

#212

SEP 20 2011



CITY OF TAMPA

Pam Iorio, Mayor

Growth Management & Development Services

Land Development Coordination

September 20, 2011

Mr. David Mechanik
Mechanik Nuccio
305 S. Boulevard.
Tampa, Florida 33606

Re: **Hillsborough River Realty DRI** – Extension of Commencement/Phase/Build Out /Expiration Dates

Dear Dave:

We are in receipt of your request to extend the commencement, phase, build out and expiration dates of the Development Order associated with the approval of the Hillsborough Realty Development of Regional Impact. The Florida Legislature recently enacted House Bill 7207 in recognition of 2011 real estate conditions, which extended certain permits issued by Florida Department of Environmental Protection and Water Management Districts. **This extension includes any local government issued development order or building permit that has an expiration date of January 1, 2012 through January 1, 2014**

Based upon the information provided, we have determined that the project has met the provisions of HB 7207 and is extended for four years from its approved commencement date as well as its phased build out and expiration date. The new dates are as follows:

- Commencement – December 29, 2018
- Buildout – December 29, 2019
- Downzoning – December 29, 2019
- Expiration - ~~December 29, 2036~~ **June 29, 2036** *jm*

Please be advised that the four year extension does not impair the authority of the City of Tampa to require the property subject to the extension to be secured and maintained in a safe and sanitary condition in compliance with applicable codes and regulations. In addition, the extension request is issued by the City of Tampa for permits and development orders solely under its jurisdiction. Outside agencies which may have extra jurisdictional authority should be contacted for permit extensions separately.

Regards,

Susan L. Johnson
DRI/ Subdivision Coordination
City of Tampa, Florida

#212



CITY OF TAMPA

Office of City Clerk

December 13, 2002

Tampa Bay Regional Planning Council
Attention: John Meyer, DRI Coordinator
9455 Koger Blvd
St. Petersburg FL 33702

RE: File No. DZ97-26 Amendment to Jeffries Companies/Hillsborough River Realty
Ordinance 2002-261

Dear Sir:

The City Council of the City of Tampa met in regular session on December 5, 2002, at 9:00 a.m. During this session, the enclosed ordinance (2002-261) was adopted, approving an ordinance rendering the twelfth amendment to a development order for Tampa Technology Park.

A certified copy of the ordinance is hereby transmitted.

Sincerely,

Gail A. Anderson
Deputy City Clerk

GAA/gsg

Enclosure: Certified copy of Ordinance 2002-261 by certified mailing.

TORPC

ORDINANCE NO. 2002-261

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING A SECOND AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY THE JEFFRIES COMPANIES AND HILLSBOROUGH RIVER REALTY CORP. FOR ITS MIXED USE DEVELOPMENT, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI #212); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 97-105, passed and ordained by the City Council of the City of Tampa, Florida (the "City Council") on May 15, 1997, approved a Development Order for the Jeffries Companies and Hillsborough River Realty Corp. Mixed Use Development (the "Development"), a Development of Regional Impact ("DRI"), (hereinafter said Ordinance shall be referred to as the "Original Development Order"); and

WHEREAS, Ordinance No. 97-193, passed and ordained by the City Council on September 29, 1997, approved an amendment to the Original Development Order (hereinafter referred to as the "First Amendment")(the Original Development Order, as amended by the First Amendment, shall hereinafter be referred to as the "Development Order"); and

WHEREAS, on June 19, 2002, the Jeffries Companies and Hillsborough River Realty Corp. (the "Applicant") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Development and, on September 20, 2002, filed a sufficiency response to agency comments (and subsequently requested an extension of the date before which the Development would not be subject to downzoning, unit density

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reduction or intensity reduction)(hereinafter collectively referred to as the "NOPC"), attached hereto as a part of Composite Exhibit "A" and incorporated herein; and

WHEREAS, the NOPC proposed to amend the Development Order to extend by ten (10) years, to December 29, 2015, the date of buildout of the Development set forth in the Development Order; and, in accordance with the provisions of Subsection 380.06(19)(c), Florida Statutes, automatically extend the commencement date of the Development and the termination date of the Development Order by a like period of time and to extend to December 29, 2015 the date before which the Development is not subject to downzoning, unit density reduction or intensity reduction (hereinafter the above changes shall be collectively referred to as the "Proposed Changes"); and

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

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Applicant concerning the Proposed Changes; and

WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, an extension of the date of buildout of a development, or any phase thereof, by seven (7) or more years shall be presumed to create a substantial deviation; and

WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, applicant has submitted clear and convincing evidence rebutting this presumption; and

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

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and correct copy.

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Section 27-418, City of Tampa Code of Ordinances (the "City Code"), have been fulfilled; and

WHEREAS, the City Council has, on November 14, 2002, held a duly noticed public hearing on the Proposed Changes and has reviewed and considered the Proposed Changes, as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, the City Council has received and considered the report and recommendations of the Tampa Bay Regional Planning Council (the "TBRPC"); and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Changes before the City Council; and

WHEREAS, the City Council has reviewed and considered the NOPC and the Proposed Changes, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all

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and correct copy.

persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Applicant submitted to the City of Tampa (the "City") the NOPC, attached hereto and incorporated herein by reference as Composite Exhibit "A;"

B. That the NOPC proposes to amend the Development Order to extend the buildout date of the Development to December 29, 2015 (which change automatically extends the commencement date of the Development and the termination date of the Development Order by a like period of time) and to extend to December 29, 2015 the date before which the Development is not subject to downzoning, unit density reduction or intensity reduction (herein referred to as the "Proposed Changes");

C. That the Proposed Changes are consistent with all local land development regulations and the local comprehensive plan;

D. That the Proposed Changes do not unreasonably interfere with achievement of the objectives of the adopted State Comprehensive Plan applicable to the area;

E. That the Development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes, as amended;

F. That the Proposed Changes are consistent with the report and recommendations of the TBRPC and satisfies the provisions of Subsection 380.06(14), Florida Statutes, as amended;

G. That the Proposed Changes are presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes;

H. That based upon the analyses which are part of Composite Exhibit "A" and the

record of the proceedings, and the conditions contained herein, the Applicant has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes;

I. That the Proposed Changes do not create additional regional impacts to the previously approved Development, nor do they create any type of regional impact not previously reviewed, and therefore do not constitute a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes;

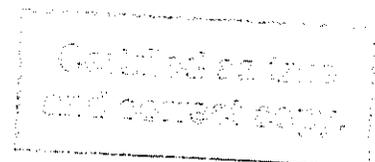
J. That all statutory procedures have been adhered to;

K. That the findings of fact and conclusions of law made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, that to the extent that a finding of fact or conclusion of law in the Original Development Order, or any amendments thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Applicant is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein;

B. That the Proposed Changes involve an extension of the date of buildout of the development of ten (10) years to December 29, 2015 (which change automatically extends the



commencement date of the Development and the termination date of the Development Order by a like period of time) and an extension of the date before which the Development is not subject to downzoning, unit density reduction or intensity reduction to December 29, 2015;

C. That the Proposed Changes are presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes;

D. That based upon the analyses which are part of Composite Exhibit "A," the record of the proceedings and the conditions contained herein, the Applicant has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

Section 3. Order. That having made the above findings of fact and conclusions of law, it is ordered:

A. That the Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the NOPC;

B. That the Development Order is hereby amended as follows:

1) Table 1 of Section 4, Conditions of Approval, of the Original Development Order (Ordinance No. 97-105) is hereby amended and restated to read as follows:

Table 1

The Development approved as a single phase with a build out date of December 29, 2015 is:

Office	900,000 sq. ft. (Gross Floor Area [g.f.a.]
Retail	125,000 sq. ft. (Gross Leasable Area [g.l.a.]
Boat slips	5



The development totals for Office and Retail may vary based on the use of the Equivalency Matrix set forth in Exhibit "B" which is attached hereto and incorporated as a part of this Order. (See Exhibit "B" to Ordinance No. 97-105.)

