first certificate of occupancy after construction of 900,000 square feet of office space or an equivalent of a mixture of 50,000 square feet of retail space, 105,000 square feet of office space and 245,000 square feet of warehouse space whichever date occurs first. The Developer shall submit to Hillsborough County, TBRPC, and the State of Florida Department of Community Affairs quarterly status reports stating its progress in meeting the above time frames. (R94-0271).

As previously stated in Paragraph 4, the Developer shall endeavor to enter into a joint participation agreement with Hillsborough County and the Developers of the Tampa Triangle Development of Regional Impact.

(10) The Developer agrees to use due diligence, within the time frames set forth above to design and construct the Required Improvement.

(11) If the Required Improvement is not proceeding as set forth in Paragraph 9 above, no further building permits or certificates of occupancy shall be issued. After concurrence from TBRPC, the County shall either require the Developer to immediately complete the Required Improvement or shall require the Developer to provide the County a bond or letter of credit in the full amount of the cost of the uncompleted portion of the Required Improvement. The County shall determine the reasonable amount of the letter of credit required from the Developer to complete Required Improvement. The County shall draw down on the bond or on the letter of credit for completion of the Required Improvement. Construction of the Project shall not resume until: (i) the Developer provides the

County such a bond or letter of credit, and (ii) construction of the Required Improvement is proceeding in accordance with the schedule set forth in Section (9) above. If at any time during the construction of the Required Improvement, the County determines that the cost of completing the Required Improvement will exceed the amount of the letter of credit or bond, the Developer, within forty-five (45) days after written request from County, shall reimburse the County the amount of that overage.

(12) If performance of the commitments set forth in this Development Order (by the Developer or the County, as applicable), shall be interrupted or delayed by war, riot, civil commotion or natural disaster, then 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 without an amendment to this Development Order in accordance with the provisions of Section 380.06(19), Florida Statutes.

(13) 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 Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to Hillsborough County and TBRPC for their review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof, provided, however, in no event shall such extension exceed three (3) months without an amendment to this Development Order in accordance with the provisions of Section 380.06(19), Florida Statutes.

(14) In no event shall certificates of occupancy be issued for more than 1,000,000 square feet of total project development prior to completion of the Required Improvement.

2. General Transportation Condition.

a. When Certificates of Occupancy have been issued for 600,000 square feet of office space (or the equivalent thereof in terms of trip generation, 139 entering; 732 exiting, pm peak hour), 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 exceeded. Counts shall continue on an annual basis through build out of the Development. 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 the projected number of external trips for the Development by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06 (19), Florida Statutes, and may amend the Development Order to change or required additional roadway improvements. The results of the study may also serve as a basis for the Developer or reviewing agencies to requires Development Order amendments.

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

b. When Certificates of Occupancy have been issued for 600,000 square feet of office use (or the equivalent thereof in terms of trip generation, 139 entering; 732 exiting pm peak hours), the Developer, or its assigns, shall prepared and implement a Transportations Systems Management (TSN) program which will divert a number of vehicle trips from the PM peak hours which is consistent with the assumptions used to prepare the Application. The plan shall be reviewed by Hillsborough County, Hillsborough Area Regional Transit ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("Tampa Urban Area Metropolitan Planning Organization ("Tampa Urban Area MPO"), Florida Department of Transportation ("FDOT") and TBRPC.

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

If the Annual Report indicates that the total peak hours trips exceed projected trips by more than fifteen percent (15%), 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/pr require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer or reviewing agencies to required Development Order amendments.

In addition, this TSM program shall be developed in cooperation with Hillsborough County, FDOT, the Hillsborough County Urban Area MPO, HART and TBRPC. This program includes, but not be limited to:

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

OBJECTIVES:

- Increase urban area peak automobile occupancy rates by ten (10%) by 1995 through expanded ridesharing efforts.

c. All internal roads shall be designed and constructed in accordance with Hillsborough County standards, where applicable.

d. The Developer shall, immediately upon commencement of construction of the Development, notify the County, TBRPC and DCA of the date of such commencement.

e. The Developer shall cooperate with Hillsborough County to identify and reserve right-of-way, within the project site, for future mass transit and roadway improvement needs.

f. The Developer shall design major roadways within the project to accommodate bus service.

g. Developer shall dedicate to Hillsborough County, prior to issuance of certificates of occupancy or upon request from the County to coincide with roadway improvements, whichever occurs first, up to 128 feet of additional right-of-way, along the distance of the applicant's Parcel A (shown on the north side of the proposed Faulkenburg Road Extension), from the future center line of Faulkenburg Road to accommodate for the future right-of-way as need for a urban six lane collector.

h. Developer shall dedicate to Hillsborough County, prior to issuance of certificates of occupancy or upon request from the County to coincide with roadway improvements, whichever occurs first, up to 64 feet of additional right-of-way, east of the applicant's Parcel A, (shown on the north side of the proposed Faulkenburg Road Extension), from the future center line of Faulkenburg Road as needed to accommodate for the future right-of-way as need for a urban six lane collector.

C. Air Quality (*Status: The Developer has implemented the procedures stated herein*).

1. Developer shall implement the fugitive dust abatement procedures indicated on page 38 of the Application shall be condition of this Order.

2. In the event that changes are proposed which create the likelihood of regional impact on air quality pursuant to Subsection 380.06(19), F.S., Hillsborough County shall reserve the right

to require mitigation measures to alleviate any potential impacts of the Project on ambient air quality.

D. Soils/Wind and Water Erosion (*Status: The Developer has followed the measures stated herein*).

1. The soil conservation measures referenced in the Application (ADA pages 37 and 38) and the measures to reduce erosion, fugitive dust and air emissions referenced in the Application (ADA pages 37 and 38), at minimum, shall be implemented. Erosion and sediment control best management practices shall be used as necessary during construction to retain sediment on-site, as per Subsection 17-25.025, Florida Administrative Code.

2. The measures referenced on page 37 of the Application to overcome limitations associated with particular soil types shall be implemented.

E. Stormwater Management and Water Quality (*Status: The stormwater management system has been designed and constructed in accordance with all applicable regulations*).

1. Prior to issuance of Land Alteration and Landscaping permits/building permits, the Master Stormwater Management (drainage) Plan shall be submitted to DER and TBRPC for review and to Hillsborough County and SWFWMD for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such 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 or Site Development Regulations, whichever is applicable. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in effect at the time of construction plan submittal and review for a particular phase of the Project.

b. The stormwater management system(s) shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, F.A.C., 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. In order to protect water quality in the North Archie Creek and Delaney Creek Popoff Canal Watersheds, there shall be no degradation of water quality standards (defined in Chapter 17-3, FAC) by the Development's storm water and groundwater exiting the site. The Developer shall implement a semiannual surface water quality-monitoring program, to be instituted before any construction activity takes place in each sub-basin of the project and to continue through build out, 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, F.A.C., determined to be caused by the Development shall require corrective measures as set forth by DER. The following shall apply:

a. Sampling locations shall be determined in cooperation with Hillsborough County, DER, SWFWMD and TBRPC.

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

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

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

4. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated by the Developer to the County, as required, and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents associated with a particular parcel or phase must be fully executed and recorded prior to, or concurrent with, the issuance of Certificates of Occupancy for the particular parcel or phase or plat approved, whichever is applicable. Nothing herein shall be deemed a waiver of Developer's rights to obtain credits against drainage impact fees in accordance with adopted County regulations.

5. Elevations for all habitable structures shall be at or above the applicable base (100-year) flood elevation.

6. The proposed retention/detention wetland systems shall be designed, constructed and maintained pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines, (TBRPC, 1978), where applicable.

7. No fill shall be allowed in the 100-year floodplain without equal storage compensation.

8. Developer shall make reasonable efforts to coordinate with and inform appropriate public authority of building closings, security and safety precautions, evacuation plans and the feasibility of the proposed notes for hurricane shelter.

F. Wetlands/Vegetation and Wildlife/Open Space (*Status: The Developer has obtained all permits required as of the date of this resolution for the protection of wetlands and related areas on site*),

1. All wetlands on-site defined as conservation areas by TBRPC Rule shall be conserved, or mitigated by in-kind replacement with no net loss of wetland acreage.

2. Any activity interfering with the integrity of the wetlands, such as clearing, excavating, draining or filling, without written authorization from the Director of the Environmental Protection Commission or his designated agent, pursuant to Section 17 of the Hillsborough County Environmental Protection Act and of Chapter 1-11, Rules of the Environmental Protection Commission shall be prohibited.

3. The portions of the Project which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, are designated on Exhibit "B", attached hereto.

4. In order to protect the natural values of conserved wetland areas, the following shall be required at minimum:

a. No adverse hydroperiod alteration shall be permitted in conservation areas designated in the Application, including wetlands created for mitigation purposes.

b. All losses of conservation areas shall require 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed.

c. No dredging, filling or development activities shall be allowed within preservation areas, except roadway crossings. Any other necessary infrastructure crossings shall be accommodated within the roadway rights-of-way. Activities within the post-development conservation areas shall be limited to storm water management outfall structures, boardwalks and infrastructure, and as allowed by law.

d. The developer shall submit a wetland management plan (with the annual report) to TBRPC for review and to DER, SWFWMD and HCEPC for approval. This plan shall address, but not be limited to, wetlands to be preserved, proposed wetland alterations, mitigation for lost wetlands, control of on-site water quality, and maintenance of hydro periods and methods for wetland restoration/enhancement.

e. All mitigation areas and littoral shelves shall be monitored semiannually for a period of four (4) years beginning immediately in selected mitigation areas. 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 five percent (85%) survival of planted species at the end of five (5) years. If it is apparent that conservation areas are being stressed due to project development activities, development activity shall cease until remedial measures have been taken to correct the hydro period imbalance. Such measures could include limitations on impervious surface, enlargement of natural buffer areas and increased upland retention of stormwater. The results of the monitoring shall be provided in each annual report.

5. The Developer shall provide a natural buffer zone around all conservation areas to provide an upland transition into the wetland areas and to protect the natural systems from development impact in accordance with Hillsborough County's Land Alteration and Landscape Ordinance. Alterations to buffer areas are permissible, if in accordance with the Hillsborough County Landscape Ordinance.

6. Existing wetlands, which are permitted to be altered or eliminated, should be used as donor material for re-vegetation of mitigation areas, where feasible.

7. In the event that any species listed in Sections 39-27.003-.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC").

8. The Developer shall be responsible for maintaining all common recreation and open space areas within the project site other than those for which Hillsborough County has assumed maintenance responsibilities.

9. The Towermarc/Crescent Development open space areas, (approximately 39.6 acres) and recreational areas conceptually shown in the Application shall be accessible to the elderly and handicapped, as required by applicable state and local ordinances and shall not be open to uses inconsistent with their purpose.

G. *Public Facilities (Status: The Developer has arranged for the provision of public facilities to the Project in accordance with all applicable requirements)*

1. Prior to or simultaneous with construction plan or site 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

portion of the Development. This requirement shall include a determination of adequate water pressure and flows to meet firefighting requirements for the portion of the Development being submitted for construction plan or site plan approval. 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. The City of Tampa shall provide water and sanitary sewer service to the Project. The Developer, or its assigns, shall be responsible for maintenance of all on-site water and wastewater facilities unless dedicated to City of Tampa

3. 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.

4. The Developer shall use the lowest quality water available to meet non-potable water demands, in accordance with Hillsborough County standards. The Developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for irrigation, including implementation of a wastewater reuse system (when feasible), in the first annual report following issuance of the first Certificate of Occupancy for 200,000 square feet. The implementation dates shall be included in the report. The plan shall include investigation of a feasibility of using treated wastewater for irrigation purposes. In areas not suitable for wastewater reuse, landscaping shall include xeriscape techniques and native vegetation shall be used wherever feasible.

5. Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Subsection 553.14, Florida Statutes (1987)).

6. Planning and development of this project shall conform to, and further, the rules and guidelines adopted by the Southwest Florida Water Management District for the Eastern Tampa Bay Water Use Caution Area.

7. The Developer shall implement a wastewater reuse system, in accordance with uniformly applicable rules and regulations of Hillsborough County.

8. The Developer shall pursue with the City of Tampa private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development. This shall be a preferred alternative over construction of a project-specific package plant. 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 hydro geological analysis of the site determines low potential for groundwater contamination. In addition on, 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.

9. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

10. The Developer shall be responsible for maintenance and operation of any on-site wells.

11. Project sewer lines shall be monitored for leaks and ruptures once every three (3) years until such time as said lines are dedicated to City of Tampa. The entity (ies) to carry out the monitoring shall be the Developer, or its assigns. Faulty lines shall be replaced as quickly as possible.

12. Disposal of non-domestic or hazardous waste into the sewer system, which is a violation of applicable law, shall be prohibited.

13. Any Crescent Project owners and tenants that generate hazardous waste shall be encouraged to utilize waste exchanges. A report of such use shall be included in each annual report.

14. Any Crescent Project tenants who produce waste, which is not suitable for, recycle; exchange or reuse shall be encouraged to develop permittable on-site hazardous waste treatment capabilities to ensure public safety prior to transport.

15. Developer shall catalog tenant businesses where hazardous materials and wastes are stored, handled or transported and keep such information on file for emergency use.

16. There shall be no underground storage of hazardous materials on-site unless properly permitted by Hillsborough County and other applicable agencies.

17. The Developer shall provide to all Project businesses information 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.

d. A description of compliance with this condition shall be required in each annual report.

