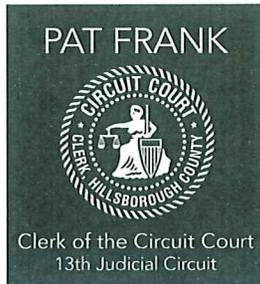


#209



July 6, 2006

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

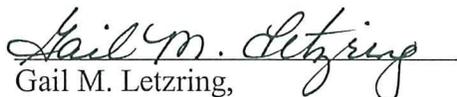
Re: Resolution No. R06-119 - Amending the Development Order for Apollo Beach DRI (DRI #59/209)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on June 13, 2006.

We are providing this original for your files.

Sincerely,


Gail M. Letzring,
Manager, BOCC Records

bam

Attachment

Certified Mail 7002 2410 0001 4265 1614

cc: Board files (orig.)
Vincent A. Marchetti, Attorney at Law (orig. ltr.)
Charles Gauthier, Chief, DCA Bureau of State Planning (orig. ltr.)
Nancy Y. Takemori, Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Sandra Davidson, County Attorney's Office
Christopher Weiss, Property Appraiser's Office
Mary Mahoney, Management & Budget

**AMENDMENTS TO CONSOLIDATED DEVELOPMENT ORDER
APOLLO BEACH DRI**

RESOLUTION NO. R06-119

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING THE DEVELOPMENT ORDER (RESOLUTION NO. R97-169) PREVIOUSLY AS AMENDED, FOR THE APOLLO BEACH DEVELOPMENT OF REGIONAL IMPACT (DRI #59) ADOPTED BY HILLSBOROUGH COUNTY ON JULY 15, 1997, TO EXTRACT AN 11.12 ACRE PARCEL KNOWN AS THE 'MIXON PARCEL' AND TO REVISE THE DRI MASTER PLAN PURSUANT TO CHAPTER 380, FLORIDA STATUTES.

Upon motion by Commissioner Sharpe, seconded by Commissioner Castor, the following Resolution was adopted by a vote of 5 to 0 Commissioner(s) _____ voting "No."

WHEREAS, on February 21, 1979, Hillsborough County (County) approved a development order for the Apollo Beach Development of Regional Impact (DRI) (DRI #59) pursuant to Chapter 380, Florida Statutes (F. S.); and

WHEREAS, the original development order approved development of Apollo Beach DRI #59 in Phases I-IV, granting specific approval for Phase I and conceptual approval for Phase II-IV; and

WHEREAS, on February 5, 1985, Hillsborough County approved a revised development order, Resolution No. 85-0038, for the Apollo Beach DRI (DRI #59); and

WHEREAS, on April 24, 1990, Hillsborough County approved a development order Resolution No. 90-0116, for the Apollo Beach DRI Phases II, III, and IV (DRI #209) which granted specific approval for Phases II and III, and conceptual approval for Phase IV; and

WHEREAS, on May 7, 1991, Hillsborough County approved a revised development order, Resolution No. 91-0086, for the Apollo Beach DRI Phases II, III, and IV (DRI #209); and

WHEREAS, on September 21, 1993, Hillsborough County approved a revised development order, Resolution No. 93-00202, for the Apollo Beach DRI Phase I (DRI #59); and

WHEREAS, on July 15, 1997, Hillsborough County approved a “consolidated development order” combining the approval of Apollo Beach DRI #59 and DRI #209 into a single DRI (DRI #59) development order (Resolution No. R97-169) covering all phases of the DRI; and

WHEREAS, on March 23, 1999, Hillsborough County approved amendments (Resolution No. R99-052) to Resolution No. R97-169 deleting approximately 612 acres contained in Phases II and III from the Apollo Beach DRI and including them in a separate new DRI development order for the Harbor Bay DRI (Resolution No. R99-051), and making conforming amendments to the Apollo Beach DRI; and, on February 22, 2000, Hillsborough County approved amendments (Resolution No. R2000-28) to the Apollo Beach DRI changing certain commercial uses to multifamily uses and making other minor changes; and,

WHEREAS, on January 23, 2001 Terrabrook, Apollo Beach, L.P., the developer of the Harbor Bay DRI (1) deleted approximately 374.4 acres within the Apollo Beach DRI from that DRI; and (2) added that land to the Harbor Bay DRI; and (3) made conforming changes to the Apollo Beach DRI development order to reflect the deletion of those lands; and,

WHEREAS, on January 23, 2002, the Board of County Commissioners approved an extension in time for the Phase I portion of Apollo Beach DRI # 59/209 to December 29, 2006; and,

WHEREAS, on October 22, 2002, through Resolution 02-267, the Board of County Commissioners approved several modifications that included: a) dividing pocket 70 into two pockets, 70A and 70B, and adding as an alternative use (at the developer’s option) single family attached and detached residential uses to pocket 70A (currently approved as a golf driving range); b) dividing development pocket 99 into two pockets, 99A and 99B, and providing the option to relocate, as an alternative use at the developer’s option, the existing golf club house from pocket 72 to pocket 99A as well as to incorporate it into the Apollo Beach DRI; c) adding single family attached and detached residential uses as an additional use (at the developer’s option), to Apollo Beach development pocket 105; d) adding single family attached and single family detached as an alternative use (at the developer’s option), to Apollo Beach pocket 72 (currently approved as a golf club house) and adding new land for a new Apollo Beach development pocket (pocket 108) for a golf driving range; and,

WHEREAS, Eric Stober, as representative of Belleair Capital Group, Inc., a developer within Apollo Beach DRI (“Developer”), on December 21, 2005 filed a Notice of Proposed Change (“NOPC”) requesting extraction of the “Mixon” Parcel. The parcel is defined as “Pocket 49,” an 11.12 acre parcel and sole remnant of “Phase II” of the Apollo Beach DRI and completely isolated from the rest of the Apollo Beach project, thus warranting extraction; and,

WHEREAS, the Hillsborough County Board of County Commissioners gave notice and held a public hearing on June 13, 2006, on the NOPC, as required by Section 380.06, F.S., and other regulations, and provided the public and other interested parties an opportunity to be heard and present evidence concerning the proposed NOPC.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 13th DAY OF June, 2006:

Section 1. The changes to Resolution No. R97-169 proposed by the Developer do not constitute a substantial deviation to the Apollo Beach DRI pursuant to Section 380.06(14), F.S.

Section 2. The consolidated development order for the Apollo Beach DRI approved July 15, 1997, as previously amended on March 23, 1999, February 22, 2000, January 23, 2001 and October 22, 2002 is further amended as follows:

a. The Specific Conditions in the development order in Section IV of Resolution Nos. R97-169, R99-052, R2000-28, R2001-009 and R2002-267 are amended as follows:

1. Section IV.A. Phasing schedule and Deadlines is revised to:

a. Substitute the following chart in Paragraph 1

(development order p. 8 of Resolution No. R97-169):

EXISTING DEVELOPMENT	As of 12/31/1996	Units/ Sq. Ft	Total PM Peak Trips	PM Peak Entering	PM Peak Exiting
RESIDENTIAL UNITS	BUILT	607	549	357	192
COMMERCIAL	SQ. FT.	225,072	1,100	550	550
OFFICE	SQ. FT.	0			
INDUSTRIAL	SQ. FT.	0			
MARINA*	NO. SLIPS	78	15	9	6
	TOTAL TRIPS		1664	916	748
PHASE IB (remainder of DRI 59)					

BUILD OUT DATE	12/29/2006				
RESIDENTIAL UNITS	SFD	1,822	1,480	962	518
	**MF		0	0	0
COMMERCIAL	SQ. FT.	515,392	1,853	890	963
COMMERCIAL***	SQ. FT.	130,000	776	388	388
OFFICE***	SQ. FT.	140,000	281	48	233
INDUSTRIAL	SQ. FT.	0	0	0	0
MARINA*	NO. SLIPS	8	2	1	1
TOTAL	TOTAL TRIPS		4,392	2,289	2,103
PHASE 2 (DRI 209)	12/29/2006	-	-	-	-
RESIDENTIAL UNITS	SFD	30	36	23	13
INDUSTRIAL	SQ. FT.	0	0	0	0
TOTAL	TOTAL TRIPS	-	36	23	13
TOTAL PROJECT ****					
RESIDENTIAL UNITS	UNITS	2,459	2,065	1,342	723
RESIDENTIAL UNITS	UNITS	2,429	2,029	1,319	710
COMMERCIAL	SQ. FT.	870,464	3,729	1,828	1,901
OFFICE	SQ. FT.	140,000	281	48	233
INDUSTRIAL	SQ. FT.	0	0	0	0
MARINA*	NO. SLIPS	86	17	10	7
	TOTAL TRIPS	-	6,092	3,228	2,864
	TOTAL TRIPS		6,056	3,205	2,851

*Any expansion of either wet or dry commercial boat slips within the project will be counted cumulatively with the previously approved slips in any DRI determination

**Applicant may develop single or multi-family development within select identified areas.

***Applicant may develop in office areas subject to no increase in overall PM Peak or PM Peak directional trips

**** ~~331 Phase IB SF units, 397 MV units, and 1452 SF units from Phase II and III were removed through resolution 99-52. Resolution # 02-267 added 130 residential units to pockets 70A, 72, and 105 and acknowledged 3 residential units within pocket 99A for a total of 133 supplementary units within Phase 1B.~~

- b. The Master Site Plan (Map H) has been revised deleting the Mixon Parcel from the DRI. This is attached as **Exhibit A**.
- c. A revised legal description for the DRI reflecting the extraction of the Mixon Parcel is attached as **Exhibit B**.

Section 4. The provisions of Resolution No. R97-169, as previously amended by Resolution Nos. R99-052, R2000-28, R2001-009 and R02-267, that are not amended herein shall remain in full force and effect.

Section 5. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners, by certified mail, to the State Land Planning, Agency, the Tampa Bay Regional Planning Council, and the Developer.

Section 6. The Developer's Certification attached hereto and incorporated herein as **Exhibit C** affirms that copies of the NOPC have been delivered to all persons as required by law.

Section 7. In the event that any portion or section of this Resolution 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.

Section 8. This Resolution shall become effective upon the date of transmittal to the parties specified in Section 380.07(2), F.S. The Developer shall record a notice of the adoption of this Resolution in the Hillsborough County public records pursuant to the requirements set forth in Section 380.06(15)(f), F.S.

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 June 13, 2006 as same appears of record in Minute Book 361 of the Public Records of Hillsborough County, Florida,

WITNESS my hand and official seal this 6th day of July, 2006.

ATTEST: PAT FRANK, CLERK



By: Meredith K. Depp
Deputy Clerk

APPROVED BY COUNTY ATTORNEY
BY [Signature]
Approved as to Form and Legal Sufficiency

EXHIBIT A – MAP H removing pocket 49 – the Mixon Tract

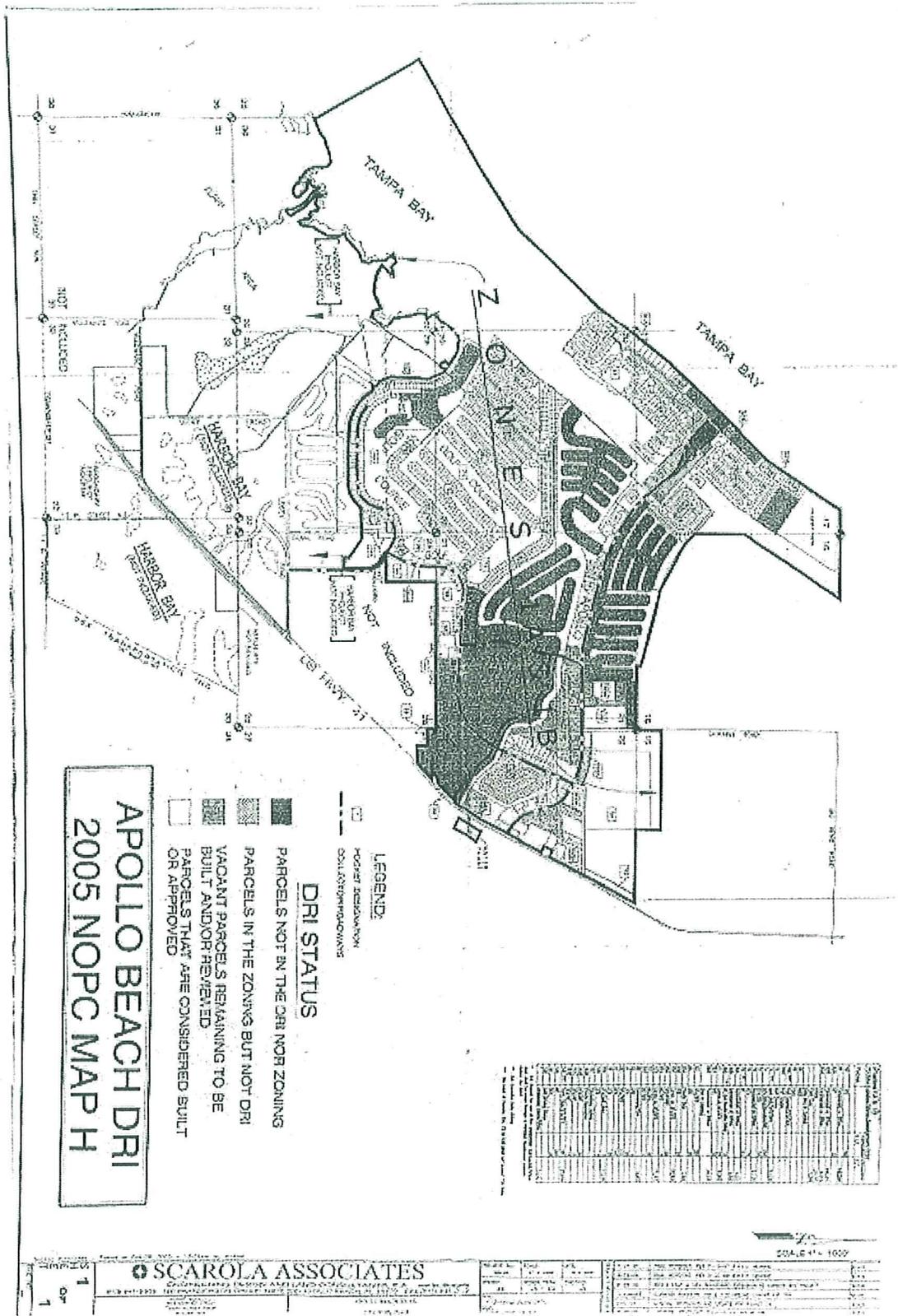


Exhibit "B"

APOLLO D.R.I.
(LESS HARBOR BAY, ELAPP, DICKMAN, SCHOOL
and HILLSBOROUGH COUNTY DRAINAGE RIGHT-OF-WAY)

LEGAL DESCRIPTION:

A parcel of land lying in Sections 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32 and 33, Township 31 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Southwest corner of Section 33; run thence N 00°29'21" E, along the West boundary of said Section 33, a distance of 1484.40 feet; thence N 64°47'39" W, a distance of 775.38 feet; thence S 75°11'06" W, a distance of 675.22 feet; thence S 54°49'48" W, a distance of 538.13 feet; thence S 89°39'54" W, a distance of 633.74 feet; thence S 87°40'13" W, a distance of 301.58 feet; thence N 89°22'37" W, a distance of 1260.43 feet; thence N 00°48'27" E, a distance of 1282.59 feet; thence N 89°25'52" W, a distance of 1331.17 feet; thence S 00°55'14" W, a distance of 1285.88 feet; along the East boundary of Section 31; thence N 89°23'45" W, a distance of 3979.64 feet; thence S 00°35'07" W, a distance of 1298.26 feet; thence N 89°34'29" W, a distance of 1324.04 feet to the Southwest corner of said Section 31, thence N 00°30'05" E, along the West boundary of said section 31 and 30, a distance of 7423.41 feet; thence N 29°16'56" W, a distance of 3969.60 feet to a point on the Hillsborough County bulkhead line in Tampa Bay as recorded in Plat Book 35, Page 16 of the Public Records of Hillsborough County, Florida; thence N 60°43'04" E, along said bulkhead line, a distance of 5194.59 feet; thence N 45°51'25" E, a distance of 2900.52 feet; thence N 38°38'27" E, a distance of 2448.98 feet; thence N 45°37'51" E, a distance of 3629.23 feet; thence N 34°59'22" E, a distance of 2288.40 feet; thence S 88°58'27" E, a distance of 653.64 feet to the Northwest corner of Section 16, thence continue S 88°58'27" E, a distance of 1703.52 feet; thence S 34°59'22" W, a distance of 3039.10 feet to a point on the West boundary of said Section 16; thence leaving the stated bulkhead line S 00°53'49" W, along said West boundary of Section 16, a distance of 1318.47 feet; thence S 48°01'42" E, a distance of 357.43 feet to a point on the Northerly boundary of a resubdivision of Apollo Beach Unit 8, as recorded in Plat Book 42, Page 58 of the Public Records of Hillsborough County, Florida; thence along said Northerly boundary S 47°33'02" E, a distance of 50.00 feet; thence along an arc to the left a distance of 1362.35 feet with a radius of 2793.82 feet, subtended by a chord of 1348.89 feet, chord bearing S 61°31'13" E; thence S 75°29'23" E, along the North boundary of Apollo Beach Unit 8, Section A, as recorded in Plat Book 35, Page 97 of the Public Records of Hillsborough County, Florida, a distance of 958.41 feet; thence S

75°34'05" E, along the North boundary of Sabal Key Unit 2 as recorded in Plat Book 46, Page 51 of the Public Records of Hillsborough County, Florida, a distance of 1181.81 feet; thence S 01°06'31" W, a distance of 110.85 feet to a point on the North boundary of Section 21; thence along said North boundary S 89°34'17" E, a distance of 1690.87 feet to the Southwest corner of Section 15; thence N 00°44'36" E, along the West boundary of said Section 15, a distance of 662.52 feet; thence S 89°20'12" E, a distance of 2643.40 feet; thence S 00°48'54" W, a distance of 663.76 feet to a point on the North boundary of Section 22, thence S 89°18'35" E, along said North boundary a distance of 1923.31 feet to a point on the Westerly right of way boundary of U.S. Highway 41 (S.R. 45); thence along said Westerly right of way boundary S 28°38'02" W, a distance of 2577.17 feet; thence N 61°21'58" W, a distance of 200.00 feet; thence S 28°38'02" W, a distance of 100.00 feet; thence S 61°21'58" E, a distance of 200.00 feet; thence S 28°38'02" W, a distance of 769.90 feet; thence N 61°21'58" W, a distance of 18.00 feet; thence S 28°38'02" W, a distance of 1627.50 feet to a point of curvature; thence along an arc to the right a distance of 169.25 feet with a radius of 2714.79 feet subtended by a chord of 169.22 feet, chord bearing S 30°25'12" W; thence S 60°36'58" E, a distance of 13.01 feet to a point on a curve; thence along an arc concave to the Northwesterly, a distance of 246.17 feet with a radius of 2727.79 feet subtended by a chord of 246.09 feet, chord bearing of S 34°46'40" W; thence N 60°36'58" W, a distance of 40.40 feet to a point on a curve; thence along an arc concave to the Northwesterly, a distance of 457.43 feet with a radius of 2687.79 feet, subtended by a chord of 456.88 feet, chord bearing S 42°21'30" W, to a point of tangency; thence S 47°14'02" W, a distance of 229.20 feet; thence N 89°19'12" W, a distance of 134.56 feet; thence S 47°14'02" W, a distance of 243.63 feet; thence S 89°19'12" E, a distance of 200.00 feet thence S 47°14'02" W, a distance of 572.95 feet thence N 89°19'12" W, a distance of 490.64 feet; thence N 00°53'46" E a distance of 271.54 feet; thence N 89°12'12" W, a distance of 439.87 feet; thence N 00°53'46" E, a distance of 290.00 feet, to the Southeast corner of stated Section 21; thence N 89°23'43" W, along the South boundary of said Section 21 also being the centerline of Miller Mac Road (Clay-Gully Road Plat) a distance of 3962.79 feet thence S 00°53'17" W, a distance of 1324.17 feet; thence N 89°22'11" W, a distance of 1320.86 feet to the East boundary of Section 29; thence S 00°53'07" W, along said East boundary, a distance of 1323.58 feet; thence N 89°20'36" W, a distance of 1322.15 feet thence S 00°46'56" W, a distance of 1324.06 feet; thence S 89°21'52" E, a distance of 1319.77 feet; thence S 89°19'10" E, a distance of 2738.91 feet to a point on the stated Westerly right-of-way boundary of U.S. Highway 41 (S.R. 45); thence S 47°14'02" W, along said right-of-way boundary, a distance of 463.05 feet; thence S 47°18'00" W, a distance of 1464.29 feet to a point on the North boundary of Section 33; thence S 89°17'39" E, along said North boundary a distance of 3083.65 feet to a point on the Westerly right-of-way boundary of Seaboard Coastline Railroad; thence S 28°37'33" W, along said Westerly right-of-way a distance of 5791.97 feet to the South boundary of stated Section 33;

thence N 89°06'38" W, along said South boundary a distance of 2050.00 feet to the Southwest corner of said Section 33, said point being the POINT OF BEGINNING.

ALSO a tract in Section 22, Township 31 South, Range 19 East, more particularly described as follows: From the Southwest corner of stated Section 22, run S 89°19'12" E, along the South boundary of Section 22, a distance of 2084.69 feet to a point on the East right-of-way boundary of Seaboard Coastline Railroad; thence

N 28°37'33" E, along said right-of-way boundary a distance of 737.35 feet to a POINT OF BEGINNING; thence continue along said right-of-way boundary a distance of 726.00 feet; thence

S 61°22'27" E, a distance of 300.00 feet; thence S 28°37'33" W, a distance of 726.00 feet; thence N 61°22'27" W, a distance of 300.00 feet to the POINT OF BEGINNING.

AND

Development Pocket 99A

DESCRIPTION: Parcels D, E, and F, ST ANDREWS CLOSE MINOR SUBDIVISION

Containing approximately 3.29 acres

AND

Development Pocket 108 (relocated driving range)

DESCRIPTION: A parcel of land lying in the North 1/2 of Sections 28, Township 31 South, Range 18 East, Hillsborough County, Florida, and a portion of Tracts 47 and 56, RUSKIN TOMATO FARMS, according to the map or plat thereof as recorded in Plat Book 27, Page 110 of the Public Records of Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of Section 29, Township 31 South, Range 18 East, Hillsborough County, Florida, and run thence N.00°51'10"E., 2646.83 feet along the East boundary of said Section 29; thence N.89°17'14"W., 190.17 feet along the South boundary of the Northeast 1/4 of said Section 29 (also being the South boundary of said Tract 55); thence N.00°49'48"E., 653.98 feet to a point on the South boundary of APOLLO BEACH UNIT SIX, as recorded in Plat Book 37, Page 88 of the Public Records of Hillsborough County, Florida ; thence S.89°22'53"E., 76.80 feet along the South boundary of said APOLLO BEACH UNIT SIX to the Southeast corner thereof and the Southwest corner of property of Charles F. and Lori L. Bruno as described in O.R. Book 8631, Page 368, Public Records of Hillsborough County, Florida; thence along the South boundary of the Bruno property S.89°22'53"E., 143.36 feet to the Southeast corner thereof and the POINT OF BEGINNING; thence N.00°54'10"E., 407.84 feet along the East boundary of the Bruno property to the South boundary of property of Patricia Landwehr Corr as recorded in O.R. Book 7588, Page 804, Public Records of Hillsborough County, Florida; thence S.89°22'53"E., 104.62 feet

along the South boundary of the Corr property; thence N.00°37'07"E., 403.35 feet along the East boundary of the Corr property to the South right-of-way line of Signet Drive; thence along said Southerly right-of-way line the following three (3) courses: 1) Easterly, 80.36 feet along the arc of a curve to the right having a radius of 345.00 feet and a central angle of 13°20'45" (chord bearing S.67°46'44"E., 80.18 feet) to a point of tangency; 2) S.61°06'22"E., 273.02 feet to a point of curvature; 3) Southerly, 39.27 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing S.16°06'22"E., 35.36 feet) to the right-of-way line Golf and Sea Boulevard; thence along the existing right-of-way line for Golf and Sea Boulevard the following three (3) courses: 1) S.28°53'38"W., 106.52 feet; 2) S.61°06'22"E., 110.00 feet; thence along the proposed right-of-way line for Golf and Sea Boulevard the following four (4) courses: 1) S.61°06'22"E., 30.00 feet; 2) N.28°53'38"E., 111.52 feet; 3) S.61°06'22"E., 145.48 feet to a point of curvature; 4) Southeasterly, 246.77 feet along the arc of a curve to the right having a radius of 450.00 feet and a central angle of 31°25'13" (chord bearing S.45°23'45"E., 243.69 feet); thence S.67°00'00"W., 281.56 feet; thence S.00°53'15"W., 190.00 feet; thence S.89°22'16"E., 320.00 feet to the proposed right-of-way line of said Golf and Sea Boulevard; thence S.00°53'15"W., 466.23 feet along said proposed right-of-way line; thence N.89°06'45"W., 284.08 feet; thence NORTH, 114.13 feet; thence N.59°17'36"W., 340.36 feet; thence N.54°03'49"W., 284.72 feet; thence N.89°22'53"W., 107.76 feet to the POINT OF BEGINNING. Containing 14.676 acres, more or less and

Com At Nw Cor Of Sw 1/4 S 89 Deg 22 Min 16 Sec E 2 951.33 Ft For Pob N 00 Deg 53 Min 15 Sec E 670.01 3 Ft N 89 Deg 22 Min 16 Sec W 320 Ft N 00 Deg 53 Min 4 15 Sec E 190 Ft N 67 Deg 00 Min 00 Sec E 281.56 Ft 5 Curve To Left Rad 450 Ft Chrd Brg N 45 Deg 23 Min 6 45 Sec W 243.69 Ft N 61 Deg 06 Min 22 Sec W 145.48 7 Ft S 28 Deg 53 Min 38 Sec W 111.52 Ft N 61 Deg 06 8 Min 22 Sec W 30 Ft N 28 Deg 53 Min 38 Sec E 223.96 9 Ft S 89 Deg 22 Min 52 Sec E 2.98 Ft Curve To Left 10 Rad 25 Ft Chrd Brg S 29 Deg 20 Min 59 Sec E 26.32 11 Ft S 61 Deg 06 Min 22 Sec E 150.48 Ft Curve To 12 Right Rad 550 Ft Chrd Brg S 30 Deg 06 Min 33 Sec E 13 566.49 Ft S 00 Deg 53 Min 15 Sec W 743.24 Ft And N 14 89 Deg 22 Min 16 Sec W 100 Ft To Pob Less Rd R/W Containing 1.95 acres, more or less for a total of 16.6 acres

LESS:

The following described properties:

That part of the Northeast 1/4 of Section 32, Township 31 South, Range 19 East lying South of U.S. Highway 41, (S.R. 45).