2) Section 6, Commencement of Development, of the Original Development Order (Ordinance No. 97-105) is hereby amended and restated to read as follows:

Section 6. Commencement of Development. That physical construction of the Development shall commence by December 29, 2014, unless the time period for commencement is extended by the City, subject to the requirements of Subsection 380.06(19), Florida Statutes.

3) Section 7, Expiration of Development Order, of the Original Development Order (Ordinance No. 97-105) is hereby amended and restated to read as follows:

Section 7. Expiration of Development Order. The Development Order shall remain in effect until June 29, 2032. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of the Development Order may be completed, if approved. The Development Order may be extended by City Council on the finding of excusable delay in any proposed development activity, subject to the requirements of Chapter 380.06(19), Florida Statutes.

Guaranteed as true and correct copy.

4) Section 8, Downzoning/Unit Density Reduction/Intensity Reduction, of the Original Development Order (Ordinance No. 97-105) is hereby amended and restated to read as follows:

Section 8. Downzoning/Unit Density Reduction/Intensity Reduction. Prior to December 29, 2015, the City may not downzone or reduce the unit density or intensity permitted by the Development Order unless the City can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the Development Order have occurred; or
- B. The Development Order was based upon substantially inaccurate information provided by the Applicant; or
- C. The change is clearly established by the City to be essential to the public health, safety, or welfare.

Any downzoning, unit density reduction or intensity reduction shall be effected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of the Development Order, the term "down-zone" shall refer only to changes in zoning, land use or development regulations which decrease the development rights approved by the Development Order and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Applicant by the Development Order. The inclusion of this Section 8 is not to be construed as

evidencing any present foreseeable intent on the part of the City to downzone or alter the density or intensity of the Development, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes (1995).

Section 4. Development Order, as Amended. This Ordinance shall constitute the Second Amendment to Ordinance No. 97-105 and together with Ordinance No. 97-105 and Ordinance No. 97-193 shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Applicant, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or



designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming a law to the Applicant, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Applicant shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.



PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, ON DEC 05 2002

CHAIRPERSON, CITY COUNCIL

[Handwritten Signature]

ATTEST:

APPROVED by me on

DEC 10 2002

Gail A. Anderson
DEPUTY CLERK ~~DEPUTY CITY CLERK~~

[Handwritten Signature]
MAYOR CITY

APPROVED as to form by:

Gina K. Guinness
ASSISTANT CITY ATTORNEY

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State of Florida
County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of *Ordinance 2002-261*
on file on my office

Witness my hand and official seal this 12th day
of Dec, 20 02

Gail A. Anderson
CITY CLERK / DEPUTY CITY CLERK

TRANSPORTATION ANALYSIS

AND

**COMPOSITE EXHIBIT "A"
(SUFFICIENCY RESPONSE, SEPTEMBER 2002)**

LOCATED IN PROJECT FILE FOR DRI #212

ORDINANCE NO. 2002-261



CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

October 2, 1997

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

RE: Petition No. DZ97-26
Ordinance No. 97-193

For: Jeffries Companies and Hillsborough River Realty

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Certified Copy of Ordinance No. 97-193

Certified Mail

ORDINANCE NO. 97-193

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING A FIRST AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY THE JEFFRIES COMPANIES AND HILLSBOROUGH RIVER REALTY CORP. FOR ITS MIXED USE DEVELOPMENT, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 97-105, passed and ordained by the City Council of the City of Tampa, Florida (the "City Council"), on May 15, 1997, approved a Development Order for the Jeffries Companies and Hillsborough River Realty Corp. Mixed Use Development (the "Development"), a Development of Regional Impact ("DRI"), (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, on July 24, 1997, the Jeffries Companies and Hillsborough River Realty Corp. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Jeffries Companies and Hillsborough River Realty Corp. Mixed Use Development DRI (hereinafter referred to as the "NOPC"); and

WHEREAS, the NOPC proposed to amend the Development Order, to extend by four (4) years, eleven (11) months and twenty nine (29) days to December 29, 2005, the date of buildout of the development set forth in the Development Order; and to also extend, in accordance with the requirements of Florida Statute Subsection 380.06(19)(c), the commencement date and the date of expiration of the Development Order each by four (4) years, eleven (11) months and twenty nine (29) days (hereinafter the above changes shall be collectively referred to as the "Proposed Changes"); and

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and correct copy.**

WHEREAS, the Proposed Changes to the Development Order will constitute the First Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, Florida Statutes Subsection 380.06(19) (c) provides that an extension of the date of buildout of a development by less than five (5) years is not a substantial deviation and that any extension of the date of buildout automatically extends the commencement date of the development and the expiration date of the development order by a like period of time; and

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

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all

**Certified as true
and correct copy.**

persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the NOPC attached hereto and incorporated herein by reference as Exhibit "1" (hereinafter all proposed modifications as set forth in the NOPC shall be referred to as the "Proposed Changes");

B. That the Proposed Changes are consistent with all local land development regulations and the local comprehensive plan;

C. That the Proposed Changes do not unreasonably interfere with achievement of the objectives of the adopted State Land Development Plan applicable to the area;

D. That the Proposed Changes involve an extension of the date of buildout of the development by less than five (5) years.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein;

B. That the Proposed Changes involve an extension of the date of buildout of the development by less than five (5) years which, in accordance with the provisions of Florida Statutes Subsection 380.06(19) (c), is not a substantial deviation and which automatically

extends the commencement date of the development and the expiration date of the development order by a like period of time ; and

C. That the Proposed Changes involve an extension of the date of buildout of the development by less than five (5) years which, in accordance with the provisions of Florida Statutes Subsection 380.06(19)(e)2., is not subject to a public hearing pursuant to Florida Statutes Subsection 380.06(19)(f)3. or to a substantial deviation determination pursuant to Florida Statutes Subsection 380.06(19)(f)5.