18. The Developer shall inform all tenants and occupants of the Project about their responsibility to comply with Florida's Right-to-Know Law. Insofar as the Developer is an employer and is located within the Project, it shall comply with Florida's Right-to-Know Law.

19. The Developer shall inform tenants and occupants of the Project of their responsibilities under the Resource Conservation and Recovery Act. Insofar as the Developer is an employer and is located within the Project, it shall comply with the Resource Conservation and Recovery Act, as applicable.

20. The Developer shall inform any tenants and occupants within the Project of their responsibilities pursuant to Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. Insofar as the Developer is an employer and is located within the Project, it shall comply, as applicable, with SARA Title III.

H. Energy Conservation

1. The Developer shall encourage all Project tenants and businesses to do the following:

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

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

c. institute and utilize recycling programs;

- d. employ energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;
- e. install total energy Systems on large facilities, when cost effective;
- f. Use the most energy efficient technology economically feasible in the construction and operation of the Project's facilities;
- g. Use landscaping and retention of existing vegetation as a means for energy conservation;
- h. Obtain energy audits provided by energy companies or other qualified agencies;
- i. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
- j. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project construction;
- k. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate; and
- l. Use energy efficient packaging and/or recyclable materials.

2. A report on the implementation of and participation in these and other energy programs, as well as the energy conservation measures referenced in the Application (pages 108 and 109 of the ADA), shall be included in each annual report after the issuance of certificates of occupancy for the Project. The Developer may utilize a survey of Project occupants, or other effective means, to comply with this condition.

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

4. Tampa Electric Company will provide electricity to the Development.

I. Equal Opportunity/Economy

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

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

J. Historical or Archaeological Resources

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

K. Housing

In order to ensure adequate housing opportunities, for rent or for sale, reasonably proximate to places of work and to address the housing policies of the state land development plan, prior to the issuance of certificates of occupancy for more than 1,000,000 square feet of office space (or the equivalent thereof in terms of trip generation), the Developer shall conduct an analysis of the affordable housing needs, for ownership or for lease, to be generated by the Development. This analysis and determination shall be accomplished using a methodology consistent with accepted real estate market analysis practices and approved by the Department of Community Affairs. Based on the existing road systems and commuting patterns, the study area for the analysis shall consist of the area bounded by the Polk County Line to the east, the Pasco County Line to the north, Manatee County Line to the south, U.S. 41 to the northwest and Hillsborough Bay to the west, unless the Department of Community Affairs determines that a different study area is warranted based upon adoption rules. The boundaries of the study area may be adjusted in the future if subsequent studies of commuting patterns indicate cause to do so. If such analysis indicates that the development will create a substantial need for adequate housing that is not being provided by other residential development proximate to the development or if such an analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the developer shall prepare a Housing Affordability and Implementation Plan ("HAIP") and adopt the HAIP as an amendment to the Development Order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council Comprehensive Regional Policy The adopted local government comprehensive plan, and all applicable rules and policies established by the state land planning agency.

At a minimum, the HAIP shall contain:

- a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.
 - b. Specific mechanism for HAIP implementation.
- provided.
- c. Provisions to ensure continued adequacy of units
 - d. Monitoring provisions.
 - e. Location and placement of affordable units.
 - f. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

In addition, the HAIP may also contain:

- a. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities.
- b. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternatives or expedited development review, or partial or full fee waivers.

L. General

1. All of the Developer's commitments set forth in the Application, and as summarized in Attachment 1 thereto entitled "Developer Commitments," shall be honored, except as they may be superseded by specific terms of the Development Order.

2. Any change to the Project which departs significantly from the parameters set forth in the Project schedule set forth in this Development Order shall require a substantial deviation determination, pursuant to Subsection 380.06(19), Florida Statutes.

3. All outstanding amounts for initial review by TBRPC shall be paid within 15 days of billing.

4. Payment for any future activities of the TBRPC with regard to this Project including, but not limited to monitoring or enforcement actions, shall be paid to TBRPC by the Developer in accordance with the DRI Fee Schedule.

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

6. Excess infrastructure capacity constructed to potentially serve the Development shall be at Developer's risk and shall not vest rights to obtain construction permits beyond those rights obtained as a result of this Development Order nor shall it relieve the Developer from satisfying its obligations pursuant to this Development Order.

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, 13, 2004, as same appears of record in Minute Book 335 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 22nd day of April, 2004.

RICHARD AKE, CLERK OF CIRCUIT COURT

By: Mildred K. Dehn
Deputy Clerk



APPROVED BY COUNTY ATTORNEY

BY: [Signature]
Approval As To Form and Legal Sufficiency

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-8100, ext. 6730

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

Re: Resolution No. R98-029 - Amending the Development Order for
the Crescent Development (DRI #208)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
February 10, 1998.

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 Dept. of Community Affairs
Richard Davis, Attorney for Towermarc Corporation
Susan Fernandez, Assistant County Attorney
Gene Boles, Director, Planning & Growth Management
Beth Novak, County Attorney's Office

RESOLUTION# R98-029

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING DRI #208
DEVELOPMENT ORDER FOR THE CRESCENT, A DEVELOPMENT
OF REGIONAL IMPACT, AS PREVIOUSLY AMENDED BY RESOLUTION
#94-0271 PROVIDING FOR AN EXTENSION TO THE BUILDOUT DATE,
EFFECTIVE DATE, AND DATES FOR DOWNZONING AND INTENSITY
REDUCTION; PROVIDING FOR THE ADDITION OF OPEN SPACE; AND
PROVIDING AN EFFECTIVE DATE**

Upon Motion by Commissioner Berger, seconded by Commissioner Chillura the following Resolution was adopted by a vote of 6-0 Commissioner(s) _____ voting "No".

WHEREAS, on January 9, 1990, the Board of County Commissioners issued Development Order #208 for the Crescent Development of Regional Impact through Resolution 90-0029, hereinafter referred to as the CRESCENT; and

WHEREAS, Towermarc Corporation on March 21, 1994, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI); and

WHEREAS, the Notification of Proposed Change provided for (i) the extension of the build-out date for the project and expiration of the Development Order by four (4) years, eleven (11) months, and fifteen (15) days, (ii) delayed the commencement date of physical development of the project until January 9, 1996, (iii) extended the date for completion of the Pipeline Project until January 1, 1999 or, alternatively, until a specified amount of the project is developed, whichever occurs first and (iv) extended the effective date of the Development Order; and

WHEREAS, the Board of County Commissioners of Hillsborough County on October 25, 1994, held a public hearing on said Notification of Proposed Change and approved said notification; and

WHEREAS, Towermarc Corporation on November 19, 1997, filed a Second Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI); and

WHEREAS, the Notification of Proposed Change provides for (i) the extension of the build-out date for the project to December 31, 2005; (ii) the extension of the effective date and dates for downzoning and intensity reduction to January 16, 2010 and (iii) the addition of approximately 35.20 acres of land for open space; 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 proposed changes to a previously approved development of regional impact; and

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

WHEREAS, Hillsborough County and the Department of Community Affairs have reviewed this Notification of Proposed Change; and

WHEREAS, the Board of County Commissioners has determined that clear and convincing evidence has been presented to the Board of County Commissioners that the proposed changes do not constitute a substantial deviation as defined by Section 380.06, Florida Statutes, requiring further development of regional impact review.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 10th DAY OF February, 1998, AS FOLLOWS:

Section 1. Introduction. This resolution shall constitute an amendment to the Towermarc Crescent Development Order.

Section 2. Findings. The County Commission, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

A. The Towermarc Corporation has submitted to Hillsborough County, Florida, a Notification of Proposed Change, attached hereto as Exhibit A and incorporated herein, and requests the following amendments to the Crescent Development Order:

1. Extending the build-out date of the Development Order four years and fifteen days to December 31, 2005.
2. Extending the effective date of the Development Order until January 16, 2010.
3. Extending the date regarding which the Development may be subject to downzoning or intensity reduction until January 16, 2010.
4. Adding approximately 35.20 acres of land as open space.

B. A comprehensive review of the impacts generated by the proposed amendments, together with all previous amendments, has been conducted by Hillsborough County and the Department of Community Affairs, State of Florida ("DCA").

C. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original projections set forth in the Application for Development Approval.

Section 3. Conclusions of Law. The County Commission, having made the above findings of fact, reaches the following conclusions of law:

A. Development in accordance with the proposed amendments will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

B. The proposed amendments are consistent with the land development regulations and the comprehensive plan of the County.

C. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Crescent Development Order, pursuant to Chapter 380.06, Florida Statutes.

D. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and Towermarc are authorized to approve/conduct development as described herein.

E. The review by the County and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

Section 4. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Development Order be amended as follows:

A. The Development Order is hereby amended as follows:

1. Section IV.A.1 of the Development Order is hereby amended as follows:

a. Project Description

(1) The development of the project shall proceed in one phase in accordance with the following schedule:

<u>Years</u>	<u>Office (Sq. Ft.)</u>	<u>Industrial (Sq. Ft.)</u>	<u>Commercial/ Retail (Sq. Ft.)</u>	<u>Hotel Rooms</u>
1998-12/31/2005	1,050,000	350,000	110,000	220

2. The first sentence of Section IV.A.4 of the Development Order is hereby amended as follows.
 4. This Development Order shall remain in effect for a period up to and including January 16, 2010.
3. The first sentence of Section IV.A.5 of the Development Order is hereby amended as follows:
 5. The Development shall not be subject to down-zoning, or intensity reduction until January 16, 2010, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.
4. Section I, C is hereby amended as follows:
 - c. The real property which is the subject of the Application is legally described as set forth in Revised Composite Exhibit "A".
5. Section III, B of the Development Order is hereby amended as follows:
 - b. The legal description set forth in Revised Composite Exhibit A is hereby incorporated into and by reference made a part of this Development Order.

B. The amendments stated herein, together with all previous amendments, do not constitute a substantial deviation, pursuant Chapter 380.06, Florida Statutes.

C. Nothing herein shall limit or modify the rights on approved by the Development Order or the protection afford Section 163.3167(8), Florida Statutes.

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

E. The Developer's certification, attached hereto as Exhibit B, affirms that a copy of the Notification of Proposed Change has been delivered to all persons are required by law

F. Upon adoption this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to Towermarc Corporation, DCA and TBRPC.

G. This resolution shall be deemed rendered upon transmittal of copies hereof to the Department of Community Affairs and the Tampa Bay Regional Planning Council.

H. Notice of adoption of this resolution shall be recorded by the Developer in the public records of Hillsborough County, Florida, as provided in Section 380.06, 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 February 10, 1998 as the same appears of record in Minute Book 261 of the Public Records of Hillsborough County, Florida, 1998.

Witness my hand and official seal this 25th day of February, 1998.



By: Gary M. Ake Deputy Clerk
RICHARD AKE
Clerk of the Circuit Court

BY: [Signature]
Approved as to form and correctness

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

**(COPIES OF THE NOTIFICATION ARE
ON FILE WITH ALL REQUIRED AGENCIES)**

REVISED COMPOSITE EXHIBIT A

LEGAL DESCRIPTION

Tracts 1, 2, 7 and 8, in the Southwest 1/4 of Section 31, Township 29 South, Range 20 East, SOUTH TAMPA Subdivision, according to map or plat thereof recorded in Plat Book 6, Page 3, of the Public Records of Hillsborough County, Florida;

AND

That part of Tracts 2, 3, 4, 5, 6, 11, 12 and 13, in the Southeast 1/4 of Section 31, Township 29 South, Range 20 East, SOUTH TAMPA Subdivision, according to map or plat thereof recorded in Plat Book 6, Page 3, of the Public Records of Hillsborough County, Florida, lying West of STATE ROAD 93-A (I-75);

AND

That part of Lots "M", "P", "Q", "R", and "U", in Section 31, Township 29 South, Range 20 East, BOULEVARD VILLAS, according to map or plat thereof recorded in Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, lying East of U.S. Highway 301.