ALSO that portion of the North 1/2 of the Southeast 1/4 of Section 32, Township 31 South, Range 19 East, lying North and West of U.S. Highway 41 (S.R. 45), less the West 488.10 feet.

ALSO tract 65 of Ruskin Tomato Farms as recorded in Plat Book 27, Page 110 of the Public Records of Hillsborough County, Florida.

Said parcel containing 5227.19 acres M.O.L. Gross Acreage.
47.07 acres M.O.L. Rights-of-Way.
Total Net Acreage 5180.12
(Plus 99A and 108 totaling 20 M.O.L. acres)

AND ALSO LESS

(ELAPP PROPERTY)

DESCRIPTION :

A parcel of land lying in Sections 19, 20, 29, 30, 31 and 32, Township 31 South, Range 19 East, Hillsborough County, Florida; explicitly described as follows:

That part of aforesaid Section 19, lying above the mean highwater line of Tampa Bay.

Together with: that part of aforesaid Section 20, lying above the mean highwater line of Tampa Bay and Southwesterly of Biscayne Canal as shown on the record plat of Apollo Beach Unit No. 6, as recorded in Plat Book 37, Page 88, of the Public Records of Hillsborough County, Florida.

Together with: that part of Tracts 51, 52 and 53, Ruskin Tomato Farms as recorded in Plat Book 27, Page 110, of the Public Records of Hillsborough County, Florida, lying Southwesterly of Biscayne Canal as shown on the record plat of Apollo Beach Unit No. 6, as recorded in Plat Book 37, Page 88, of the Public Records of Hillsborough County, Florida and Northwesterly of the unnamed canal running through said Tracts 52 and 53; together with the unimproved right of way abutting said Tracts 51 and 52; all lying within aforesaid Section 29, Township 31 South, Range 19 East, Hillsborough County, Florida; and all of Tract 67, Ruskin Tomato Farms as recorded in Plat Book 27, Page 110, of the Public Records of Hillsborough County, Florida, lying Southwesterly of the canal right of way as recorded in Deed Book 1106, Page 308, of the Public Records of Hillsborough County, Florida .

Together with: that portion of aforesaid Section 30, Township 31 South, Range 19 East, Hillsborough County, Florida, lying above the mean highwater line of Tampa Bay. Together with: All of aforesaid Section 31, Township 31 South, Range 19 East, Hillsborough County, Florida, less the Southerly 80 feet of the Southwest One-Quarter of the Southwest One-Quarter of said Section 31 for right of way purposes as recorded in Official Record Book 1648, Page 926, of the Public Records of Hillsborough County, Florida and less the Southeast One-Quarter of the Southwest One-Quarter of said Section 31 and less the South half of the Southeast One-Quarter of said Section 31, Township 31 South, Range 19 East, Hillsborough County, Florida, and less maintained right of way for Villemaire Road.

Together with: that portion of aforesaid Section 32, Township 31 South, Range 19 East, Hillsborough County, Florida, explicitly described as follows: Commence at the Northwest corner of said Section 32 for the Point of Beginning, thence on the Northerly boundary thereof S 89°22'58" E, a distance of 382.24 feet, to the Southeast corner of Section 29, Township 31 South, Range 19 East, Hillsborough County, Florida, thence continue on said Northerly boundary, S 89°22'58" E, a distance of 887.01 feet, to the Westerly right of way boundary of the canal as recorded in Deed Book 1106, Page 308, of the Public Records of Hillsborough County, Florida; thence on said Westerly canal right of way, S 31°16'29" E, a distance of 1004.27 feet; thence continue on said Westerly right of way S 59°09'11" E, a distance of 962.77 feet, to the Westerly right of way boundary of Leisey Road as maintained by Hillsborough County; thence on said Westerly maintained right of way boundary, S 00°55'35" W, a distance of 479.51 feet; thence departing said right of way boundary, N 89°16'02" W, a distance of 1860.73 feet; thence S 00°37'31" W, a distance of 668.48 feet, to the Northerly right of way boundary of Villemaire Road, as recorded in Deed Book 1106, Page 310, of the Public Records of Hillsborough County, Florida; thence on said Northerly right of way boundary, N 89°26'00" W, a distance of 780.42 feet to a point on the Westerly boundary of aforesaid Section 32, said point being N 00°53'52" E, 60.00 feet from the Southwest corner of the Northwest One-Quarter of said Section 32; thence on the Westerly boundary of said Section 32, N 00°53'52" E, a distance of 2482.35 feet to the Point of Beginning.

Contains 1079.5 acres of land more or less above mean high water.

AND ALSO LESS:

(HARBOR BAY - TRACT "V")

DESCRIPTION: A parcel of land lying in Sections 28, 29, 32 and 33, Township 31 South, Range 19 East, Hillsborough County, Florida and being more particularly described as follows;

From the Southwest corner of the Northwest 1/4 of Section 32, Township 31 South, Range 19 East, run thence N.00°53'55"E., 60.00 feet along the West boundary of the Northwest 1/4 of said Section 32; thence S.89°25'58"E., 780.75 feet along the North right-of-way line of Villemaire Road (also being a line 60.00 feet North of and parallel with the South boundary of the Northwest 1/4 of said Section 32) to the POINT OF BEGINNING; thence along the Easterly boundary of property deeded to Hillsborough County and recorded in Official Records Book 7073, Page 320, Public Records of Hillsborough County, Florida the following two (2) courses: 1) N.00°36'25"E., 668.30 feet; 2) S.89°16'25"E., 1860.63 feet to the Westerly maintained right-of-way line of Leisey Road; thence N.00°55'35"E., 514.13 feet along said Westerly maintained right-of-way line to the North boundary of a 30 foot wide Drainage Canal as recorded in Deed Book 1106, Page 308, Public Records of Hillsborough County, Florida; thence N.59°07'43"W., 937.77 feet along said Drainage Canal; thence N.31°17'43"W., 2730.60 feet along said Drainage Canal to the West boundary

of the aforesaid Section 29; thence N.00°28'03"E., 1168.22 feet along said West boundary to the Northwest corner of the Southwest 1/4 of said Section 29; thence S.89°17'14"E., 622.24 feet along the North boundary of the Southwest 1/4 of said Section 29 to the Northwest corner of Tract 65, RUSKIN TOMATO FARMS, according to the plat thereof as recorded in Plat Book 27, Page 110, Public Records of Hillsborough County, Florida; thence along the Westerly boundary of said Tract 65, S.48°41'18"E., 1991.58 feet to the Southwest corner of said Tract 65; thence along the South boundary of said Tract 65, S.89°20'09"E., 465.65 feet to the Southeast corner of said Tract 65; thence along the East boundary of said Tract 65, N.00°40'32"E., 1295.64 feet to the Northeast corner of said Tract 65; thence along the North boundary of said Tract 65, N.89°17'14"W., 1612.28 feet to the centerline of a drainage canal; thence along the centerline of said canal the following fourteen (14) courses: 1) N.12°57'40"W., 112.26 feet; 2) N.00°11'29"W., 77.99 feet; 3) N.26°34'39"E., 26.86 feet; 4) N.28°19'33"E., 51.78 feet; 5) N.35°31'21"E., 99.07 feet; 6) N.36°11'35"E., 79.11 feet; 7) N.36°16'26"E., 89.95 feet; 8) N.36°29'54"E., 92.87 feet; 9) N.37°43'25"E., 72.46 feet; 10) N.36°45'54"E., 83.83 feet; 11) N.36°54'42"E., 74.67 feet; 12) N.34°31'46"E., 77.69 feet; 13) N.38°01'31"E., 79.67 feet; 14) N.38°17'39"E., 111.88 feet to a point on the curved Southerly boundary of Biscayne Canal according to the plat of APOLLO BEACH - UNIT SIX, as recorded in Plat Book 37, Page 88, Public Records of Hillsborough County, Florida; thence along the Southerly boundary of said Apollo Beach Unit Six, the following four (4) courses: 1) Southeasterly, 1328.34 feet along the arc of a curve to the left having a radius of 1305.00 feet and a central angle of 58°19'14" (chord bearing S.60°18'45"E., 1271.74 feet) to a point of tangency; 2) S.89°28'22"E., 1374.19 feet to a point of curvature; 3) Northeasterly, 723.06 feet along the arc of a curve to the left having a radius of 788.28 feet and a central angle of 52°33'18" (chord bearing N.64°14'59"E., 697.97 feet); 4) S.89°22'53"E., 442.25 feet; thence S.00°49'48"W., 653.98 feet to the South boundary of the Northeast 1/4 of said Section 29, said point also being the North boundary of Tract 63, of the aforesaid RUSKIN TOMATO FARMS; thence along the North boundary of said Tract 63, N.89°17'14"W., 1131.95 feet; thence along the West boundary of said Tract 63, S.00°46'49"W., 1294.53 feet; thence along the South boundary of said Tract 63, S.89°20'09"E., 1319.65 feet; thence along the South boundary of the aforesaid Tract 62, S.89°19'05"E., 1051.37 feet; thence S.00°53'15"W., 60.00 feet along the Southerly projection of the West boundary of the East 269.17 feet of said Tract 62, to a point on the South right-of-way line of Leisey Road (North boundary of Tract 71 of said RUSKIN TOMATO FARMS); thence S.89°19'05"E., 1562.31 feet along said South right-of-way line (North boundary of Tracts 71 and 72 of said RUSKIN TOMATO FARMS) to the intersection right-of-way for Leisey Road with U.S. Highway No. 41 (S.R. 45); thence S.41°51'46"E., 65.34 feet along said intersection right-of-way line; thence along the Westerly right-of-way line of said U.S. Highway No.41 the following six (6) courses: 1) S.47°13'56"W., 349.59 feet; 2) S.47°17'54"W., 4033.93 feet to a point of curvature; 3) Southwesterly, 990.76 feet along the arc of a curve to the right having a radius of 11409.16 feet and a central angle of 04°58'32" (chord bearing

S.49°47'10"W., 990.45 feet); 4) N.37°43'34"W., 18.00 feet to a point on a curve; 5) Southwesterly, 81.61 feet along the arc of said curve to the right having a radius of 11391.16 feet and a central angle of 00°24'38" (chord bearing S.52°28'44"W., 81.61 feet); 6) S.77°22'04"W., 129.32 feet to the North right-of-way line of the aforesaid Villemaire Road; thence N.89°25'58"W., 3401.98 feet along said North right-of-way line (also being a line 60.00 feet North of and parallel with the South boundary of the Northwest 1/4 of said Section 32) to the POINT OF BEGINNING.

Containing 561.496 acres, more or less.

AND ALSO LESS:

(HARBOR BAY - TRACT "W")

DESCRIPTION: A parcel of land lying in the South 1/2 of Section 32, Township 31 South, Range 19 East, Hillsborough County, Florida and being more particularly described as follows:

BEGINNING at the Northeast corner of the Southwest 1/4 of Section 32, Township 31 South, Range 19 East, run thence S.89°25'58"E., 492.97 feet along the North boundary of the Southeast 1/4 of said Section 32; thence S.00°46'29"W., 836.58 feet to the Westerly right-of-way line of U.S. Highway No. 41 (S.R. No.45); thence S.52°46'06"W., 315.97 feet to along said Westerly right-of-way line to a point of curvature; thence Southwesterly, 388.78 feet along the arc of a curve to the left having a radius of 7211.97 feet and a central angle of 03°05'19" (chord bearing S.51°13'26"W., 388.73 feet) along said Westerly right-of-way line; thence N.89°28'12"W., 1272.63 feet; thence N.00°55'56"E., 1277.53 feet to the North boundary of the Southwest 1/4 of said Section 32; thence S.89°25'58"E., 1324.84 feet along the North boundary of the Southwest 1/4 of said Section 32 to the POINT OF BEGINNING.

Containing 50.515 acres, more or less.

ALTOGETHER containing 3488.6 acres, more or less.

AND ALSO LESS THE TWO FOLLOWING DESCRIBED PARCELS:

DICKMAN

DESCRIPTION: Two parcels of land lying in Section 33, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

PARCEL A

From the Southwest corner of said Section 33, run thence along the West boundary of said Section 33, N.00°28'54"E., 94.37 feet; thence S.89°31'06"E., 30.00 feet to a point on the Easterly right-of-way line of 12th STREET N.E., said point also being the POINT OF BEGINNING; thence along said Easterly right-of-way line the following four (4) courses: 1)

along a line lying 30.00 feet East of and parallel with said West boundary of Section 33, N.00°28'54"E., 2538.91 feet; 2) N.89°25'58"W., 2.26 feet; 3) N.01°10'14"E., 488.02 feet; 4) N.05°28'29"E., 187.04 feet to a point on the Southeasterly right-of-way line of U.S. HIGHWAY NO. 41; thence along said Southeasterly right-of-way line, N.47°17'54"E., 1752.09 feet; thence S.89°17'28"E., 1139.57 feet; thence N.02°05'17"E., 569.99 feet; thence along a line lying 30.00 feet South of and parallel with the North boundary of the aforesaid Section 33 the following two (2) courses: 1) S.89°17'18"E., 523.01 feet; 2) S.89°28'33"E., 1305.33 feet to a point on the Westerly boundary of a Hillsborough County Drainage right-of-way, as recorded in Deed Book 1233, Page 323, Public Records of Hillsborough County, Florida, said point hereinafter referred to as POINT "A"; thence along said Westerly boundary the following three (3) courses: 1) SOUTH, 778.92 feet; 2) S.28°37'25"W., 1496.17 feet; 3) S.61°22'35"E., 30.00 feet to a point on the Northwesterly boundary of a Railroad right-of-way for SEABOARD COASTLINE RAILROAD; thence along said Northwesterly boundary S.28°37'25"W., 3315.54 feet to a point on the Northerly right-of-way line of 19th AVENUE; thence along said Northerly right-of-way line the following four (4) courses: 1) N.88°53'27"W., 1144.45 feet to a point of curvature; 2) Westerly, 230.72 feet along the arc of a curve to the left having a radius of 68,799.94 feet and a central angle of 00°11'32" (chord bearing N.88°59'13"W., 230.72 feet); 3) S.00°55'01"W., 5.00 feet to a point on a curve; 4) Westerly, 644.73 feet along the arc of said curve to the left having a radius of 68,794.94 feet and a central angle of 00°32'13" (chord bearing N.89°21'05"W., 644.73 feet) to a point on the aforesaid Easterly right-of-way line of 12th STREET N.E.; thence along said Easterly right-of-way line, N.26°06'22"W., 55.86 feet to the POINT OF BEGINNING.

Containing 336.495 acres, more or less.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

PARCEL B:

From a point previously referred to as POINT "A", run thence N.00°31'27"E., 30.00 feet to a point on the aforesaid Northerly boundary of Section 33; thence along said Northerly boundary the following two (2) courses: 1) S.89°28'33"E., 29.73 feet to the POINT OF BEGINNING; 2) continue S.89°28'33"E., 443.30 feet to a point on the aforesaid Northwesterly boundary of the Railroad right-of-way for SEABOARD COASTLINE RAILROAD; thence along said Northwesterly boundary, S.28°37'25"W., 925.33 feet to a point on the Easterly boundary of the aforesaid Hillsborough County Drainage right-of-way; thence along said Easterly boundary, NORTH, 816.30 feet to the POINT OF BEGINNING.

Containing 4.153 acres, more or less.

Altogether containing 340.648 acres, more or less.

AND ALSO LESS THE FOLLOWING DESCRIBED PARCEL:

PARCEL C

DESCRIPTION: A portion of the 30 foot wide HILLSBOROUGH COUNTY DRAINAGE RIGHT-OF-WAY, as recorded in Deed Book 1233, Page 323, Public Records of Hillsborough County, Florida, lying in Section 33, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

From a point previously referred to as POINT "A", said point also being the POINT OF BEGINNING, run thence along the Westerly and Southerly boundaries of said 30 foot wide HILLSBOROUGH COUNTY DRAINAGE RIGHT-OF-WAY, the following three (3) courses: 1) SOUTH, 778.92 feet; 2) S.28°37'25"W., 1496.17 feet; 3) S.61°22'35"E., 30.00 feet to a point on the Northwesterly boundary of a Railroad right-of-way for SEABOARD COASTLINE RAILROAD; thence along the Easterly boundary of said 30 foot wide HILLSBOROUGH COUNTY DRAINAGE RIGHT-OF-WAY, the following two (2) courses: 1) said Northwesterly boundary of a Railroad right-of-way for SEABOARD COASTLINE RAILROAD, N.28°37'25"E., 1503.83 feet; 2) NORTH, 816.30 feet to a point on the North boundary of the aforesaid Section 33, said point also being the Northeast corner of said 30 foot wide HILLSBOROUGH COUNTY DRAINAGE RIGHT-OF-WAY; thence along said North boundary of Section 33, and the North boundary of said 30 foot wide HILLSBOROUGH COUNTY DRAINAGE RIGHT-OF-WAY, the following two (2) courses: 1) N.89°28'33"W., 1335.01 feet; 2) N.89°17'18"W., 522.24 feet; thence S.02°05'17"W., 30.01 feet to a point on the South boundary of said 30 foot wide HILLSBOROUGH COUNTY DRAINAGE RIGHT-OF-WAY; thence along said South boundary, lying 30.00 feet South of and parallel with the aforesaid North boundary of Section 33, the following two (2) courses 1) S.89°17'18"E., 523.01 feet; 2) S.89°28'33"E., 1305.33 feet to the POINT OF BEGINNING.

Containing 2.852 acres, more or less.

AND ALSO LESS THE FOLLOWING DESCRIBED PARCEL:

SCHOOL SITE

A Portion of O.R. Book 3993, Pg. 1960

DESCRIPTION: A parcel of land lying in Section 32, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of Section 33, run N.00°29'21"E., along the Westerly boundary of Section 33 a distance of 1484.40 feet to the intersection with the centerline of the Canal for POINT OF BEGINNING. From POINT OF BEGINNING run thence N.64°47'39"W., along centerline of canal a distance of 775.38 feet; thence S.75°11'06"W., a distance of 675.22 feet; thence S.54°49'48"W., a distance of 538.13 feet; thence S.89°39'54"W., a distance of 633.74 feet to a point on the Southeasterly right-of-way boundary of U.S. 41 (State Road 45); thence along a curve

concave to the Southeasterly a distance of 152.90 feet with a radius of 7029.98 feet subtended by a chord of 152.90 feet, chord bearing N.52°08'49"E., thence N.52°46'12"E., along Southeasterly right-of-way boundary, a distance of 1787.09 feet to a point of curvature; thence along a curve to the left a distance of 126.72 feet with a radius of 11,591.19 feet subtended by a chord of 126.72 feet, chord bearing N.52°27'24.5"E.; thence S.89°25'52"E., 793.17 feet; thence S.00°29'21"W., 1088.31 feet along the Westerly boundary of Section 33 to the POINT OF BEGINNING.

LESS the Following:

(a) Right-of-way for 20th Avenue and 12th Street Northwest.

(b) That part of the North 1/2 of the Southeast 1/4 of Section 32, Township 31 South, Range 19 East, lying East of the public road conveyed to Tallie B. Carter, Sr., et ux, et al, by Deed recorded April 28, 1952 in Deed Book 1680 on Page 311.

Containing 33.308 acres, more or less.

AND ALSO LESS THE FOLLOWING DESCRIBED PARCEL:

MIXON SITE

A parcel of land lying in the NW ¼ of Section 33, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows: Commence at the NW corner of said Section 33, run thence S 89°23'08" E, 354.50 feet, along the North boundary line of said Section 33 to a point being the SW corner of Section 28, Township 31 South, Range 19 East from said point continue thence along the North boundary line of afore-mentioned Section 33, S 89°17'39" E, 1609.08 feet to a point on the Easterly right-of-way line of U.S. Highway 41 (State Road 45), also being the POINT OF BEGINNING (P.O.B.); thence continue on the North boundary line of said Section 33, S 89°17'39" E, 520.84 feet; run thence S 02°06'03" W, 600.00 feet; run thence along a line South of and parallel to the North boundary line of said Section 33, N 89°17'39" W, 1140.40 feet to a point returning to the Easterly right-of-way line of U.S. Highway 41 (State Road 45), run thence N 47°18'00" E, 872.90 feet along said Easterly right-of-way line to the POINT OF BEGINNING.

totaling approximately 11.12 acres, more or less

ALTOGETHER containing 3111.8 acres, more or less.

(Plus 99A and 108 totaling 20 acres)

(and minus the Mixon tract totaling approximately 11.12 acres)

AGC-AB-001

P:\APOLLO BEACH\APOLLODICKMAN-DRI-REMOVE

VBR

VBR

VBR

July 22, 1998

(Revised) September 10, 1998

(Revised Title) January 19, 1999

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



F209a

#209
#59

Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33621
Telephone 276-8100, ext. 6730

August 12, 1997

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

Re: Resolution No. R97-169 - Amending the Development Order for
Apollo Beach (DRI #59) Phase I and (DRI #209) Phases II - IV

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on July 15, 1997. Please note that the oversized site plan marked as "Exhibit B" is not included.

We are providing this copy for your files.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Fryman".

Linda Fryman
Senior Manager, BOCC Records

LF:SAB

Attachment

Federal Express AB #5593734941

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs

Michael L. Peterson, Esquire

Jeanie Hanna, Chief Assistant County Attorney

Gene Boles, Director, Planning & Growth Management

Joe Egozcue, County Attorney's Office

maps are attached
to the original
copy.

FINAL
7/15/97

CONSOLIDATED DEVELOPMENT ORDER
APOLLO BEACH

RESOLUTION NO. R97-169

A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
APOLLO BEACH DRI #59 (FORMERLY KNOWN AS #59 and #209)

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

WHEREAS, on February 21, 1979, Hillsborough County (the
"County") approved a development order for the Apollo Beach
Development of Regional Impact (DRI #59); and

WHEREAS, the original development order approved development
of Apollo Beach DRI #59 in Phases I-IV, granting specific approval
for Phase I and conceptual approval for Phases II-IV; and

WHEREAS, on February 5, 1985, Hillsborough County approved a
revised development order, Resolution No. 85-0038, for the Apollo
Beach Development of Regional Impact (DRI #59); and

WHEREAS, on April 24, 1990, Hillsborough County approved a
development order, Resolution No. 90-0116, for the Apollo Beach
Development of Regional Impact Phases II, III, and IV (DRI #209)
which granted specific approval for Phases II and III, and
conceptual approval for Phase IV; and

WHEREAS, on May 7, 1991, Hillsborough County approved a
revised development order, Resolution No. 91-0086, for the Apollo
Beach Development of Regional Impact Phases II, III, and IV (DRI
#209); and

WHEREAS, on September 21, 1993, Hillsborough County approved
a revised development order, Resolution No. 93-00202, for the
Apollo Beach Development of Regional Impact Phase I (DRI #59); and

WHEREAS, pursuant to the Notice of Proposed Change review initiated February 13, 1996, the Developers and Hillsborough County mutually agree on the form and substance of the proposed amendments to the development orders for Apollo Beach (DRI's #59 and #209) as presented herein; and

WHEREAS, though the Notice of Proposed Change initiated on February 13, 1996 resulted in amended Development Order text and a conceptual master plan that was approved by the Board of County Commissioners on August 13, 1996, delays in preparing and submitting the companion Map H resulted in DCA staff not initiating their final review of the amendment request until March, 1997; and,

WHEREAS, in the DCA review it was determined that: 1) revised marina language as requested by an individual property owner's representative; and, 2) the need for a Comprehensive Plan land use amendment prior to permitting residential development within an industrially designated parcel in the southern portion of the Apollo Beach project, are two issues that, if unresolved, would result in DCA appealing the Development Order amendment; and,

WHEREAS, it was mutually determined by all parties that the most appropriate solution would be for the Board of County Commissioners to rehear the amendment with revised language which adequately resolves the marina issue and the comprehensive plan amendment issue and thus alleviates the possibility for DCA appeal;

 WHEREAS, this action by the Board amends those portions of the development orders for Apollo Beach inconsistent with the proposed amendments presented herein and consolidates future review under the singular reference of DRI #59.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 15th DAY OF July, 1997, AS FOLLOWS:

I. FINDINGS OF FACT

- A. Frandorson Properties has submitted to Hillsborough County, Florida, an Application for Notice of Proposed Change, said changes following the approvals granted under DRI #59 and DRI #209 and their corresponding Applications for Development Approval and Sufficiency Responses which are incorporated by reference. Hereinafter, the word "Application" shall refer to the Application for Notice of Proposed Change and other exhibits specifically incorporated in this Resolution.
- B. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit "A", together with a revised general site plan received July 24, 1997 prepared by Scarola Associates to reflect the changes set forth in this development order, as set forth in Composite Exhibit "B".

- C. Hillsborough County, through its ELAPP program has purchased for preservation, two separate areas previously considered a part of DRI # 59 & 209. The real property subject to these ELAPP purchases is legally described as set forth in Composite Exhibit "A". These ELAPP parcels are no longer considered a part of DRI # 59 or 209.
- 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 impacts generated by the Development has been conducted by the Hillsborough County Administration, and the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.
- G. The authorized agent for Frandorson Properties and the other owners of undeveloped parcels within Apollo Beach is Michael L. Peterson, Esq., 218 Apollo Beach Blvd, Apollo Beach, Florida 33572.
- H. The Developer's Certification attached hereto as Exhibit "C" and incorporated herein, affirms that copies of the Notice of Change have been delivered to all persons as required by law.