Section 3. Order. That having made the above findings of fact and conclusions of law, it is ordered:

A. That the Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the NOPC;

B. That the Development Order is hereby amended as follows:

- 1) Table 1 of Section 4. Conditions of Approval. of the Development Order (Ordinance No. 97-105) is hereby amended and restated to read as follows:

Table 1

The Development approved as a single phase with a build out date of December 29, 2005 is:

Office

900,000 sq. ft. (Gross Floor Area)

Retail	125,000 sq. ft. (Gross Leasable Area)
Boat slips	5

The development totals for Office and Retail may vary based on the use of the Equivalency Matrix set forth in Exhibit C which is attached hereto and incorporated as a part of this Order.

- 2) Section 6. Commencement of Development. of the Development Order (Ordinance No. 97-105) is hereby amended and restated to read as follows:

Section 6. Commencement of Development. That development of the Development shall commence by December 29, 2004, unless the time period for commencement is extended by the City, subject to the requirements of Subsection 380.06(19), Florida Statutes.

- 3) Section 7. Expiration of Development Order. of the Development Order (Ordinance No. 97-105) is hereby amended and restated to read as follows:

Section 7. Expiration of Development Order. That this Order shall remain in effect until June 29, 2022. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed, if approved. This Order may be extended by City

Council on the finding of excusable delay in any proposed development activity, subject to the requirements of Chapter 380.06(19), Fla. Stat.

Section 4. Development Order, as Amended. This Ordinance shall constitute the First Amendment to Ordinance No. 97-105 and together with Ordinance No. 97-105 shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers

and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming a law to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.

**Certified as true
and correct copy.**

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, ON SEP 25 1997

Ronnie Mason

CHAIRPERSON, CITY COUNCIL

ATTEST:

Janett S. Martini

CITY CLERK

APPROVED by me on SEP 29 1997

Nick A. Greco

MAYOR

APPROVED as to form by:

Andrew G. Brown
ASSISTANT CITY ATTORNEY

State of Florida
(Seal of the State)

This is to certify that the foregoing is a
true and correct copy of Ordinance 97-193
on file in my office
Witness my hand and official seal this 29th day
of Sept 19 97

Janett S. Martini
CITY CLERK

Effective Date

11/20/90

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

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

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

1. I, David M. Mechanik, the undersigned authorized representative of the Jeffries Companies and Hillsborough River Realty Corp., hereby give notice of a proposed change to a previously approved Development Of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support hereof, we submit the following information concerning the Jeffries Companies and Hillsborough River Realty Corp. Mixed Use Development development, which information is true and correct to the best of our knowledge. We have submitted today, under separate cover, copies of this completed notification to the City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

July 24, 1997
 (Date)

David M. Mechanik
 (Signature)
 David M. Mechanik, Esquire
 Authorized Agent for the Jeffries Companies and
 Hillsborough River Realty Corp.

2. Applicant (name, address, phone).

Owner: Hillsborough River Realty Corp.
 c/o Jeffries Travis Realty Corp.
 200 Meeting Street

**Certified as true
 and correct copy.**

Suite 405
Charleston, South Carolina 29402
(803) 723-8996; (803) 723-6038 (FAX)
Attn: John J. Avlon, President

Developer: The Jeffries Companies
c/o Jeffries Travis Realty Corp.
200 Meeting Street
Suite 405
Charleston, South Carolina 29402
(803) 723-8996; (803) 723-6038 (FAX)
Attn: John J. Avlon, President

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

David M. Mechanik, Esquire
Mechanik & Nuccio
101 E. Kennedy Boulevard
Suite 1760
Tampa, Florida 33602
813-276-1920

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

See Exhibit A attached

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

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

This Notification of a Proposed Change ("NOPC") proposes to extend the date of build out of the development by four (4) years, eleven (11) months and twenty nine (29) days. Accordingly, the date

of build out currently established by the development order (December 31, 2000) will be extended to December 29, 2005. As specified in Florida Statute Section 380.06(19)(c), the date of commencement of the development and the date of expiration of the development order will also each be automatically extended by four (4) years, eleven (11) months and twenty nine (29) days. Hereinafter the forgoing described changes shall be referred to as the "Proposed Changes".

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

No change in land use types or amounts is proposed. Accordingly, the chart has been omitted as an attachment to this NOPC.

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

City of Tampa Ordinance No. 97-105, the development order for the Jeffries Companies and Hillsborough River Realty Corp. Mixed Use Development, a development of regional impact, was adopted by the City of Tampa on May 16, 1997. There have been no previous changes.

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

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

No lands have been purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order.

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

Not applicable.

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

YES X

NO _____

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

Please see Item 5., above, regarding the proposed change to the build out date.

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

The Proposed Changes do not require an amendment to the local government comprehensive plan.

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

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

No change affecting the master site plan or other map of the development is proposed. Accordingly, an updated master site plan or other map has been omitted as an attachment to this NOPC.

Certified as true
and correct copy.

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

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

Please see the proposed Amended Development Order attached as Exhibit "B".

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

No project acreage is being added to or deleted from the previously approved plan of development.

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

As specified in Florida Statute Section 380.06(19)(c), the current date of commencement (December 31, 1999) will also be automatically extended by four (4) years, eleven (11) months and twenty nine (29) days. Accordingly, the proposed amended development order deadline for commencing physical development is December 29, 2004.

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

As specified in Florida Statute Section 380.06(19)(c), the current date of expiration of the development order (July 3, 2017) will also be automatically extended by four (4) years, eleven (11) months and twenty nine (29) days. Accordingly, the proposed amended development order termination date is June 29, 2022.

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

Not applicable.

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

Not applicable.

F:\AVLON NOPCDF-1.WPD

RIVER PARCEL

That part of HAYDENS SUBDIVISION, according to map or plat thereof recorded in Plat Book 1, Page 44, of the Public Records of Hillsborough County, Florida and that part of REVISED MAP OF BLOCK 17 OF HAYDEN'S SUBDIVISION, according to map or plat thereof recorded in Plat Book 2, Page 38, of the Public Records of Hillsborough County, Florida, described as follows:

From the Northwest corner of Lot 1, Block 17 of REVISED MAP OF BLOCK 17 OF HAYDEN'S SUBDIVISION, according to map or plat thereof recorded in Plat Book 2, Page 38, of the Public Records of Hillsborough County, Florida, run thence N.67°32'55"E., 155.47 feet, along the Northerly boundary of said Block 17 (Southerly right-of-way line of JOHN F. KENNEDY BOULEVARD), to a point on the Northerly boundary of Lot 6 of said Block 17; continue thence N.67°32'55"E., 69.47 feet, along the Northerly boundary of said Block 17 (Southerly right-of-way line of JOHN F. KENNEDY BOULEVARD), to a point on the Northerly boundary of Lot 8 of said Block 17 for the POINT OF BEGINNING; from said POINT OF BEGINNING run thence, from a tangent bearing of S.33°16'29.5"W., Southerly, 17.26 feet, along the arc of a circular curve to the left (having a radius of 18.00 feet, a central angle of 54°55'55.2", a chord bearing of S.05°48'31.9"W., and a chord distance of 16.60 feet), to a point of compound curve; thence Southeasterly, 84.19 feet, along the arc of a circular curve to the left (having a radius of 224.00 feet, a central angle of 21°31'59.7", a chord bearing of S.32°25'5"E., and a chord distance of 83.69 feet), to the end of said curve; thence S.43°11'25.3"E., 282.98 feet; thence S.52°09'16"E., 6.31 feet; thence, from a tangent bearing of N.85°46'40.4"E., Easterly, 2.55 feet, along the arc of a circular curve to the left (having a radius of 8.00 feet, a central angle of 18°13'45.4", a chord bearing of N.76°39'47.7"E., and a chord distance of 2.53 feet), to the end of said curve; thence N.67°32'55"E., 135.57 feet to the beginning of a circular curve to the left; thence Northeasterly, 33.05 feet, along the arc of said circular curve (having a radius of 32.00 feet, a central angle of 59°10'10.8", a chord bearing of N.37°57'49.6"E., and a chord distance of 31.60 feet), to a point of reverse curve; thence Northeasterly, 68.88 feet, along the arc of a curve to the right (having a radius of 48.00 feet, a central angle of 82°13'14.3", a chord bearing of N.49°29'21.4"E., and a chord distance of 63.12 feet), to the end of said curve; thence, on a non-tangent bearing of N.67°32'55"E., 35.03 feet, to the Combined Pierhead and Bulkhead Line on the Westerly side of the Hillsborough River according to map of "U. S. HARBOR LINES, TAMPA HARBOR, HILLSBORO RIVER AND HILLSBORO BAY", approved January 19, 1953 by the Secretary of the Army; thence N.43°11'25.3"W., 355.45 feet, along said Combined Pierhead and Bulkhead Line to an intersection with the Northerly boundary of Lot 10, Block 17 of said REVISED MAP OF BLOCK 17 OF HAYDEN'S SUBDIVISION (Southerly right-of-way line of JOHN F. KENNEDY BOULEVARD); thence S.67°32'55"W., 244.69 feet, along the Northerly boundary of said Block 17 (Southerly right-of-way line of JOHN F. KENNEDY BOULEVARD), to the POINT OF BEGINNING.

(1 of 4)

Certified as true
and correct copy.

EXHIBIT "A"

PLANT PARCEL

That part of HAYDENS SUBDIVISION, according to map or plat thereof recorded in Plat Book 1, Page 44, of the Public Records of Hillsborough County, Florida and that part of REVISED MAP OF BLOCK 17 OF HAYDEN'S SUBDIVISION, according to map or plat thereof recorded in Plat Book 2, Page 38, of the Public Records of Hillsborough County, Florida, described as follows:

From the intersection of the Easterly right-of-way line of PLANT AVENUE (Deed Book V-1, Page 500, of the Public Records of Hillsborough County, Florida) with the North (KELLER AVENUE) boundary of Lot 10, Block 15 of said HAYDENS SUBDIVISION, run thence N.01°20'04"E., 15.72 feet to the intersection of the Easterly right-of-way line of PLANT AVENUE (Deed Book V-1, Page 501, of the Public Records of Hillsborough County, Florida) with the South (KELLER AVENUE) boundary of Lot 1, Block 15 of said HAYDENS SUBDIVISION; thence N.01°35'30"W., 51.76 feet, along said Easterly right-of-way line of PLANT AVENUE (Deed Book V-1, Page 501), for the POINT OF BEGINNING; from said POINT OF BEGINNING run thence, from a tangent bearing of S.01°35'30"E., Southeasterly, 19.85 feet, along the arc of a circular curve to the left (having a radius of 13.00 feet, a central angle of 87°29'55", a chord bearing of S.45°20'27.5"E., and a chord distance of 17.98 feet), to the end of said curve; thence S.89°05'25"E., 205.50 feet to the beginning of a circular curve to the left; thence Easterly, 140.37 feet, along the arc of said circular curve (having a radius of 427.00 feet, a central angle of 18°50'08.3", a chord bearing of N.81°29'30.8"E., and a chord distance of 139.74 feet) to a point of compound curve; thence Northerly, 46.27 feet, along the arc of a circular curve to the left (having a radius of 23.00 feet, a central angle of 115°15'52.0", a chord bearing of N.14°26'30.7"E., and a chord distance of 38.85 feet), to the end of said curve; thence, on a non-tangent bearing of N.62°28'25"W., 21.20 feet; thence N.43°11'25.3"W., 211.41 feet to the beginning of a circular curve to the right; thence Northwesterly, 79.24 feet, along the arc of said circular curve (having a radius of 281.00 feet, a central angle of 16°09'27.6", a chord bearing of N.35°06'41.5"W., and a chord distance of 78.98 feet), to the end of said curve; thence, on a non-tangent bearing of N.00°41'16"W., 21.68 feet; thence, from a tangent bearing of N.27°32'38.5"W., Northwesterly, 25.23 feet, along the arc of a circular curve to the left (having a radius of 25.00 feet, a central angle of 57°49'51.3", a chord bearing of N.56°27'34.1"W., and a chord distance of 24.18 feet), to an intersection with the non-tangent Southerly right-of-way line of JOHN F. KENNEDY BOULEVARD (Northerly boundary of Lot 6, Block 17 of said REVISED MAP OF BLOCK 17 OF HAYDEN'S SUBDIVISION); thence S.67°32'55"W., 155.47 feet, along the Northerly boundary of said Block 17 (Southerly right-of-way line of JOHN F. KENNEDY BOULEVARD), to the Northwest corner of Lot 1 of said Block 17; thence S.01°35'30"E., 246.70 feet, along the Easterly right-of-way line of PLANT AVENUE (as defined by Deed Book V-1, Page 498 and by Deed Book V-1, Page 501, of the Public Records of Hillsborough County, Florida), to the POINT OF BEGINNING.

GRAND CENTRAL PARCEL

The North 36.50 feet of Lot 8 and all of Lots 9, 10, 11, and 12, Block 1, PLAN OF HYDE PARK, according to the map or plat thereof as recorded in Plat Book 1, Page 1, of the Public Records of Hillsborough County, Florida and all of Lots 3, 4, 5, 6, and 7, Block 13, PLAN OF WASHINGTON'S SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 1, Page 4 of the Public Records of Hillsborough County, Florida.