THE PROPERTY DESCRIBED ABOVE BEING ONE AND THE SAME AS THE PROPERTY DESCRIBED AS:

That part of SOUTH TAMPA Subdivision, in Section 31, Township 29 South, Range 20 East, Plat Book 6, Page 3, of the Public Records of Hillsborough County, Florida and that part of BOULEVARD VILLAS, in Section 31, Township 29 South, Range 20 East, Plat Book 8, Page 45, of the Public Records of Hillsborough County, Florida, described as follows:

BEGINNING at the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of Section 31, Township 29 South, Range 20 East, Hillsborough County, Florida, run thence S.89°33'24"E., 1320.00 feet, along the North boundary of said Northeast 1/4 of the Southwest 1/4, to the Northeast corner thereof (Northwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 31); continue thence S.89°33'24"E., 1314.69 feet, along the North boundary of said Northwest 1/4 of the Southeast 1/4, to the Northeast corner thereof (Northwest corner of the Northeast 1/4 of the Southeast 1/4 of said Section 31); continue thence S.89°33'24"E., 157.87 feet, along the North boundary of said Northeast 1/4 of the Southeast 1/4; thence S.00°26'36"W., 60.00 feet, along drainage right-of-way line for STATE ROAD 93-A (I-75); thence S.89°33'24"E., 111.48 feet, along said drainage right-of-way line, to the Westerly (Limited Access) right-of-way line of STATE ROAD 93-A (I-75); thence S.26°01'41"W., 1856.30 feet, along said Westerly (Limited Access) right-of-way line; thence N.47°35'49"W., 48.05 feet, along drainage right-of-way line for STATE ROAD 93-A (I-75), to the beginning of a curve to the right; thence Northwesterly, 91.43 feet, along the arc of said curved drainage right-of-way line (having a radius of 110.00 feet, a central angle of 47°37'30", and a chord bearing and distance of N.23°47'04"W., 88.82 feet), to the end of said curve; thence N.00°01'41"E., 94.80 feet, along said drainage right-of-way line; thence N.89°58'19"W., 80.00 feet, along said drainage right-of-way line; thence S.00°01'41"W., 94.80 feet, along said drainage right-of-way line, to the beginning of a curve to the left; thence Southeasterly, 157.93 feet, along the arc of said curved drainage right-of-way line (having a radius of 190.00 feet, a central angle of 47°37'30", and a chord bearing and distance of S.23°47'04"E., 153.42 feet), to the end of said curve; thence S.47°35'49"E., 71.56 feet, along said drainage right-of-way line, to the Westerly (Limited Access) right-of-way line of STATE ROAD 93-A (I-75); thence S.26°01'41"W., 12.35 feet, along said Westerly (Limited Access) right-of-way line, to the beginning of a curve to the right; thence Southwesterly, 815.75 feet, along the arc of said curved Westerly (Limited Access) right-of-way line (having a radius of 11,363.15 feet, a central angle of 04°06'45", and a chord bearing and distance of S.28°05'04"W., 815.58 feet), to a point of compound curve; thence Southwesterly, 130.84 feet, along the arc of said curved Westerly (Limited Access) right-of-way line (being a curve to the right, having a radius of 724.51 feet, a central angle of 10°20'50", and a chord bearing and distance of S.35°18'51"W., 130.66 feet), to the South boundary of Tract 13, in the Southeast 1/4 of Section 31, Township 29 South, Range 20 East, of said SOUTH TAMPA subdivision; continue thence Southwesterly, 19.91 feet, along the arc of said curved Westerly (Limited Access) right-of-way line (having a radius of 724.51 feet, a central angle of 01°34'27", and a chord bearing and distance of S.41°16'29.5"W., 19.90 feet); to the South boundary of the Southeast 1/4 of said Section 31; thence N.89°48'57"W., 258.78 feet, along said South boundary, to the Southwest corner of said Southeast 1/4; thence N.00°05'43"E., 1333.30 feet, along the West boundary of the

Southwest 1/4 of the Southeast 1/4 of said Section 31, to the Northwest corner thereof; thence N.89°41'11"W., 1320.00 feet, along the South boundary of the Northeast 1/4 of the Southwest 1/4 of said Section 31, to the Southwest corner thereof; continue thence N.89°41'11"W., 16.53 feet, along South boundary of the Northwest 1/4 of the Southwest 1/4 of said Section 31, to the curved Easterly right-of-way line of Frontage Road for STATE ROAD 93-A (I-75) at U.S. HIGHWAY 301; thence, from a tangent bearing of N.16°39'30"W., Northwesterly, 8.43 feet, along the arc of said curved Easterly right-of-way line (being a curve to the right, having a radius of 5,103.85 feet, and a central angle of 00°05'41", and a chord bearing and distance of N.16°36'39.5"W., 8.43 feet), to the East boundary of Lot "U", in Section 31, Township 29 South, Range 20 East, of said BOULEVARD VILLAS; continue thence Northwesterly, 24.93 feet, along the arc of said curved Easterly right-of-way line (being a curve to the right, having a radius of 5,103.85 feet, a central angle of 00°16'47", and a chord bearing and distance of N.16°25'25.5"W., 24.92 feet), to the end of said curve; thence N.89°24'15"W., 104.66 feet, along said Frontage Road right-of-way line, to the curved Easterly right-of-way line of U.S. HIGHWAY 301 (STATE ROAD 43); thence, from a tangent bearing of N.15°25'42"W., Northwesterly, 711.29 feet, along the arc of said curved Easterly right-of-way line (being a curve to the right, having a radius of 5,572.58 feet, a central angle of 07°18'48", and a chord bearing and distance of N.11°46'18"W., 710.81 feet), to the end of said curve; thence, N.08°06'54"W., 1290.23 feet, along said Easterly right-of-way line, to the North boundary of Lot "M", in Section 31, Township 29 South, Range 20 East, of said BOULEVARD VILLAS, thence, S.89°26'24"E., 461.15 feet, along the North boundary of said Lot "M" and an Easterly projection thereof, to the East boundary of the Southwest 1/4 of the Northwest 1/4 of said Section 31; thence S.00°05'45"W., 665.53 feet, along said East boundary, to the POINT OF BEGINNING.

TOGETHER WITH:

Tract 9 in the Southwest 1/4 of Section 31, Township 29 South, Range 20 East, SOUTH TAMPA according to map or plat thereof as recorded in Plat Book 6, Page 3 of the Public Records of Hillsborough County, Florida.

AND

Tracts "V" and "Y" in the Southwest 1/4 of Section 31, Township 29 South, Range 20 East, of BOULEVARD VILLAS SUBDIVISION according to map or plat thereof as recorded in Plat Book 8, Page 45 of the Public Records of Hillsborough County, Florida.

LESS AND EXCEPT

Existing right of ways of State Road 43 (U.S. highway 301) including adjacent Frontage Road, State Road 93-A (I-75) and those streets shown on recorded plats of said SOUTH TAMPA subdivision and said BOULEVARD VILLAS subdivision.

**LEGAL DESCRIPTION OF LANDS ADDED THROUGH
NOTIFICATION OF PROPOSED CHANGE**

PARCEL F:

TRACTS 9 AND 16 IN THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, OF THE PLAT OF SOUTH TAMPA, AS RECORDED IN PLAT BOOK 6, PAGE 3, OF THE PUBLIC RECORDS OF SAID HILLSBOROUGH COUNTY;

TOGETHER WITH:

THAT PORTION OF TRACTS 10 AND 15 IN THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, OF THE PLAT OF SOUTH TAMPA, AS RECORDED IN PLAT BOOK 6, PAGE 3, OF THE PUBLIC RECORDS OF SAID HILLSBOROUGH COUNTY, LYING EAST OF A 100' DRAINAGE RIGHT-OF-WAY, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP OF "STATE ROAD No. 93-A (1-75) HILLSBOROUGH COUNTY", SECTION 10075-2406, SHEET 11 OF 12.

CONTAINING 29.87 ACRES MORE OR LESS.

PARCEL G:

THAT PORTION OF TRACT 1, IN THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, OF THE PLAT OF SOUTH TAMPA, AS RECORDED IN PLAT BOOK 6, PAGE 1, OF THE PUBLIC RECORDS OF SAID HILLSBOROUGH COUNTY, LYING EAST OF A 100' DRAINAGE RIGHT-OF-WAY, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP OF "STATE ROAD No. 93-A (1-75) HILLSBOROUGH COUNTY", SECTION 10075-2406, SHEET 11 OF 12;

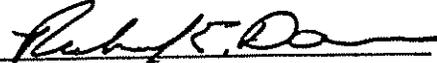
CONTAINING 5.33 ACRES MORE OR LESS.

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day, before me, the undersigned officer, authorized in the State and County named above to administer oaths and take acknowledgements, personally appeared Richard E. Davis, attorney for Towermarc Corporation, the applicant/owner for the Crescent DRI Notice of Proposed Change, to me well known, who, being first duly sworn, says upon oath the following:

1. Towermarc filed its original Notice of Proposed Change ("NOPC") or the Crescent DRI on November 19, 1997.
2. The aforementioned original NOPC was filed with Hillsborough County, the State of Florida Department of Community Affairs and the Tampa Bay Regional Planning Council as required by law.


Richard E. Davis

SWORN AND SUBSCRIBED to me this 20th day of February, 1998.


Notary Public
STATE OF FLORIDA AT LARGE



Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



#208

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

November 22, 1994

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

Re: Resolution No. R94-0271 - Amending the Development Order for
the Crescent (DRI #208)

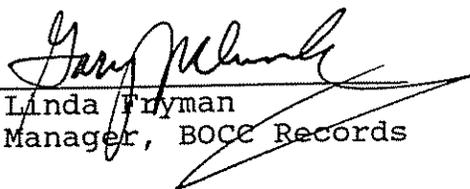
Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
October 25, 1994.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: 
Linda Fryman
Manager, BOCC Records

LF:ADF

Attachment

Certified Mail

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs

Richard E. Davis, Esquire - Holland & Knight

Jeanie E. Hanna, Assistant County Attorney

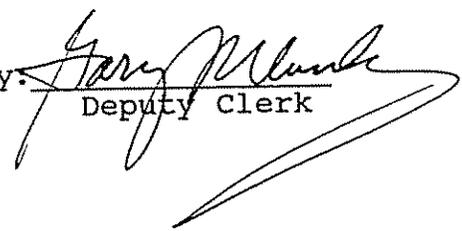
Gene Boles, Director, Planning and Development Management

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R94-0271 Amending the Development Order for The Crescent (DRI #208) approved by the Board in its regular meeting of October 25, 1994, as the same appears of record in MINUTE BOOK 221 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 22nd day of November, 1994.

RICHARD AKE, CLERK

By: 
Deputy Clerk

RESOLUTION # R94-0271
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA
DRI #208 DEVELOPMENT ORDER AMENDMENT

Upon motion by Commissioner Phyllis Busansky, seconded by Commissioner Lydia Miller, the following Resolution was adopted by a vote of 5 to 0 with Commissioner(s) _____ voting "No."

WHEREAS, on January 9, 1990, the Board of County Commissioners issued Development Order #208 for the Crescent Development of Regional Impact through Resolution 90-0029 hereinafter referred to as the CRESCENT; and

WHEREAS, Towermarc Corporation on March 21, 1994, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI); and

WHEREAS, the Notification of Proposed Change provides for (i) the extension of the build-out date for the project and expiration of the Development Order by four (4) years, eleven (11) months, and fifteen (15) days, (ii) delays the commencement date of physical development of the project until January 9, 1996, (iii) extends the date for completion of the Pipeline Project until January 1, 1999 or, alternatively, until a specified amount of the project is developed, whichever occurs first and (iv) extends the effective date of the Development Order; 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 proposed changes to a previously approved development of regional impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on October 25, 1994 held a public hearing on said Notification of Proposed Change and has heard and considered testimony and other documents and evidence; and

WHEREAS, the staff of the Tampa Bay Regional Planning Council, Hillsborough County, and the Department of Community Affairs have reviewed this Notification of Proposed Change; and

WHEREAS, the Board of County Commissioners has determined that clear and convincing evidence has been presented to the Board of County Commissioners that the proposed changes do not constitute a substantial deviation as defined by Section 380.06, Florida Statutes requiring further development of regional impact review.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 25th DAY OF October, 1994, AS FOLLOWS:

Section 1. Introduction. This resolution shall constitute an amendment to the Towermarc Crescent Development Order.

Section 2. Findings. The County Commission, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

A. The Towermarc Corporation has submitted to Hillsborough County, Florida, a Notification of Proposed Change, attached hereto as Exhibit A and incorporated herein, and requests the following amendments to the Crescent Development Order:

1. Extending the build-out date of the Development Order by four (4) years, eleven (11) months and fifteen (15) days to December 16, 2001;

2. Extending the date for commencement of physical development of the Project by three (3) years until January 9, 1996.

3. Extending the date for completion of the Pipeline Improvement to January, 1, 1999, or alternatively, prior to the issuance of the first certificate of occupancy after construction of 900,000 square feet of office space, or an equivalent mixture of 50,000 square feet of retail, 105,000 square feet of office space and 245,000 square feet of warehouse space, whichever occurs first.

4. Extending the effective date of the Development Order until January 1, 2006.

5. Extending the date on which the Development becomes subject to downzoning or intensity reduction until January 1, 2006.

6. Extending the schedule for design, right-of-way acquisition and permitting for the Pipeline Improvement in accordance with the extension referenced in #3 above.

B. A comprehensive review of the impacts generated by the proposed amendments, together with all previous amendments, has been conducted by the County, the Tampa Bay Regional Planning

Council ("TBRPC") and the Department of Community Affairs, State of Florida ("DCA").

C. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original projections set forth in the Application for Development Approval.

Section 3. Conclusions of Law. The County Commission, having made the above findings of fact, reaches the following conclusions of law:

A. Development in accordance with the proposed amendments will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

B. The proposed amendments are consistent with the land development regulations and the comprehensive plan of the County.

C. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Towermarc Crescent Development Order, pursuant to Chapter 380.06, Florida Statutes.

D. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and Towermarc are authorized to approve/conduct development as described herein.