II. CONCLUSIONS OF LAW

- A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Application for Notice of Proposed Change, prior approvals granted under DRI #59 and DRI #209 and their corresponding Applications for Development Approval and Sufficiency Responses, the reports, recommendations and testimony heard, it is concluded that:
 - 1. The Development is consistent with local land development regulations and is consistent with the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and state and regional comprehensive plans.
 - 2. The Development is consistent with the report and recommendations of the 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 Planning Commission, 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 proposed changes set forth in the Notice of Change are approved subject to all terms and conditions of the Development Orders not otherwise modified by this Amendment.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for the Apollo Beach 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 DRI #59 and DRI #209 Development Orders and their corresponding Applications for Development Approval and Sufficiency Responses shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
- D. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- E. This Development Order shall be binding upon the Developers and their successors and assigns, including any entity which may assume any of the responsibilities imposed on the Developers 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 Developers are responsible for ongoing maintenance of facilities at Apollo Beach, the Developers may transfer any or all of their maintenance responsibilities to an appropriate entity created for purposes of such maintenance. However, before such transfer may be made and becomes effective, the body to which responsibility will be transferred must be approved by the County, and/or other agencies (if any) required by law to approve such transfer or entity. Upon determination that the entity or body in question can and will be responsible to provide maintenance as required in this Development Order, such approval by the County and other agencies (if any) 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, 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 shall issue a notice of such noncompliance to the Developers, or the County Administrator shall recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- K. The Developers shall file an annual report in accordance with Subsection 380.06(18), Florida Statutes, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form RPM-BSP-Annual Report-1, as amended. Such report shall be due on the anniversary of the date of adoption by the Board of County Commissioners of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be

submitted to the Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developers shall be notified of any Board of County Commissioner's 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 the Development Order or other applicable local regulations which the Developers propose to submit during the year immediately following submittal of the Annual Report; and
 4. A statement setting forth the name(s) and address(es) of any successors or assigns to this Development Order; and
 5. A statement describing how the Developers have complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and, except as otherwise provided herein, to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable laws, rules, regulations and ordinances in effect at the time of the review unless exempted or vested pursuant to law.
- 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. A notice of the adoption of the Development Order shall be recorded in the Hillsborough County public records pursuant to the requirements set forth in Florida Statutes, Section 380.06(15)(f). All time frames stipulated herein shall be tolled during any appeal or

litigation affecting this Development Order.

- N. The Developers have elected, pursuant to Subsection 380.06(5)(c), Florida Statutes, and to the extent not already exempted, to be bound by the provisions of Chapters 403 and 373 and each chapter's respective implementing rules and regulations in effect as of the effective date of this Development Order. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

PHASE 1A		UNITS	PM PEAK HOUR TRIPS		
		SQ.FT.	TOTAL	ENTERING	EXITING
Existing Development	12/31/1996				
RESIDENTIAL UNITS	BUILT	607	549	357	182
COMMERCIAL	SQ. FT.	225,072	1,100	550	550
OFFICE	SQ. FT.	0			
INDUSTRIAL	SQ. FT.	0			
MARINA *	# SLIPS	78	15	9	6
	TOTAL TRIPS		1,664	916	748
PHASE 1B					
(remainder of DRI # 59)	12/29/2001				
RESIDENTIAL UNITS	SFD	1,987	1,601	1,040	560
	MF	**	0	0	0
COMMERCIAL	SQ. FT.	522,092	1,880	940	940
COMMERCIAL***	SQ. FT.	130,000	766	388	388
OFFICE ***	SQ. FT.	140,000	281	48	233
INDUSTRIAL	SQ. FT.	0			
MARINA *	# SLIPS	8	2	1	1
	TOTAL TRIPS		4,530	2,417	2,122
PHASE II (DRI # 209)					
RESIDENTIAL UNITS	SFD	792	698	454	244
	MF	264	157	100	57
COMMERCIAL	SQ. FT.	98,000	648	324	324
OFFICE ***	SQ. FT.	0	0	0	0
INDUSTRIAL	SQ. FT.	0	0	0	0
	TOTAL TRIPS		1,503	878	625
PHASE III (DRI # 209)					
RESIDENTIAL UNITS	SFD	1,028	883	574	309
	MF	133	83	53	30
COMMERCIAL	SQ. FT.	220,000	1,084	542	542
COMMERCIAL	SQ. FT.	5,000	97	49	48
COMMERCIAL	SQ. FT.	29,836	304	152	152
OFFICE ***	SQ. FT.	0	0	0	0
INDUSTRIAL	SQ. FT.	574,992	563	68	495
	TOTAL TRIPS		3,014	1,438	1,576
TOTAL					
RESIDENTIAL UNITS	SFD	4,414	3,731	2,425	1,305
	MF **	397	240	153	87
COMMERCIAL	SQ. FT.	1,230,000	5,879	2,945	2,844
OFFICE	SQ. FT.	140,000	281	48	233
INDUSTRIAL	SQ. FT.	574,992	563	68	495
MARINA *	# SLIPS	86	17	10	7
	TOTAL TRIPS		10,711	5,649	5,071

* Any expansion of either wet or dry commercial boat slips within the project will be counted cumulatively with the previously approved slips in any DRI determination

** Applicant may develop single or multi-family development within select identified areas

*** Applicant may development commercial in office areas subject to no increase in overall PM Peak or PM peak directional trips

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

2. Specific final development approval is accorded to Phases I (the portion of the project specifically approved by DRI # 59), and II and III (The portions of the project specifically approved by DRI # 209), subject to the conditions contained herein.

Increments of individual approved land uses, or any subphase, portion or combination thereof, may be converted to other increments of individual approved land uses having the equivalent trip generation (based on the Institute of Transportation Engineer's ("ITE") Trip Generation, latest edition. In addition, the cumulative project totals for each approved land use shall not be exceeded as a result of such conversion. Prior to such conversion, the Developers shall provide the County for review and approval, traffic trip generation data sufficient to verify that such conversion will not result in directional trip generation which exceeds that projected for Subphase II-A, or with respect to specifically approved Phase II and III development beyond Subphase II-A, that was projected for such phases.

This data shall be submitted to the Florida Department of Transportation. Although the phasing of certain land uses may be accelerated into an earlier phase by the conversion method set forth above, the geographic location of the land uses may not be altered from the original approved master plan without the developers filing a notice of proposed change to determine whether a substantial deviation has occurred, in either case a development order amendment will be required. As an exception to this restriction, the geographic location of office uses and commercial uses may be exchanged without filing a notice of change as required above. Nothing in this section shall be construed as a pre-determination that any proposed change in geographic locations of uses which would be required by this order to file a notice of change, is or is not a substantial deviation.

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

phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes.

- 4a. Marina Provisions: Any expansion of the Andalucia Marina beyond the approved seventy-eight (78) marina boat slips shall require a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. Eight (8) accessory wet marina boat slips shall be permitted with Pocket #80. A total of eighty-six (86) marina boat slips are specifically approved. Any additional marina facilities shall be subject to review and approval based on either:
- a) a satisfactory demonstration to DCA and the County by the property owner of existing marina development rights; or
 - b) the criteria established within Chapter 380.06 of the Florida Statutes.
- 4.b Residential Boat Slips: Each waterfront residential unit shall be permitted one (1) individual non-commercial boat slip. Such slips shall not require a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes.
5. Residential development shall be prohibited within the area designated "Zone 5" on Map H dated March 6, 1997 until the Comprehensive Future Land Use Map within this area is amended to permit residential uses.
6. The physical development of the consolidated Apollo Beach development has commenced.
7. This Development Order shall remain in effect for a period up to and including April 29, 2011. No development shall be commenced after expiration of the Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County, TBRPC and DCA a minimum of thirty (30) days prior to the expiration date of this Development Order.
8. This Development shall not be subject to downzoning, or

intensity reduction until April 29, 2011, 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 Developers, or that the change is clearly established by the local government to be essential to the public health, safety, or welfare.

B. Transportation

1. General Transportation Conditions for remaining development within Phase I

- a. Concurrency. Remaining development within Phase I shall be bound by concurrency as defined by the "Hillsborough County Adequate Public Facilities Regulations", Div. 3.9 of the Land Development Code, as amended and as modified herein.

All new increments of development in excess of three (3) single family homes (or their trip equivalent) within the Phase I portion of the project shall undertake concurrency review as maintained by the County. Notwithstanding the above, in addition, the submitted information required for concurrency review shall include an analysis of expected trips generated by each new increment of development on both: Apollo Beach Blvd from Surfside Blvd. to U.S. 41; and, US 41 from Big Bend Rd to SR 674, regardless of the initial point of contact of a proposed development.

To ensure that both of the above referenced segments continue to operate at an acceptable level of service, the developer shall submit as part of the Annual Report, current traffic volumes for both roads.

2. General Transportation Conditions for development within Phases II and III

- a. Monitoring. When certificates of occupancy have been issued for 750 single-family dwelling units generate 455 in, 267 out (or more) p.m. peak hour directional external trip ends), an annual directional external trip ends), an annual monitoring program to provide

peak-hour traffic counts at the projects entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. Counts shall be performed on an annual basis through build-out. This information shall be supplied in the required annual report. If an annual report is not submitted within thirty (30) days of its due date, or if the annual report indicates that the project trips exceed projected directional external volumes 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 require additional roadway improvements. The cumulative Phase II and Phase III projected total p.m. peak hour directional external trip ends are as follows: Phase II 878 in, 625 out; and Phase III - 1,438 in, 1,576 out. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments. If said deviation is determined to be substantial, additional review will be required which may result in Development Order amendments.

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

- b. TSM. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of certificates of occupancy for 750 single-family dwelling units (or other approved land uses which cumulatively generate 455 in, 267 out (or more) p.m. peak hour directional external trip ends) which will divert a number of vehicle trips from the PM peak-hour. Such a program shall be reviewed by Hillsborough County, the Hillsborough Area Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), the TBRPC and the Florida Department of Transportation ("FDOT").

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

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

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

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

OBJECTIVES:

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

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

- c. Concurrency, Development of Apollo Beach Primary Phases II, and III shall be subject to the provisions of Hillsborough County Adequate Public Facilities Ordinance (#90-05, latest revision).
3. Mitigation Alternatives. The Developer, at its option, shall select one of the following alternatives to mitigate the Development's transportation impacts for Phases II and III.

a. Option 1

- (1) Prior to the issuance of construction permits for Phase II of the Development, funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements in Table 2 shall be acquired. Without funding commitments for these improvements, construction permits shall not be issued for Phase II.
- (2) Prior to the issuance of construction permits for Phase III of the Development, funding commitments from responsible entities for the link improvements indicated in Table 3 and the intersection improvements indicated in Table 4 shall be acquired. Without funding commitments for these improvements, construction permits shall not be issued for Phase III.
- (3) It has been determined based on traffic counts and the traffic analysis submitted by the Developer that an initial subphase of Phase II consisting of 711 single family residential units, or other approved land uses having the equivalent of said subphase in terms of trip generation, may be constructed and occupied without consuming 5% or more of the peak hours LOS D capacity of any of the regionally significant roadways listed herein in tables 1-4, and without the expected traffic trips to be generated by construction and occupancy of said subphase causing said regionally significant roadways to operate below LOS D (LOS C rural) peak hour.
- (4) As used in this Option 1, "funding commitment" shall mean that the responsible entity has provided for the construction of a roadway improvement within the first three (3) years of its adopted five year capital improvement program. In addition, each phase shall be subject to the provisions of IV B.1.c.

TABLE 1
PHASE II REQUIRED LINK IMPROVEMENTS FOR
APOLLO BEACH BASED ON FIVE PERCENT OF LOS D (C RURAL)
PEAK-HOUR SERVICE VOLUMES

<u>Road</u>	<u>Segment</u>	<u>Total Traffic LOS Prior to Improvements</u>	<u>Development* Contribution (Percent)</u>	<u>Required Improvement</u>
U.S. 41	Big Bend to Apollo Beach Boulevard	F	20.9	Construct 6- lane divided arterial
Big Bend Road	U.S. 41 to I-75	F	25.0	Construct 6- lane divided arterial
S.R. 674	U.S. 41 to 17th	F	22.9	Construct 4- lane divided arterial

TABLE 2
PHASE II REQUIRED INTERSECTION IMPROVEMENTS FOR
APOLLO BEACH BASED ON FIVE PERCENT OF LOS D (C RURAL)
PEAK-HOUR SERVICE VOLUMES

<u>Intersection</u>	<u>Total Traffic LOS Prior to Improvements</u>	<u>Development* Contribution (Percent)</u>	<u>Required Improvement</u>
U.S. 41 @ SR 674	F	7.8	Add eastbound, westbound left turn-lane; north- bound, westbound right-turn lane. Add dual southbound left-turn lanes
<u>Project</u>			
<u>Entrances</u>			
US 41 @ Leisey Road	N/A	N/A	Add eastbound left, and eastbound right
US 41 @ Project Drive A	N/A	N/A	Add westbound left and westbound right
US 41 @ 12th Street NE	N/A	N/A	Add eastbound left, through/right. Add westbound left, through/right.

TABLE 2 Cont'd
 PHASE II REQUIRED INTERSECTION IMPROVEMENTS FOR
 APOLLO BEACH BASED ON FIVE PERCENT OF LOS D (C RURAL)
 PEAK-HOUR SERVICE VOLUMES

Project	Total Traffic LOS Prior to <u>Improvements</u>	Development* Contribution <u>(Percent)</u>	Required <u>Improvement</u>
<u>Entrances</u> US 41 @ Villemaire	N/A	N/A	Add eastbound left, through/right. Add westbound left, through/right.
Villemaire Road @ 19th Avenue	N/A	N/A	Add eastbound left, right.

TABLE 3
 PHASE III REQUIRED LINK IMPROVEMENTS FOR
 APOLLO BEACH BASED ON FIVE PERCENT OF LOS D (C RURAL)
 PEAK-HOUR SERVICE VOLUMES

<u>Road</u>	<u>Segment</u>	Total Traffic LOS Prior to <u>Improvements</u>	Development* Contribution <u>(Percent)</u>	Required <u>Improvement</u>
US 41	Big Bend to Apollo Beach Blvd	F	68.3	Construct 6- lane divided arterial
	<u>Riverview to Gibsonton</u>	F	<u>6.4</u>	<u>Construct 6- lane divided arterial</u>
Big Bend Road	US 41 to I-75	F	76.8	Construct 6- lane divided arterial
SR 674	US 41 to 12th Street	F	44.1	Construct 6- lane divided arterial
	12th Street to I-75	F	9.9	Construct 6- lane divided arterial
19th Avenue	West of US 41	F	126.3	Construct 4- lane divided arterial

TABLE 3 Cont'd
 PHASE III REQUIRED LINK IMPROVEMENTS FOR
 APOLLO BEACH BASED ON FIVE PERCENT OF LOS D (C RURAL)
 PEAK-HOUR SERVICE VOLUMES

<u>Road</u>	<u>Segment</u>	<u>Total Traffic LOS Prior to Improvements</u>	<u>Development* Contribution (Percent)</u>	<u>Required Improvement</u>
19th Avenue	US 41 to US 301	F	89.3	Construct 4- lane divided arterial
<u>US 301</u>	<u>Symmes Road to Big Bend Road</u>	F	<u>11.18</u>	<u>Construct 4- lane divided arterial</u>

TABLE 4
 PHASE III REQUIRED INTERSECTION IMPROVEMENTS FOR
 APOLLO BEACH BASED ON FIVE PERCENT OF LOS D (C RURAL)
 PEAK-HOUR SERVICE VOLUMES

<u>Intersection</u>	<u>Total Traffic LOS Prior to Improvements</u>	<u>Development* Contribution (Percent)</u>	<u>Required Improvement</u>
I-75 @ Big Bend Road West	F	20.2	Add southbound off ramp
US 41 @ SR 674	F	11.8	Construct US 41 as a 6-lane divided arterial. West- bound add dual left- turn lanes.
<u>Project Entrances</u> US 41 @ 12th Street NE	N/A	N/A	Add westbound right- turn lane
Project Drive B @ 19th Avenue	N/A	N/A	Add southbound left, right-turn lane

* NOTE: The Development Contribution Percentage listed on
 Tables 1-4 do not include the cumulative impacts of Phase
 I, except for the following links on Table 3:

U.S. 41 - Riverview to Gibsonton Road
U.S. 301 - Symmes Road to Big Bend Road

b. Option 2

With respect to further construction beyond the initial subphase referenced in 2.a.3. above, and in the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase II or III, the capacity and loading of transportation facilities in the transportation study network including but limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, the FDOT and the TBRPC pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of 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 or shall indicated alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D at peak hour (C peak rural). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices and reviewed and approved by Hillsborough County and TBRPC. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak rural), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak rural).

Each subphase approved under this option shall have a maximum build-out of up to 3 years. No additional building permits shall be issued upon expiration of the buildout date until an updated transportation analysis (consistent with the provisions of this section) is provided and approved by Hillsborough County

and TBRPC. The analysis shall propose an extension of the buildout date or new build-out date (not to exceed 3 years). The analysis shall demonstrate that the level of service standards contained herein (LOS D peak hour, C peak rural) will not be exceeded through the new proposed build-out date of the approved subphase and additional subphase requested, if any.

C. Historical and Archaeological Sites

1. Archaeological site 8-Hi-3625 (Frandonson Properties Shell Midden) shall be located within a protected area of sufficient size, with a least a 30 foot buffer, so as to be protected from development and its associated activities. Other protective measures for the site as contained on pages A-58 and A-60 in the ADA and as recommended by the Florida Department of State, Division of Historical Resources shall be implemented. The applicant shall include in annual reports proof of implementation of these protective measures.
2. Any other historical or archaeological resources discovered during development activities of the Apollo Beach Phases II-III project shall be immediately reported to the Florida Department of State, Division of Historical Resources, TBRPC, and Hillsborough County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue.

D. Public Facilities

1. Wastewater

- a. Hillsborough County shall provide, operate and maintain wastewater treatment service and disposal capacity for Apollo Beach Phases II-III, in accordance with the Agreement for Sale and Purchase of Big Bend Utility Company, Inc. dated March 10, 1982, as amended, between Hillsborough County and the Developers (the "Water and Sewer Agreement").
- b. The provision and maintenance of the wastewater treatment and collection system shall be governed by the Water and Sewer Agreement.

- c. Apollo Beach shall implement a wastewater reuse system within Phases II-III, to provide for the non-potable water needs of the project, when feasible or when required by Hillsborough County ordinance, whichever comes first. The developer(s) of Phases II-III shall submit plans for a wastewater reuse system, as appropriate, concurrent with the first building permits or accompanying the 1998 annual report, whichever comes first.
- d. Unless otherwise stipulated within the Agreement for Sale and Purchase of Big Bend Utility Company, Inc. dated March 10, 1982, as amended and as may be amended in the future, prior to dedication to the county, sewer lines provided by the developers for Apollo Beach shall be initially tested for leaks and ruptures by the developers. Faulty lines shall be replaced by the developers prior to acceptance by the County. Subsequent to the acceptance of sewer lines and the expiration of any warranties the County shall replace faulty lines as they occur as quickly as possible.
- e. The disposal into the sewer system of non-domestic hazardous wastes, as defined by applicable regulations, shall be prohibited.

2. Drainage and Flood Control

- a. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 40D-4, FAC, unless specifically exempted by SWFWMD. The systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, FAC. Treatment shall be provided by biological filtration, wherever feasible.
- b. The stormwater management system for the development shall be designed, constructed, and maintained at a minimum, to meet the requirements of the Hillsborough County Stormwater Management Technical Manual. The design criteria to be used is that which is in effect at the

time of construction plan submittal for a particular phase of the development. In addition, the stormwater management system shall provide retention for the first one-inch of runoff generated from the site, unless this requirement is proven by the Developers to be unnecessary for groundwater recharge and surface water quality protection purposes.

- c. Prior to construction plan approval and the issuance of any permits, the Master Plan for each proposed zone in Apollo Beach within Phases II-III shall be submitted to the DEP and TBRPC for review, to Hillsborough County for approval, and to the Southwest Florida Water Management District ("SWFWMD"), to the extent applicable, for approval. This plan shall address, but not be limited to, control of on-site stormwater, maintenance of water quality, wetlands to be preserved, proposed wetland alterations, mitigation for lost wetlands, maintenance of hydroperiods and methods for wetlands restoration/enhancement. All on-site wetlands defined as preservation or conservation areas by policies 10.1.2 and 10.3.1 FRCRPP as shown in attachment Exhibit "D" except those existing lakes which are man-made, shall be delineated as such in the Master Stormwater Management Plan. These wetland areas shall be preserved or mitigated, respectively, by in-kind replacement on a 1:1 basis, at minimum.
- d. Best Management Practices for reducing water quality impacts, as recommended by Hillsborough County and SWFWMD, shall be implemented and shall include a street cleaning program for parking and roadway areas within the development.
- e. In order to protect water quality in the Wolf Creek watersheds and Tampa Bay, there shall be no degradation of water quality by stormwater exiting the site below the standards set forth in Chapter 17-3, FAC. The Developers within Phases II-III shall provide for a semi-annual surface water quality monitoring program or some other comparable program mutually

acceptable to SWFWMD, DEP, and Hillsborough County EPC and PGM, to be instituted before construction commences and continue through project build-out. Any violation of Chapter 17-3, FAC, determined to be caused by this development, shall require corrective measures as set forth by DEP (Department of Environmental Protection). The following shall apply in regard to the water quality monitoring program,:

- (i) Sampling locations and parameters shall be determined by Hillsborough County, with review and comment by SWFWMD and TBRPC.
 - (ii) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/DER Quality Control Standards and Requirements.
 - (iii) The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County and DER immediately. If there is evidence that the developers are responsible for the violation, construction within the subbasin(s) where the violation is noted may be stopped until the violation is corrected.
- f. The Developers shall be responsible for the operation and maintenance of the on-site stormwater management facilities unless otherwise required or approved by the County.
- g. No fill shall be allowed in the 100-year freshwater riverain floodplain without equal flood plain storage value compensation within the stormwater management system. Also, in order to mitigate potential property damage from flooding, all elevations for habitable structures shall be at or above the 100-year flood level.
- h. All necessary drainage and associated

access easements shall be conveyed by the Developers to the County as required, in accordance with County policies existing at the time of construction plan submittal for a particular phase. All easement documents shall be fully executed and recorded prior to, or concurrent with issuance of certificates of occupancy or plat approval, whichever is applicable for the particular parcel or phase.

- i. To the extent not already exempted, the Developers have elected to be bound by the rules adopted pursuant to Chapters 373 and 403, Florida Statutes in effect at the time of adoption of this development order amendment. Accordingly, all applications for development permits pursuant to those chapters and which are necessary for, and consistent with the development authorized by this development order amendment, to the extent not exempted, shall be subject to the rules adopted pursuant to those chapters in effect at the time of adoption of this development order amendment.

3. Water Supply

- a. Accompanying the 1998 annual report, the Developers within Phases II-III shall submit a plan to Hillsborough County and TBRPC for using non-potable water for irrigation and the encouragement of water conservation measures in project development. This plan shall include the implementation of a wastewater reuse system, when and if required and feasible.
- b. Assurance of adequate water supply capacity and of maintenance of the water supply systems within the project site shall be governed by the Agreement for Sale and Purchase.
- c. Within Phases II-III, water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.) and native vegetation shall be used in landscaping to the greatest extent

feasible. In addition, the water conservation measures referenced in the ADA shall be required.

- d. The Developers shall encourage the use of the lowest quality water reasonably available and suitable for a given purpose in order to reduce the unnecessary use of potable water.
- e. Adequate fire flow and pressure shall be maintained within Apollo Beach Phases I-III.
- f. 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.

C. Hurricane Preparedness

- 1. The Developers shall promote hurricane awareness and shall cooperate with local and regional authorities to prepare a plan to ensure the safe and orderly evacuation of residents and those employees who are within the development after an evacuation order is issued. The plan shall be implemented by the Developers: (1) using its best efforts to have all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans.
- 2. The Developers within Phases II and III and to the greatest extent possible, the developers of Phase I shall coordinate with Hillsborough County Emergency Management officials, TBRPC, and the Tampa Bay Suncoast Chapter of the American Red Cross to determine appropriate shelter mitigation. Pursuant to Rule 9J-2.0256, FAC, it has been determined that construction and occupancy of Phase II-III will not cause a regionally significant impact on hurricane evacuation, and that Phase II will not have a regionally significant impact on shelter space availability. Accompanying the 1998 annual report, the Developers shall

prepare and provide Hillsborough County and TBRPC with an updated hurricane shelter space analysis, based on a methodology agreed to by the Developers, Hillsborough County, and TBRPC projecting the deficiencies, if any, in residential development for which the Developers are seeking approval. If such additional residential development creates a shelter space deficiency, the mitigation options in (a), (b), or (c) below shall be implemented singly, or in combination, at the Developers' election, to mitigate such deficit. The Developer must provide reasonable assurance from Hillsborough County and the County's emergency management officials regarding that these mitigation options will mitigate the development's hurricane shelter impacts. Once complete, this plan shall be sent to DCA and the Department of Emergency Management for their review and approval.

- a. Donation of land for public facilities or donation of the use of private structures to be used as primary public hurricane shelter (This option is appropriate if the shelter site is not within the hurricane vulnerability zone);
 - b. Provision of payments in lieu of donation of land for the upgrading of existing primary and secondary hurricane shelters located outside the hurricane vulnerability zone, so as to increase the county's primary public hurricane shelter space capacity; or
 - c. Limiting of development to a density that does not cause substantial impact on regional hurricane preparedness.
3. All deeds for sale of land and/or structures for Apollo Beach Zones Phases II-III within Evacuation Zones A-C shall be accompanied by a hazard disclosure statement generally describing the properties' relative probability of damage from hurricane surge.
 4. Project development within Phases II and III and to the greatest extent possible, within remaining portions of Phase I shall be consistent with TBRPC policies with regard to the siting of new institutions such as hospitals, nursing homes and adult Congregate Living Facilities in evacuation levels A or B.

D. General

1. Developers' Commitments. The Developers' commitments are set forth in the ADAs and Development Orders for DRI #59 and DRI #209 are hereby incorporated by reference and shall be honored, except as they may be superseded by specific terms of the Development Order.
2. Substantial Deviations. Except as otherwise provided herein, pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the project as described in the ADA shall require a substantial deviation determination.
3. Notice of Adoption. The Developers shall record a notice of adoption of this Development Order pursuant to Subsection 380.06(15), Florida Statutes.
4. Effective Date. The effective date of this Development Order shall be the date of its transmittal by the clerk of the Board of County Commissioners as set out below.
5. Date Rendered. This Development Order shall be deemed rendered as of the postmark date of the transmittal of copies hereof to DCA, TBRPC and the Developers.
6. Upon adoption, this Resolution shall be transmitted by the Ex-Officio Clerk of the Board of County Commissioners by certified mail to the DCA, TBRPC, the Developer's Representative and other recipients specified by statute of rules.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk for 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 _____
Land Use meeting of July 15, 1997
_____ as same appears of record in Minute Book
254 of the Public Records of Hillsborough County,
Florida.