ALL BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING at the Northeast corner of Lot 12, Block 1, PLAN OF HYDE PARK, according to the map or plat thereof as recorded in Plat Book 1, Page 1, of the Public Records of Hillsborough County, Florida; run thence S.00°54'55"W., 316.55 feet, along the East boundary of Lots 12, 11, 10, 9, and 8 of said Block 1 (West right-of-way line of HYDE PARK AVENUE) to the Southeast corner of the North 36.50 feet of Lot 8 of said Block 1; thence N.89°15'18"W., 141.67 feet, along the South boundary of said North 36.50 feet of Lot 8 (North right-of-way line of CLEVELAND STREET), to the Southwest corner of the North 36.50 feet of Lot 8 of said Block 1 (Southeast corner of Lot 7, Block 13, PLAN OF WASHINGTON'S SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 1, Page 4 of the Public Records of Hillsborough County, Florida); continue thence N.89°15'18"W., 96.11 feet along the South boundary of said Lot 7, Block 13 (North right-of-way line of CLEVELAND STREET), to the Southwest corner thereof; thence N.00°49'47"E., 330.00 feet, along the West boundary of Lots 7, 6, 5, 4, and 3 of said Block 13 (East right-of-way of CEDAR AVENUE) to the Northwest corner of Lot 3 of said Block 13; thence S.89°15'18"E., 96.11 feet, along the North boundary of Lot 3 of said Block 13 (South boundary of Lot 2 of said Block 13), to the Northeast corner of said Lot 3 (Southeast corner of said Lot 2); thence S.00°49'47"W., 13.45 feet, along the East boundary of Lot 3 of said Block 13 (West boundary of Lot 13, Block 1 of said PLAN OF HYDE PARK), to the Northwest corner of Lot 12 (Southwest corner of Lot 13) of said Block 1; thence S.89°15'18"E., 142.14 feet, along the North boundary of Lot 12 of said Block 1 (South boundary of Lots 13 and 14 of said Block 1), to the POINT OF BEGINNING.

Certified as true
and correct copy.

An area of submerged land in Section 24, Township 29 South, Range 18 East, Hillsborough County, Florida that mostly lies between the Combined Pierhead and Bulkhead Line and the Channel Line on the Westerly side of the Hillsborough River as designated by the map of "U. S. HARBOR LINES, TAMPA HARBOR, FLORIDA, HILLSBORO RIVER AND HILLSBORO BAY", approved by the Department of the Army on January 19, 1953, but extends Westerly past the Combined Pierhead and Bulkhead Line to meet the top of the Easterly face of an existing Sea Wall on the Hillsborough River side of Plant Park;

described as follows:

From the Northwest corner of Lot 1, Block 17 of REVISED MAP OF BLOCK 17 OF HAYDEN'S SUBDIVISION, according to map or plat thereof recorded in Plat Book 2, Page 38, of the Public Records of Hillsborough County, Florida, run thence N.67°32'55"E., 155.47 feet, along the Northerly boundary of said Block 17 (Southerly right-of-way line of JOHN F. KENNEDY BOULEVARD), to a point on the Northerly boundary of Lot 6 of said Block 17; continue thence N.67°32'55"E., 69.47 feet, along the Northerly boundary of said Block 17 (Southerly right-of-way line of JOHN F. KENNEDY BOULEVARD), to a point on the Northerly boundary of Lot 8 of said Block 17; thence, from a tangent bearing of S.33°16'29.5"W., Southerly, 17.26 feet, along the arc of a circular curve to the left (having a radius of 18.00 feet, a central angle of 54°55'55.2", a chord bearing of S.05°48'31.9"W., and a chord distance of 16.60 feet), to a point of compound curve; thence Southeasterly, 84.19 feet, along the arc of a circular curve to the left (having a radius of 224.00 feet, a central angle of 21°31'59.7", a chord bearing of S.32°25'25.5"E., and a chord distance of 83.69 feet), to the end of said curve; thence S.43°11'25.3"E., 282.98 feet; thence S.52°09'16"E., 6.31 feet; thence, from a tangent bearing of N.85°46'40.4"E., Easterly, 2.55 feet, along the arc of a circular curve to the left (having a radius of 8.00 feet, a central angle of 18°13'45.4", a chord bearing of N.76°39'47.7"E., and a chord distance of 2.53 feet), to the end of said curve; thence N.67°32'55"E., 135.57 feet to the beginning of a circular curve to the left; thence Northeasterly, 33.05 feet, along the arc of said circular curve (having a radius of 32.00 feet, a central angle of 59°10'10.8", a chord bearing of N.37°57'49.6"E., and a chord distance of 31.60 feet), to a point of reverse curve; thence Northeasterly, 68.88 feet, along the arc of a curve to the right (having a radius of 48.00 feet, a central angle of 82°13'14.3", a chord bearing of N.49°29'21.4"E., and a chord distance of 63.12 feet), to the end of said curve; thence, on a non-tangent bearing of N.67°32'55"E., 35.03 feet, to the Combined Pierhead and Bulkhead Line on the Westerly side of the Hillsborough River according to map of "U. S. HARBOR LINES, TAMPA HARBOR, HILLSBORO RIVER AND HILLSBORO BAY", approved January 19, 1953 by the Secretary of the Army for the POINT OF BEGINNING; from said POINT OF BEGINNING continue thence N.67°32'55"E., 26.73 feet; thence N.43°11'25.3"W., 250.78 feet, parallel with and everywhere 25.00 feet (measured at right angles) from said Combined Pierhead and Bulkhead Line; thence N.46°48'34.7"E., 56.37 feet; thence N.43°11'25.3"W., 312.00 feet; thence S.46°48'34.7"W., 100.00 feet to the top of the Easterly face of an existing Sea Wall on the Hillsborough River side of Plant Park; thence S.40°23'43"E., 42.39 feet, along the top of the Easterly face of said existing Sea Wall; thence S.38°56'45"E., 144.04 feet, along the top of the Easterly face of said existing Sea Wall and a S.38°56'45"E. projection thereof, to an intersection with the Northerly boundary of Lot 10, Block 17 of said REVISED MAP OF BLOCK 17 OF HAYDEN'S SUBDIVISION (Southerly right-of-way line of JOHN F. KENNEDY BOULEVARD); thence N.67°32'55"E., 33.53 feet, along said Northerly boundary, to the said Combined Pierhead and Bulkhead Line on the Westerly side of the Hillsborough River; thence S.43°11'25.3"E., 355.45 feet, along said Combined Pierhead and Bulkhead Line, to the POINT OF BEGINNING.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING A FIRST AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY THE JEFFRIES COMPANIES AND HILLSBOROUGH RIVER REALTY CORP. FOR ITS MIXED USE DEVELOPMENT, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 97-105, passed and ordained by the City Council of the City of Tampa, Florida (the "City Council"), on May 15, 1997, approved a Development Order for the Jeffries Companies and Hillsborough River Realty Corp. Mixed Use Development (the "Development"), a Development of Regional Impact ("DRI"), (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, on _____, 1997, the Jeffries Companies and Hillsborough River Realty Corp. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Jeffries Companies and Hillsborough River Realty Corp. Mixed Use Development DRI (hereinafter referred to as the "NOPC"); and

WHEREAS, the NOPC proposed to amend the Development Order, to extend by four (4) years, eleven (11) months and twenty nine (29) days to December 29, 2005, the date of buildout of the development set forth in the Development Order; and to also extend, in accordance with the requirements of Florida Statute Subsection 380.06(19)(c), the commencement date and the date of expiration of the Development Order each by four (4) years, eleven (11) months and twenty nine (29) days (hereinafter the above changes shall be collectively referred to as the "Proposed Changes"); and