E. The review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

Section 4. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Development Order be amended as follows:

A. The Development Order is hereby amended as follows (deletions are struck through and additions are underlined):

1. Section IV.A.1 of the Development Order is hereby amended as follows:

a. Project Description

- (1) The development of the project shall proceed in one phase in accordance with the following schedule:

<u>Years</u>	<u>Office (Sq. Ft.)</u>	<u>Industrial (Sq. Ft.)</u>	<u>Commercial/ Retail (Sq. Ft.)</u>	<u>Hotel Rooms</u>
(1994- 12/16/2001)	1,050,000	350,000	110,000	220

2. Section IV.A.3 of the Development Order is hereby as follows:
3. The physical development of the project shall begin within six (6) years of the effective date of this Development Order.
3. The first sentence of Section IV.A.4 of the Development Order is hereby amended as follows:
4. This Development Order shall remain in effect for a period up to and including January 1, 2006.
4. The first sentence of Section IV.A.5 of the Development Order is hereby amended as follows:
5. The Development shall not be subject to down-zoning, or intensity reduction until January 1, 2006, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.
5. Section IV.B.1.(c)(1) is hereby amended as follows:
- (1) The pipeline mitigation procedure may be pursued to accommodate the Project transportation impacts. The pipeline proportionate share calculation for the Project, in accordance with current adopted methods, procedures and policies of

Hillsborough County, TBRPC, Florida Department of Community Affairs ("DCA") and FDOT, has been determined to be One Million One Hundred Forty Three Thousand One Hundred Eighty Eight and No/Cents.

The Developer shall bear any additional costs for completion of the Required Improvement caused by the delay in construction until January 1999.

6. Section IV.B.1.c(9) of the Development Order is hereby amended as follows:

(9) The Developer shall complete design of the Required Improvement within six (6) months after Tampa Triangle's completion of the design for the Faulkenburg Road extension as described in Tampa Triangle's Development Order ("Tampa Triangle's Improvement"). The Developer shall obtain, at its sole expense, any and all permits, approvals, utility relocations and easements necessary to complete the Required Improvement. The Developer shall complete construction of the Required Improvement by January 1, 1999, or alternatively, prior to the issuance of the first certificate of occupancy after construction of 900,000 square feet of office space, or an equivalent of a mixture of 50,000 square feet of retail space, 105,000 square feet of office space and 245,000 square feet of warehouse space, whichever date occurs first. The Developer shall submit to Hillsborough County, TBRPC, and the State of Florida Department of Community Affairs quarterly status reports stating its progress in meeting the above time frames.

As previously stated in paragraph 4, the Developer shall endeavor to enter into a joint participation agreement with Hillsborough County and the Developer of there Tampa Triangle Development of Regional Impact.

B. The amendments stated herein, together with all previous amendments, do not constitute a substantial deviation, pursuant to Chapter 380.06, Florida Statutes.

C. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under

Section 163.3167(8), Florida Statutes.

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

E. The Developer's certification, attached hereto as Exhibit B, affirms that a copy of the Notification of Proposed Change has been delivered to all persons are required by law

F. Upon adoption this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to Towermarc Corporation, DCA and TBRPC.

G. This resolution shall be deemed rendered upon transmittal of copies hereof to the Department of Community Affairs and the Tampa Bay Regional Planning Council.

H. Notice of adoption of this resolution shall be recorded by the Developer in the public records of Hillsborough County, Florida, as provided in Section 380.06, Florida Statutes.

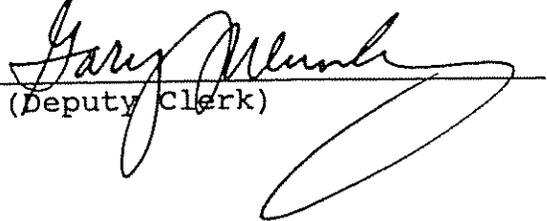
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of October 25, 1994 as the same appears of record in Minute Book 221 of the Public Records of Hillsborough County, Florida.

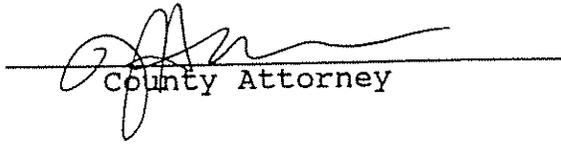
Witness my hand and official seal this 22nd day of November,
1994.

RICHARD AKE, CLERK OF CIRCUIT COURT

By: _____


(Deputy Clerk)

Approved as to form and
correctness:



County Attorney

EXHIBIT A

NOTIFICATION OF PROPOSED CHANGE

(Previously filed with agencies. Additional copies
available upon request.)

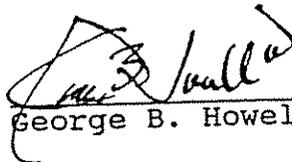
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING
AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, Florida 32399
904/488-4925

NOTIFICATION OF 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, George B. Howell, III, the undersigned authorized agent of Towermarc Corporation, hereby give notice of 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 Crescent 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 State Planning, Department of Community Affairs.

Date: March 21, 1994


George B. Howell, III

2. Applicant (name, address, phone).

Towermarc Corporation
1511 North Westshore Boulevard
Suite 150
Tampa, Florida 33607
(813) 287-8855

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

George B. Howell, III
Holland & Knight
2300 NationsBank Tower
400 N. Ashley Tower
Tampa, Florida 33602
(813) 227-8500

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

The Crescent is located in unincorporated Hillsborough County in Section 31 of Township 29 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, build-out date, development order conditions and requirements, or to the representations contained in either 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 or any reviewing agency to clarify the nature of the change or the resulting impacts.

The applicant is requesting the following changes to Resolution No. 90-0029, Development Regional Impact (No. 208) Development Order for Towermarc Crescent:

- ♦ Amend Section IV.A.1 of the Development Order to allow a build-out date extension of four years, eleven months, and fifteen days. The original Development Order indicates that the development of the project shall proceed in one phase from 1990-1996. The applicant requests an extension of the one phase build-out from its current date of 1996 to the year 2001.
- ♦ Amend Section IV.A.3 of the Development Order to allow an extension of the commencement of physical development from within three years of the effective date of the

Development Order to within six years of the effective date of the Development Order.

- ◆ Amend Section IV.A.4 of the Development Order to allow modification of the effective period of the Development Order from January 2, 2001 to January 1, 2006.
- ◆ Amend Section IV.A.5 of the Development Order regarding down-zoning or intensity reduction from January 1, 2001 to January 1, 2006.
- ◆ Amend Section IV.B.1.c(9) of the Development Order to allow an extension of the pipeline project schedule to require completion by January, 1999 or alternatively, prior to the first certificate of occupancy after construction of 800,000 square feet of office space, or an equivalent of a mixture of 500,000 square feet of retail, 105,000 square of office and 245,000 square feet of warehouse space. The remaining schedule for design, right-of-way acquisition and permitting shall also be extended accordingly.

A transportation analysis has been prepared to support the extensions of the build-out date. The findings of the transportation analysis indicated that the extension would not result in any additional impacts on the surrounding roadway network and ensures that the mitigation measures identified in the Development Order are adequate for the extension. The Transportation analysis in support of the build-out date extension is provided in Exhibit C.

An additional analysis was prepared to support the extension of the pipeline project. The findings of the analysis indicate that a traffic trip generation equivalent to 800,000 square feet of office or a mixture of 50,000 square feet of retail, 105,000 square feet of office and 245,000 square feet of warehouse could be developed within the next four years, eleven months and fifteen days without degrading the level of service on U.S. 301 and Causeway Boulevard to unacceptable levels. The analysis is provided in Exhibit D.

The Developer previously filed a Notice of Proposed Change for the Project which incorporated the specific proposals described herein. The earlier Notice of Change was withdrawn. However, the Developer believes in light of existing circumstances the proposals contained herein are supported by existing conditions on the road network and represent a reasonable approach to construction of the Falkenburg Road extension described in the Development Order.

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, indicate no change.

The Substantial Deviation Determination Chart for all land uses approved in the development is provided in Exhibit B of this submittal. There are no proposed changes in land use types.

7. List all the dates and resolution numbers (or the 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 to 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?

There have been no modifications or amendments to the originally approved DRI development order that have been adopted.

There has been no change to the local government jurisdiction.

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 Developer has purchased the adjacent real property described in Exhibit E attached hereto since the issuance of the Development Order. The Developer has reached no decision on the future use of the land, although the land is not proposed to be incorporated into the project. A copy of a land use map indicating land uses on adjacent parcels is attached to Exhibit E.

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 change does not relate to the criteria listed in Paragraph 380.06(19)(b) of the Florida Statutes. Therefore, the proposed change is less than 40% of the listed criteria.

Do you believe this notification of change proposes which meets the criteria of Subparagraph 380.06(1)(3)2, F.S.

YES _____ NO _____ X _____

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

The proposed change does result in a change to the build-out date. As indicated in Question 5 above, the build-out date would be extended from the year 1996 to 2001. This request is for an extension of four years, eleven months and fifteen days.

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

The proposed change will not require an amendment to the local government comprehensive plan.

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:

12. 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.
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 describe 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;

Pursuant to Subsection 380.06(19)(f), F.S., the following language is proposed to be added or deleted as an amendment to Applicants' Development Order (all changes have been underlined):

1. The developer proposes to delete Section IV.A.1 of the Development Order and replace same with the following language:

A. Project Description

There have been no revisions to the master site plan (Map H) or any other maps relative to the development. The original master plan is provided in Exhibit A.

- (1) The development of the project shall proceed in one phase in accordance with the following schedule:

<u>Years</u>	<u>Office (Sq. Ft.)</u>	<u>Industrial (Sq. Ft.)</u>	<u>Commercial/ Retail (Sq. Ft.)</u>	<u>Hotel Rooms</u>
<u>(1996-2001)</u>	1,050,000	350,000	110,000	220

2. The developer proposes to delete Section IV.A.3 of the Development Order and replace same with the following language:
 3. The physical development of the project shall begin within six (6) years of the effective date of this Development Order.
3. The developer proposes to delete the first two sentences of Section IV.A.4 of the Development Order and replace same with the following language:
 4. This Development Order shall remain in effect for a period up to and including January 1, 2006. Extension of the build-out period of the project by more than five (5) years may trigger a substantial deviation pursuant to Section 380.06(19), Florida Statutes.
4. The developer proposes to delete the first sentence of Section IV.A.5 of the Development Order and replace same with the following language:
 5. The Development shall not be subject to down-zoning, or intensity reduction until January 1, 2006, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially

inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

5. The developer proposes to delete Section IV.B.1.c(9) of the Development Order and replace same with the following language:

(9) The Developer shall complete design of the Required Improvement within six (6) months after Tampa Triangle's completion of the design for the Faulkenburg Road extension as described in Tampa Triangle's Development Order ("Tampa Triangle's Improvement"). The developer shall complete construction of the Required Improvement by January 1, 1999, or alternatively, prior to the issuance of the first certificate of occupancy after construction of 900,000 square feet of office space, or an equivalent of a mixture of 50,000 square feet of retail space, 105,000 square feet of office space and 24,000 square feet of warehouse space. Notwithstanding anything else herein to the contrary, the remaining schedule for design, right-of-way acquisition and permitting shall also be extended accordingly. In no event shall developer commence design of the Required Improvement later than one (1) month from the date of election of Option 3. Developer shall obtain all permits, approvals, utility relocations and easements necessary to complete the Required Improvements at its own expense.

A proposed resolution amending the original Development Order is attached as Exhibit E.

- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development; Not applicable.
- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable; see response to question 13(a)(2) above.
- d. A proposed awarded development order termination date that reasonably reflects the time required to complete the developments; see response to question 13(a)(1) above.

- e. A proposed amended development order date until which time 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 see response to question 13(a)(4) above.
- 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. No change.

EXHIBIT A

MASTER PLAN

(A LARGER SCALED COPY OF THE MASTER PLAN IS ATTACHED)

EXHIBIT B
SUBSTANTIAL DEVIATION CHART

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN 1992	ORIGINAL PLAN 1/9/90	PREVIOUS D.O. CHANGE & DATE
Attraction/Recreation	# Parking spaces # Spectators # Seats Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	N/A	N/A	N/A
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	N/A	N/A	N/A
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	N/A	N/A	N/A

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN 1992	ORIGINAL PLAN 1/9/90	PREVIOUS D.O. CHANGE & DATE
Industrial	Acreage, including drainage, ROW, easements, etc. # Parking Spaces Building (gross square feet) # Employees Chemical Storage (barrels & lbs.) Site locational changes # External Vehicle Trips D.O. conditions ADA representations	No Change	350,000 s.f.	N/A
Mining Operations	Acreage mines (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	N/A	N/A	N/A
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	No Change	1,050,000 s.f.	N/A

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN 1992	ORIGINAL PLAN 1/9/90	PREVIOUS D.O. CHANGE & DATE
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	N/A	N/A	N/A
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	N/A	N/A	N/A
Residential	# dwelling units Type of dwelling units # lots Acreage, including drainage, ROW, easements, etc. Site locational changes # External Vehicle Trips D.O. conditions	N/A	N/A	N/A

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN 1992	ORIGINAL PLAN 1/9/90	PREVIOUS D.O. CHANGE & DATE
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	No Change	110,000 s.f.	N/A
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	No Change	220 rooms	N/A
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	N/A	N/A	N/A

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN 1992	ORIGINAL PLAN 1/9/90	PREVIOUS D.O. CHANGE & DATE
Open Space (All natural and vegetated non-impervius surfaces)	Acreage Site locational changes Type of open space D.O. conditions ADA representations	No Change	N/A	N/A
Preservation, Buffer or Special Protection Areas	Acreage Site locational changes Development of site proposed D.O. conditions ADA representations	No Change	N/A	N/A

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

N/A = Not Applicable to the Development.

EXHIBIT C
TRANSPORTATION ANALYSIS
IN SUPPORT OF BUILD-OUT DATE EXTENSION

TRANSPORTATION ANALYSIS

A transportation analysis was prepared to support the Towermarc Crescent DRI Notification of Proposed Change (NOPC) requesting a build-out time extension for the project of four years, eleven months and fifteen days. The analysis will determine if the extension would result in any additional transportation impacts on the surrounding roadway network and will ensure that the mitigation measures identified in the Crescent Development Order will be adequate for the extension.