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

ATTEST: RICHARD AKE, CLERK

By: [Signature]
Deputy Clerk



DRAFT July 25, 1997

APPROVED BY COUNTY ATTORNEY

BY [Signature]

Approved As To Form And
Legal Sufficiency.

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTIONS 15, 16, 17, 18, 20, 21, 22, 27, 28, 29, 30, 31, 32 AND 33 TOWNSHIP 31 SOUTH, RANGE 10 EAST, HILLSBOROUGH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 33; RUN THENCE N 00°21'21" E, ALONG THE WEST BOUNDARY OF SAID SECTION 33 A DISTANCE OF 144.00 FEET; THENCE N 84°47'30" W, A DISTANCE OF 775.34 FEET; THENCE S 75°11'04" W, A DISTANCE OF 475.22 FEET; THENCE S 84°46'44" W, A DISTANCE OF 634.13 FEET; THENCE S 80°29'54" W, A DISTANCE OF 433.74 FEET; THENCE S 87°40'12" W, A DISTANCE OF 301.54 FEET; THENCE N 80°22'37" W, A DISTANCE OF 1240.43 FEET; THENCE N 60°45'27" E, A DISTANCE OF 1242.59 FEET; THENCE N 80°25'52" W, A DISTANCE OF 1331.17 FEET; THENCE S 00°55'19" W, A DISTANCE OF 1246.86 FEET; ALONG THE EAST BOUNDARY OF SECTION 31; THENCE N 80°23'45" W, A DISTANCE OF 3979.64 FEET; THENCE S 00°35'07" W, A DISTANCE OF 1238.34 FEET; THENCE N 89°34'20" W, A DISTANCE OF 1324.04 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 31. THENCE N 00°30'05" E, ALONG THE WEST BOUNDARY OF SAID SECTION 31 AND 30, A DISTANCE OF 7423.91 FEET; THENCE N 20°16'54" W, A DISTANCE OF 3949.40 FEET TO A POINT ON THE HILLSBOROUGH COUNTY BULEHEAD LINE IN TAMPA BAY AS RECORDED IN PLAT BOOK 35, PAGE 14 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE N 60°43'09" E, ALONG SAID BULEHEAD LINE, A DISTANCE OF 5194.50 FEET; THENCE N 65°51'25" E, A DISTANCE OF 2909.52 FEET; THENCE N 34°36'27" E, A DISTANCE OF 2444.54 FEET; THENCE N 45°37'51" E, A DISTANCE OF 3429.23 FEET; THENCE N 34°36'27" E, A DISTANCE OF 2234.40 FEET; THENCE S 04°54'27" E, A DISTANCE OF 613.64 FEET TO THE NORTHWEST CORNER OF SECTION 16. THENCE CONTINUE S 04°54'27" E, A DISTANCE OF 1703.52 FEET; THENCE S 34°52'22" W, A DISTANCE OF 3039.10 FEET TO A POINT ON THE WEST BOUNDARY OF SAID SECTION 16; THENCE LEAVING THE STATED BULEHEAD LINE S 00°53'40" W, ALONG SAID WEST BOUNDARY OF SECTION 16 A DISTANCE OF 1818.47 FEET; THENCE S 04°01'42" E, A DISTANCE OF 367.43 FEET TO A POINT ON THE NORTHELY BOUNDARY OF A RESUBDIVISION OF APOLLO BEACH UNIT 8 AS RECORDED IN PLAT BOOK 92, PAGE 584 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE ALONG SAID NORTHELY BOUNDARY S 47°23'02" E, A DISTANCE OF 50.00 FEET; THENCE ALONG AN ARC TO THE LEFT A DISTANCE OF 1342.85 FEET WITH A RADIUS OF 2793.82 FEET, SUBTENDED BY A CHORD OF 1344.80 FEET, CHORD BEARING S 41°31'12" E; THENCE S 76°29'23" E, ALONG THE NORTH BOUNDARY OF APOLLO BEACH UNIT 8 SECTION 8 AS RECORDED IN PLAT BOOK 35, PAGE 97 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, A DISTANCE OF 964.91 FEET; THENCE S 75°34'05" E, ALONG THE NORTH BOUNDARY OF SAID BEACH UNIT 8 AS RECORDED IN PLAT BOOK 94, PAGE 51 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, A DISTANCE OF 1441.81 FEET; THENCE S 01°04'31" W, A DISTANCE OF 110.86 FEET TO A POINT ON THE NORTH BOUNDARY OF SECTION 21, THENCE ALONG SAID NORTH BOUNDARY S 80°34'17" E, A DISTANCE OF 1690.87 FEET TO THE SOUTHWEST CORNER OF SECTION 18. THENCE S 00°41'34" E, ALONG THE WEST BOUNDARY OF SAID SECTION 18, A DISTANCE OF 642.62 FEET; THENCE S 80°20'12" E, A DISTANCE OF 2443.40 FEET; THENCE S 00°44'54" W, A DISTANCE OF 643.76 FEET TO A POINT ON THE NORTH BOUNDARY OF SECTION 22, THENCE S 80°16'38" E, ALONG SAID NORTH BOUNDARY A DISTANCE OF 1923.31 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY BOUNDARY OF U.S. HIGHWAY 91 (S.R. 45); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY BOUNDARY S 28°34'02" W, A DISTANCE OF 2377.17 FEET; THENCE N 41°21'54" W, A DISTANCE OF 200.00 FEET; THENCE S 28°34'02" W, A DISTANCE OF 100.00 FEET; THENCE S 61°21'54" E, A DISTANCE OF 200.00 FEET; THENCE S 28°34'02" W, A DISTANCE OF 769.80 FEET; THENCE N 61°21'54" W, A DISTANCE OF 18.00 FEET; THENCE S 28°34'02" W, A DISTANCE OF 1427.50 FEET TO A POINT OF CURVATURE; THENCE ALONG AN ARC TO THE RIGHT A DISTANCE OF 149.25 FEET WITH A RADIUS OF 2714.70 FEET SUBTENDED BY A CHORD OF 149.22 FEET, CHORD BEARING S 20°25'12" W; THENCE S 60°34'54" E, A DISTANCE OF 12.01 FEET TO A POINT ON A CURVE; THENCE ALONG AN ARC CONCAVE TO THE NORTHEAST, A DISTANCE OF 244.17 FEET WITH A RADIUS OF 3727.70 FEET SUBTENDED BY A CHORD OF 244.00 FEET, CHORD BEARING S 30°44'40" W; THENCE N 60°34'54" W, A DISTANCE OF 40.40 FEET TO A POINT ON A CURVE; THENCE ALONG AN ARC CONCAVE TO THE NORTHWEST, A DISTANCE OF 467.43 FEET WITH A RADIUS OF 2467.70 FEET, SUBTENDED BY A CHORD OF 464.00 FEET, CHORD BEARING S 42°21'30" W TO A POINT OF TANGENCY; THENCE S 47°14'02" W, A DISTANCE OF 229.70 FEET; THENCE N 80°16'12" W, A DISTANCE OF 134.54 FEET; THENCE S 47°14'02" W, A DISTANCE OF 243.03 FEET; THENCE S 80°16'12" E, A DISTANCE OF 200.00 FEET; THENCE S 47°14'02" W, A DISTANCE OF 672.84 FEET; THENCE N 80°16'12" W, A DISTANCE OF 450.00 FEET; THENCE N 00°53'44" E, A DISTANCE OF 271.54 FEET; THENCE N 80°16'12" W, A DISTANCE OF 439.87 FEET; THENCE N 00°53'44" E, A DISTANCE OF 200.00 FEET, TO THE SOUTHEAST CORNER OF STATED SECTION 21; THENCE N 80°23'43" W, ALONG THE SOUTH BOUNDARY OF SAID SECTION 21 ALSO BEING THE CENTERLINE OF HILLER HIC ROAD (CLAY-BULLY ROAD PLAT) A DISTANCE OF 3042.70 FEET; THENCE S 00°53'17" W, A DISTANCE OF 1324.17 FEET; THENCE N 80°22'11" W, A DISTANCE OF 1320.66 FEET TO THE EAST BOUNDARY OF SECTION 29; THENCE S 00°53'07" W, ALONG SAID EAST BOUNDARY, A DISTANCE OF 1323.84 FEET; THENCE N 80°20'36" W, A DISTANCE OF 1322.15 FEET; THENCE S 00°44'54" W, A DISTANCE OF 1324.04 FEET; THENCE S 80°21'62" E, A DISTANCE OF 1318.77 FEET; THENCE S 40°19'10" E, A DISTANCE OF 2738.91 FEET TO A POINT ON THE STATED WESTERLY RIGHT-OF-WAY BOUNDARY OF U.S. HIGHWAY 91 (S.R. 45); THENCE S 47°14'02" W, ALONG SAID RIGHT-OF-WAY BOUNDARY A DISTANCE OF 463.05 FEET; THENCE S 47°18'00" W, A DISTANCE OF 1444.20 FEET TO A POINT ON THE NORTH BOUNDARY OF SECTION 32; THENCE S 80°17'30" E, ALONG SAID NORTH BOUNDARY A DISTANCE OF 3012.66 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY BOUNDARY OF SEABOARD COASTLINE RAILROAD; THENCE S 24°37'33" W, ALONG SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 5791.97 FEET TO THE SOUTH BOUNDARY OF STATED SECTION 32; THENCE N 69°04'34" W, ALONG SAID SOUTH BOUNDARY A DISTANCE OF 2050.00 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 32, SAID POINT BEING THE POINT OF BEGINNING.

ALSO A TRACT IN SECTION 22, TOWNSHIP 31 SOUTH, RANGE 10 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF STATED SECTION 22, RUN S 80°19'12" E, ALONG THE SOUTH BOUNDARY OF SECTION 22, A DISTANCE OF 2049.69 FEET TO A POINT ON THE EAST RIGHT-OF-WAY BOUNDARY OF SEABOARD COASTLINE RAILROAD; THENCE N 24°37'33" E, ALONG SAID RIGHT-OF-WAY BOUNDARY A DISTANCE OF 737.35 FEET TO A POINT OF BEGINNING; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY BOUNDARY A DISTANCE OF 724.00 FEET; THENCE S 61°22'27" E, A DISTANCE OF 300.00 FEET; THENCE S 24°37'33" W, A DISTANCE OF 724.00 FEET; THENCE S 61°22'27" W, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.

LESS:

THE FOLLOWING DESCRIBED PROPERTIES:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 31 SOUTH, RANGE 10 EAST LYING SOUTH OF U.S. HIGHWAY 91, (S.R. 45).

ALSO THAT PORTION OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 31 SOUTH, RANGE 10 EAST, LYING NORTH AND WEST OF U.S. HIGHWAY 91 (S.R. 45), LESS THE WEST 44.10 FEET.

ALSO TRACT 65 OF RUSKIN TOMATO FARMS AS RECORDED IN PLAT BOOK 27, PAGE 110 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

less the following:

(the Wolf Creek ELAPP purchase)

DESCRIPTION :

A parcel of land lying in Sections 19, 20, 29, 30, 31 and 32, Township 31 South, Range 19 East, Hillsborough County, Florida; explicitly described as follows:

That part of aforesaid Section 19, lying above the mean highwater line of Tampa Bay.

Together with: that part of aforesaid Section 20, lying above the mean highwater line of Tampa Bay and Southwesterly of Biscayne Canal as shown on the record plat of Apollo Beach Unit No. 6, as recorded in Plat Book 37, Page 88, of the Public Records of Hillsborough County, Florida.

Together with: that part of Tracts 51, 52 and 53, Ruskin Tomato Farms as recorded in Plat Book 27, Page 110, of the Public Records of Hillsborough County, Florida, lying Southwesterly of Biscayne Canal as shown on the record plat of Apollo Beach Unit No. 6, as recorded in Plat Book 37, Page 88, of the Public Records of Hillsborough County, Florida and Northwesterly of the unnamed canal running through said Tracts 52 and 53; together with the unimproved right of way abutting said Tracts 51 and 52; all lying within aforesaid Section 29, Township 31 South, Range 19 East, Hillsborough County, Florida; and all of Tract 67, Ruskin Tomato Farms as recorded in Plat Book 27, Page 110, of the Public Records of Hillsborough County, Florida, lying Southwesterly of the canal right of way as recorded in Deed Book 1106, Page 308, of the Public Records of Hillsborough County, Florida .

Together with: that portion of aforesaid Section 30, Township 31 South, Range 19 East, Hillsborough County, Florida, lying above the mean highwater line of Tampa Bay.

Together with: All of aforesaid Section 31, Township 31 South, Range 19 East, Hillsborough County, Florida, less the Southerly 80 feet of the Southwest One-Quarter of the Southwest One-Quarter of said Section 31 for right of way purposes as recorded in Official Record Book 1648, Page 926, of the Public Records of Hillsborough County, Florida and less the Southeast One-Quarter of the Southwest One-Quarter of said Section 31 and less the South half of the Southeast One-Quarter of said Section 31, Township 31 South, Range 19 East, Hillsborough County, Florida, and less maintained right of way for Villemoire Road.

(continued)

Together with: that portion of aforesaid Section 32, Township 31 South, Range 19 East, Hillsborough County, Florida, explicitly described as follows: Commence at the Northwest corner of said Section 32 for the Point of Beginning, thence on the Northerly boundary thereof S 89°22'58" E, a distance of 382.24 feet, to the Southeast corner of Section 29, Township 31 South, Range 19 East, Hillsborough County, Florida, thence continue on said Northerly boundary, S 89°22'58" E, a distance of 887.01 feet, to the Westerly right of way boundary of the canal as recorded in Deed Book 1106, Page 308, of the Public Records of Hillsborough County, Florida; thence on said Westerly canal right of way, S 31°16'29" E, a distance of 1004.27 feet; thence continue on said Westerly right of way S 59°09'11" E, a distance of 962.77 feet, to the Westerly right of way boundary of Lelsey Road as maintained by Hillsborough County; thence on said Westerly maintained right of way boundary, S 00°55'35" W, a distance of 479.51 feet; thence departing said right of way boundary, N 89°16'02" W, a distance of 1850.73 feet; thence S 00°37'31" W, a distance of 668.48 feet, to the Northerly right of way boundary of Villemaire Road, as recorded in Deed Book 1106, Page 310, of the Public Records of Hillsborough County, Florida; thence on said Northerly right of way boundary, N 89°26'00" W, a distance of 780.42 feet to a point on the Westerly boundary of aforesaid Section 32, said point being N 00°53'52" E, 60.00 feet from the Southwest corner of the Northwest One-Quarter of said Section 32; thence on the Westerly boundary of said Section 32, N 00°53'52" E, a distance of 2482.35 feet to the Point of Beginning.

Contains 1079.5 acres of land more or less above mean high water.

and less the following:

(the ELAPP purchase located on the north part of the hammerhead and formerly known as the Lee property)

That portion of Parcel 8 as recorded in Plat Book 37, page 67, Public Records of Hillsborough County, Florida, lying Northeasterly of the following described divisional line: Commence at the most Westerly corner of said Parcel 8 and run thence N 34°59'22" E. along the Westerly boundary thereof, 1268.39 feet to the point of beginning, run thence S 55°00'38" E, 1455.00 feet to a termination point on the Easterly boundary of said Parcel 8, together with any and all riparian rights appertaining thereto.

ALSO DESCRIBED AS:

Commence at the Northeast corner of Fractional Section 16, Township 31 South, Range 19 East; thence on the North boundary and the Westerly extension thereof N 88°56'28" W., a distance of 5900.00 feet to a point on the Northerly extension of the Hillsborough County Bulkhead Line as recorded in Plat Book 37, page 67 of the Public Records of Hillsborough County, Florida; thence on said Northerly extension and on said Bulkhead Line S 34°59'22" W., a distance of 1020.01 feet to the POINT OF BEGINNING; thence departing said Bulkhead Line S 55°00'38" E., a distance of 1455.00 to a point on said Hillsborough County Bulkhead Line; thence along said Hillsborough County Bulkhead Line the following three courses:
1.) N 34°59'22"E 1757.81 feet
2.) N 88°56'28"W 1753.62 feet
3.) S 34°59'22"W 778.96 feet
to the Point of Beginning.

5	8	200	140	School Site		
	11	ya		Light Indus.	0.15	
6	9	h	87			2,217
Totals		78	552	SFD		1,820
Subtotals				MF		397
				Commercial		352,838
				Light Indus.		574,992

*This area lesses out large wet areas but does not less proposed roads & drainage
 **This area lesses out an additional 30% for roads & drainage
 ***This estimate is based on "Estimated Buildable Area"

JS
 DRI NOR ZONING
 JING BUT NOT DRI
 MAINING TO BE
 WED
 CONSIDERED BUILT

RECEIVED
 JUL 24 1997
 PLANNING & GROWTH
 MANAGEMENT



BEACH DRI
NOPC

The applicant in said application. The applicant makes no representations as to the
 listed by the NOPC application would require public notice and a public hearing in

DRAWING X:\DRAWINGS\APOLLO\DR1\AB-DRI-FINAL.DWG Plotted on: Jul. 28, 1997 @ 09:05.37 by: Michael

SCAROLA ASSOCIATES

ENGINEERING DESIGN AND LAND CONSULTANTS, P.A.
 100 FRANDORSON CIRCLE - SUITE 202 - APOLLO BEACH, FL 33572 FAX
 (813) 641-3909

MR. JIM BECKING
 6488 US HWY 41 NORTH
 APOLLO BEACH, FLORIDA 33678
 813-648-8401

APOLLO BEACH DR
 1996 NOPC

1 OF 1

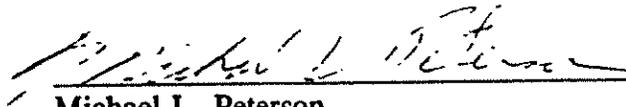
FILE NO. 270

EXHIBIT "C"

**AFFIDAVIT OF CERTIFYING DISTRIBUTION OF A NOTIFICATION
OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)**

On behalf of the Developers, Frandorson Properties and other owners of undeveloped parcels, as legal counsel, I do hereby certify that a Notification of a Proposed Change to a Previously Approved DRI has been transmitted to the Florida Department of Community Affairs, the Tampa Bay Regional Planning Council and the Hillsborough County Board of County Commissioners.

FURTHER, Affiant sayeth not.

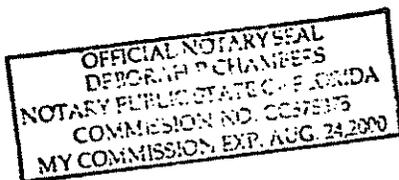


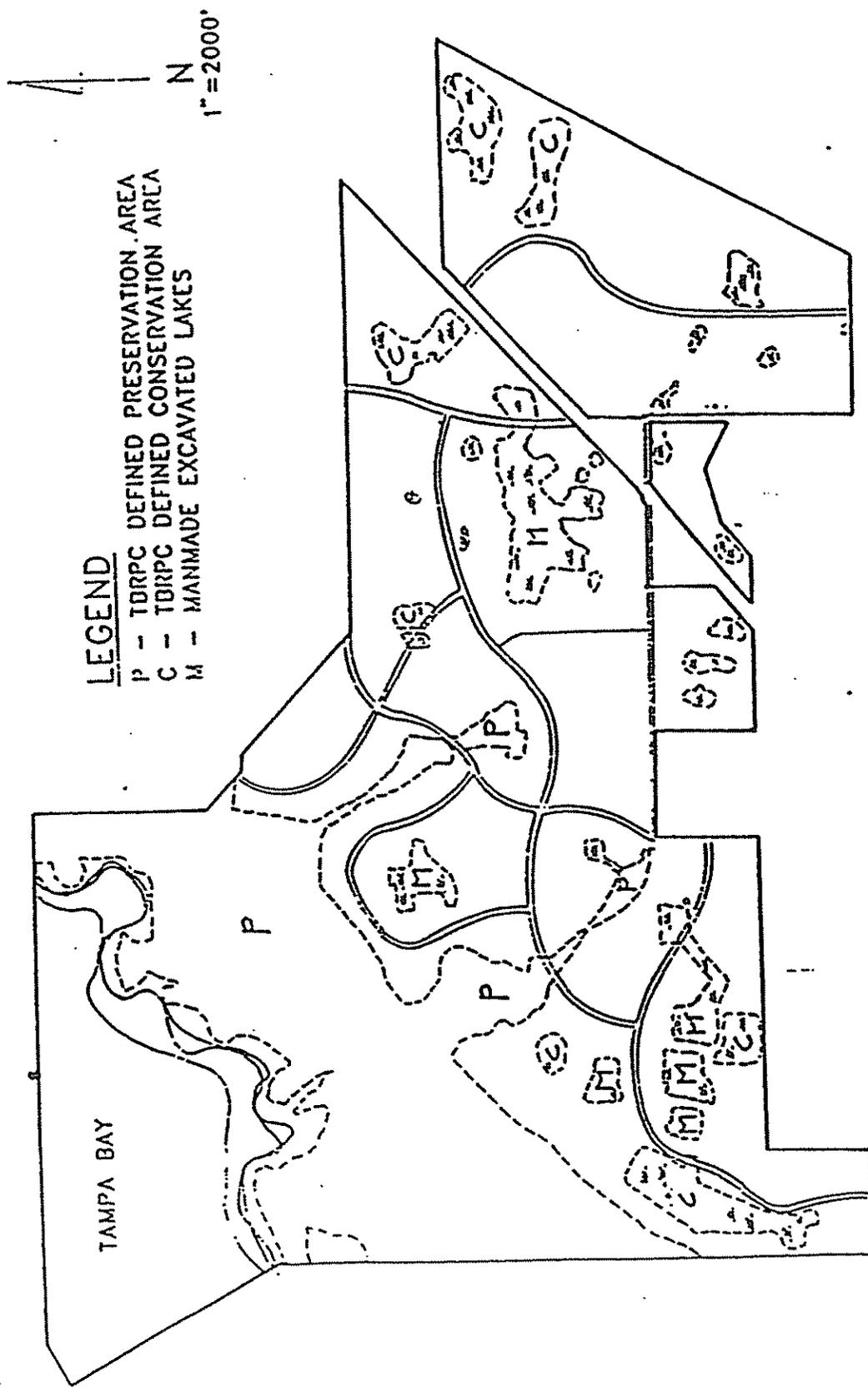
Michael L. Peterson
Counsel to the Developer

Sworn to and subscribed before me
this 22 day of July, 1997.



Notary Public, State of Florida at large





LEGEND

- P - TORPC DEFINED PRESERVATION AREA
- C - TORPC DEFINED CONSERVATION AREA
- M - MANMADE EXCAVATED LAKES

Exhibit "D"

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R97-169 Amending the Development Order for Apollo Beach (DRI #59) Phase I and (DRI #209) Phases II - IV, approved by the Board in its regular meeting of July 15, 1997, as the same appears of record in MINUTE BOOK 254 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 12th day of August, 1997.

RICHARD AKE, CLERK

BY:



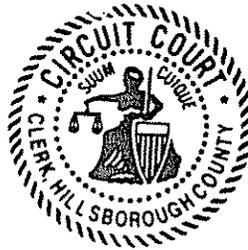
[Handwritten Signature]
Deputy Clerk

RECEIVED

AUG 13 1997

To
Planning Council

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

June 4, 1991

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

Re: Resolution No. R91-0086 - Amendment to Development Order
for Apollo Beach Primary Phase II, III, and IV (DRI #209)

Dear Ms. Cooper:

Attached is a certified executed copy of the referenced
resolution, which was adopted by the Hillsborough County Board
of County Commissioners on May 7, 1991.

We are providing this copy for your official files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

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

RECEIVED
JUN 7 1991

Tampa Bay Regional
Planning Council

JMN:CS
Attachment
Certified Mail

cc: Board files (1 orig.)
Biff T. Craine, Esquire
J. Thomas Beck, State Department of Community Affairs
Lucia Garsys, Manager, Planning and Zoning
Paula Harvey, Acting Director, Planning and Zoning
John Dixon Wall, Chief Assistant County Attorney

mailed June 5, 1991

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of
Hillsborough County, Florida, do hereby certify that the
above and foregoing is a true and correct copy of _____

H.C. Resolution No. R91-0086 - Amending the Development

Order for Apollo Beach Primary Phase II, III, and IV -

DRI #209

adopted by the Board in its regular meeting of
May 7, 1991, as the same appears of
record in MINUTE BOOK 180 of the Public Records of
Hillsborough County, Florida.

WITNESS my hand and official seal this 4th day
of June, 1991.

RICHARD AKE, CLERK

BY: Judith M. Nichols
Deputy Clerk

RESOLUTION NO. R91-0086

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA

AMENDING THE DEVELOPMENT ORDER FOR
APOLLO BEACH PRIMARY PHASE II, III, AND IV

DRI #209

Upon motion by Commissioner James Selvey, seconded by Commissioner Sylvia Kimbell, the following Resolution was adopted by a vote of 5 to 0, Commissioner(s) _____ voting "No."

WHEREAS, on April 24, 1990, the Board of County Commissioners approved a Development Order, Resolution No. R90-0116, for the Apollo Beach Primary Phase II, III, and IV Development of Regional Impact (the "Development Order"); and

WHEREAS, on June 13, 1990, Hillsborough County (the "County") rendered, pursuant to Section 380.06, Florida Statutes Resolution No. R90-0116, issuing the Development Order for Primary Phases II, III and IV of the Apollo Beach Development of Regional Impact approving with conditions Phases II, III and IV of said DRI; and

WHEREAS, on July 19, 1990 and July 27, 1990, the Tampa Bay Regional Planning Council ("TBRPC"), and the State of Florida Department of Community Affairs ("DCA"), respectively, filed appeals of said Development Order pursuant to Section 380.07, Florida Statutes; and

WHEREAS, Frandorson Properties (the "Developer"), and TBRPC and DCA have mutually agreed to changes to the Development Order which, once adopted as amendments to the Development Order, will address the concerns which formed the basis of the appeals; and

WHEREAS, the Developer, TBRPC, and DCA entered into a Joint Stipulated Settlement Agreement with respect to the appeals on April 30, 1991 under which DCA and TBRPC agreed to dismiss their respective appeals upon the rendering of a Development Order Amendment containing specific changes to the Development Order set forth herein; and

WHEREAS, on March 22, 1991, the Developer filed a Notice of Change to a Previously Approved Development of Regional Impact in which it proposed the above-referenced changes to the Development Order; and

WHEREAS, this action by the Board amends those portions of the Development Order approved by Resolution R90-0116 which are inconsistent with the Amended Development Order issued by this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 7th DAY OF May, 1991 AS FOLLOWS:

1. That the following findings of fact are made:
 - a. The amendment of the Development Order, attached hereto as Exhibit "1", does not involve a change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes (1989).
 - b. All statutory procedures have been adhered to.