EXHIBIT "B"

**Certified as true
and correct copy.**

WHEREAS, the Proposed Changes to the Development Order will constitute the First Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, Florida Statutes Subsection 380.06(19) (c) provides that an extension of the date of buildout of a development by less than five (5) years is not a substantial deviation and that any extension of the date of buildout automatically extends the commencement date of the development and the expiration date of the development order by a like period of time; and

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

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all

persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the NOPC attached hereto and incorporated herein by reference as Exhibit "1" (hereinafter all proposed modifications as set forth in the NOPC shall be referred to as the "Proposed Changes");

B. That the Proposed Changes are consistent with all local land development regulations and the local comprehensive plan;

C. That the Proposed Changes do not unreasonably interfere with achievement of the objectives of the adopted State Land Development Plan applicable to the area;

D. That the Proposed Changes involve an extension of the date of buildout of the development by less than five (5) years.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein;

B. That the Proposed Changes involve an extension of the date of buildout of the development by less than five (5) years which, in accordance with the provisions of Florida Statutes Subsection 380.06(19) (c), is not a substantial deviation and which automatically

extends the commencement date of the development and the expiration date of the development order by a like period of time ; and

C. That the Proposed Changes involve an extension of the date of buildout of the development by less than five (5) years which, in accordance with the provisions of Florida Statutes Subsection 380.06(19)(e)2., is not subject to a public hearing pursuant to Florida Statutes Subsection 380.06(19)(f)3. or to a substantial deviation determination pursuant to Florida Statutes Subsection 380.06(19)(f)5.

Section 3. Order. That having made the above findings of fact and conclusions of law, it is ordered:

A. That the Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the NOPC;

B. That the Development Order is hereby amended as follows:

1) Table 1 of Section 4. Conditions of Approval. of the Development Order (Ordinance No. 97-105) is hereby amended and restated to read as follows:

Table 1

The Development approved as a single phase with a build out date of December 29, 2005 is:

Office

900,000 sq. ft. (Gross Floor Area)

**Certified as true
and correct copy.**

Retail	125,000 sq. ft. (Gross Leasable Area)
Boat slips	5

The development totals for Office and Retail may vary based on the use of the Equivalency Matrix set forth in Exhibit C which is attached hereto and incorporated as a part of this Order.

- 2) Section 6. Commencement of Development. of the Development Order (Ordinance No. 97-105) is hereby amended and restated to read as follows:

Section 6. Commencement of Development. That development of the Development shall commence by December 29, 2004, unless the time period for commencement is extended by the City, subject to the requirements of Subsection 380.06(19), Florida Statutes.

- 3) Section 7. Expiration of Development Order. of the Development Order (Ordinance No. 97-105) is hereby amended and restated to read as follows:

Section 7. Expiration of Development Order. That this Order shall remain in effect until June 29, 2022. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed, if approved. This Order may be extended by City

**Certified as true
and correct copy.**

Council on the finding of excusable delay in any proposed development activity, subject to the requirements of Chapter 380.06(19), Fla. Stat.

Section 4. Development Order, as Amended. This Ordinance shall constitute the First Amendment to Ordinance No. 97-105 and together with Ordinance No. 97-105 shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers

and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its becoming a law to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,

FLORIDA, ON _____.

CHAIRPERSON, CITY COUNCIL

ATTYST:

APPROVED by me on _____

CITY CLERK

MAYOR

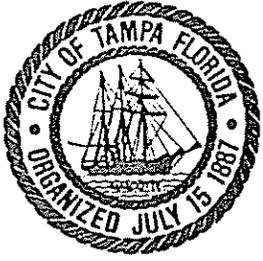
APPROVED as to form by:

11

ASSISTANT CITY ATTORNEY

**Certified as true
and correct copy.**

212



CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

May 19, 1997

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

RE: Petition No. D97-26 - Hillsborough River Realty Group
and Jeffries Companies

ORDINANCE: 97-105

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Certified document - Ordinance 9-105

Certified Mail

ORDINANCE NO. 97-105

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY THE JEFFRIES COMPANIES AND HILLSBOROUGH RIVER REALTY CORP., A DELAWARE CORPORATION, AUTHORIZED TO DO BUSINESS IN FLORIDA, FOR A MIXED USE DEVELOPMENT, DRI #212, A DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 28, 1996, THE JEFFRIES COMPANIES (the "Developer"), and HILLSBOROUGH RIVER REALTY CORP., (the "Owner") a Delaware corporation, authorized to do business in Florida, (the Developer and Owner together shall hereinafter be referred to as the "Applicant") filed an Application for Development Approval (which together with later filed sufficiency responses, dated September 25, 1996 and December 13, 1996, are hereafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with the City of Tampa (the "City"), Hillsborough County City-County Planning Commission, Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (1995), as amended ("Chapter 380"), and Chapter 27, City of Tampa Code; and

WHEREAS, the ADA proposes the development of a mixed use office and retail development, including five (5) boat slips, located on an approximately 6.5 acre site generally located west of the Hillsborough River (including certain submerged lands therein) and south of Kennedy Boulevard on four separate parcels within the municipal boundaries of the City of Tampa, Hillsborough County; and

WHEREAS, the four separate parcels are specifically described as (1) the parcel bounded on the north by Kennedy Boulevard, on the east by the Hillsborough River, on the south by Keller Avenue and on the west by Parker Street (the "River Parcel"); (2) the parcel bounded on the north by Kennedy Boulevard, on the east by Parker Street, on the south by Keller Avenue and on the west by Plant Avenue (the "Plant Parcel"); (3) the parcel consisting of the southerly approximate two thirds (2/3) of the block bounded on the north by Grand Central Avenue, on the east by Hyde Park Avenue, on the south by Cleveland Street and on the west by Cedar Avenue (the "Grand Central Parcel"); and (4) a parcel consisting of certain submerged lands within the Hillsborough River adjacent to the River Parcel described above (the "Combined Underbridge Connection and Boat Slip Area"); and

**Certified as true
and correct copy.**

4/30/97

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380 is authorized and empowered to consider ADAs for DRIs; and

WHEREAS, the public notice requirements of Chapter 380, and Chapter 27, City of Tampa Code, have been satisfied; and

WHEREAS, the City Council has on May 1, 1997 and May 15, 1997, held two duly noticed public hearings on the ADA and has heard and considered testimony and documents received thereon; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the application hearing on the subject DRI, before the City Council; and

WHEREAS, the City Council has reviewed the above referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That this Ordinance shall constitute the Development Order (the "Order") of the City Council issued in response to the ADA filed by the Applicant, for the development of a Mixed Use Development DRI #212, a DRI. The scope of development to be permitted pursuant to this Order includes the land use, operations, and activities described in the ADA and the supporting documents, which is attached hereto and by reference are made a part hereof as composite Exhibit "A."