The methodology followed to determine the impacts of the time extension were obtained from a meeting with Hillsborough County staff and are provided following this Transportation Analysis. The methodology provides a step-by-step procedure. If step one is met, then no further documentation is required. This procedure continues to step five. The two items of primary concern for the requested time extension are the dollar amount of mitigation measures and the impact of background traffic growth over the time extension.

Step One: Compare Development Order specified fair share or Pipeline Proportionate Share Amount and the Transportation Impact Fee Amount (per County ordinance or approved independent calculation, as appropriate) to determine which is higher. If impact fee amount is higher and the Development Order does not preclude the revision of the impact fee rate over the life of the Development Order, then no further documentation is required to support the extension request.

The Pipeline Proportionate Share Amount for the Crescent project is reported in Section IV.B.1.c.(1) and determined to be \$1,143,188.00. The Transportation Impact Fee Amount (per current approved County Ordinance) was estimated to be \$3,281,076.47. The Transportation Impact Fee Worksheet is provided following this Transportation Analysis. Therefore, since the Transportation Impact Fee Amount is higher than the Pipeline Proportionate Share Amount and the Development Order does not preclude the revisions of impact fee rates, no further documentation is required to support the extension request.

Step Two: Failing Step One, background traffic projections provided in the project specific DRI documentation would be compared with the current projection of background traffic, based on recent historic growth trends, for the extension year(s) requested. If current background traffic volume projections are equal or less than those identified in the DRI documentation, then no further documentation is required to support the extension request.

This second step was performed to further document the support of time extensions for the build-out date and pipeline schedule. Background traffic projections documented in the Crescent DRI were compared to current historic growth trends for the extension year requested. Tables 1 and 2 report a summary of the results. Technical support for the background data is provided in Table 3.

From review of the background traffic projections reported in Tables 1 and 2, it is evident that the current background traffic projections are less than those identified in the DRI documentation.

The findings of Step One and Step Two indicate the proposed extension would not result in any additional impacts on the surrounding roadway network. The mitigation measures identified in the Development Order are adequate through the year 2001.

**TABLE 1
DRI BACKGROUND TRAFFIC PROJECTIONS
CRESCENT NOPC**

ROADWAY	FROM	TO	1989 AADT	1996 AADT	PERCENT GROWTH	2001 AADT
U.S. 301	I-75	Causeway	22,968	45,925	14.28%	62,326
	Causeway	Crosstown	24,092	62,927	23.03%	90,673
	Crosstown	S.R. 60	24,092	47,213	13.71%	63,728
Causeway	78th	U.S. 301	15,661	27,357	10.67%	35,713
Lumsden	Faulkenburg	Providence	28,175	65,795	19.08%	92,685
Bloomingtondale	U.S. 301	Providence	12,054	20,975	10.58%	27,358

Source: DRI ADA for The Crescent, Question 31, May 25, 1989.
Dames & Moore

**TABLE 2
HISTORIC GROWTH TRENDS
BACKGROUND TRAFFIC PROJECTIONS
CRESCENT NOPC**

ROADWAY	FROM	TO	PERCENT GROWTH (1)	1996 AADT	2001 AADT
U.S. 301	I-75	Causeway	1.7%	23,054	24,754
	Causeway	Crosstown	2.7%	26,254	29,112
	Crosstown	S.R. 60	10.0%	35,813	45,238
Causeway	78th	U.S. 301	4.9%	19,897	23,280
Lumsden	Faulkenburg	Providence	5.7%	38,666	45,950
Bloomingtondale	U.S. 301	Providence	7.3%	18,116	22,107

Note: (1) Refer to worksheet in the Transportation Appendix

Source: Florida Department of Transportation
Hillsborough County Traffic Engineering Services
Dames & Moore

TABLE 3
CURRENT HISTORIC GROWTH TRENDS
AS OF 11/1/92

ROADWAY	FROM	TO	1987	1988	1989	1990	1991	1992	ANNUAL PERCENT GROWTH	1996	2001
U.S. 301	I-75 Causeway Crosstown	Causeway	19,995	21,709	N/A	N/A	21,386	N/A	1.7%	23,054	24,754
		Crosstown	21,126	22,771	N/A	N/A	23,396	N/A	2.7%	26,254	29,112
		SR 60	18,849	19,383	N/A	N/A	26,403	N/A	10.0%	35,813	45,238
Causeway	78th	U.S. 301	13,808	14,915	N/A	N/A	16,528	N/A	4.9%	19,897	23,280
Lumsden	Faulkenburg	Providence	25,556	N/A	N/A	29,945	N/A	N/A	5.7%	38,666	45,950
Bloomingtondale	US 301	Providence	10,933	N/A	N/A	15,050	14,134	N/A	7.3%	18,116	22,107

Notes: N/A = Count Not Available
Source: FDOT and Hillsborough County Traffic Engineering, 1992

DAMES & MOORE

ONE NORTH DALE MABRY HIGHWAY, SUITE 700, TAMPA, FLORIDA 33609
(813) 875-1115 FAX: (813) 874-7424

October 13, 1992

Ms. Libby Myers
Transportation Planner
Hillsborough County
Planning and Development Management Department
P.O. Box 1110
Tampa, FL 33601

RE: Towermarc Crescent DRI #208
Notification of Proposed Change

Dear Libby:

Pursuant to our meeting held on Wednesday, October 7, 1992, Dames & Moore will prepare a transportation analysis to support the Crescent DRI Notification of Proposed Change (NOPC) requesting a buildout time extension of four years, eleven months and 15 days. The transportation analysis will determine if the extension would result in any additional impacts on the surrounding roadway network and will ensure the mitigation measures identified in the Development Order will be adequate for the extension.

As we agreed, the transportation analysis will follow the procedures as outlined in the attached letter dated December 15, 1989. The analyses will be submitted to the County along with the NOPC application.

We look forward to working with you and County staff during the submittal of this project. If you have any comments regarding this methodology, please contact me this week.

Sincerely,

DAMES & MOORE



Angelo G. Belluccia

Attachment

cc: Jim Hoster
Eric Mueller
Rick Davis
Steve Luce

d:\roadway\mycrdtr.ab\slk

EXHIBIT D
TRANSPORTATION ANALYSIS
IN SUPPORT OF PIPELINE EXTENSION

**TRANSPORTATION ANALYSIS
IN SUPPORT OF PIPELINE EXTENSION**

A transportation analysis was prepared to support the Towermarc Crescent DRI Notification of Proposed Change (NOPC) requesting a time extension for the pipeline project of four years, eleven months and fifteen days. The analysis will determine if the pipeline extension would result in any impacts on the affected roadways.

The pipeline project is defined in the Development Order as Faulkenburg Road from Lumsden Road to U.S. 301. Roadways which will be directly affected by a time extension of this project are U.S. 301 from I-75 to Causeway Boulevard and Causeway Boulevard from U.S. 301 to Faulkenburg Road. Peak hour background traffic projections on these roadways were projected to the extension year 2001 by applying current historical growth trends to existing peak hour counts in the DRI ADA. Projected conditions on these roadways in the extension year are estimated at a LOS C or better. Table 4 reports these conclusions. Table 5 reports the available capacity on these roadways (capacity less 2001 volumes).

Given the above analysis, it is estimated that the following development scenarios can take place by the extension date without the pipeline project (Support for these scenarios is provided in Table 6):

Scenario #1

<u>Land Use</u>	<u>Size</u>
Retail	50,000 sq. ft.
Office	105,000 sq. ft.
Warehouse	245,000 sq. ft.

Scenario #2

<u>Land Use</u>	<u>Size</u>
Office	900,000 sq. ft.

TABLE 4
PEAK HOUR BACKGROUND PROJECTIONS
ON U.S. 301 AND CAUSEWAY BLVD.
CRESCENT NOPC

ROADWAY	PEAK HOUR (1)		1989 VOLUMES (1)		HISTORIC PERCENT GROWTH	1996 VOLUMES		2001 VOLUMES		2001 LOS	
	NB/EB	SB/WB	NB/EB	SB/WB		NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB
U.S. 301 From I-75 to Causeway	1,670	1,720	916	1,269	1.7%	1,025	1,420	1,103	1,528	B	C
Causeway Blvd. From U.S. 301 to Faulkenburg	2,570	2,510	999	452	4.9%	1,342	608	1,587	718	C	C

Source: (1) DRI ADA for The Crescent, Question 31, May 25, 1989.
Dames & Moore

TABLE 5
AVAILABLE CAPACITY
ON U.S. 301 AND CAUSEWAY BLVD.
CRESCENT NOPC

ROADWAY	PEAK HOUR CAPACITY (1)		2001 VOLUMES		2001 AVAILABLE CAPACITY	
	NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB
U.S. 301	1,750	1,810	1,103	1,528	647	282
From I-75 to Causeway Causeway Blvd.						
From U.S. 301 to Faulkenburg	2,720	2,720	1,587	718	1,133	2,002

Source: (1) DRI ADA for The Crescent, Question 31.
Dames & Moore

TABLE 6
PROJECT TRAFFIC SCENARIOS
CRESCENT NOPC

ROADWAY	DISTRIBUTION	SCENARIO #1 (2) PROJECT TRAFFIC		SCENARIO #2 (3) PROJECT TRAFFIC		AVAILABLE CAPACITY	
		NB/EB	SB/WB	NB/EB	SB/WB	NB/EB	SB/WB
U.S. 301 From I-75 to Site From Site to Causeway	31%	110	163	51	250	647	282
	69%	363	224	557	114	647	282
Causeway Blvd. From U.S. 301 to Faulkenburg	32.3%	170	105	260	53	1,133	2,002

NOTES: (1) Distribution based upon review of DRI ADA for The Crescent, Question 31.
(2) Scenario #1 (Phase I and II)

Land Use	Size	P.M. Peak Hour Trip Generation (ADA)	
		Enter	Exit
Retail	50,000 sq. ft.	213	222
Office	105,000 sq. ft.	33	172
Warehouse	245,000 sq. ft.	<u>78</u> 324	<u>132</u> 526

(3) Scenario #3

Land Use	Size	Enter	Exit
Office	900,000 sq. ft.	165	807

EXHIBIT B
DEVELOPER'S CERTIFICATION

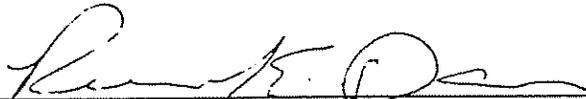
A F F I D A V I T

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

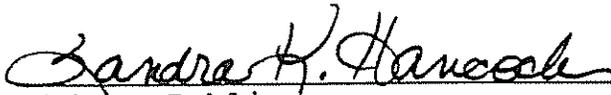
I hereby certify that on this day, before me, the undersigned officer, authorized in the State and County name above to administer oaths and take acknowledgements, personally appeared Richard E. Davis, attorney for Towermarc Corporation, the applicant/owner for the Crescent DRI Notice of Proposed Change, to me well known, who, being first duly sworn, says upon oath the following:

1. Towermarc filed its original Notice of Proposed Change ("NOPC") for the Crescent DRI on March 21, 1994.

2. The aforementioned original NOPC was filed with Hillsborough County, the State of Florida Department of Community Affairs and the Tampa Bay Regional Planning Council as required by law.


Richard E. Davis

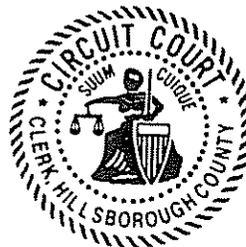
SWORN AND SUBSCRIBED to before me this 27th day of October, 1994.


Notary Public
STATE OF FLORIDA AT LARGE



SANDRA K. HANCOCK
MY COMMISSION # CC 154557 EXPIRES
October 23, 1995
BONDED THRU TROY FAIR INSURANCE, INC.

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 31, 1990

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

Attn: Suzanne Cooper
DRI Coordinator

Re: Resolution No. R90-0029 - DRI #208 Development Order
Towermarc Crescent Project

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 9, 1990.

We are providing this certified copy for your official
files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

BY: Edna L. Fitzpatrick/jm
Edna L. Fitzpatrick
Director, BOCC Records

ELF:LT

cc: Board files (orig.)
Suzanne Cooper, DRI Coordinator,
Council
Paula Harvey, Manager, Planning &
Richard Eckhard, Esq., Attorney f
Vincent A. Marchetti, Assistant C

Enclosure

RECEIVED

All subsequent
amendments
to be filed
under a singular
DRI (DRI #59).
[There are no longer
two separate projects.]

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. R90-0029 - DRI #208 Development Order for
the Towermarc Crescent Project

_____ adopted by the Board in its regular meeting of
January 9, 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: Mirle Iris Bishop
Deputy Clerk

Resolution No. R 90-0029
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI # 208 DEVELOPMENT ORDER FOR
Towermarc CRESCENT PROJECT

Upon motion by Commissioner Poe, seconded by Commissioner Colson, the following Resolution was adopted by a vote of seven to zero "_____."

WHEREAS, on May 15, 1989, Towermarc Corporation filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a MULTI-USE PROJECT on approximately ONE HUNDRED THIRTY TWO (132) ACRES, located in CENTRAL Hillsborough County, hereinafter referred to as the "Development" or the "Project," 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 January 9, 1990, 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 recommendations of the Tampa Bay Regional Planning Council; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 9th DAY OF JANUARY, 1990, AS FOLLOWS:

I. FINDINGS OF FACT

A. The recitals set forth in the "Whereas" paragraphs described above are true, accurate, and correct, and are incorporated herein by reference.