- c. The findings of fact and conclusions of law made in the original Development Order are incorporated herein by reference.
 - d. All recitations and findings set forth herein are hereby incorporated herein.
2. That the Development Order approved by Resolution No. R90-0116 is hereby amended as provided in Exhibit "1" which is attached hereto and incorporated herein.
 3. That Resolution No. R90-0116 is hereby reaffirmed in its entirety except as amended herein.
 4. That except as specifically addressed in this Development Order, all the terms, conditions and provisions contained in Document No. 79-148 of Apollo Beach DRI #59 shall remain unchanged and in full force and effect.
 5. That the Developer's Certification, Exhibit "2", affirming the copies of the Notice of Change has been delivered to all persons as required by law, is attached hereto and incorporated herein.
 6. That the Developer's Certification, Exhibit "3", affirming that a complete copy of the application for development approval, as modified or amended, has been delivered to all persons as required by law, is attached hereto and incorporated herein.
 7. That upon adoption, this Resolution shall be transmitted by the Ex-Officio Clerk of the Board of County Commissioners by certified mail to the DCA, TBRPC, the Developer's representative and other recipients specified by statute or rules.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of May 7, 1991, as the same appears of record in Minute Book 180 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 4th day of June, 1991.

ATTEST: RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

By: [Signature]
Approved as to Form and
Legal Sufficiency

W-LU/10309/001/EXHA
3/27/91

RESOLUTION NO. R90-0116

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
APOLLO BEACH PRIMARY PHASE II, III, AND IV
DRI #209 DEVELOPMENT ORDER

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

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

WHEREAS, DRI #59 provided final development approval for Primary Phase I of the Apollo Beach DRI and master plan or conceptual approval of Primary Phases II, III and IV, subject to subsequent review of the following: potable water, sewage disposal, drainage and flood control, historical and archaeological sites, and transportation; and

WHEREAS, on July 10, 1989, Frandorson Properties (the "Developer") filed an Application for Development Approval of Apollo Beach Primary Phases II, III and IV (which together with later filed sufficiency responses is hereinafter referred to as the "Application") with Hillsborough County, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs, pursuant to the provisions of Section 380.06, Florida Statutes (1988 Supp.), as amended ("Chapter 380"); and

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

WHEREAS, said Application proposed single-family dwelling units, multi-family dwelling units or adult congregate living facilities, commercial, office, medical, and industrial uses on approximately 1,120.11 acres of land, located in unincorporated Hillsborough County, Florida, (hereinafter "Apollo Beach Primary Phases II-IV"); and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Chapter 380, is authorized and empowered to consider Applications; and

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

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on April 24, 1990, held a duly noticed public hearing on said Application and heard and considered testimony and other documents and evidence; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 24th DAY OF APRIL 1991, AS FOLLOWS:

I. FINDINGS OF FACT

- A. Frandorson Properties submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Response which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval, Sufficiency Response and other exhibits specifically incorporated in this Resolution.
- B. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit "B".
- C. The proposed development is not in an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- D. All development will occur in accordance with the Development Order and Application.
- E. A comprehensive review of the impacts generated by the Development has been conducted by the Hillsborough County Administration, the Hillsborough County City-County Planning Commission (the "Planning Commission"), and the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.
- F. The authorized agent of Apollo Beach Phase I and Primary Phases II-IV is ~~Christopher Tom~~ Tom Corr, Frandorson Properties, Post Office Box 3176, Apollo Beach, Florida 33570.

II. CONCLUSIONS OF LAW

- A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Composite Exhibit "A", the reports, recommendations and testimony heard and considered by the Zoning Hearing Master, it is concluded that:
 1. The Development is consistent with local land development regulations and is consistent with the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and state and regional comprehensive plans.
 2. The Development is consistent with the report and recommendations of the 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 Planning Commission, 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.~~ The proposed changes

set forth in the Notice of Change are approved subject to all terms and conditions of this Development Order not otherwise modified by this Amendment

III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for the Apollo Beach Primary Phases II-IV Development of Regional Impact.
- B. The legal description set forth in Composite Exhibit "B" is hereby incorporated into and by reference made a part of this Development Order.
- C. All provisions contained within Composite Exhibit "A" shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
- D. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- E. This Development Order shall be binding upon the Developer and its successors and assigns, including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.
- F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.
- H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Apollo Beach Primary Phases II-IV, the Developer may transfer any or all of its maintenance responsibilities to an appropriate entity created for purposes of such maintenance; provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies required by law to approve such transfer or entity, 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, 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~~ shall issue a notice of such noncompliance to the Developer, or the County Administrator ~~may-immediately~~ shall recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- K. The Developer shall file an annual report in accordance with Subsection 380.06(18), Florida Statutes, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85 RPM-BSP-Annual Report-1, 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 Commissioner's 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 the Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the Annual Report; and
 4. A statement setting forth the name(s) and address(es) of any successors or assigns to this Development Order; and
 5. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, including, but not limited to, the Hillsborough County Adequate Public Facilities Ordinance (#90-05), latest revision, its agencies and commission, and, except as otherwise provided herein, to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable laws, rules,

regulations and ordinances in effect at the time of the review unless exempted or vested pursuant to law.

- M. This Development Order shall become effective upon the date of transmittal to the parties specified in subsection 380.07(2), Florida Statutes, as amended.
- N. The Developer has elected, pursuant to Subsection 380.06(5)(c), Florida Statutes, and to the extent not already exempted, to be bound by the provisions of Chapters 403 and 373 and each chapter's respective implementing rules and regulations in effect as of the effective date of this Development Order. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

Years*	Single Family (Dwelling Unit)	Multi-Family/ ACLF (D. U.)	Commercial (sq. ft.)
Subphase II-A (1990-1994)	531	--	--
Subphase II-B (1990-1994)	469	200	75,000
Phase III (1995-1999)	1,505	1,020	225,000
Phase IV (2000-2004)	651	1,386	316,000
Totals	3,156	2,606	616,000

	Office (sq. ft.)	Medical (sq. ft.)	Industrial (sq. ft.)
Subphase II-A (1990-1994)	---	---	---
Subphase II-B (1990-1994)	90,000	---	200,000
Phase III (1995-1999)	150,000	40,000	400,000
Phase IV (2000-2004)	28,000	40,000	440,000
Totals	268,000	80,000	1,040,000

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

2. Specific final development approval is accorded to Phases II and III, subject to the conditions contained

herein. Specific approval of Phase IV shall require further transportation and hurricane shelter analysis, pursuant to the provisions of Section 380.06, Florida Statutes and Rule 9J-2.0256, and amendment of the Development Order to identify the impacts of each phase on the study area roadway network and hurricane shelter demands and to specify the measures which must be implemented to mitigate or cure these impacts. Increments of individual approved land uses within Phases II and III, or any subphase, portion or combination thereof, may be converted to other increments of individual approved land uses having the equivalent trip generation (based on the Institute of Transportation Engineer's ("ITE") Trip Generation, latest edition, provided, however, that Subphase II-A shall not be converted to industrial land uses. In addition, the cumulative Phase I through Phase IV project totals for each approved land use shall not be exceeded as a result of such conversion. ~~Additionally, the acreages dedicated to and locations of individual approved land uses as depicted on the original approved master plan may be changed and reconfigured to meet market conditions without the necessity of further DRF review, provided such reconfiguration does not meet or exceed the thresholds set forth in Section 380.06(19), Florida Statutes.~~ Prior to such conversion, the Developer shall provide the County for review and approval, traffic trip generation data sufficient to verify that such conversion will not result in directional trip generation which exceeds that projected for Subphase II-A, or with respect to specifically approved Phase II and III development beyond Subphase II-A, that was projected for such phases. This data shall be submitted to the Florida Department of Transportation. Although the phasing of certain land uses may be accelerated into an earlier phase by the conversion method set forth above, the geographic location of the land uses may not be altered from the original approved master plan without the developer filing a notice of proposed change to determine whether a substantial deviation has occurred, in either case a development order amendment will be required. As an exception to this restriction, the geographic location of office uses and commercial uses may be exchanged without filing a notice of change as required above. Nothing in this section shall be construed as a pre-determination that any proposed change in geographic locations of uses which would be required by this order to file a notice of change, is or is not a substantial deviation.

~~3- For purposes of this Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the increment of development which does not cause the cumulative directional p.m. peak hour trip ends referenced in the second paragraph of B.1.a. to be exceeded.~~

4-3. Any amendments to the proposed phasing schedule shall be submitted to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Development Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes.

4. Any expansion of the Andalusia Marina beyond the approved 78 slips shall require a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes.
5. The physical development of Apollo Beach Primary Phases II-IV shall begin by January 1, 1993 ~~within 3 years of the effective date of this Development Order.~~
6. This Development Order shall remain in effect for a period up to and including April 30, 2008. No development shall be commenced after expiration of the Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County, TBRPC and DCA a minimum of thirty (30) days prior to the expiration date of this Development Order.
7. This Development shall not be subject to downzoning, or intensity reduction until April 30, 2008, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the local government to be essential to the public health, safety, or welfare.
8. Within 30 days of the expiration of the appeal period associated with the Amendments to this development order, the Developer shall file a Notice of Proposed Change to an Approved Development Order (Form Number RPM-BSP-PROPCHANGE-1), which change shall propose amendments to the Development Order for Apollo Beach (Phase I) to address the location of land uses within Phase I, to reflect a reduction in Phase I density by a minimum of 750 residential dwelling units, and to address applicable time frames for the development of Phase I. Nothing herein shall be considered as a pre-determination that these changes are or are not a substantial deviation.

B. Transportation

1. General Transportation Conditions

- a. Monitoring. When certificates of occupancy have been issued for 750 single-family dwelling units (or other approved land uses which cumulatively generate 455 in, 267 out (or more) p.m. peak hour directional external trip ends), an annual monitoring program to provide peak-hour traffic counts at the projects entrances shall be instituted to verify that the projected number of external trips for the Development are not being exceeded. Counts shall be performed on an annual basis through build-out. This information shall be supplied in the required annual report. If an annual report is not submitted within thirty (30) days of its due date, or if the annual report indicates that the project trips exceed projected directional external volumes 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 ~~or~~ to require additional roadway improvements.

The cumulative Phase II-A, Phase II-B, and Phase III projected total p.m. peak hour directional external trip ends are as follows: Subphase II-A-329 in, 303 out; Phase II-A and B - 884 in, 816 out; and Phase III - 2236 in, 2147 out. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments. If said deviation is determined to be substantial, additional review will be required which may result in Development Order amendments.

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

- b. TSM. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of certificates of occupancy for 750 single-family dwelling units (or other approved land uses which cumulatively generate 455 in, 267 out (or more) p.m. peak hour directional external trip ends) which will divert a number of vehicle trips from the PM peak-hour. Such a program shall be reviewed by Hillsborough County, the Hillsborough Area Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), the TBRPC and the Florida Department of Transportation ("FDOT").

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

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

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

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

OBJECTIVES:

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

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

c. Concurrency. Development of Apollo Beach Primary Phases II, III and IV shall be subject to the provisions of Hillsborough County Adequate Public Facilities Ordinance (#90-05, latest revision).

2. Mitigation Alternatives. The Developer, at its option, shall select one of the following alternatives to mitigate the Development's transportation impacts for Phases II and III.

a. Option 1

- (1) Prior to the issuance of construction permits for Phase II of the Development, funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements indicated in Table 2 shall be acquired. Without funding commitments for these improvements, construction permits shall not be issued for Phase II.
- (2) Prior to the issuance of construction permits for Phase III of the Development, funding commitments from responsible entities for the link improvements indicated in Table 3 and the intersection improvements indicated in Table 4 shall be acquired. Without funding commitments for these improvements, construction permits shall not be issued for Phase III.
- (3) It has been determined based on traffic counts and the traffic analysis submitted by the Developer that an initial subphase of Phase II (Subphase II-A) consisting of 711 single family residential units, or other approved land uses having the equivalent of said subphase in terms of trip generation, may be constructed and occupied without consuming 5% or more of the peak hour LOS D capacity of any of the regionally significant roadways listed herein in Tables 1-4, and without the expected traffic trips to be generated by construction and occupancy of said subphase causing said regionally significant roadways to operate below LOS D (LOS C rural) peak hour.
- (4) As used in this Option 1, "funding commitment" shall mean that the responsible entity has provided for the construction of a roadway improvement within the first three (3) years of its adopted five year capital improvement program ~~or adopted five year work program.~~ In addition, each phase shall be subject to the provisions of IV B.1.c.

TABLE 1

PHASE II (1994) REQUIRED LINK IMPROVEMENTS FOR APOLLO BEACH
 BASED ON FIVE PERCENT OF LOS D (C RURAL) PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development* Contribution (Percent)	Required Improvement
U.S. 41	Big Bend to Apollo Beach Boulevard	F	20.9	Construct 6- lane divided arterial
Big Bend Road	U.S. 41 to I-75	F	25.0	Construct 6- lane divided arterial
S.R. 674	U.S. 41 to 12th St.	F	22.9	Construct 4- lane divided arterial

* NOTE: The Development Contribution Percentage listed on Tables 1-4 do not include the cumulative impacts of Phase I, except for the following links on Table 3:

U.S. 41 - Riverview to Gibsonton Road
U.S. 301 - Symmes Road to Big Bend Road

TABLE 2

PHASE II (1994) REQUIRED INTERSECTION IMPROVEMENTS FOR APOLLO BEACH
 BASED ON FIVE PERCENT OF LOS D (C RURAL) PEAK-HOUR SERVICE VOLUMES

<u>Intersection</u>	<u>Total Traffic LOS Prior to Improvements</u>	<u>Development* Contribution (Percent)</u>	<u>Required Improvement</u>
US 41 @ SR 674	F	7.8	Add eastbound, westbound left turn-lane; northbound, westbound right-turn lane. Add dual southbound left-turn lanes.
<u>PROJECT ENTRANCES</u>			
US 41 @ Leisey Road	N/A	N/A	Add eastbound left, and eastbound right
US 41 @ Project Drive A	N/A	N/A	Add westbound left and westbound right
US 41 @ 12th Street NE	N/A	N/A	Add eastbound left, through/right. Add westbound left, through/right.
US 41 @ Villemaire Road	N/A	N/A	Add eastbound left, through/right. Add westbound left, through/right.
Villemaire Road @ 19th Avenue	N/A	N/A	Add southbound left, right.

* NOTE: The Development Contribution Percentage listed on Tables 1-4 do not include the cumulative impacts of Phase I, except for the following links on Table 3:

U.S. 41 - Riverview to Gibsonton Road
U.S. 301 - Symmes Road to Big Bend Road

TABLE 3

PHASE III (1999) REQUIRED LINK IMPROVEMENTS FOR APOLLO BEACH
 BASED ON FIVE PERCENT OF LOS D (C RURAL) PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development* Contribution (Percent)	Required Improvements
US 41	Big Bend to Apollo Beach Boulevard	F	68.3	Construct 6- lane divided arterial
	<u>Riverview to Gibsonton</u>	<u>F/DF</u>	<u>6.4</u>	<u>Construct 6- lane divided arterial</u>
Big Bend Road	US 41 to I-75	F	76.8	Construct 6- lane divided arterial
SR 674	US 41 to 12th Street	F	44.1	Construct 6- lane divided arterial
	12th Street to I-75	F	9.9	Construct 6- lane divided arterial
19th Avenue	West of US 41	F	126.3	Construct 4- lane divided arterial
	US 41 to US 301	F	89.3	Construct 4- lane divided arterial
<u>U.S. 301</u>	<u>Symmes Road to Big Bend Road</u>	<u>F</u>	<u>11.18</u>	<u>Construct 4- lane divided arterial</u>

* NOTE: The Development Contribution Percentage listed on Tables 1-4 do not include the cumulative impacts of Phase I, except for the following links on Table 3:

U.S. 41 - Riverview to Gibsonton Road
U.S. 301 - Symmes Road to Big Bend Road

TABLE 4

PHASE III (1999) REQUIRED INTERSECTION IMPROVEMENTS FOR APOLLO BEACH
 BASED ON FIVE PERCENT OF LOS D (C RURAL) PEAK-HOUR SERVICE VOLUMES

<u>Intersection</u>	<u>Total Traffic LOS Prior to Improvements</u>	<u>Development* Contribution (Percent)</u>	<u>Required Improvement</u>
I-75 @ Big Bend Road West	F	20.2	Add southbound off ramp
US 41 @ SR 674	F	11.8	Construct US 41 as a 6-lane divided arterial. West- bound add dual left-turn lanes.
<u>PROJECT ENTRANCES</u>			
US 41 @ 12th Street NE	N/A	N/A	Add westbound right-turn lane
Project Drive B @ 19th Avenue	N/A	N/A	Add southbound left, right-turn lane

* NOTE: The Development Contribution Percentage listed on
 Tables 1-4 do not include the cumulative impacts of Phase
 I, except for the following links on Table 3:

U.S. 41 - Riverview to Gibsonton Road
U.S. 301 - Symmes Road to Big Bend Road

b. Option 2

With respect to further construction beyond the initial subphase referenced in 2.a.3. above, and in the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase II or III, the capacity and loading of transportation facilities in the transportation study network including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, the FDOT and the TBRPC pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of 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 or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D at peak hour (C peak rural). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices and reviewed and approved by Hillsborough County and TBRPC. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak rural), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak rural).

Each subphase approved under this option shall have a maximum build-out of up to 3 years. No additional building permits shall be issued upon expiration of the buildout date until an updated transportation analysis (consistent with the provisions of this section) is provided and approved by Hillsborough County and TBRPC. The analysis shall propose an extension of the build-out date or new build-out date (not to exceed 3 years). The analysis shall demonstrate that the level of service standards contained herein (LOS D peak hour, C peak rural) will not be exceeded through the new proposed build-out date of the approved subphase and additional subphase requested, if any. ~~The provisions of this paragraph shall not apply if the Primary Phase II and III (or any subphase thereto) are subject to the provisions of the Hillsborough County Adequate Public Facilities Ordinance (#90-05, latest revision).~~

c. Historical and Archaeological Sites

1. Archaeological site 8-Hi-3625 (Frandonson Properties Shell Midden) shall be located within a protected area of sufficient size, with at least a 30 foot buffer, so as to be protected from development and its associated activities. Other protective measures for the site as contained on pages A-58 and A-60 in the ADA and as recommended by the Florida Department of State,

Division of Historical Resources shall be implemented. The applicant shall include in annual reports proof of implementation of these protective measures.

2. Any other historical or archaeological resources discovered during development activities of the Apollo Beach Phases II-IV project shall be immediately reported to the Florida Department of State, Division of Historical Resources, TBRPC, and Hillsborough County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue.

D. Public Facilities

1. Wastewater

- a. Hillsborough County shall provide, operate and maintain wastewater treatment service and disposal capacity for Apollo Beach Primary Phases II-IV, in accordance with the Agreement for Sale and Purchase of Big Ben Utility Company, Inc. dated March 10, 1982, as amended, between Hillsborough County and the Developer (the "Water and Sewer Agreement").
- b. The provision and maintenance of the wastewater treatment and collection system shall be governed by the Water and Sewer Agreement.
- c. Each proposed project in Apollo Beach Primary Phases II-IV shall implement a wastewater reuse system to provide for the non-potable water needs of the project, if and when required by Hillsborough County ordinance.
- d. Sewer lines for Apollo Beach Primary Phases II-IV shall be monitored for leaks and ruptures by Hillsborough County. Faulty lines shall be replaced as quickly as feasible.
- e. The disposal into the sewer system of non-domestic hazardous wastes, as defined by applicable regulations, shall be prohibited.

2. Drainage and Flood Control

- a. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 40D-4, FAC, unless specifically exempted by SWFWMD. The systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, FAC. Treatment shall be provided by biological filtration, wherever feasible.
- b. The stormwater management system for the development shall be designed, constructed, and maintained at a minimum, to meet the requirements of the Hillsborough County Stormwater Management Technical Manual. The design criteria to be used is that which is in effect at the time of construction plan submittal for a particular phase of the development. In addition, the stormwater management system shall provide retention for the first one-inch of runoff generated from the site, unless this requirement is proven by the Developer to be unnecessary for groundwater recharge and surface water quality protection purposes.

- c. Prior to construction plan approval and the issuance of any permits, the Master Plan for each proposed project in Apollo Beach Primary Phases II-IV shall be submitted to the DER and TBRPC for review, to Hillsborough County for approval, and to the Southwest Florida Water Management District ("SWFWMD"), to the extent applicable, for approval. This plan shall address, but not be limited to, control of on-site stormwater, maintenance of water quality, wetlands to be preserved, proposed wetland alterations, mitigation for lost wetlands, maintenance of hydroperiods and methods for wetlands restoration/enhancement. All on-site wetlands defined as preservation or conservation areas by policies 10.1.2 and 10.3.1, FRCRPP as shown in attached Exhibit "C" except those existing lakes which are man-made, shall be delineated as such in the Master Stormwater Management Plan. These wetland areas shall be preserved or mitigated, respectively, by in-kind replacement on a 1:1 basis, at minimum.
- d. Best Management Practices for reducing water quality impacts, as recommended by Hillsborough County and SWFWMD, shall be implemented and shall include a street cleaning program for parking and roadway areas within the development.
- e. In order to protect water quality in the Wolf Creek watersheds and Tampa Bay, there shall be no degradation of water quality by stormwater exiting the site below the standards set forth in Chapter 17-3, FAC. The Developer shall provide for a semi-annual surface water quality monitoring program, to be instituted before Phase II construction commences and continue through project build-out. Any violation of Chapter 17-3, FAC, determined to be caused by this development, shall require corrective measures as set forth by DER. The following shall apply:
- (i) Sampling locations and parameters shall be determined by Hillsborough County, with review and comment by SWFWMD and TBRPC.
 - (ii) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/DER Quality Control Standards and Requirements.
 - (iii) The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County and DER immediately. If there is evidence that the developer is responsible for the violation, construction within the subbasin(s) where the violation is noted may be stopped until the violation is corrected.
- f. The Developer shall be responsible for the operation and maintenance of the on-site stormwater management facilities unless otherwise required or approved by the County.
- g. No fill shall be allowed in the 100-year freshwater riverine floodplain without equal flood plain storage value compensation within the stormwater management system. Also, in order to mitigate

potential property damage from flooding, all elevations for habitable structures shall be at or about the 100-year flood level.

- h. All necessary drainage and associated access easements shall be conveyed by the Developer to the County as required, in accordance with County policies existing at the time of construction plan submittal for a particular phase. All easement documents shall be fully executed and recorded prior to, or concurrent with issuance of certificates of occupancy or plat approval, whichever is applicable for the particular parcel or phase.
- i. To the extent not already exempted, the Developer has elected to be bound by the rules adopted pursuant to Chapters 373 and 403, Florida Statutes in effect at the time of adoption of this development order amendment. Accordingly, all applications for development permits pursuant to those chapters and which are necessary for, and consistent with the development authorized by this development order amendment, to the extent not exempted, shall be subject to the rules adopted pursuant to those chapters in effect at the time of adoption of this development order amendment.

3. Water Supply

- a. The Developer shall submit a plan to Hillsborough County and TBRPC for using non-potable water for irrigation and the encouragement of water conservation measures in project development in the first annual report following issuance of the first Certificate of Occupancy. This plan shall include the implementation of a wastewater reuse system, when and if required and feasible. The plan shall be implemented prior to the issuance of Certificates of Occupancy for the 100th dwelling unit of Phase II.
- b. Assurance of adequate water supply capacity and of maintenance of the water supply systems within the project site shall be governed by the Agreement for Sale and Purchase.
- c. Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.) and native vegetation shall be used in landscaping to the greatest extent feasible. In addition, the water conservation measures referenced in the ADA shall be required.
- d. The Developer shall encourage the use of the lowest quality water reasonably available and suitable for a given purpose in order to reduce the unnecessary use of potable water.
- e. Adequate fire flow and pressure shall be maintained within Apollo Beach Primary Phases II-IV.
- f. 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.

E. Hurricane Preparedness

1. The Developer shall promote hurricane awareness and shall cooperate with local and regional authorities to prepare a plan to ensure the safe and orderly evacuation of residents and those employees who are within the development after an evacuation order is issued. This plan shall be included in the first annual report submitted after occupancy of any portion of the project. The plan shall be implemented by the Developer:
 - (1) using its best efforts to have all buildings closed for the duration of a hurricane evacuation order;
 - (2) informing all residents and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; and
 - (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans.

2. The Developer shall coordinate with Hillsborough County Emergency Management officials, TBRPC, and the Tampa Bay Suncoast Chapter of the American Red Cross to determine appropriate shelter mitigation. Pursuant to Rule 9J-2.0256, FAC, it has been determined that construction and occupancy of Phase II-III will not cause a regionally significant impact on hurricane evacuation, and that Phase II will not have a regionally significant impact on shelter space availability. Accordingly, prior to issuance of building permits beyond an additional 1,200 residential units within Phase II, the Developer shall prepare and provide Hillsborough County and TBRPC with an updated hurricane shelter space analysis, based on a methodology agreed to by the Developer, Hillsborough County, and TBRPC projecting the deficiencies, if any, in shelter space which will result from any additional residential development for which the Developer is seeking approval. If such additional residential development creates a shelter space deficiency, the mitigation options in (a), (b), or (c) below shall be implemented singly, or in combination, at the Developer's election, to mitigate such deficit. The Developer must provide reasonable assurance from Hillsborough County and the County's emergency management officials regarding that these mitigation options will mitigate the development's hurricane shelter impacts.
 - a. Donation of land for public facilities or donation of the use of private structures to be used as primary public hurricane shelter (This option is appropriate if the shelter site is not within the hurricane vulnerability zone);
 - b. Provision of payments in lieu of donation of land for the upgrading of existing primary and secondary hurricane shelters located outside the hurricane vulnerability zone, so as to increase the county's primary public hurricane shelter space capacity; or
 - c. Limiting of development to a density that does not cause substantial impact on regional hurricane preparedness.