Section 2. Findings of Fact. That the City Council, having received the above-referenced documents, and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. That the real property which is the subject of the ADA is legally described as set forth in Exhibit "B," attached hereto and by reference made a part hereof.
- B. That the Applicant submitted to the City the ADA (including, but not limited to, the List of Commitments made by the Applicant as set forth in Exhibit A-1, attached hereto and made a part hereof, to the extent that such commitments are not inconsistent with the terms and conditions of this Order).

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- C. That the Applicant proposes the development of a Mixed Use Development DRI #212, a mixed use office and retail development with five (5) boat slips located on an approximately 6.5 acre site west of the Hillsborough River (including certain submerged lands therein) and south of Kennedy Boulevard.
- D. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1995).
- E. That the proposed development is consistent with the adopted local comprehensive plan and land development regulations.
- F. That the proposed development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- G. That the comprehensive review of the impact generated by the development has been conducted by the City and the TBRPC.
- H. That the proposed development is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(15), Florida Statutes (1995).

Section 3. Conclusions of Law. That the City Council, having made the above findings of fact, reaches the following conclusions of law:

- A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Applicant and the City are authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- B. That the review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. Conditions of Approval. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that a Mixed Use Development DRI #212, as presented in the ADA, and as described below in Table 1 (the "Development") is hereby specifically approved, subject to the following

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conditions, restrictions and limitations herein:

Table 1

The Development approved as a single phase with a build out date of December 31, 2000 is:

Office	900,000 sq. ft. (Gross Floor Area)
Retail	125,000 sq. ft. (Gross Leasable Area)
Boat slips	5

The development totals for Office and Retail may vary based on the use of the Equivalency Matrix set forth in Exhibit C which is attached hereto and incorporated as a part of this Order.

- A. Substantial Deviations. Any change to the Development which meets the criteria set forth in Subsection 380.06(19), F.S., shall constitute a substantial deviation.
- B. Annual Reports. The Applicant shall submit annual reports on the DRI to the City, the TBRPC, the State Land Planning Agency - Department of Community Affairs, and other agencies as may be appropriate, on July 1, 1998, and on July 1 of each following year until such time as all terms and conditions of this Order are satisfied. The report shall be submitted on such forms as may from time to time be designated by the State. Such reports shall be submitted to the Director of Business and Community Development who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this Order and may issue further orders to ensure compliance with the terms and conditions of this Order. The Applicant shall be notified of any City Council hearing wherein such report is to be reviewed; provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms or conditions of this Order. The annual report shall contain the following information:
1. Changes in the plan of development, or representations contained in the ADA, or phasing for the reporting year and for the next year;
 2. A summary comparison of development activity proposed and actually conducted for the reporting year;
 3. Undeveloped tracts of land that have been sold to a separate entity or developer during the reporting year;

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4. Identification of, and intended use of, lands purchased, leased, or optioned by the Applicant adjacent to the original DRI site during the reporting year;
5. An assessment of the development's and local government's compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;
6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
7. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes (1995);
8. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Applicant pursuant to Subsection 380.06(15)(f), Florida Statutes (1995);
9. Hourly traffic counts for a 24-hour period taken at all established access points to public rights-of-way, as required and approved by the City;
10. An indication of a change, if any, in local government jurisdiction for any portion of the development during the reporting year;
11. A list of significant local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;
12. An assessment of the effectiveness of TSM measures as described in Section 3.C.8., below.

C. Transportation Conditions. The following conditions are established for purposes of mitigating impacts of this development on regional transportation facilities. Issuance of building permits by the City for the Development shall require a determination by the City of compliance with the conditions set forth herein. The mitigation measures set forth hereafter may be implemented singly or in combination, subject to City of Tampa approval,

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which shall not be unreasonably withheld, to mitigate the impacts of this development, or any phase thereof on regional transportation facilities. In addition to mitigation measures set forth herein, Applicant shall pay City of Tampa transportation impact fees as provided herein, provided however that Applicant shall receive credit against such impact fees for improvements constructed, right-of-way dedicated and/or cash contributed pursuant to this Order, in accordance with the City of Tampa Code.

1. For the purposes of this Order, the Applicant is considered as one of a number of possible responsible entities regarding the mitigation of the transportation impacts of the Development.
2. For the purposes of this Order, funding commitments can be (at the Applicant's option, and with the approval of the City which shall not be unreasonably withheld) Applicant's commitments for actual construction, actual (or committed for in a binding contractual form) construction by any public or private entity, or the placement of improvements in the Transportation Improvements Work Programs of the City, Hillsborough County (the "County"), or the State of Florida (the "State"), or any combination of the foregoing.
3. The Applicant shall fund, design and construct the transportation improvements set forth in Table 2, below.

Table 2
Required Intersection Improvements

Intersection	Development Contribution (percent)	Required Improvement
Kennedy Boulevard/Plant Street	16.5%	Signalize when warranted; subject to approval of FDOT
Cleveland Street/Site (On-site improvement)	100%	Add southbound to westbound right-turn lane*
Hyde Park Avenue/Site (On-site improvement)	100%	Add eastbound to southbound right-turn lane*

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Keller Avenue/Site (On-site improvement)	100%	Add combination lane for southbound to westbound left-turn and southbound to eastbound right-turn movement. *
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* These on-site improvements are located within the Development's parking garages and will be completed simultaneously with the parking garage to which they relate.

4. The improvement identified in the ADA as being needed to maintain Level of Service "D" at the intersection of Kennedy Boulevard and Ashley Drive is scheduled for construction in the current year (construction contract has been let) and is therefore a committed improvement.

5. When Certificates of Occupancy have been issued for 900,000 square feet of office (or the equivalent thereof in terms of trip generation) an annual monitoring program to provide peak-hour counts at the project entrance shall be instituted to verify that the projected number of external trips for the development are not exceeded. Counts will continue biennially through build-out. This information shall be supplied in the required annual report. If an annual report is not submitted within 30 days of its due date, or if the annual report indicates that the total trips exceed projected counts by more than 15 percent, the City of Tampa shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and, if a substantial deviation is found to exist, may amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Applicant or reviewing agencies to request Development Order amendments.

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

6. Non-Performance. Notwithstanding the foregoing, in the event that the performance of the commitments set forth in Section 4. Conditions of Approval shall be interrupted or delayed by any occurrence not

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occasioned by its conduct, whether such occurrence be an act of God or the result of war, riot, or civil commotion, then the Applicant shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

7. Payment of Impact Fees. The development shall be subject to the provisions of the City of Tampa Transportation Impact Fee Ordinance. The Applicant shall be entitled to a credit against such impact fees for all off site transportation improvements required under this Order, to the extent permitted under the Transportation Impact Fee Ordinance.