B. Towermarc Corporation, 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 and Sufficiency Response.

C. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit "A."

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

E. All development will occur in accordance with the Development Order and Application.

F. 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 ("HCCCPC"), and the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

G. The authorized agent of the Development is Louis J. Varsames, Towermarc Corporation, 1511 N. Westshore Boulevard, Suite 1000, Tampa, Florida 33607.

II. CONCLUSIONS OF LAW

A. Based upon 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 the County's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163 Florida Statutes, as amended, and Chapter 75-390, Laws of Florida, as amended, and state and regional comprehensive plans.

3. This Development Order is consistent with the report and recommendations of TBRPC.

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, the HCCCPC, the TBRPC, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the Application.

D. The Application is approved subject to all terms and conditions of this Development Order.

E. The Future of Hillsborough Land Use Plan Map for Hillsborough County designates the area within which this land lies as Urban Level 3.

III. GENERAL PROVISIONS

A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for the CRESCENT 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 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 powers and duties of any branch of government or governmental agency.

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

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at the Development, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility will be transferred must be approved by the County, 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 this Development Order 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 TBRPC shall result in further Development of Regional Impact ("DRI") review pursuant to Section 380.06, Florida Statutes.

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

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

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

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

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

4. A statement setting forth the name(s) and address(es) of any 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, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order shall become effective upon the date of transmittal to the parties specified in Subsection 380.07(2) Florida Statutes, as amended.

IV. CONDITIONS OF APPROVAL

A. Project Description

1. The development of the project shall proceed in one phase in accordance with the following schedule:

Years	Office (Sq. Ft.)	Industrial (Sq. Ft.)	Commercial/Retail (Sq. Ft.)	Hotel Rooms
(1990-1996)	1,050,000	350,000	110,000	220

2. Development of the project may occur anywhere on the site, provided on-site infrastructure is available to serve the portion(s) of the site being developed.

3. The physical development of the Project shall begin within three (3) years of the effective date of this Development Order.

4. This Development Order shall remain in effect for a period up to and including January 1, 2001. Extension of the buildout period of the project by more than three (3) years may trigger a substantial deviation pursuant to Section 380.06(19) Florida Statutes. 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.

5. The Development shall not be subject to downzoning, or intensity reduction until January 1, 2001, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare. Provided, however, nothing herein shall be construed to prohibit legally enacted changes in zoning or land use regulations which do not adversely affect the development rights granted to the developer pursuant to this Development Order.

6. The Developer shall be permitted to trade-off a portion of two or more of the approved land uses for the Development so long as the change does not increase the P.M. peak hour traffic (629 entering; 1754 exiting) of the development. The Developer shall prepare a traffic analysis, for review and approval by Hillsborough County, which demonstrates that the change in the relative amounts of approved land uses will not create additional P.M. peak hour traffic beyond that approved for the Development. In no event shall square footages be increased above (a) 1,500,000 square feet for office uses; (b) 1,000,000 for industrial uses; or (c) 250,000 for commercial/retail uses; nor shall the number of hotel rooms exceed 440.

B. Transportation

1. 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.

a. Option 1

(1) Any approval of this Development shall require funding commitments from responsible entities for the following roadway improvements identified in Tables 1 and 2 below. Without funding commitments for these improvements, construction permits shall not be issued for the Development. Also, the following roads shall be in place prior to exercise of Option 1:

- a. Faulkenburg Road from U.S. 301 to Lumsden Road; and
- b. Faulkenburg Road from Crosstown Expressway to S.R. 60; and
- c. N/S Mall Road from Lumsden Road to S.R. 60.

Table I. Required Link Improvements for The Crescent Based on 5 percent of LOS D Peak-Hour Service Volumes

Road	Segment	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
Bloomingtondale Road	U.S. 301 to Providence Road	F	10.8	Construct 4-Lane Divided Arterial
Bloomingtondale Road	Providence Road to Kings Avenue	F	9.0	Construct 4-Lane Divided Arterial
Bryan Road	Lusden Road to Lithia-Pinecrest Road	F	11.7	Construct 4-Lane Divided Arterial
Bryan Road	Lithia-Pinecrest Road to SR 60	F	7.0	Construct 4-Lane Divided Arterial
Causeway Boulevard	78th Street to U.S. 301	F	18.1	Construct 4-Lane Divided Arterial
Faulkenburg Road	U.S. 301 to Project Site Drive	F	40.2	Construct 4-Lane Divided Arterial
Faulkenburg Road	Project Site Drive to Causeway Boulevard	F	89.9	Construct 4-Lane Divided Arterial
Faulkenburg Road	Causeway Boulevard to Crosstown Expressway	E	8.0	Construct 6-Lane Divided Arterial
Faulkenburg Road	Crosstown Expressway to SR 60	F	16.5	Construct 4-Lane Divided Arterial

Table I. Required Link Improvements for The Crescent Based on 5 percent of LOS D Peak-Hour Service Volumes

Road	Segment	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
Lakewood Drive	Lumsden Road to Oakfield Drive	F	9.4	Construct 4-Lane Divided Arterial
Lumsden Road	Faulkenburg Road to North/South Mall Road	F	17.6	Construct 6-Lane Expressway/Limited Access Facility
Lumsden Road	North/South Mall Road to Providence Road	F	9.8	Construct 8-Lane Divided Arterial
Lumsden Road	Providence Road to Heather Lakes Boulevard West	F	6.8	Construct 8-Lane Divided Arterial
Lumsden Road	Heather Lakes Boulevard West to Kings Avenue	F	9.8	Construct 8-Lane Divided Arterial
Lumsden Road	Kings Avenue to John Moore Road	F	7.7	Construct 6-Lane Divided Arterial
Lumsden Road	John Moore Road to Bryan Road	F	6.8	Construct 6-Lane Divided Arterial
North/South Mall Road	Lumsden Road to SR 60	F	27.0	Construct 4-Lane Divided Arterial

Table 1. Required Link Improvements for The Crescent Based on 5 percent of LOS D Peak-Hour Service Volumes

Road	Segment	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 301	Bloomingtondale Road to I-75	E	12.7	Construct 8-Lane Divided Arterial
U.S. 301	I-75 to Project Site Drive	F	31.1	Construct 8-Lane Divided Arterial
U.S. 301	Project Site Drive to Faulkenburg Road	F	27.9	Construct 8-Lane Divided Arterial
U.S. 301	Faulkenburg Road to Causeway Boulevard	F	34.9	Construct 8-Lane Divided Arterial
U.S. 301	Causeway Boulevard to Crosstown Expressway	F	17.2	Construct 8-Lane Divided Arterial
U.S. 301	Crosstown Expressway to Palm River Road	F	8.1	Construct 8-Lane Divided Arterial

Table II. Required Intersection Improvements for The Crescent Based on 5 percent of LOS D Peak-Hour Service Volumes

Intersection	Total Traffic Level of Service Prior to Improvement	Development Contribution (Percent)	Required Improvement
Bloomingdale Road at Providence Road	F	7.9	Construct second through lane EB.
Bloomingdale Road at U.S. 301	F	5.7	Construct third through lane SB and second through lane EB.
Causeway Boulevard at 78th Street	F*	5.5*	Construct one right-turn lane NB. Construct second through lane EB and WB and one right-turn lane EB and WB.
Faulkenburg Road at Causeway Boulevard	F*	6.9*	Construct one free flow right-turn lane NB and WB. Construct one left-turn grade-separated flyover SB.
Faulkenburg Road at U.S. 301	F	25.5	Construct third and fourth through lanes NB and SB. Signalize when warranted by MUTCD.
Faulkenburg Road at Site Access Drive B	N/A	N/A	Construct one right-turn lane SB and WB.

Table II. Required Intersection Improvements for The Crescent Based on 5 percent of LOS D Peak-Hour Service Volumes

Intersection	Total Traffic Level of Service Prior to Improvement	Development Contribution (Percent)	Required Improvement
Faulkenburg Road at Site Access Drive C	N/A	N/A	Construct one left-turn lane and right-turn lane NB. Construct one right-turn lane EB and one left-turn lane WB.
Faulkenburg Road at Site Access Drive D	N/A	N/A	Construct one left-turn lane and right-turn lane NB. Construct one right-turn EB and one left-turn lane WB.
Faulkenburg Road at Main Access Drive	N/A	N/A	Construct one left-turn lane, through lane, and right-turn lane NB and SB. Construct one left-turn lane and right-turn lane EB and WB. Signalize when warranted by MUTCD.
Lumsden Road at John Moore Road	F	5.8	Construct one right-turn lane NB, SB, EB, and WB.

Table II. Required Intersection Improvements for The Crescent Based on 5 percent of LOS D Peak-Hour Service Volumes

Intersection	Total Traffic Level of Service Prior to Improvement	Development Contribution (Percent)	Required Improvement
Lumsden Road at Kings Avenue	F*	9.1*	Construct one right-turn lane NB. Construct third through lane EB and WB. Construct second left-turn lane and one right-turn lane WB.
Lumsden Road at Providence Road	F	9.0	Construct second left-turn lane EB and WB.
U.S. 301 at Main Access Drive	N/A	N/A	Construct third through lane NB and SB. Construct one right-turn lane NB and two left-turn lanes SB. Construct one left-turn lane and right-turn lane WB. Signalize when warranted by MUTCD.
U.S. 301 at Site Access Drive A	N/A	N/A	Construct one right-turn lane NB and WB.

Table II. Required Intersection Improvements for The Crescent Based on 5 percent of LOS D Peak-Hour Service Volumes

Intersection	Total Traffic Level of Service Prior to Improvement	Development Contribution (Percent)	Required Improvement
U.S. 301 at Site Access Drive E	N/A	N/A	Construct one right-turn lane NB and one left-turn lane SB. Construct one left-turn lane and right-turn lane WB.

* Based on AM Peak-Hour Development Contribution.

(2) As used in this Option 1, "funding commitment" shall mean that the responsible entity has provided for the construction of a roadway improvement in its one year capital improvement program.

(3) Sub-phasing, the concept of identifying and tying specific amounts of project development within a phase to specific regional improvements shall be permitted provided the following conditions are met.

(a) TBRPC and Hillsborough County shall concur with the defined amount of development to be specifically allowed;

(b) Funding commitments for roadway improvements will be required when the regional roadway will operate below LOS D at peak (C peak in rural areas) and the development contributes five percent or more of the existing LOS D at peak hour (C peak rural) capacity of the facility; and

(c) A stop order will be triggered by that point in the development which will require roadway improvements (pursuant to TBRPC policy) for which no funding commitments can be assured. The stop order shall require a new traffic analysis or monitoring as appropriate.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of the Development, the capacity and loading of transportation facilities in the Central Hillsborough County 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) The pipeline mitigation procedure may be pursued to accommodate the Project transportation impacts. The pipeline proportionate share calculation for the Project, in accordance with current adopted methods, procedures and policies of Hillsborough County, TBRPC, Florida Department of Community Affairs ("DCA") and FDOT, has been determined to be One Million

One Hundred Forty Three Thousand One Hundred Eighty Eight and No/Cents.

(2) In Resolution Number R87-0319, the Board of County Commissioners of Hillsborough County approved a Development Order for Tampa Triangle's Development of Regional Impact. The Development Order provides for construction of Faulkenburg Road from its present intersection with Causeway Boulevard south and west to an intersection with U.S. Highway 301. Tampa Triangle ("TT") is required to design this segment as a six lane divided urban section and shall construct two lanes of the segment in a matter consistent with the six lane design. TT has submitted design drawings to the County for review at the 30 percent completion point. TT is required to expeditiously commence construction of the described segment of Faulkenburg Road upon approval of the design and shall complete such construction on or before 18 months after said approval and final acquisition of right-of-way.

(3) The Developer of the Crescent shall design and construct an additional two lanes on Faulkenburg Road from its present intersection with Lumsden Road south and west to an intersection with U.S. Highway 301, including dual left turn lanes on both Faulkenburg Road and U.S. Highway 301, at their intersection, with appropriate signalization (Required Improvement). The estimated cost for right-of-way, design and construction for the Required Improvement is \$1,146,252.00. The addition of the two lanes will result in Faulkenburg Road being a four lane section from the described points of intersection with Lumsden Road and U.S. Highway 301. The Required Improvement shall be designed to adopted Hillsborough County standards. The Required Improvement shall be designed and constructed in conjunction with the two lanes being built pursuant to the approved Development Order for the Tampa Triangle Development of Regional Impact. Prior to commencing design of the Required Improvement, the Developer shall enter into a design, permitting and construction agreement with the Hillsborough County Capital Projects Department for the Required Improvement. Said agreement shall be based upon the applicable sections of the standard Hillsborough County Design and Construction Agreement which is entered into with contractors. The Agreement shall not modify the terms and conditions of this Development Order. The Agreement shall also provide for coordination of construction efforts by the Developer and the adjoining project. To the extent possible, and in lieu of entering into the design and construction agreement solely with Hillsborough County, the Developer shall endeavor to enter into a joint participation agreement within six (6) months after final adoption of this Development Order and resolution of any appeal thereof (or the expiration of the time period for such appeals without such an appeal having been filed) with both Hillsborough County and the developers of the Tampa Triangle project as a means of coordinating design, permitting and construction of the Required Improvement with construction of the initial two lanes for Faulkenburg Road.