3. All deeds for sale of land and/or structures for Apollo Beach Phases II-IV within Evacuation Zones A-C shall be accompanied by a hazard disclosure statement generally describing the properties' relative probability of damage from hurricane surge.

4. Project development shall be consistent with TBRPC policy 7.6.2. FRCRPP, in regard to the siting of new institutions such as hospitals, nursing homes and adult Congregate Living Facilities in evacuation levels A or B.

F. General

1. Developer Commitments. The Developer's commitments set forth in the ADA are summarized in Exhibit "D" entitled "Developer Commitments", and these commitments shall be honored, except as they may be superseded by specific terms of the Development Order.
2. Substantial Deviations. Except as otherwise provided herein, pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the project as described in the ADA shall require a substantial deviation determination.
3. Notice of Adoption. The Developer shall record a notice of adoption of this Development Order pursuant to Subsection 380.06(15), Florida Statutes.
4. Effective Date. The effective date of this Development Order shall be the date of its transmittal by the clerk of the Board of County Commissioners as set out below.
5. Date Rendered. This Development Order shall be deemed rendered as of the postmark date of the transmittal of copies hereof to DCA, TBRPC and the Developer.

Adopted by the Hillsborough County Board of County Commissioners, on April 24, 1990.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk for 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 24, 1990 as same appears of record in Minute Book 167 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 13th day of June, 1990.

ATTEST: RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

W-LU/10309/001/RES2
4/23/90

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

EXHIBIT "A"
Apollo Beach Primary Phases II, III and IV
Development Order
Application for Development Approval and
Sufficiency Response

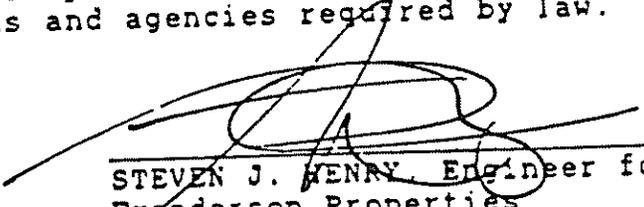
AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared STEVEN J. HENRY, as Engineer for FRANDORSON PROPERTIES, the applicant/owner of the Apollo Beach Primary Phases II, III and IV DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. FRANDORSON PROPERTIES filed its application for development approval for Apollo Beach Primary Phases II, III and IV on July 10, 1989. The sufficiency response was filed on October 27, 1989.

2. The aforementioned documents were filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TERPC"), and all persons and agencies required by law.


STEVEN J. HENRY, Engineer for
Frandonson Properties

SWORN TO AND SUBSCRIBED before me this 15th day of June,
1990.


Notary Public, State of Florida
at Large

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES MAR. 11, 1991.
NOTARY PUBLIC UNDERWRITER.

DESCRIPTION: LANDS LYING SOUTHEAST OF U.S. HIGHWAY 41

A parcel of land in Sections 32 & 33, Township 31 South, Range 19 East, Hillsborough County, Florida, more explicitly described as follows:

Commence at the Southwest corner of the Southwest 1/4 of said Section 33; thence North 00°47'00" West on the West boundary thereof a distance of 1484.40 feet to the POINT OF BEGINNING of the herein described parcel, said point also being the point of beginning of that parcel recorded in Official Record Book 1993 Page 1960, Hillsborough County, Florida; thence departing said West boundary and on the Southerly boundaries of said parcel the following four (4) calls: North 66°04'00" West, a distance of 775.38 feet; thence South 73°54'45" West, a distance of 675.22 feet; thence South 53°33'27" West, a distance of 580.86 feet to the North boundary of the South 1/2 of the Southeast 1/4 of Section 32, said Township and Range; thence South 89°22'32" West on said North boundary, a distance of 617.83 feet to a point on the Southeastly right-of-way of U.S. 41 (S.R. 45), as per FDOT maps section 10060-2211, said point being the point of intersection with a non-tangent curve, concave southeasterly, having a radius of 7029.98 feet and a central angle of

01°26'00"; thence on said right-of-way the following three (3) calls: in a northeasterly direction along the arc of said curve to the right, a distance of 175.86 feet, said arc subtended by a chord which bears North 50°47'25" East, a distance of 175.85 feet to the curve's end; thence North 51°30'25" East, a distance of 1787.09 feet; to the beginning of a curve, concave northwesterly, having a radius of 11591.16 feet and a central angle of 00°36'50"; thence in a northeasterly direction along the arc of said curve to the left, a distance of 124.19 feet, said arc subtended by a chord which bears North 51°12'00" East, a distance of 124.18 feet to the point of intersection with a non-tangent line, said point being on the North boundary of the Southeast 1/4 of said Section 33; thence departing said right-of-way and on said North boundary, North 89°08'27" East, a distance of 796.00 feet to the Southwest corner of the Northwest 1/4 of said Section 33; thence North 00°47'06" West on the West boundary thereof, a distance of 688.82 feet to the intersection with the aforesaid right-of-way of U.S. 41, thence departing said West boundary and on said right-of-way, North 46°02'13" East, a distance of 2695.01 feet to the North boundary of said Section 33, thence departing said right-of-way and on said North boundary, North 89°20'32" East, a distance of 2818.99 feet to the Northwestly right-of-way boundary of the CSX Railroad, thence on said right-of-way being a line parallel with and sixty-five (65) feet Northwestly of the centerline of the tracks of said Railroad; South 27°20'47" West, a distance of 5799.16 feet to the South boundary of the Southwest 1/4 of said Section 33; thence South 89°36'24" West on said South boundary a distance of 2050.12 feet to the Southwest corner of the Southwest 1/4 of said Section 33, thence North 00°47'00" West on the West boundary thereof, a distance of 1484.40 feet, to the POINT OF BEGINNING.

Containing 393.49 acres, more or less.

SUBJECT TO:
A field survey.

DESCRIPTION: LANDS LYING NORTHWEST OF U.S. HIGHWAY 41

A parcel of land in Sections 28, 29, 30, 31, 32 & 33, Township 31 South, Range 19 East, Hillsborough County, Florida, more explicitly described as follows:

Commencing at the Southwest corner of the Southwest 1/4 of said Section 29; said point being the POINT OF BEGINNING of the herein described parcel; thence North 00°48'17" West on the West boundary thereof, a distance of 3087.64 feet; thence departing said West boundary, South 49°23'00" East a distance of 662.55 feet to the North boundary of tract 66 as per the map of Ruskin Tomato Farms as recorded in Plat Book 27 Page 110 of the public records of Hillsborough County, Florida; thence on said North boundary, North 88°23'38" East a distance of 167.05 feet to a canal as per said Plat; thence South 49°23'00" East on said canal a distance of 2055.81 feet to the Northwest corner of tract 69 of said Plat; thence on the North boundaries of tracts 69, 70, 71 and 72, of said Plat the following two (2) calls: North 89°22'27" East, a distance of 3068.57 feet to the Northeast corner of said tract 70; thence North 89°20'19" East a distance of 2711.25 feet to the Northeast corner of said tract 72; said point being the point of intersection with the Northwestly right-of-way of U.S. 41 (S.R. 45) as per FDOT maps section 10060-2211; thence on said right-of-way the following six (6) calls: South 45°58'15" West, a distance of 425.26 feet; thence South

EXHIBIT "A"

"B"

46°02'13" West, a distance of 4033.90 feet; to the beginning of a curve, concave northwesterly, having a radius of 11409.16 feet and a central angle of 04°28'21", thence in a southwesterly direction along the arc of said curve to the right, a distance of 990.17 feet, said arc subtended by a chord which bears South 48°31'24" West, a distance of 989.86 feet to the point of intersection with a non-tangent line; thence North 38°59'26" West, a distance of 18.00 feet; to the point of intersection with a non-tangent curve, concave northwesterly, having a radius of 11391.16 feet and a central angle of 00°29'51"; thence in a southwesterly direction along the arc of said curve to the right, a distance of 98.90 feet, said arc subtended by a chord which bears South 51°15'30" West, a distance of 98.90 feet to the curve's end; thence South 51°30'25" West, a distance of 134.34 feet to the intersection with the North boundary of the Southeast 1/4 of said Section 32; thence South 89°08'27" West on said North boundary, a distance of 1042.06 feet to the intersection with a line 488.10 feet Easterly and parallel with the West boundary of the aforesaid Southeast 1/4; thence South 00°38'18" East on said Easterly line a distance of 828.67 feet to the intersection with the aforesaid right-of-way, thence on said right of way the following two (2) calls: South 51°30'25" West, a distance of 318.99 feet; to the beginning of a curve, concave southeasterly, having a radius of 7211.98 feet and a central angle of 03°10'21", thence in a southwesterly direction along the arc of said curve to the left, a distance of 399.31 feet, said arc subtended by a chord which bears South 49°55'15" West, a distance of 399.26 feet to the point of intersection with a non-tangent line, said point being on the North boundary of the Southeast 1/4 of the Southwest 1/4 of said Section 32; thence South 89°04'57" West on said North boundary, a distance of 1261.04 feet to the Southeast corner of the Northwest 1/4 of the Southwest 1/4 of said Section 32; thence North 00°29'14" West on the East boundary thereof, a distance of 1277.20 feet to the Northeast corner of said Northwest 1/4; thence South 89°08'27" West on the North boundary thereof, a distance of 1329.78 feet to the Southwest corner of the Northwest 1/4 of said Section 32; thence North 00°20'12" West on the West boundary thereof, a distance of 255.17 feet to the Northwest corner of said Northwest 1/4; thence North 89°20'17" East on the North boundary thereof, a distance of 382.26 feet to the Southwest corner of the Southwest 1/4 of said Section 32, said point being the POINT OF BEGINNING.

LESS:

Road rights-of-ways.

AND:

All of said Section 30 lying Easterly and above the Mean High Water Line of Tampa Bay.

AND:

All of said Section 31 lying Easterly and above the Mean High Water Line of Tampa Bay.

LESS:

The Southeast 1/4 of the Southwest 1/4 of said Section 31, and

LESS:

the South 1/2 of the Southeast 1/4 of said Section 31.

SUBJECT TO:

A field survey.

EXHIBIT "D"

DEVELOPER COMMITMENTS

Application for Development Approval

Page

- 10 The land uses for each phase of development will be designed to provide a complementary mix of housing, employment opportunities, shopping and service facilities to allow the project to function as a self-supporting community.
- 22 The master drainage plan for Phases II, III and IV incorporates methods to minimize negative impacts on the environment. For example, "spreader waterways" are intended to be utilized at discharge points into wetlands associated with major natural drainage ways. The outfall control structures are to be designed to allow water levels within the conservation areas to continue their natural hydroperiods.
- 22 The drainage system will be designed in consideration of environmental criteria to minimize adverse impacts while still providing adequate drainage and flood protection.
- 22 The physical design aspects of the Lake Management Plan will be based on a network of freshwater lakes that serve the drainage needs of the project site. This plan is to describe the creation/expansion to the lake/stormwater drainage system necessary to serve the remaining phases under review. The new lakes, where practical, will be inter-connected and/or their levels staged to allow the drainage basins to function hydrologically and hydraulically.

- 23 Drainage Basin "A" - The design discharge will be limited to the Hillsborough County Regulations, 10 year pre-developed discharge, or the critical storm discharge in accordance with the FDOT Chapter 14-86 FAC analysis, whichever is more restrictive. The offsite flow entering the basin from the east will be allowed to pass through the site without interruption or change in flow characteristics. The new run-off from the developed areas will be treated prior to comingling with the offsite flow.
- 23 The proposed lake system for each of the sub-basins will be incorporated into the specific land use design for each pocket. The lake sizes will be based on the physical and environmental constraints as discussed in other sections and the need for fill on the site to meet minimum required elevations.
- 25 Drainage Basin "B" - The offsite run-off received by this lake will be collected separately from the proposed development run-off and conveyed through the property beyond the proposed lake outfall structure. This will eliminate any co-mingling of offsite waters and untreated waters. The detailed design for this system will be considered when the associated drainage is required.
- 25 Drainage Basin "C" - The proposed lake system will be sized taking into account the existing capacity of Wolf Branch Creek. In addition, lake discharges to Wolf Branch Creek will utilize spreader waterways.
- 25 Drainage Basin "D" - The connection between an existing borrow pit in the southwestern portion of the site and the tidal waters of Tampa Bay includes a number of other borrow pits that are inter-connected along the southern boundary of the property. The borrow pit connection is to be utilized in order to take advantage of a non-restrictive outfall condition into Tampa Bay. ... This drainage basin has other borrow pits in its northern section that will be utilized similarly.
- 26 Many of the Best Management Practices (BMP's) that were recommended in the Tampa Bay Regional Planning Council's Stormwater and Lake Systems Maintenance and Design Guidelines of the Areawide Water Quality Management Plan will be included in the environmental design criteria in order to maintain good water quality in the Lake systems. BMP's that will be introduced in the proposed lake design include:

- o Provisions of a littoral shelf in selected areas, where practical, to promote the growth of desirable rooted aquatic vegetation and consolidation of sediments captured on shelf.
 - o Slopes of 6:1 for the littoral shelf where possible and 3:1 for areas beyond the shelf.
 - o Hydraulic flow rates into and out of the lakes which will prevent scour and dictate flow rates through the lake which will permit settling of suspended solids.
 - o Simulation of the hydroperiod water level fluctuations in the lakes and adjacent conservation areas which are characteristic of wetland requirements.
 - o Use of swales, where practicable, to mitigate the impact of run-off entering the lake system.
 - o Source control practices instituted, where feasible, throughout the project to reduce non-point pollution from stormwater run-off.
 - o Mitigation of natural marsh lost as a result of lake construction and other development activities.
 - o Placement of lakes to interface with established natural freshwater swamps.
- 26 An effort will be made to create natural-appearing marsh-like areas within the lakes of the surface water management system. Generally referred to as littoral zones, this marsh habitat will be generally located along the lake perimeters and at lake outflow points.
- 26 A typical littoral zone will be created by using planted wetland species in combination with a mulching technique.
- 27 The slope and configuration of the littoral zone and its relationship to the control elevations of the outfall control structures will be integrated to assure the appropriate hydroperiod. In those areas where the salinity of the lake may be elevated due to its proximity to the bay, more salt tolerant wetland species will be used in the planting scheme.

- 27 Selected lakes will employ the concept of incorporating "deep sinks" or "sumps" to provide additional stormwater treatment through the removal of organic detritus and toxic substances such as pesticides and heavy metals attached to particulate matter. The sump, located at the inflow end of the lake, will facilitate settling of organic detritus for induced stratification and limited mixing not afforded in the shallower lakes.
- 27 Section 3.A of this Management Plan outlines the extensive efforts employed to construct a lake system that will function in a manner to significantly reduce the possibility of future problems and the need for an extensive maintenance program. In addition, source control, conveyance system maintenance, and structural techniques to limit pollutants that are transported in stormwater run-off from reaching the lake system will be incorporated to reduce loading and reduce the frequency of lake maintenance procedures. Therefore, the lakes within Phases II, III, and IV will require maintenance and/or restoration. The following techniques will be utilized as appropriate, to assure that the lakes continue to provide their intended drainage, water quality, aesthetic, and biological functions.
- 30 Annual inspections of the lake system may include a visual inspection of street surfaces, catchbasins, swales, construction sites, and lake areas to identify conditions requiring corrective actions. Visual observations of the condition of the lakes will be performed by trained maintenance personnel and include:
- o Recording of the relative extent and density of shoreline and littoral zone vegetation.
 - o Identification of any apparent water quality problems.
 - o Recording of presence of floating plant coverage.
 - o Identification of any evidence of noxious emergent or submerged weeds.
 - o Identification of any sediment build-up or scouring within the created marsh areas and spreader waterways.

All observations and related information will be carefully recorded to provide an "early warning system" to allow for initiation of maintenance procedures before problems get out of control and require restorative procedures.

- 30 Devices will be installed to allow drawdown of the lake system to approximately 2.5 feet below design high water.
- 30 In an effort to prevent or delay the need for extended drawdowns utilized to restore a lake, periodic (every 4-6 years) drawdowns will be utilized to maintain the lakes. Drawdown of lakes would be performed on a rotating or sequential basis.
- 31 The design of the lakes and the use of the planting and mulching technique are expected to minimize the need for control of noxious emergent vegetation. However, in the event that undesirable floating plants or algal populations occur, mechanical harvesting, controlled application of species-specific herbicides, or biological controls may be used.
- 32 The Frandorson Properties Shell Midden (8-Hi-3525) is within an environmental conservation area and will not be developed or disturbed during construction.
- 68 The developer has coordinated the design and installation of on-site provisions for HART and will continue to do so through the buildout of Phases II and III.

Sufficiency Responses

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- 21 To the extent the project is not exempt, the wetland jurisdictional delineations will be performed in conjunction with individual development plans.
- 21 However, if the medical facility does produce or use hazardous waste, the appropriate collection, storage, transportation and disposal methods will be utilized which will comply with all applicable state and federal regulations.
- 21 In the event that hazardous waste is stored or generated on-site, the collection, storage, transportation and disposal of the hazardous waste will be in accordance with all applicable state and federal regulations.
- 24 The specific access points for the land uses will be addressed at the driveway permit stage.

- 24 The regional traffic impacts on the external network should not change significantly and any additional impact will be limited to project access points.
- 36 Construction of the medical facility, ACLF, Fire Station, and the Elementary School shall comply with all applicable Hillsborough County regulation pertaining to construction within a hurricane vulnerability zone.
- 42 The applicant shall implement the following protective measure as recommended by the professional archaeologist in the survey report.
1. The applicant shall retain an archaeologist to delineate the boundaries of the shell midden. This shall be done prior to detailed site plan approval for any site contiguous to the shell midden.
 2. The applicant also agrees to erect a protective fence around the midden during land development contiguous to the midden and to remove the fence upon completion of construction.
 3. The applicant shall consider including the Franderson Shell Midden in a "heritage park" or nature park to the extent possible. This shall be done prior to detailed site plan approval for any development contiguous to the shell midden.
 4. If exotic vegetation is removed from the shell midden the applicant agrees to have an archaeologist present to assist in the handclearing of the shell midden if it is determined necessary by a professional archaeologist.
 5. If the ditches behind 8-HI-3625 are filled the agrees to retain the services of an archaeologist to examine the area to determine if in fact it is a shell midden.
 6. In the event that it is not feasible to preserve 8-HI-3625, then the applicant agrees to retain the services of an archaeologist to conduct limited test excavations which include funding for chrometric dating, faunal and artifact analyses, and preparation of a scientific report summarizing the data gained from the excavation. This shall be conducted at such time as it is determined that it is not feasible to preserve 8-HI-3625.

- 43 If any additional archaeological or historical resources are discovered during the development of Apollo Beach Phases II-IV, the applicant shall retain the services of a professional archaeologist to assist in determining the significance of the site and the proper procedures to protect the site, if necessary.
- 43 The applicant agrees to make it a condition of dedication or sale that the shell midden be protected as identified in number 1 above.
- 48 Stormwater treatment is proposed to be provided by the construction of stormwater retention ponds and the use of existing man-made borrow areas. The wetland habitats which have been established within these borrow areas are generally opportunistic communities consisting of cattails, primrose willow, and/or Carolina willow. In the event that these areas are retained, these wetlands are expected to adapt to any modifications in hydroperiod, water-level, etc. which may occur as a result of using the borrow areas for stormwater treatment. It is most likely that these pioneer-type wetland communities will be replaced with a more diverse assemblage of wetland vegetation through the construction of littoral zones attendant to the recontouring of the shoreline.
- 48 Portions of Phases II, III, and IV will share the tidal canal and outfalls along the southern boundary of Phase I. This canal separates the Phases and therefore eliminates any need for incorporation of the Drainage Plans.
- 49 The off-site flow discharging under US 41 shall not be changed by this development. To the extent not exempt, all discharges from on-site shall be analyzed and designed to meet the current regulations as they pertain to drainage discharge.
- 49 In order to meet the various regulatory agencies stormwater discharge requirements, the proposed design shall to the extent not exempted consider the hydraulic capacities of the outfalls and the discharge requirement criteria of the review agencies. To the extent not exempted, this will require the discharges to outfalls such as Wolf Branch Creek to be limited to the pre-development values unless it can be determined by a detailed study that Wolf Branch Creek has a "more than adequate capacity."
- 51 Any alteration of the vegetation as a result of the construction of the headwall or energy dissipators, if any, will be replaced in accordance with the permits associated with such activity.

- 51 Vegetated shallow shelves, or littoral zones, will be incorporated into the lake system in the event that retention with biological filtration is the treatment method of choice.
- 51 The alteration of isolated freshwater marsh habitat is proposed to be mitigated by construction of lake littoral zones. Other wetland impacts, will be compensated for through wetland creation, establishment of wildlife corridors, designation of additional buffer, enhancement of disturbed wetlands, or other methods acceptable to the various permitting agencies.
- 51-52 All littoral zones constructed for the purpose of providing biological filtration or mitigation will be monitored quarterly for the first year and semi-annually for the next two years. Success criteria will include an 85% vegetative cover of wetland species at the end of the specified monitoring period as required by the appropriate regulatory entities.
- 52 The maintenance entities will be determined at the time of permitting. They will generally consist of Hillsborough County for public facilities and the individual homeowners associations for the private facilities.
- 52 If any wetland areas are impacted by the construction of the stormwater management system, to the extent not exempted, will be subject to the critical scrutiny of the Hillsborough County Environmental Protection Commission, the US Army Corps of Engineers, and/or the Florida Department of Environmental Regulation. A component of this process will be a characterization of each impacted area and a quantification of the proposed area of impact.
- 53 To the extent not exempted, the drainage system shall be designed to meet Chapter 17-25, FAC. The type of treatment system used to meet this requirement will be determined at the time of design preparation. There will be stormwater detention both biological treatment and infiltration systems.
- 53 There are no Wetland Stormwater Discharge Facilities proposed for Phases II-IV. In the event that such a method of stormwater treatment is proposed, the rigid criteria outlined in F.A.C. 17-25.042 will, to the extent not exempted, be used to provide assurance that species diversity and water quality will be maintained.

- 56 To the extent not exempt, the requirements of Chapter 17-25, FAC and Chapter 40D-4, FAC shall be met regarding stormwater quality.
- 57 At the appropriate stage of development a detailed wetland survey will be conducted and at the time it will be made available to the appropriate agencies.
- 58 The detailed analysis of off-site flow shall be done in the design phases of the project and shall comply with local, state and federal regulations.
- 66 Fire flow shall be provided per Hillsborough County Standards.
- 71 Those wells that are not to be used shall be capped and abandoned as required by the regulatory agencies as it becomes necessary.
- 75 The developer will submit construction plans to the Hillsborough County Health Department for review of individual water distribution system improvements.
- 75 These delineations will be performed in conjunction with final development plans. Generally, it is not anticipated that existing wetlands will be used for stormwater treatment. However, if that opportunity arises, and is acceptable under applicable local, state, and federal regulations, the applicant reserves the right to utilize wetlands for stormwater treatment.
- 77 To the extent not exempted, all stormwater management systems will be designed to meet applicable water quality requirements at discharge locations.
- 78 The applicant shall comply with all local, state and federal regulations as they pertain to test or foundation holes.
- 78 The applicant shall comply with all local, state and federal regulations as they pertain to existing or abandoned wells and test or foundation holes.
- 79 If a dewatering operation is associated with Apollo Beach Phase II-IV which requires a SWFWMD Consumptive Use Permit (CUP), the CUP will be obtained from SWFWMD at the appropriate time.

- 82 The applicant shall comply with all local, state and federal regulations regarding wells.
- 32 The school sites and park sites will be designated within the phase indicated on the master plan.
- 35 Certain portions of the eastern section of the project, however, are being considered for provision of rental units which may fall into the category of affordable housing.

EXHIBIT 2

AFFIDAVIT CERTIFYING DISTRIBUTION OF
A NOTIFICATION OF A PROPOSED CHANGE TO A
PREVIOUSLY APPROVED DEVELOPMENT REGIONAL IMPACT (DRI)

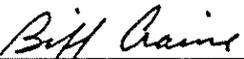
On behalf of the Developer, FRANDORSON PROPERTIES, I, Biff Craine, as their legal counsel, do hereby certify that a Notification of a Proposed Change to a Previously approved DRI has been transmitted to the following:

Florida Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399

Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, Florida 33702-2491

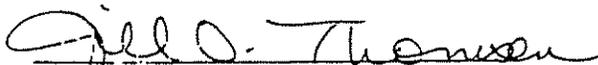
Hillsborough County Board of County Commissioners
Post Office Box 1110
Tampa, Florida 33601

FURTHER, affiant sayeth not.



Biff Craine
Counsel to the Developer

Sworn to and subscribed
before me this 23rd day
of May, 1991.



Notary Public

My Commission Expires:
NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES AUGUST 3, 1992
BONDED THRU TROY FAIN INSURANCE, INC.

AFFIDAVIT CERTIFYING DISTRIBUTION OF
THE APPLICATION FOR DEVELOPMENT
APPROVAL AS MODIFIED OR AMENDED

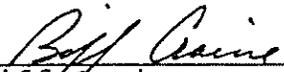
On behalf of the Developer, FRANDORSON PROPERTIES, I, Biff Craine, as their counsel, do hereby certify that a complete copy of the application for development approval, as modified or amended, has been previously transmitted to the following:

Florida Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399

Tampa Bay Regional Planning Council
9455 Koger Boulevard, Suite 219
St. Petersburg, Florida 33702-2491

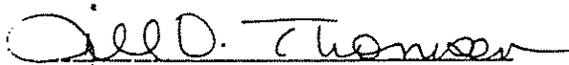
Hillsborough County Board of County
Commissioners
Post Office Box 1110
Tampa, Florida 33601

FURTHER, affiant sayeth not.



Biff Craine
Counsel to the Developer

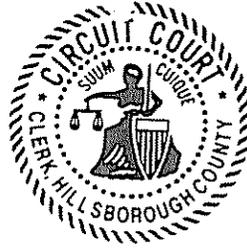
Sworn to and subscribed
before me this 23rd day
of May, 1991.



Notary Public

My ~~NOTARY PUBLIC, STATE OF FLORIDA~~
MY COMMISSION EXPIRES AUGUST 3, 1992
BONDED THRU TROY FAIN 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

June 13, 1990

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

Re: Resolution No. R90-0116 - Apollo Beach Primary Phase II,
III, and IV - DRI #209 Development Order

Dear Ms. Cooper:

Enclosed please find a certified executed copy of referenced
resolution, which was adopted by the Hillsborough County Board
of County Commissioners on April 24, 1990.

We are providing this copy for your official files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

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

RECEIVED
JUN 15 1990
Tampa Bay Regional
Planning Council

JMN:CS
Enclosure
Certified Mail
cc: Board files (1 orig.)
David Smolker, Esquire (Stearns, Weaver, Miller, Weissler,
Alhadeff & Sitterson, P.A.)
Steve Luce, Acting Manager, Planning and Zoning
J. Thomas Beck, State Department of Community Affairs
Vincent A. Marchetti, Assistant County Attorney

mailed 6/15/90

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of
Hillsborough County, Florida, do hereby certify that the
above and foregoing is a true and correct copy of _____
Resolution No. R90-0116 - Apollo Beach Primary Phase II,
III, and IV - DRI #209 Development Order

adopted by the Board in its regular meeting of
April 24, 1990, as the same appears of
record in MINUTE BOOK 167 of the Public Records of
Hillsborough County, Florida.

WITNESS my hand and official seal this 13th
day of June, 1990.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

RESOLUTION NO. R90-0116

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
APOLLO BEACH PRIMARY PHASE II, III, AND IV
DRI #209 DEVELOPMENT ORDER

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

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

WHEREAS, DRI #59 provided final development approval for Primary Phase I of the Apollo Beach DRI and master plan or conceptual approval of Primary Phases II, III and IV, subject to subsequent review of the following: potable water, sewage disposal, drainage and flood control, historical and archaeological sites, and transportation; and

WHEREAS, on July 10, 1989, Frandorson Properties (the "Developer") filed an Application for Development Approval of Apollo Beach Primary Phases II, III and IV (which together with later filed sufficiency responses is hereinafter referred to as the "Application") with Hillsborough County, the Tampa Bay Regional Planning Council, and the Florida Department of Community Affairs, pursuant to the provisions of Section 380.06, Florida Statutes (1988 Supp.), as amended ("Chapter 380"); and

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

WHEREAS, said Application proposed single-family dwelling units, multi-family dwelling units or adult congregate living facilities, commercial, office, medical, and industrial uses on approximately 1,120.11 acres of land, located in unincorporated Hillsborough County, Florida, (hereinafter "Apollo Beach Primary Phases II-IV"); and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Chapter 380, is authorized and empowered to consider Applications; and

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

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on April 24, 1990, held a duly noticed public hearing on said Application and heard and considered testimony and other documents and evidence; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 24th DAY OF April, 1990, AS FOLLOWS:

I. FINDINGS OF FACT

- A. Frandorson Properties submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Response which are attached hereto and marked Composite Exhibit "A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval, Sufficiency Response and other exhibits specifically incorporated in this Resolution.
- B. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit "B".
- C. The proposed development is not in an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- D. All development will occur in accordance with the Development Order and Application.
- E. A comprehensive review of the impacts generated by the Development has been conducted by the Hillsborough County Administration, the Hillsborough County City-County Planning Commission (the "Planning Commission"), and the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.
- F. The authorized agent of Apollo Beach Primary Phases II-IV is Christopher Corr, Frandorson Properties, Post Office Box 3176, Apollo Beach, Florida 33570.

II. CONCLUSIONS OF LAW

- A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Composite Exhibit "A", the reports, recommendations and testimony heard and considered by the Zoning Hearing Master, it is concluded that:
 - 1. The Development is consistent with local land development regulations and is consistent with the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and state and regional comprehensive plans.
 - 2. The Development is consistent with the report and recommendations of the 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 Planning Commission, 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.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for the Apollo Beach Primary Phases II-IV Development of Regional Impact.
- B. The legal description set forth in Composite Exhibit "B" is hereby incorporated into and by reference made a part of this Development Order.
- C. All provisions contained within Composite Exhibit "A" shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
- D. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- E. This Development Order shall be binding upon the Developer and its successors and assigns, including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.
- F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.
- H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Apollo Beach Primary Phases II-IV, the Developer may transfer any or all of its maintenance responsibilities to an appropriate entity created for purposes of such maintenance. However, before such transfer may be made and becomes effective, the body to which responsibility will be transferred must be approved by the County, and/or other agencies (if any) required by law to approve such transfer or entity. Upon determination that the entity or body in question can and will be responsible to provide maintenance as required in this Development Order, such approval by the County and other agencies (if any) 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, shall result in further Development of Regional Impact ("DRI") review pursuant to Section 380.06, Florida Statutes.

- J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may issue a notice of such noncompliance to the Developer, or the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- K. The Developer shall file an annual report in accordance with Subsection 380.06(18), Florida Statutes, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85, as amended. Such report shall be due on the anniversary of the date of adoption by the Board of County Commissioners of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioner's 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 the Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the Annual Report; and
 4. A statement setting forth the name(s) and address(es) of any successors or assigns to this Development Order; and
 5. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, including, but not limited to, the Hillsborough County Adequate Public Facilities Ordinance (#90-05), latest revision, its agencies and commissions, and, except as otherwise provided herein, to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review unless exempted or vested pursuant to law.

- M. This Development Order shall become effective upon the date of transmittal to the parties specified in subsection 380.07(2), Florida Statutes, as amended.
- N. The Developer has elected, pursuant to Subsection 380.06(5)(c), Florida Statutes, and to the extent not already exempted, to be bound by the provisions of Chapters 403 and 373 and each chapter's respective implementing rules and regulations in effect as of the effective date of this Development Order. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

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

Years*	Single Family (Dwelling Unit)	Multi-Family/ ACLF (D. U.)	Commercial (sq. ft.)
Subphase II-A (1990-1994)	531	--	--
Subphase II-B (1990-1994)	469	200	75,000
Phase III (1995-1999)	1,505	1,020	225,000
Phase IV (2000-2004)	651	1,386	316,000
Totals	3,156	2,606	616,000
	Office (sq. ft.)	Medical (sq. ft.)	Industrial (sq. ft.)
Subphase II-A (1990-1994)	---	---	---
Subphase II-B (1990-1994)	90,000	---	200,000
Phase III (1995-1999)	150,000	40,000	400,000
Phase IV (2000-2004)	28,000	40,000	440,000
Totals	268,000	80,000	1,040,000

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

2. Specific final development approval is accorded to Phases II and III, subject to the conditions contained herein. Specific approval of Phase IV shall require further transportation and hurricane shelter analysis, pursuant to the provisions of Section 380.06, Florida Statutes and Rule 9J-2.0256, and amendment of the Development Order to identify the impacts of each phase on the

roadway network and hurricane shelter demands and to specify the measures which must be implemented to mitigate or cure these impacts. Increments of individual approved land uses within Phases II and III, or any subphase, portion or combination thereof, may be converted to other increments of individual approved land uses having the equivalent trip generation (based on the Institute of Transportation Engineer's ("ITE") Trip Generation, latest edition, provided, however, that Subphase II-A shall not be converted to industrial land uses. In addition, the cumulative Phase I through Phase IV project totals for each approved land use shall not be exceeded as a result of such conversion. Additionally, the acreage dedicated to and locations of individual approved land uses as depicted on the original approved master plan may be changed and reconfigured to meet market conditions without the necessity of further DRI review, provided such reconfiguration does not meet or exceed the thresholds set forth in Section 380.06(19), Florida Statutes. Prior to such conversion, the Developer shall provide the County for review and approval, traffic trip generation data sufficient to verify that such conversion will not result in directional trip generation which exceeds that projected for Subphase II-A, or with respect to specifically approved Phase II and III development beyond Subphase II-A, that was projected for such phases. This data shall be submitted to the Florida Department of Transportation.

3. For purposes of this Development Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the increment of development which does not cause the cumulative directional p.m. peak hour trip ends referenced in the second paragraph of B.1.a. to be exceeded.
4. Any amendments to the proposed phasing schedule shall be submitted to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Development Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes.
5. The physical development of Apollo Beach Primary Phases II-IV shall begin within 3 years of the effective date of this Development Order.
6. This Development Order shall remain in effect for a period up to and including April 30, 2007. No development shall be commenced after expiration of the Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County, TBRPC and DCA a minimum of thirty (30) days prior to the expiration date of this Development Order.
7. This Development shall not be subject to downzoning, or intensity reduction until April 30, 2007, unless the local government can demonstrate that substantial changes

in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the local government to be essential to the public health, safety, or welfare.

B. Transportation

1. General Transportation Conditions

- a. Monitoring. When certificates of occupancy have been issued for 750 single-family dwelling units (or other approved land uses which cumulatively generate 455 in, 267 out (or more) p.m. peak hour directional external trip ends), an annual monitoring program to provide peak-hour traffic counts at the projects entrances shall be instituted to verify that the projected number of directional external trips for each approved phase of the Development are not being exceeded. Counts shall be performed on an annual basis through build-out. This information shall be supplied in the required annual report. If an annual report is not submitted within thirty (30) days of its due date, or if the annual report indicates that the project trips exceed projected directional external volumes 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 or require additional roadway improvements.

The cumulative projected total p.m. peak hour directional external trip ends are as follows: Subphase II-A - 329 in, 303 out; Phase II - 884 in, 816 out; and Phase III - 2236 in, 2147 out. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments. If said deviation is determined to be substantial, additional review will be required which may result in Development Order amendments.

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

- b. TSM. The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program upon issuance of certificates of occupancy for 750 single-family dwelling units (or other approved land uses which cumulatively generate 455 in, 267 out (or more) p.m. peak hour directional external trip ends) which will divert a number of vehicle trips from the PM peak-hour. Such a program shall be reviewed by Hillsborough County, the Hillsborough Area Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), the TBRPC and the Florida Department of Transportation ("FDOT").

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and

appropriate documentation for all diversions claimed as a result of the implementation of each TSM measure. The results of the TSM program shall be included in the annual report.

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

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

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

OBJECTIVES:

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

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

2. Mitigation Alternatives. The Developer, at its option, shall select one of the following alternatives to mitigate the Development's transportation impacts for Phases II and III.

a. Option 1

- (1) Prior to the issuance of construction permits for Phase II of the Development, funding commitments from responsible entities for the link improvements indicated in Table 1 and the intersection improvements indicated in Table 2 shall be acquired. Without funding commitments for these improvements, construction permits shall not be issued for Phase II.
- (2) Prior to the issuance of construction permits for Phase III of the Development, funding commitments from responsible entities for the link improvements indicated in Table 3 and the intersection improvements indicated in Table 4 shall be acquired. Without funding commitments for these improvements, construction permits shall not be issued for Phase III.
- (3) It has been determined based on traffic counts and the traffic analysis submitted by the Developer that an initial subphase of Phase II (Subphase II-A) consisting of 531 single family residential units, or other approved land uses having the equivalent of said subphase in terms of directional trip generation (329 in, 303 out p.m. peak hour total external trip ends), may be constructed and occupied without consuming

5% or more of the peak hour LOS D (LOS C rural) capacity of any of the regionally significant roadways listed herein in Tables 1-4, and without the expected traffic trips to be generated by construction and occupancy of said subphase causing said regionally significant roadways to operate below LOS D (LOS C rural) peak hour.

- (4) As used in this Option 1, "funding commitment" shall mean that the responsible entity has provided for the construction of a roadway improvement within the first year of its adopted five year capital improvement program, or adopted five year work program.

TABLE 1

PHASE II (1994) REQUIRED LINK IMPROVEMENTS FOR APOLLO BEACH
 BASED ON FIVE PERCENT OF LOS D (C RURAL) PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution Required (Percent)	Improvement
U.S. 41	Big Bend to Apollo Beach Boulevard	F	20.9	Construct 6- lane divided arterial
Big Bend Road	U.S. 41 to I-75	F	25.0	Construct 6- lane divided arterial
S.R. 674	U.S. 41 to 12th St.	F	22.9	Construct 4- lane divided arterial

TABLE 2

PHASE II (1994) REQUIRED INTERSECTION IMPROVEMENTS FOR APOLLO BEACH
 BASED ON FIVE PERCENT OF LOS D (C RURAL) PEAK-HOUR SERVICE VOLUMES

<u>Intersection</u>	<u>Total Traffic LOS Prior to Improvements</u>	<u>Development Contribution (Percent)</u>	<u>Required Improvement</u>
US 41 @ SR 674	F	7.8	Add eastbound, westbound left turn-lane; northbound, westbound right-turn lane. Add dual southbound left-turn lanes.
<u>PROJECT ENTRANCES</u>			
US 41 @ Leisey Road	N/A	N/A	Add eastbound left, and eastbound right
US 41 @ Project Drive A	N/A	N/A	Add westbound left and westbound right
US 41 @ 12th Street NE	N/A	N/A	Add eastbound left, through/right. Add westbound left, through/right.
US 41 @ Villemaire Road	N/A	N/A	Add eastbound left, through/right. Add westbound left, through/right.
Villemaire Road @ 19th Avenue	N/A	N/A	Add southbound left, right.

TABLE 3

PHASE III (1999) REQUIRED LINK IMPROVEMENTS FOR APOLLO BEACH
 BASED ON FIVE PERCENT OF LOS D (C RURAL) PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvements
US 41	Big Bend to Apollo Beach Boulevard	F	68.3	Construct 6- lane divided arterial
Big Bend Road	US 41 to I-75	F	76.8	Construct 6-lane divided arterial
SR 674	US 41 to 12th Street	F	44.1	Construct 6-lane divided arterial
	12th Street to I-75	F	9.9	Construct 6-lane divided arterial
19th Avenue	West of US 41	F	126.3	Construct 4-lane divided arterial
	US 41 to US 301	F	89.3	Construct 4-lane divided arterial

TABLE 4

PHASE III (1999) REQUIRED INTERSECTION IMPROVEMENTS FOR APOLLO BEACH
 BASED ON FIVE PERCENT OF LOS D (C RURAL) PEAK-HOUR SERVICE VOLUMES

<u>Intersection</u>	<u>Total Traffic LOS Prior to Improvements</u>	<u>Development Contribution (Percent)</u>	<u>Required Improvement</u>
I-75 @ Big Bend Road West	F	20.2	Add southbound off ramp
US 41 @ SR 674	F	11.8	Construct US 41 as a 6-lane divided arterial. West- bound add dual left- turn lanes.
<u>PROJECT ENTRANCES</u>			
US 41 @ 12th Street NE	N/A	N/A	Add westbound right-turn lane
Project Drive B @ 19th Avenue	N/A	N/A	Add southbound left, right-turn lane

b. Option 2

With respect to further construction beyond the initial subphase referenced in 2.a.3. above, and in the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase II or III, the capacity and loading of transportation facilities in the transportation study network including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall prepare and provide Hillsborough County, the MPO, the FDOT and the TBRPC pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of 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 or shall indicate alternative transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D at peak hour (C peak rural). Both the traffic counts and the projections of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices and reviewed and approved by Hillsborough County and TBRPC. Prior to any specific approval beyond initial subphase approval, the County or its designee shall insure in written findings of fact that the above roadways are operating at or above LOS D peak hour (C peak rural), and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D at peak hour (C peak rural).

Each subphase approved under this option shall have a maximum build-out of up to 3 years. No additional building permits shall be issued upon expiration of the buildout date until an updated transportation analysis (consistent with the provisions of this section) is provided and approved by Hillsborough County and TBRPC. The analysis shall propose an extension of the build-out date or new build-out date (not to exceed 3 years). The analysis shall demonstrate that the level of service standards contained herein (LOS D peak hour, C peak rural) will not be exceeded through the new proposed build-out date of the approved subphase and additional subphase requested, if any. The provisions of this paragraph shall not apply if the Primary Phase II and III (or any subphase thereto) are subject to the provisions of the Hillsborough County Adequate Public Facilities Ordinance (#90-05, latest revision).

c. Historical and Archaeological Sites

1. Archaeological site 8-Hi-3625 (Frandonson Properties Shell Midden) shall be located within a protected area of sufficient size, with at least a 30 foot buffer, so as to be protected from development and its associated activities. Other protective measures for the site as contained on pages A-58 and A-60 in the ADA and as recommended by the Florida Department of State, Division of Historical Resources shall be implemented. The applicant shall include in annual reports proof of implementation of these protective measures.

2. Any other historical or archaeological resources discovered during development activities of the Apollo Beach Phases II-IV project shall be immediately reported to the Florida Department of State, Division of Historical Resources, TBRPC, and Hillsborough County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue.

D. Public Facilities

1. Wastewater

- a. Hillsborough County shall provide, operate and maintain wastewater treatment service and disposal capacity for Apollo Beach Primary Phases II-IV, in accordance with the Agreement for Sale and Purchase of Big Bend Utility Company, Inc. dated March 10, 1982, as amended and as may be amended in the future, between Hillsborough County and the Developer (the "Water and Sewer Agreement").
- b. The provision and maintenance of the wastewater treatment and collection system shall be governed by the Water and Sewer Agreement.
- c. Apollo Beach Primary Phases II-IV shall implement a wastewater reuse system to provide for the non-potable water needs of the project, when feasible or when required by Hillsborough County ordinance, whichever comes first.
- d. Unless otherwise stipulated within the Agreement for Sale and Purchase of Big Bend Utility Company, Inc. dated March 10, 1982, as amended and as may be amended in the future, prior to dedication to the county, sewer lines provided by the developer for Apollo Beach Primary Phases II-IV shall be initially tested for leaks and ruptures by the developer. Faulty lines shall be replaced by the developer prior to acceptance by the County. Subsequent to the acceptance of sewer lines and the expiration of any warranties the County shall replace faulty lines as they occur as quickly as possible.
- e. The disposal into the sewer system of non-domestic hazardous wastes, as defined by applicable regulations, shall be prohibited.

2. Drainage and Flood Control

- a. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 40D-4, FAC, unless specifically exempted by SWFWMD. The systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, FAC. Treatment shall be provided by biological filtration, wherever feasible.
- b. The stormwater management system for the development shall be designed, constructed, and maintained at a minimum, to meet the requirements of the Hillsborough County Stormwater Management Technical Manual. The design criteria to be used is that which is in effect at the time of construction plan submittal for a particular phase of the development. In addition, the stormwater management system shall provide retention for the first one-inch of runoff generated from the site, unless this requirement is proven by the Developer to be unnecessary for groundwater recharge and surface water quality protection

purposes.

- c. Prior to construction plan approval and the issuance of any permits, the Master Plan for each proposed project in Apollo Beach Primary Phases II-IV shall be submitted to the DER and TBRPC for review, to Hillsborough County for approval, and to the Southwest Florida Water Management District ("SWFWMD"), to the extent applicable, for approval. This plan shall address, but not be limited to, control of on-site stormwater, maintenance of water quality, wetlands to be preserved, proposed wetland alterations, mitigation for lost wetlands, maintenance of hydroperiods and methods for wetlands restoration/enhancement. All on-site wetlands defined as preservation or conservation areas by policies 10.1.2 and 10.3.1, FRCRPP as shown in attached Exhibit "C", shall be delineated as such in the Master Stormwater Management Plan. These wetland areas shall be preserved or mitigated, respectively, by in-kind replacement on a 1:1 basis, at minimum.
- d. Best Management Practices for reducing water quality impacts, as recommended by Hillsborough County and SWFWMD, shall be implemented and shall include a street cleaning program for parking and roadway areas within the development.
- e. In order to protect water quality in the Wolf Creek watersheds and Tampa Bay, there shall be no degradation of water quality by stormwater exiting the site below the standards set forth in Chapter 17-3, FAC. The Developer shall provide for a semi-annual surface water quality monitoring program, to be instituted before Phase II construction commences and continue through project build-out. Any violation of Chapter 17-3, FAC, determined to be caused by this development, shall require corrective measures as set forth by DER. The following shall apply:
 - (i) Sampling locations and parameters shall be determined by Hillsborough County, with review and comment by SWFWMD and TBRPC.
 - (ii) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/DER Quality Control Standards and Requirements.
 - (iii) The monitoring results shall be submitted to Hillsborough County and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County and DER immediately. If there is evidence that the developer is responsible for the violation, construction within the subbasin(s) where the violation is noted may be stopped until the violation is corrected.
- f. The Developer shall be responsible for the operation and maintenance of the on-site stormwater management facilities unless otherwise required or approved by the County.
- g. No fill shall be allowed in the 100-year freshwater riverine floodplain without equal flood plain storage value compensation within the stormwater management system. Also, in order to mitigate potential

property damage from flooding, all elevations for habitable structures shall be at or about the 100-year flood level.

- h. All necessary drainage and associated access easements shall be conveyed by the Developer to the County as required, in accordance with County policies existing at the time of construction plan submittal for a particular phase. All easement documents shall be fully executed and recorded prior to, or concurrent with issuance of certificates of occupancy or plat approval, whichever is applicable for the particular parcel or phase.
- i. To the extent not already exempted, the Developer has elected to be bound by the rules adopted pursuant to Chapters 373 and 403, Florida Statutes in effect at the time of adoption of this development order amendment. Accordingly, all applications for development permits pursuant to those chapters and which are necessary for, and consistent with the development authorized by this development order amendment, to the extent not exempted, shall be subject to the rules adopted pursuant to those chapters in effect at the time of adoption of this development order amendment.

3. Water Supply

- a. The Developer shall submit a plan to Hillsborough County and TBRPC for using non-potable water for irrigation and the encouragement of water conservation measures in project development in the first annual report following issuance of the first Certificate of Occupancy. This plan shall include the implementation of a wastewater reuse system, when and if required and feasible. The plan shall be implemented prior to the issuance of Certificates of Occupancy for the 100th dwelling unit of Phase II.
- b. Assurance of adequate water supply capacity and of maintenance of the water supply systems within the project site shall be governed by the Agreement for Sale and Purchase.
- c. Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.) and native vegetation shall be used in landscaping to the greatest extent feasible. In addition, the water conservation measures referenced in the ADA shall be required.
- d. The Developer shall encourage the use of the lowest quality water reasonably available and suitable for a given purpose in order to reduce the unnecessary use of potable water.
- e. Adequate fire flow and pressure shall be maintained within Apollo Beach Primary Phases II-IV.
- f. 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.

E. Hurricane Preparedness

- 1. The Developer shall promote hurricane awareness and shall

cooperate with local and regional authorities to prepare a plan to ensure the safe and orderly evacuation of residents and those employees who are within the development after an evacuation order is issued. This plan shall be included in the first annual report submitted after occupancy of any portion of the project. The plan shall be implemented by the Developer: (1) using its best efforts to have all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans.

2. The Developer shall coordinate with Hillsborough County Emergency Management officials, TBRPC, and the Tampa Bay Suncoast Chapter of the American Red Cross to determine appropriate shelter mitigation. Pursuant to Rule 9J-2.0256, FAC, it has been determined that construction and occupancy of Phase II-III will not cause a regionally significant impact on hurricane evacuation, and that Phase II will not have a regionally significant impact on shelter space availability. Accordingly, prior to issuance of building permits beyond an additional 1,200 residential units within Phase II, the Developer shall prepare and provide Hillsborough County and TBRPC with an updated hurricane shelter space analysis, based on a methodology agreed to by the Developer, Hillsborough County, and TBRPC projecting the deficiencies, if any, in shelter space which will result from any additional residential development for which the Developer is seeking approval. If such additional residential development creates a shelter space deficiency, the mitigation options in (a), (b), or (c) below shall be implemented singly, or in combination, at the Developer's election, to mitigate such deficit. The Developer must provide reasonable assurance from Hillsborough County and the County's emergency management officials regarding that these mitigation options will mitigate the development's hurricane shelter impacts.
 - a. Donation of land for public facilities or donation of the use of private structures to be used as primary public hurricane shelter (This option is appropriate if the shelter site is not within the hurricane vulnerability zone);
 - b. Provision of payments in lieu of donation of land for the upgrading of existing primary and secondary hurricane shelters located outside the hurricane vulnerability zone, so as to increase the county's primary public hurricane shelter space capacity; or
 - c. Limiting of development to a density that does not cause substantial impact on regional hurricane preparedness.
3. All deeds for sale of land and/or structures for Apollo Beach Phases II-IV within Evacuation Zones A-C shall be accompanied by a hazard disclosure statement generally describing the properties' relative probability of damage from hurricane surge.
4. Project development shall be consistent with TBRPC policy 7.6.2. FRCRPP, in regard to the siting of new institutions such as hospitals, nursing homes and adult Congregate Living Facilities in evacuation levels A or B.

F. General

1. Developer Commitments. The Developer's commitments set forth in the ADA are summarized in Exhibit "D" entitled "Developer Commitments", and these commitments shall be honored, except as they may be superseded by specific terms of the Development Order.
2. Substantial Deviations. Except as otherwise provided herein, pursuant to Subsection 380.06(19), Florida Statutes, any substantial change to the project as described in the ADA shall require a substantial deviation determination.
3. Notice of Adoption. The Developer shall record a notice of adoption of this Development Order pursuant to Subsection 380.06(15), Florida Statutes.
4. Effective Date. The effective date of this Development Order shall be the date of its transmittal by the clerk of the Board of County Commissioners as set out below.
5. Date Rendered. This Development Order shall be deemed rendered as of the postmark date of the transmittal of copies hereof to DCA, TBRPC and the Developer.

Adopted by the Hillsborough County Board of County Commissioners, on April 24, 1990.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk for 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 24, 1990 as same appears of record in Minute Book 167 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 13th day of June, 1990.

ATTEST: RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

W-LU/10309/001/RES2
4/23/90

APPROVED BY COUNTY ATTORNEY
BY J. A. Math
Approved As To Form And
Legal Sufficiency.

EXHIBIT "A"
Apollo Beach Primary Phases II, III and IV
Development Order
Application for Development Approval and
Sufficiency Response

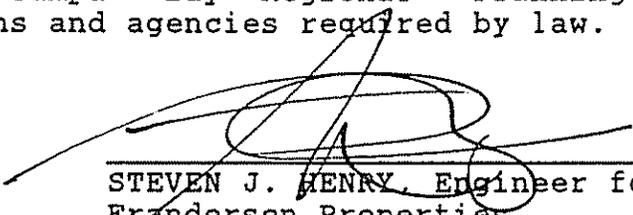
AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared STEVEN J. HENRY, as Engineer for FRANDORSON PROPERTIES, the applicant/owner of the Apollo Beach Primary Phases II, III and IV DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

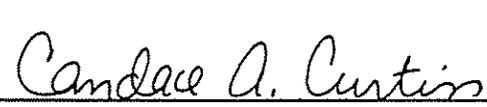
1. FRANDORSON PROPERTIES filed its application for development approval for Apollo Beach Primary Phases II, III and IV on July 10, 1989. The sufficiency response was filed on October 27, 1989.