(4) The County, at its option, may elect to design and/or construct the required improvement with the Developer being responsible for the payment of the costs incurred by the County in connection with the design and/or construction of the Required Improvement. In the event the County elects to proceed with the design and/or construction of the Required Improvement, it shall inform the Developer of its intent to do so no later than ten (10) days prior to the date upon which the Developer must commence design or forty-five (45) days prior to the date upon which the Developer must commence construction of the Required Improvement, as applicable, and shall maintain the

schedule for such design and construction as is imposed on the Developer under Paragraph 9, below.

(5) The necessary right-of-way for the Required Improvement is being provided by the developer of Tampa Triangle DRI pursuant to the terms of the approved Development Order, and by the Developer, pursuant to paragraphs g and h of Section 2 below.

(6) Prior to commencement of construction of the Required Improvement and upon: (i) a finding by the County and TBRPC that Tampa Triangle has breached its obligation to construct Faulkenburg Road from 301 to Lumsden within applicable time requirements; and (ii) appropriate amendment of the Tampa Triangle Development Order eliminating the construction of Faulkenburg Road as a mitigation option, the Developer may elect to construct the described segment of Faulkenburg Road (hereinafter referred to as "Alternate Required Improvement") as a two lane facility in lieu of the Required Improvement. Construction of the Alternate Required Improvement shall proceed in accordance with the time frames described herein relating to construction of the Required Improvement. The estimated cost for construction of the Alternate Required Improvement is \$1,816,000.

(7) The Hillsborough County Road Network impact fee for the Development calculated in accordance with Ordinances 86-4 as amended by 87-19, 89-4 and 89-6 (Roadway Improvements), and 85-24E as amended by 86-5, 87-17 and 89-3 (Right-of-Way), is estimated to be Three Million Twenty Eight Thousand Eight Hundred Ninety Two Dollars and 77 Cents (\$3,028,892.77). (Hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances.")

(8) Buildings within the Development shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all applicable costs and expenses borne by the Developer for right of way, design, construction and construction inspection of the Required Improvement (the "Developer Pipeline Expenses") shall be applied toward and be a credit against applicable impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder.

(9) The Developer shall complete design of the Required Improvement within six (6) months after Tampa Triangle's completion of the design for the Faulkenburg Road extension as described in Tampa Triangle's Development Order ("Tampa Triangle's Improvement"), and shall commence construction of the Required Improvement concurrent with commencement of Tampa Triangle's Improvement. Notwithstanding the foregoing, in no event shall the Developer commence design of the Required Improvement later than one (1) month from the date of election of Option 3, nor complete design later than twelve (12) months thereafter. Within twelve (12) months after completion of design and approval by the County, Developer shall obtain, at its sole expense, and all permits, approvals, utility relocations and easements necessary to complete the Required Improvement. Thereafter the Developer shall immediately commence construction and shall complete construction of the Required Improvement within twelve (12) months after commencement of construction. The Developer shall submit to Hillsborough County, TBRPC, and the State of Florida Department of Community Affairs quarterly status reports stating its progress in meeting the above time frames.

As previously stated in Paragraph 4, the Developer shall endeavor to enter into a joint participation agreement with

Hillsborough County and the Developers of the Tampa Triangle Development of Regional Impact.

(10) The Developer agrees to use due diligence, within the time frames set forth above, to design and construct the Required Improvement.

(11) If the Required Improvement is not proceeding as set forth in Paragraph 9 above, no further building permits or certificates of occupancy shall be issued. After concurrence from TBRPC, the County shall either require the Developer to immediately complete the Required Improvement or shall require the Developer to provide the County a bond or letter of credit in the full amount of the cost of the uncompleted portion of the Required Improvement. The County shall determine the reasonable amount of the letter of credit required from the Developer to complete Required Improvement. The County shall draw down on the bond or on the letter of credit for completion of the Required Improvement. Construction of the Project shall not resume until: (i) the Developer provides the County such a bond or letter of credit, and (ii) construction of the Required Improvement is proceeding in accordance with the schedule set forth in Section (9) above. If at any time during the construction of the Required Improvement, the County determines that the cost of completing the Required Improvement will exceed the amount of the letter of credit or bond, the Developer, within forty-five (45) days after written request from County, shall reimburse the County the amount of that overage.

(12) If performance of the commitments set forth in this Development Order (by the Developer or the County, as applicable), shall be interrupted or delayed by war, riot, civil commotion or natural disaster, then 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 without an amendment to this Development Order in accordance with the provisions of Section 380.06(19), Florida Statutes.

(13) 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 Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to Hillsborough County and TBRPC for their review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof, provided, however, in no event shall such extension exceed three (3) months without an amendment to this Development Order in accordance with the provisions of Section 380.06(19), Florida Statutes.

(14) In no event shall certificates of occupancy be issued for more than 1,000,000 square feet of total project development prior to completion of the Required Improvement.

2. General Transportation Condition.

a. When certificates of Occupancy have been issued for 600,000 square feet of office space (or the equivalent thereof in terms of trip generation, 139 entering; 732 exiting,

p.m. peak hour), 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 exceeded. Counts shall continue on an annual basis through build-out of the Development. 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 the projected number of external trips for the Development by more than fifteen percent (15%), Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and may amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

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

b. When Certificates of Occupancy have been issued for 600,000 square feet of office use (or the equivalent thereof in terms of trip generation, 139 entering; 732 exiting, p.m. peak hour), the Developer, or its assigns, shall prepare and implement a Transportation Systems Management (TSM) program which will divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the Application. The plan shall be reviewed by Hillsborough County, Hillsborough Area Regional Transit ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("Tampa Urban Area MPO"), Florida Department of Transportation ("FDOT") and TBRPC.

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

If the Annual Report indicates that the total peak hour trips exceed projected trips by more than fifteen percent (15%), 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.

In addition, this TSM program shall be developed in cooperation with Hillsborough County, FDOT, the Hillsborough County 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 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."

c. All internal roads shall be designed and constructed in accordance with Hillsborough County standards, where applicable.

d. The Developer shall, immediately upon commencement of construction of the Development, notify the County, TBRPC and DCA of the date of such commencement.

e. The Developer shall cooperate with Hillsborough County to identify and reserve right-of-way, within the project site, for future mass transit and roadway improvement needs.

f. The Developer shall design major roadways within the project to accommodate bus service.

g. Developer shall dedicate to Hillsborough County, prior to issuance of certificates of occupancy or upon request from the County to coincide with roadway improvements, whichever occurs first, up to 128 feet of additional right-of-way, along the distance of the applicant's Parcel A (shown on the north side of the proposed Faulkenburg Road Extension), from the future center line of Faulkenburg Road to accommodate for the future right-of-way as need for a urban six lane collector.

h. Developer shall dedicate to Hillsborough County, prior to issuance of certificates of occupancy or upon request from the County to coincide with roadway improvements, whichever occurs first, up to 64 feet of additional right-of-way, east of the applicant's Parcel A, (shown on the north side of the proposed Faulkenburg Road Extension), from the future center line of Faulkenburg Road as needed to accommodate for the future right-of-way as need for a urban six lane collector.

C. Air Quality

1. Developer shall implement the fugitive dust abatement procedures indicated on page 38 of the Application shall be condition of this Order.

2. In the event that changes are proposed which create the likelihood of regional impact on air quality pursuant to Subsection 380.06(19), F.S., Hillsborough County shall reserve the right to require mitigation measures to alleviate any potential impacts of the Project on ambient air quality.

D. Soils/Wind and Water Erosion

1. The soil conservation measures referenced in the Application (ADA pages 37 and 38) and the measures to reduce erosion, fugitive dust and air emissions referenced in the Application (ADA pages 37 and 38), at minimum, shall be implemented. Erosion and sediment control best management practices shall be used as necessary during construction to retain sediment on-site, as per Subsection 17-25.025, Florida Administrative Code.

2. The measures referenced on page 37 of the Application to overcome limitations associated with particular soil types shall be implemented.

E. Stormwater Management and Water Quality

1. Prior to issuance of Land Alteration and Landscaping Permits/building permits, the Master Stormwater Management (drainage) Plan shall be submitted to DER and TBRPC for review and to Hillsborough County and SWFWMD for approval in accordance with all applicable rules and regulations. The following parameters shall be addressed in such 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 or Site Development Regulations, whichever is applicable. The appropriate Hillsborough County design criteria to be used are those criteria approved in the Development's Master Stormwater Management Plan unless an evaluation of the approved design under then current criteria will result in on-site flooding of roads or structures, in which event the design criteria to be used are those which are in effect at the time of construction plan submittal and review for a particular phase of the Project.

b. The stormwater management system(s) shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, F.A.C., 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. In order to protect water quality in the North Archie Creek and Delaney Creek Popoff Canal Watersheds, there shall be no degradation of water quality standards (defined in Chapter 17-3, FAC) by the Development's stormwater and groundwater exiting the site. The Developer shall implement a semiannual surface water quality monitoring program, to be instituted before any construction activity takes place in each sub-basin of the project and to continue through build out, 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, F.A.C., determined to be caused by the Development shall require corrective measures as set forth by DER. The following shall apply:

a. Sampling locations shall be determined in cooperation with Hillsborough County, DER, SWFWMD and TBRPC.

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

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

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

4. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated by the Developer to the County, as required, and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents associated with a particular parcel or phase must be fully executed and recorded prior to, or concurrent with, the issuance of Certificates of Occupancy for the particular parcel or phase or plat approved, whichever is applicable. Nothing herein shall be deemed a waiver of Developer's rights to obtain credits against drainage impact fees in accordance with adopted County regulations.

5. Elevations for all habitable structures shall be at or above the applicable base (100-year) flood elevation.

6. The proposed retention/detention wetland systems shall be designed, constructed and maintained pursuant to the Stormwater and Lake Systems Maintenance and Design Guidelines, (TBRPC, 1978), where applicable.

7. No fill shall be allowed in the 100-year floodplain without equal storage compensation.

8. Developer shall make reasonable efforts to coordinate with and inform appropriate public authority of building closings, security and safety precautions, evacuation plans and the feasibility of the proposed notes for hurricane shelter.

F. Wetlands/Vegetation and Wildlife/Open Space

1. All wetlands on-site defined as conservation areas by TBRPC Rule shall be conserved, or mitigated by in-kind replacement with no net loss of wetland acreage.

2. Any activity interfering with the integrity of the wetlands, such as clearing, excavating, draining or filling, without written authorization from the Director of the Environmental Protection Commission or his designated agent, pursuant to Section 17 of the Hillsborough County Environmental Protection Act and of Chapter 1-11, Rules of the Environmental Protection Commission shall be prohibited.

3. The portions of the Project which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, are designated on Exhibit "B", attached hereto.

4. In order to protect the natural values of conserved wetland areas, the following shall be required at minimum:

a. No adverse hydroperiod alteration shall be permitted in conservation areas designated in the Application, including wetlands created for mitigation purposes.

b. All losses of conservation areas shall require 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed.

c. No dredging, filling or development activities shall be allowed within preservation areas, except roadway crossings. Any other necessary infrastructure crossings shall be accommodated within the roadway rights-of-way. Activities within the post-development conservation areas shall be limited to stormwater management outfall structures, boardwalks and infrastructure, and as allowed by law.

d. The developer shall submit a wetland management plan (with the annual report) to TBRPC for review and to DER, SWFWMD and HCEPC for approval. This plan shall address, but not be limited to, wetlands to be preserved, proposed wetland alterations, mitigation for lost wetlands, control of on-site water quality, maintenance of hydroperiods and methods for wetland restoration/enhancement.

e. All mitigation areas and littoral shelves shall be monitored semiannually for a period of four (4) years beginning immediately in selected mitigation areas. 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 five percent (85%) survival of planted species at the end of five (5) years. If it is apparent that conservation areas are being stressed due to project development activities, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance. Such measures could include limitations on impervious surface, enlargement of natural buffer areas and increased upland retention of stormwater. The results of the monitoring shall be provided in each annual report.

5. The Developer shall provide a natural buffer zone around all conservation areas to provide an upland transition into the wetland areas and to protect the natural systems from development impact in accordance with Hillsborough County's Land Alteration and Landscape Ordinance. Alterations to buffer areas are permissible, if in accordance with the Hillsborough County Landscape Ordinance.

6. Existing wetlands which are permitted to be altered or eliminated should be used as donor material for re-vegetation of mitigation areas, where feasible.

7. In the event that any species listed in Sections 39-27.003-.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC").

8. The Developer shall be responsible for maintaining all common recreation and open space areas within the project site other than those for which Hillsborough County has assumed maintenance responsibilities.

9. The Towermarc/Crescent Development open space areas, (approximately 39.6 acres) and recreational areas conceptually shown in the Application shall be accessible to the elderly and handicapped, as required by applicable state and local ordinances and shall not be open to uses inconsistent with their purpose.

G. Public Facilities

1. Prior to or simultaneous with construction plan or site 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 portion of the Development. This requirement shall include a determination of adequate water pressure and flows to meet firefighting requirements for the portion of the Development being submitted for construction plan or site plan approval. 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. The City of Tampa shall provide water and sanitary sewer service to the Project. The Developer, or its assigns, shall be responsible for maintenance of all on-site water and wastewater facilities unless dedicated to City of Tampa.

3. 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.