2. The aforementioned documents were filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TBRPC"), and all persons and agencies required by law.



STEVEN J. HENRY, Engineer for
Frandonson Properties

SWORN TO AND SUBSCRIBED before me this 1st day of June,
1990.



Notary Public, State of Florida
at Large

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES MAR. 11, 1991.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

EXHIBIT "B"

DESCRIPTION: LANDS LYING SOUTHEAST OF U.S. HIGHWAY 41

A parcel of land in Sections 32 & 33, Township 31 South, Range 19 East, Hillsborough County, Florida, more explicitly described as follows:

Commence at the Southwest corner of the Southwest 1/4 of said Section 33; thence North 00°47'00" West on the West boundary thereof a distance of 1484.40 feet to the POINT OF BEGINNING of the herein described parcel, said point also being the point of beginning of that parcel recorded in Official Record Book 3993 Page 1960, Hillsborough County, Florida; thence departing said West boundary and on the Southerly boundaries of said parcel the following four (4) calls: North 66°04'00" West, a distance of 775.38 feet; thence South 73°54'45" West, a distance of 675.22 feet; thence South 53°33'27" West, a distance of 580.86 feet to the North boundary of the South 1/2 of the Southeast 1/4 of Section 32, said Township and Range; thence South 89°22'32" West on said North boundary, a distance of 617.83 feet to a point on the Southeasterly right-of-way of U.S. 41 (S.R. 45), as per FDOT maps section 10060-2211, said point being the point of intersection with a non-tangent curve, concave southeasterly, having a radius of 7029.98 feet and a central angle of 01°26'00"; thence on said right-of-way the following three (3) calls: in a northeasterly direction along the arc of said curve to the right, a distance of 175.86 feet, said arc subtended by a chord which bears North 50°47'25" East, a distance of 175.85 feet to the curve's end; thence North 51°30'25" East, a distance of 1787.09 feet; to the beginning of a curve, concave northwesterly, having a radius of 11591.16 feet and a central angle of 00°36'50", thence in a northeasterly direction along the arc of said curve to the left, a distance of 124.19 feet, said arc subtended by a chord which bears North 51°12'00" East, a distance of 124.18 feet to the point of intersection with a non-tangent line, said point being on the North boundary of the Southeast 1/4 of said Section 32; thence departing said right-of-way and on said North boundary, North 89°08'27" East, a distance of 796.00 feet to the Southwest corner of the Northwest 1/4 of said Section 33; thence North 00°47'06" West on the West boundary thereof, a distance of 688.82 feet to the intersection with the aforesaid right-of-way of U.S. 41, thence departing said West boundary and on said right-of-way, North 46°02'13" East, a distance of 2695.01 feet to the North boundary of said Section 33, thence departing said right-of-way and on said North boundary, North 89°20'32" East, a distance of 2818.99 feet to the Northwesterly right-of-way boundary of the CSX Railroad, thence on said right-of-way being a line parallel with and sixty-five (65) feet Northwesterly of the centerline of the tracks of said railroad; South 27°20'47" West, a distance of 5799.16 feet to the South boundary of the Southwest 1/4 of said Section 33; thence South 89°36'24" West on said South boundary a distance of 2050.12 feet to the Southwest corner of the Southwest 1/4 of said Section 33, thence North 00°47'00" West on the West boundary thereof, a distance of 1484.40 feet, to the POINT OF BEGINNING.

Containing 393.49 acres, more or less.

SUBJECT TO:
A field survey.

DESCRIPTION: LANDS LYING NORTHWEST OF U.S. HIGHWAY 41

A parcel of land in Sections 28, 29, 30, 31, 32 & 33, Township 31 South, Range 19 East, Hillsborough County, Florida, more explicitly described as follows:

Commencing at the Southwest corner of the Southwest 1/4 of said Section 29; said point being the POINT OF BEGINNING of the herein described parcel; thence North 00°48'17" West on the West boundary thereof, a distance of 3087.64 feet; thence departing said West boundary, South 49°23'00" East a distance of 662.55 feet to the North boundary of tract 66 as per the map of Ruskin Tomato Farms as recorded in Plat Book 27 Page 110 of the public records of Hillsborough County, Florida; thence on said North boundary, North 89°23'38" East a distance of 167.05 feet to a canal as per said Plat; thence South 49°23'00" East on said canal a distance of 2055.81 feet to the Northwest corner of tract 69 of said Plat; thence on the North boundaries of tracts 69, 70, 71 and 72, of said Plat the following two (2) calls: North 89°22'27" East, a distance of 3068.57 feet to the Northeast corner of said tract 70; thence North 89°20'19" East a distance of 2711.25 feet to the Northeast corner of said tract 72; said point being the point of intersection with the Northwesterly right-of-way of U.S. 41 (S.R. 45) as per FDOT maps section 10060-2211; thence on said right-of-way the following six (6) calls: South 45°58'15" West, a distance of 425.26 feet; thence South

EXHIBIT "B"

46°02'13" West, a distance of 4033.90 feet; to the beginning of a curve, concave northwesterly, having a radius of 11409.16 feet and a central angle of 04°58'21", thence in a southwesterly direction along the arc of said curve to the right, a distance of 990.17 feet, said arc subtended by a chord which bears South 48°31'24" West, a distance of 989.86 feet to the point of intersection with a non-tangent line; thence North 38°59'26" West, a distance of 18.00 feet; to the point of intersection with a non-tangent curve, concave northwesterly, having a radius of 11391.16 feet and a central angle of 00°29'51"; thence in a southwesterly direction along the arc of said curve to the right, a distance of 98.90 feet, said arc subtended by a chord which bears South 51°15'30" West, a distance of 98.90 feet to the curve's end; thence South 51°30'25" West, a distance of 134.34 feet to the intersection with the North boundary of the Southeast 1/4 of said Section 32; thence South 89°08'27" West on said North boundary, a distance of 1042.06 feet to the intersection with a line 488.10 feet Easterly and parallel with the West boundary of the aforesaid Southeast 1/4; thence South 00°38'18" East on said Easterly line a distance of 828.67 feet to the intersection with the aforesaid right-of-way, thence on said right of way the following two (2) calls: South 51°30'25" West, a distance of 318.99 feet; to the beginning of a curve, concave southeasterly, having a radius of 7211.98 feet and a central angle of 03°10'21", thence in a southwesterly direction along the arc of said curve to the left, a distance of 399.31 feet, said arc subtended by a chord which bears South 49°55'15" West, a distance of 399.26 feet to the point of intersection with a non-tangent line, said point being on the North boundary of the Southeast 1/4 of the Southwest 1/4 of said Section 32; thence South 89°04'57" West on said North boundary, a distance of 1261.04 feet to the Southeast corner of the Northwest 1/4 of the Southwest 1/4 of said Section 32; thence North 00°29'14" West on the East boundary thereof, a distance of 1277.20 feet to the Northeast corner of said Northwest 1/4; thence South 89°08'27" West on the North boundary thereof, a distance of 1329.78 feet to the Southwest corner of the Northwest 1/4 of said Section 32; thence North 00°20'12" West on the West boundary thereof, a distance of 2557.17 feet to the Northwest corner of said Northwest 1/4; thence North 89°20'17" East on the North boundary thereof, a distance of 382.26 feet to the Southwest corner of the Southwest 1/4 of said Section 29, said point being the POINT OF BEGINNING.

LESS:

Road rights-of-ways.

AND:

All of said Section 30 lying Easterly and above the Mean High Water Line of Tampa Bay.

AND:

All of said Section 31 lying Easterly and above the Mean High Water Line of Tampa Bay.

LESS:

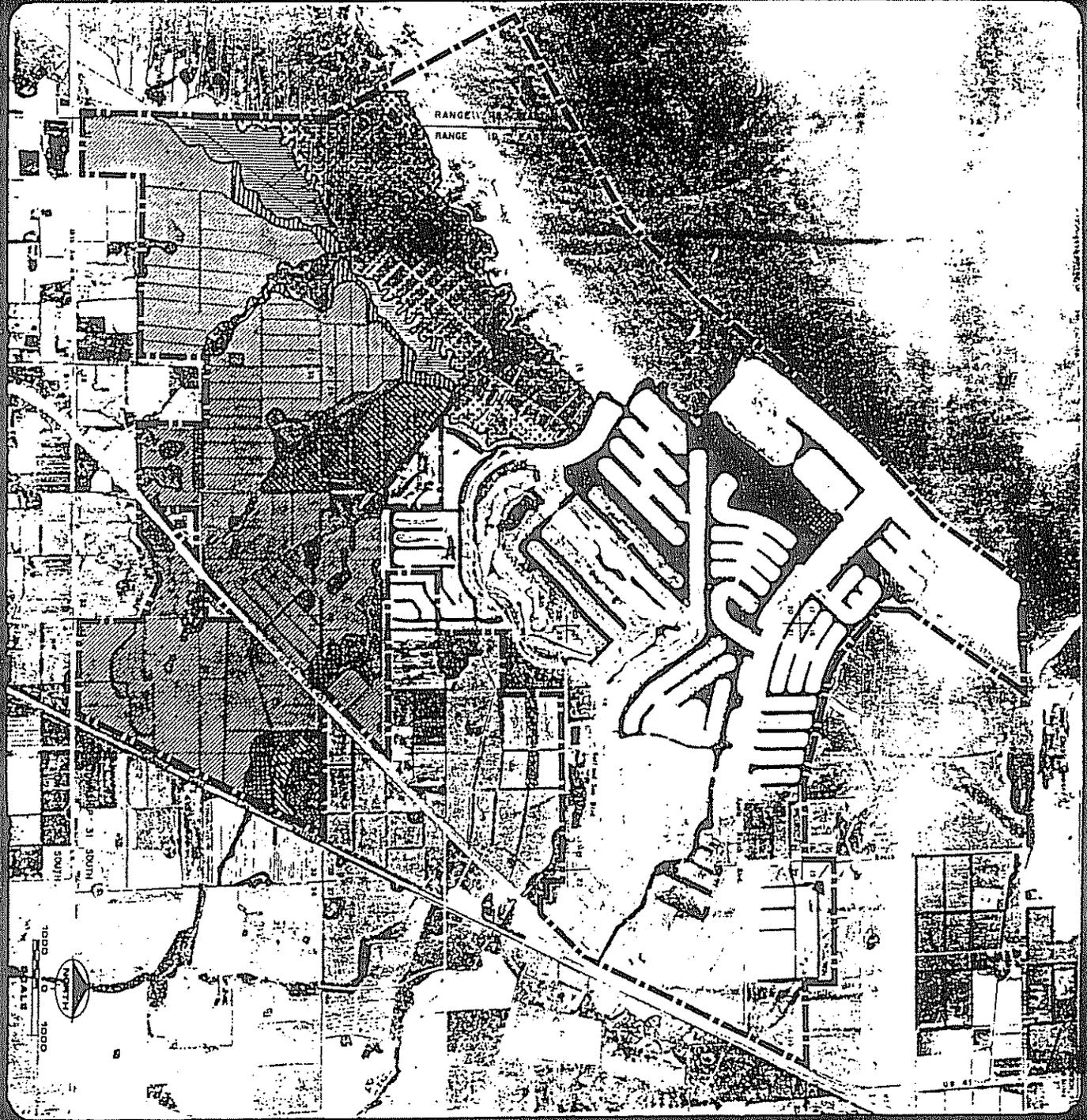
the Southeast 1/4 of the Southwest 1/4 of said Section 31, and

LESS:

the South 1/2 of the Southeast 1/4 of said Section 31.

SUBJECT TO:

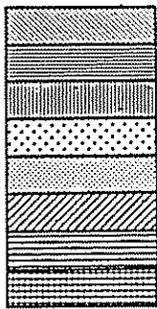
A field survey.



ERS

VEGETATION

DATA SOURCE: AERIAL SURVEY AND SITE RECONNAISSANCE



- PASTURE, CROPS, CASUARINA ROWS
- FILLED AREAS
- BARREN MARSH
- MAGROVE - FOUR SPECIES
- MIXED REGROWTH
- CITRUS
- FLATWOODS
- HYDRIC HAMMOCK

APOLLO BEACH

PREPARED FROM FRANKSON PROPERTIES
 APOLLO BEACH, FLORIDA
 DESIGNED BY GUYTON SMITH AND ASSOCIATES
 AIA ARCHITECTS / PLANNERS INC.
 APPLICATION NUMBER

DATE: _____
 SHEET NO. _____
 SHEET OF _____

EXHIBIT "C"

EXHIBIT "D"

DEVELOPER COMMITMENTS

Application for Development Approval

Page

- 10 The land uses for each phase of development will be designed to provide a complementary mix of housing, employment opportunities, shopping and service facilities to allow the project to function as a self-supporting community.
- 22 The master drainage plan for Phases II, III and IV incorporates methods to minimize negative impacts on the environment. For example, "spreader waterways" are intended to be utilized at discharge points into wetlands associated with major natural drainage ways. The outfall control structures are to be designed to allow water levels within the conservation areas to continue their natural hydro-periods.
- 22 The drainage system will be designed in consideration of environmental criteria to minimize adverse impacts while still providing adequate drainage and flood protection.
- 22 The physical design aspects of the Lake Management Plan will be based on a network of freshwater lakes that serve the drainage needs of the project site. This plan is to describe the creation/expansion to the lake/stormwater drainage system necessary to serve the remaining phases under review. The new lakes, where practical, will be inter-connected and/or their levels staged to allow the drainage basins to function hydrologically and hydraulically.

- 23 Drainage Basin "A" - The design discharge will be limited to the Hillsborough County Regulations, 10 year pre-developed discharge, or the critical storm discharge in accordance with the FDOT Chapter 14-86 FAC analysis, whichever is more restrictive. The offsite flow entering the basin from the east will be allowed to pass through the site without interruption or change in flow characteristics. The new run-off from the developed areas will be treated prior to comingling with the offsite flow.
- 23 The proposed lake system for each of the sub-basins will be incorporated into the specific land use design for each pocket. The lake sizes will be based on the physical and environmental constraints as discussed in other sections and the need for fill on the site to meet minimum required elevations.
- 25 Drainage Basin "B" - The offsite run-off received by this lake will be collected separately from the proposed development run-off and conveyed through the property beyond the proposed lake outfall structure. This will eliminate any co-mingling of offsite waters and untreated waters. The detailed design for this system will be considered when the associated drainage is required.
- 25 Drainage Basin "C" - The proposed lake system will be sized taking into account the existing capacity of Wolf Branch Creek. In addition, lake discharges to Wolf Branch Creek will utilize spreader waterways.
- 25 Drainage Basin "D" - The connection between an existing borrow pit in the southwestern portion of the site and the tidal waters of Tampa Bay includes a number of other borrow pits that are inter-connected along the southern boundary of the property. The borrow pit connection is to be utilized in order to take advantage of a non-restrictive outfall condition into Tampa Bay. ... This drainage basin has other borrow pits in its northern section that will be utilized similarly.
- 26 Many of the Best Management Practices (BMP's) that were recommended in the Tampa Bay Regional Planning Council's Stormwater and Lake Systems Maintenance and Design Guidelines of the Areawide Water Quality Management Plan will be included in the environmental design criteria in order to maintain good water quality in the Lake systems. BMP's that will be introduced in the proposed lake design include:

- o Provisions of a littoral shelf in selected areas, where practical, to promote the growth of desirable rooted aquatic vegetation and consolidation of sediments captured on shelf.
 - o Slopes of 6:1 for the littoral shelf where possible and 3:1 for areas beyond the shelf.
 - o Hydraulic flow rates into and out of the lakes which will prevent scour and dictate flow rates through the lake which will permit settling of suspended solids.
 - o Simulation of the hydroperiod water level fluctuations in the lakes and adjacent conservation areas which are characteristic of wetland requirements.
 - o Use of swales, where practicable, to mitigate the impact of run-off entering the lake system.
 - o Source control practices instituted, where feasible, throughout the project to reduce non-point pollution from stormwater run-off.
 - o Mitigation of natural marsh lost as a result of lake construction and other development activities.
 - o Placement of lakes to interface with established natural freshwater swamps.
- 26 An effort will be made to create natural-appearing marsh-like areas within the lakes of the surface water management system. Generally referred to as littoral zones, this marsh habitat will be generally located along the lake perimeters and at lake outflow points.
- 26 A typical littoral zone will be created by using planted wetland species in combination with a mulching technique.
- 27 The slope and configuration of the littoral zone and its relationship to the control elevations of the outfall control structures will be integrated to assure the appropriate hydroperiod. In those areas where the salinity of the lake may be elevated due to its proximity to the bay, more salt tolerant wetland species will be used in the planting scheme.

- 27 Selected lakes will employ the concept of incorporating "deep sinks" or "sumps" to provide additional stormwater treatment through the removal of organic detritus and toxic substances such as pesticides and heavy metals attached to particulate matter. The sump, located at the inflow end of the lake, will facilitate settling of organic detritus for induced stratification and limited mixing not afforded in the shallower lakes.
- 27 Section 3.A of this Management Plan outlines the extensive efforts employed to construct a lake system that will function in a manner to significantly reduce the possibility of future problems and the need for an extensive maintenance program. In addition, source control, conveyance system maintenance, and structural techniques to limit pollutants that are transported in stormwater run-off from reaching the lake system will be incorporated to reduce loading and reduce the frequency of lake maintenance procedures. Therefore, the lakes within Phases II, III, and IV will require maintenance and/or restoration. The following techniques will be utilized as appropriate, to assure that the lakes continue to provide their intended drainage, water quality, aesthetic, and biological functions.
- 30 Annual inspections of the lake system may include a visual inspection of street surfaces, catchbasins, swales, construction sites, and lake areas to identify conditions requiring corrective actions. Visual observations of the condition of the lakes will be performed by trained maintenance personnel and include:
- o Recording of the relative extent and density of shoreline and littoral zone vegetation.
 - o Identification of any apparent water quality problems.
 - o Recording of presence of floating plant coverage.
 - o Identification of any evidence of noxious emergent or submerged weeds.
 - o Identification of any sediment build-up or scouring within the created marsh areas and spreader waterways.

All observations and related information will be carefully recorded to provide an "early warning system" to allow for initiation of maintenance procedures before problems get out of control and require restorative procedures.

- 30 Devices will be installed to allow drawdown of the lake system to approximately 2.5 feet below design high water.
- 30 In an effort to prevent or delay the need for extended drawdowns utilized to restore a lake, periodic (every 4-6 years) drawdowns will be utilized to maintain the lakes. Drawdown of lakes would be performed on a rotating or sequential basis.
- 31 The design of the lakes and the use of the planting and mulching technique are expected to minimize the need for control of noxious emergent vegetation. However, in the event that undesirable floating plants or algal populations occur, mechanical harvesting, controlled application of species-specific herbicides, or biological controls may be used.
- 32 The Frandorson Properties Shell Midden (8-Hi-3625) is within an environmental conservation area and will not be developed or disturbed during construction.
- 68 The developer has coordinated the design and installation of on-site provisions for HART and will continue to do so through the buildout of Phases II and III.

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- 21 To the extent the project is not exempt, the wetland jurisdictional delineations will be performed in conjunction with individual development plans.
- 21 However, if the medical facility does produce or use hazardous waste, the appropriate collection, storage, transportation and disposal methods will be utilized which will comply with all applicable state and federal regulations.
- 21 In the event that hazardous waste is stored or generated on-site, the collection, storage, transportation and disposal of the hazardous waste will be in accordance with all applicable state and federal regulations.
- 24 The specific access points for the land uses will be addressed at the driveway permit stage.

- 24 The regional traffic impacts on the external network should not change significantly and any additional impact will be limited to project access points.
- 36 Construction of the medical facility, ACLF, Fire Station, and the Elementary School shall comply with all applicable Hillsborough County regulation pertaining to construction within a hurricane vulnerability zone.
- 42 The applicant shall implement the following protective measure as recommended by the professional archaeologist in the survey report.
1. The applicant shall retain an archaeologist to delineate the boundaries of the shell midden. This shall be done prior to detailed site plan approval for any site contiguous to the shell midden.
 2. The applicant also agrees to erect a protective fence around the midden during land development contiguous to the midden and to remove the fence upon completion of construction.
 3. The applicant shall consider including the Frandorson Shell Midden in a "heritage park" or nature park to the extent possible. This shall be done prior to detailed site plan approval for any development contiguous to the shell midden.
 4. If exotic vegetation is removed from the shell midden the applicant agrees to have an archaeologist present to assist in the handclearing of the shell midden if it is determined necessary by a professional archaeologist.
 5. If the ditches behind 8-HI-3625 are filled the agrees to retain the services of an archaeologist to examine the area to determine if in fact it is a shell midden.
 6. In the event that it is not feasible to preserve 8-HI-3625, then the applicant agrees to retain the services of an archaeologist to conduct limited test excavations which include funding for chrometric dating, faunal and artifact analyses, and preparation of a scientific report summarizing the data gained from the excavation. This shall be conducted at such time as it is determined that it is not feasible to preserve 8-HI-3625.

- 43 If any additional archaeological or historical resources are discovered during the development of Apollo Beach Phases II-IV, the applicant shall retain the services of a professional archaeologist to assist in determining the significance of the site and the proper procedures to protect the site, if necessary.
- 43 The applicant agrees to make it a condition of dedication or sale that the shell midden be protected as identified in number 1 above.
- 48 Stormwater treatment is proposed to be provided by the construction of stormwater retention ponds and the use of existing man-made borrow areas. The wetland habitats which have been established within these borrow areas are generally opportunistic communities consisting of cattails, primrose willow, and/or Carolina willow. In the event that these areas are retained, these wetlands are expected to adapt to any modifications in hydroperiod, water-level, etc. which may occur as a result of using the borrow areas for stormwater treatment. It is most likely that these pioneer-type wetland communities will be replaced with a more diverse assemblage of wetland vegetation through the construction of littoral zones attendant to the recontouring of the shoreline.
- 48 Portions of Phases II, III, and IV will share the tidal canal and outfalls along the southern boundary of Phase I. This canal separates the Phases and therefore eliminates any need for incorporation of the Drainage Plans.
- 49 The off-site flow discharging under US 41 shall not be changed by this development. To the extent not exempt, all discharges from on-site shall be analyzed and designed to meet the current regulations as they pertain to drainage discharge.
- 49 In order to meet the various regulatory agencies stormwater discharge requirements, the proposed design shall to the extent not exempted consider the hydraulic capacities of the outfalls and the discharge requirement criteria of the review agencies. To the extent not exempted, this will require the discharges to outfalls such as Wolf Branch Creek to be limited to the pre-development values unless it can be determined by a detailed study that Wolf Branch Creek has a "more than adequate capacity."
- 51 Any alteration of the vegetation as a result of the construction of the headwall or energy dissipators, if any, will be replaced in accordance with the permits associated with such activity.

- 51 Vegetated shallow shelves, or littoral zones, will be incorporated into the lake system in the event that retention with biological filtration is the treatment method of choice.
- 51 The alteration of isolated freshwater marsh habitat is proposed to be mitigated by construction of lake littoral zones. Other wetland impacts, will be compensated for through wetland creation, establishment of wildlife corridors, designation of additional buffer, enhancement of disturbed wetlands, or other methods acceptable to the various permitting agencies.
- 51-52 All littoral zones constructed for the purpose of providing biological filtration or mitigation will be monitored quarterly for the first year and semi-annually for the next two years. Success criteria will include an 85% vegetative cover of wetland species at the end of the specified monitoring period as required by the appropriate regulatory entities.
- 52 The maintenance entities will be determined at the time of permitting. They will generally consist of Hillsborough County for public facilities and the individual homeowners associations for the private facilities.
- 52 If any wetland areas are impacted by the construction of the stormwater management system, to the extent not exempted, will be subject to the critical scrutiny of the Hillsborough County Environmental Protection Commission, the US Army Corps of Engineers, and/or the Florida Department of Environmental Regulation. A component of this process will be a characterization of each impacted area and a quantification of the proposed area of impact.
- 53 To the extent not exempted, the drainage system shall be designed to meet Chapter 17-25, FAC. The type of treatment system used to meet this requirement will be determined at the time of design preparation. There will be stormwater detention both biological treatment and infiltration systems.
- 53 There are no Wetland Stormwater Discharge Facilities proposed for Phases II-IV. In the event that such a method of stormwater treatment is proposed, the rigid criteria outlined in F.A.C. 17-25.042 will, to the extent not exempted, be used to provide assurance that species diversity and water quality will be maintained.

- 56 To the extent not exempt, the requirements of Chapter 17-25, FAC and Chapter 40D-4, FAC shall be met regarding stormwater quality.
- 57 At the appropriate stage of development a detailed wetland survey will be conducted and at the time it will be made available to the appropriate agencies.
- 58 The detailed analysis of off-site flow shall be done in the design phases of the project and shall comply with local, state and federal regulations.
- 66 Fire flow shall be provided per Hillsborough County Standards.
- 71 Those wells that are not to be used shall be capped and abandoned as required by the regulatory agencies as it becomes necessary.
- 75 The developer will submit construction plans to the Hillsborough County Health Department for review of individual water distribution system improvements.
- 75 These delineations will be performed in conjunction with final development plans. Generally, it is not anticipated that existing wetlands will be used for stormwater treatment. However, if that opportunity arises, and is acceptable under applicable local, state, and federal regulations, the applicant reserves the right to utilize wetlands for stormwater treatment.
- 77 To the extent not exempted, all stormwater management systems will be designed to meet applicable water quality requirements at discharge locations.
- 78 The applicant shall comply with all local, state and federal regulations as they pertain to test or foundation holes.
- 78 The applicant shall comply with all local, state and federal regulations as they pertain to existing or abandoned wells and test or foundation holes.
- 79 If a dewatering operation is associated with Apollo Beach Phase II-IV which requires a SWFWMD Consumptive Use Permit (CUP), the CUP will be obtained from SWFWMD at the appropriate time.

- 82 The applicant shall comply with all local, state and federal regulations regarding wells.
- 32 The school sites and park sites will be designated within the phase indicated on the master plan.
- 35 Certain portions of the eastern section of the project, however, are being considered for provision of rental units which may fall into the category of affordable housing.