4. The Developer shall use the lowest quality water available to meet non-potable water demands, in accordance with Hillsborough County standards. The Developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for irrigation, including implementation of a wastewater reuse system (when feasible), in the first annual report following issuance of the first Certificate of Occupancy for 200,000 square feet. The implementation dates shall be included in the report. The plan shall include investigation of a feasibility of using treated wastewater for irrigation purposes. In areas not suitable for wastewater reuse, landscaping shall include xeriscape techniques and native vegetation shall be used wherever feasible.

5. Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Subsection 553.14, Florida Statutes (1987)).

6. Planning and development of this project shall conform to, and further, the rules and guidelines adopted by the Southwest Florida Water Management District for the Eastern Tampa Bay Water Use Caution Area.

7. The Developer shall implement a wastewater reuse system, in accordance with uniformly applicable rules and regulations of Hillsborough County.

8. The Developer shall pursue with the City of Tampa private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Development. This shall be a preferred alternative over construction of a project-specific package plant. 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.

9. The collection, transportation and disposal of

solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

10. The Developer shall be responsible for maintenance and operation of any on-site wells.

11. Project sewer lines shall be monitored for leaks and ruptures once every three (3) years until such time as said lines are dedicated to City of Tampa. The entity(ies) to carry out the monitoring shall be the Developer, or its assigns. Faulty lines shall be replaced as quickly as possible.

12. Disposal of non-domestic or hazardous waste into the sewer system which is a violation of applicable law shall be prohibited.

13. Any Crescent Project owners and tenants that generate hazardous waste shall be encouraged to utilize waste exchanges. A report of such use shall be included in each annual report.

14. Any Crescent Project tenants which produce waste which is not suitable for recycle, exchange or reuse shall be encouraged to develop permittable on-site hazardous waste treatment capabilities to ensure public safety prior to transport.

15. Developer shall catalog tenant businesses where hazardous materials and wastes are stored, handled or transported and keep such information on file for emergency use.

16. There shall be no underground storage of hazardous materials on-site unless properly permitted by Hillsborough County and other applicable agencies.

17. The Developer shall provide to all Project businesses information 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.

A description of compliance with this condition shall be required in each annual report.

18. The Developer shall inform all tenants and occupants of the Project about their responsibility to comply with Florida's Right-to-Know Law. Insofar as the Developer is an employer and is located within the Project, it shall comply with Florida's Right-to-Know Law.

19. The Developer shall inform tenants and occupants of the Project of their responsibilities under the Resource Conservation and Recovery Act. Insofar as the Developer is an employer and is located within the Project, it shall comply with the Resource Conservation and Recovery Act, as applicable.

20. The Developer shall inform any tenants and occupants within the Project of their responsibilities pursuant to Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. Insofar as the Developer is an employer and is

located within the Project, it shall comply, as applicable, with SARA Title III.

H. Energy Conservation

1. The Developer shall encourage all Project tenants and businesses to do the following:

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

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

c. institute and utilize recycling programs;

d. employ energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

e. install total energy systems on large facilities, when cost effective;

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

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

h. Obtain energy audits provided by energy companies or other qualified agencies;

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

j. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project construction;

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

l. Use energy efficient packaging and/or recyclable materials.

2. A report on the implementation of and participation in these and other energy programs, as well as the energy conservation measures referenced in the Application (pages 108 and 109 of the ADA), shall be included in each annual report after the issuance of certificates of occupancy for the Project. The Developer may utilize a survey of Project occupants, or other effective means, to comply with this condition.

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

4. Tampa Electric Company will provide electricity to the Development.

I. Equal Opportunity/Economy

1. The Developer shall encourage the promotion of entrepreneurship and small and minority-owned business start-ups and non-discriminatory employment opportunities within the Development. A report on equal opportunity employment programs

utilized by Project business and the program's effect should be incorporated into the Annual Reports following issuance of the first certificates of occupancy for project businesses.

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

J. Historical or Archaeological Resources

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

K. Housing

In order to ensure adequate housing opportunities, for rent or for sale, reasonably proximate to places of work and to address the housing policies of the state land development plan, prior to the issuance of certificates of occupancy for more than 1,000,000 square feet of office space (or the equivalent thereof in terms of trip generation), the Developer shall conduct an analysis of the affordable housing needs, for ownership or for lease, to be generated by the Development. This analysis and determination shall be accomplished using a methodology consistent with accepted real estate market analysis practices and approved by the Department of Community Affairs. Based on the existing road systems and commuting patterns, the study area for the analysis shall consist of the area bounded by the Polk County Line to the east, the Pasco County Line to the north, Manatee County Line to the south, U.S. 41 to the northwest and Hillsborough Bay to the west, unless the Department of Community Affairs determines that a different study area is warranted based upon adoption rules. The boundaries of the study area may be adjusted in the future if subsequent studies of commuting patterns indicate cause to do so. If such analysis indicates that the development will create a substantial need for adequate housing that is not being provided by other residential development proximate to the development or if such an analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to the Development Order. The HAIP shall comply with the goals and standards established by the Tampa Bay Regional Planning Council Comprehensive Regional Policy Plan, the adopted local government comprehensive plan, and all applicable rules and policies established by the state land planning agency.

At a minimum, the HAIP shall contain:

- a. Specific standards or amounts for needed housing delivery, including housing delivery alternatives.
- b. Specific mechanism for HAIP implementation.
- c. Provisions to ensure continued adequacy of units provided.
- d. Monitoring provisions.

- e. Location and placement of affordable units.
- f. An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for affordable housing.

In addition, the HAIP may also contain:

- a. Proposed provisions for crediting the Developer for activities that address adequate housing opportunities.
- b. Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternatives or expedited development review, or partial or full fee waivers.

L. General

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

2. Any change to the Project which departs significantly from the parameters set forth in the project schedule set forth in this Development Order shall require a substantial deviation determination, pursuant to Subsection 380.06(19), Florida Statutes.

3. All outstanding amounts for initial review by TBRPC shall be paid within 15 days of billing.

4. Payment for any future activities of the TBRPC with regard to this Development including, but not limited to monitoring or enforcement actions, shall be paid to TBRPC by the Developer in accordance with the DRI Fee Schedule.

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

6. Excess infrastructure capacity constructed to potentially serve the Development shall be at Developer's risk and shall not vest rights to obtain construction permits beyond those rights obtained as a result of this Development Order nor shall it relieve the Developer from satisfying its obligations pursuant to this Development Order.

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 9, 1990, as 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, 1989.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

27678T 0022RESO:074
January 9, 1990

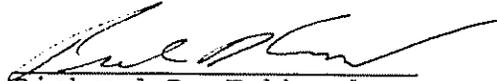
APPROVED BY COUNTY ATTORNEY
BY Uta. M. M. M.
Approved As To Form And
Legal Sufficiency.

COMPOSITE EXHIBIT "A"

DEVELOPER CERTIFICATION

The Developer, by and through its authorized agent, Richard D. Eckhard, hereby certifies that a copy of the Application for Development Approval has been delivered to the Board of County Commissioners of Hillsborough County, the Tampa Bay Regional Planning Council and the Department of Community Affairs.

Signed and sealed this 25th day of January, 1990.


Richard D. Eckhard

DC 0000:074

The Descant

prepared on the behalf of
tampa triangle partners, ltd.

1511 north west shore boulevard
 suite 1000
 tampa, florida 33607
 ph: (813) 287-8855
 attn: eric mueller & ludo bassamex

general development pl.
 existing zoning
 & ownership plan

for lands generally located in

section 31
 township 24 south, range 20 east
 hillsborough county, florida

client's representative

holland & knight
 400 north ashley drive
 tampa, florida 33602
 ph: (813) 237-8500
 attn: rick davis

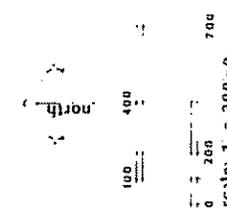
prepared by

Greenhorne & o mara, inc.
 1511 north westshore boulevard, suite 150
 tampa, florida 33607
 ph: (813) 287-1511

project number: 8193-ECP-820-0
 original date: september 8, 1989
 revision number

revisions:
 date: description:
 11/22/89 Revised per Hillsborough County comments

Greenhorne & O'Mara, Inc.
 1511 North West Shore Boulevard
 Suite 150
 Tampa, Florida 33607
 Phone: (813) 287-1511
 Fax: (813) 287-1512



General notes

1. All dimensions are in feet unless otherwise noted.

2. All bearings are in degrees, minutes and seconds.

3. All distances are in feet unless otherwise noted.

4. All areas are in square feet unless otherwise noted.

5. All volumes are in cubic feet unless otherwise noted.

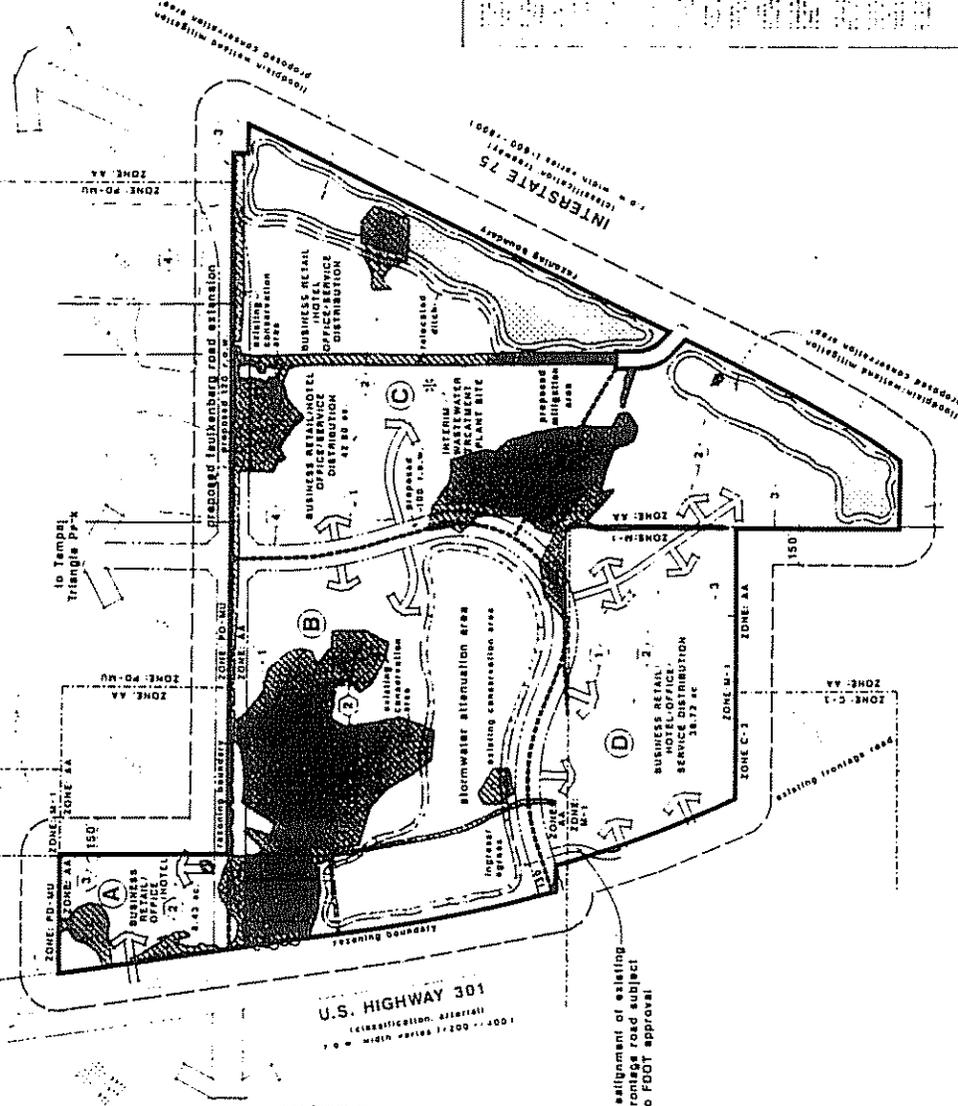
6. All elevations are in feet above mean sea level unless otherwise noted.

7. All bearings and distances are based on the National Grid System.

8. All areas are based on the National Grid System.

9. All volumes are based on the National Grid System.

10. All elevations are based on the National Grid System.



NOTES:

- number & location of driveway such as subject to sheet based on future subdivision of property
- internal circulation is subject to change based on final subdivision of future parcelization
- accuracy & buffering of undeveloped land shall be based on existing adjacent zoning and land use
- the internal roadway alignment and access shall be subject to the final alignment of the proposed Palmetto road extension

wetlands

mitigation area 20.72 ac.
 conservation area 0.80 ac.
 stormwater attenuation lake 16.20 ac.
 drainage assessment 1.80 ac.
total 44.52 ac.

site data summary	existing	proposed
site area	131.88 ac. (m.c.l.)	n/a
land use designation	UL-3	n/a
zoning	AA & M-1	IPD-3
development	vacant	business retail/office 6.43 ac. business retail/hotel/office service distribution 62.83 ac. office/service distribution 42.80 ac.
Gross floor area	n/a	business retail 110,000 s.f. hotel 220 rooms office 1,050,000 s.f. service distribution 380,000 s.f.
floor area ratio (gross)	n/a	0.30
maximum building height	n/a	see general notes #10 and #11

(D) DENOTES PARCEL IDENTIFICATION LETTER

existing conservation areas