8. TSM Plan. The Applicant shall prepare and implement a Transportation Systems Management ("TSM") program upon issuance of Certificate of Occupancy for 900,000 square feet of office space (or the equivalent thereof in terms of trip generation) which will be designed to divert a number of vehicle trips from the PM peak hour consistent with the assumptions used to prepare the ADA. The plan shall be reviewed by the City of Tampa, Hartline, the Hillsborough County MPO, TBRPC and the Florida Department of Transportation (FDOT).

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

If the annual report indicates that the total trip diversions are not being met, the City of Tampa shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and, if a substantial deviation is found to exist, amend the Development Order to change TSM objectives and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the Applicant or reviewing agencies to request Development Order amendments.

In addition, this TSM program shall be developed in cooperation with FDOT, the MPO, Hartline and TBRPC. This program shall seek to implement and will be measured by the TSM objectives and policies

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set forth in the Florida Transportation Plan.

9. Construction Damage. The Applicant shall be responsible for repairing, rehabilitating, and/or restoring public roads damaged beyond normal wear and tear by construction equipment traveling to and from the Development to a condition the same or similar to that projected exclusive of the impact of such construction activities.

The Transportation Division will perform detailed evaluations of street conditions prior to, during and upon completion of construction. The pavement condition indices determined by these evaluations will form the basis for determining proportionate share of street rehabilitation costs that are determined to be necessitated by the Development.

10. No certificates of occupancy for tenants (for purposes of this condition, the term "Tenant Certificate of Occupancy" means an approval which is required from the City of Tampa as a precondition to physical occupancy of the building by tenants, which is distinguished from a Certificate of Completion for the building "shell") authorizing occupancy of in excess of 540,000 square feet gross floor area of office and 75,000 square feet gross leasable floor area of retail (or the equivalent thereof pursuant to the Equivalency Matrix, attached hereto as Exhibit C), shall be issued until a parking garage of at least 1200 spaces is constructed and approved for occupancy on the Grand Central Parcel. Beginning with the first Tenant Certificate of Occupancy, the Applicant shall provide copies of each Tenant Certificate of Occupancy to the City of Tampa Transportation Division, DCA and TBRPC until this condition is satisfied.

D. Air Quality.

The Applicant and assigns shall be required at minimum, to employ the fugitive dust emission control procedures referenced in the ADA.

E. Hurricane Awareness.

1. The Applicant shall promote awareness of hurricanes, and shall cooperate with state and local authorities having jurisdiction to issue evacuation orders. The Applicant shall prepare a plan to ensure the safe and orderly evacuation of employees (1) ordering all buildings

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secured for the duration of an evacuation order; (2) informing all employees of emergency procedures; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report submitted after occupancy of any portion of the Development.

2. All real estate disclosure forms or lease agreements for this DRI (which is located in a hurricane vulnerability zone) should be accompanied by a hazard disclosure statement generally describing the property's relative probability of damage from hurricane surge, fresh water flooding and velocity wave action. The disclosure statement may also describe planning, design, and construction techniques employed to mitigate structural damage.
3. Elevations for all habitable structures shall be at or above the base flood elevation.

F. Environment and Natural Resources.

1. The list of measures which "are expected to be taken" to prevent impact to manatees and sea turtles during construction, set forth on pages 56 and 57 of the ADA, shall be implemented.
2. After construction, boaters using the boat slips should receive information about the habits of manatees and alerting boaters to be vigilant when docking and motoring in as well as outside the river channel. Thus, the recommendations of Department of Environmental Protection, attached as Exhibit "D" and as set forth as in Exhibit 12-1 to the sufficiency response, dated September 25, 1996, shall be incorporated into the Development Order.
3. In the event that any species listed in Sections 39-27.003-.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.

G. Drainage.

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1. The Applicant shall be responsible for the operation and maintenance of the on-site drainage facilities.
2. The proposed stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, F.A.C., and 40D-4, Rules of SWFWMD. Treatment shall be provided by biological filtration, wherever feasible.
3. The soil erosion control measures referenced on pages 65 and 113 of the ADA shall be implemented.

H. Archaeological and Historical Resources.

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

I. Energy. The Tampa Electric Company ("TECO") has the capability to provide, operate and maintain, to this DRI site, electricity, which will be the major energy source.

The following energy conservation measures shall be utilized as economically feasible.

1. Energy policies, energy use monitoring and energy conservation shall be established.
2. Programs shall be instituted to promote energy conservation by employees, buyers, suppliers and the public.
3. Programs shall be instituted to reduce levels of operation of air conditioning, heating, and lighting systems during non-business hours.

J. Solid Waste. The total daily generation of solid waste from the commencement of construction through build-out and operation of the Development will be accepted by the City of Tampa's McKay Bay Refuse to

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Energy Facility

- K. Hazardous Substances. The Applicant shall provide to all the businesses information that advises of applicable statutes and regulations regarding hazardous waste and materials.
- L. Wastewater. The total daily wastewater requirements of the Development as referenced in the ADA are .1925 MGD. Wastewater service to the Development will be supplied by the City at its Howard F. Curren Advanced Wastewater Treatment Plant at the standard charges for wastewater service. The Applicant shall be responsible for any pre-treatment necessary to ensure that all wastewater flows from the Development to the wastewater system meet domestic wastewater characteristics. Connection fees, grants-in-aid of construction for offsite improvements to the wastewater system necessitated by this development shall be assumed by the Applicant, its successors or assigns, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations.
- M. Water Supply.
1. The total daily water requirements from the commencement of construction through the build-out of the Development as referenced in the ADA are 6.567 MGD and will be supplied by the City at the standard charges for water service. Connection fees, installation charges, and if applicable, grants-in-aid of construction for offsite improvements to the water system necessitated by this development shall be assumed by the Applicant, its successors or assigns, when assessed by the City as project plans become final, all in accordance with established City policies and regulations.
 2. If non-potable water is available at the site, the Applicant shall submit a plan to the City of Tampa and the TBRPC for using non-potable water for irrigation in the first annual report following issuance for the first Certificate of Occupancy. The Development Order shall stipulate the time of implementation of the plan. Each DRI Annual Report shall include a discussion of the availability of non-potable water to the site.
 3. Water-saving devices shall be required in the Development as mandated by the Florida Water Conservation Act (Section 553.14,

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4. Fire flows, sufficient numbers of fire hydrants, and properly sized water mains shall be provided to the development in accordance with City laws, rules and regulations.
5. Internal water distribution facilities not located within public rights-of-way shall be maintained by the Applicant, its successors or assigns.
6. Landscaping should utilize xeriscape techniques and incorporate ecologically viable portions of existing native vegetation to the greatest extent practicable and such areas shall not be irrigated.

N. Other Public Facilities, Utilities, and Services. The City shall assure the adequacy and availability of the following public services for this development: police, emergency medical and fire.

O. Recreation and Open Space.

1. The Applicant, its successors or assigns, should be responsible for maintenance of all recreation and open space areas within the Development site.
2. The Applicant, its successors or assigns, should establish a system assuring public access during normal business hours, retention of aesthetic and environmental amenities as well as utilizing native plant materials where appropriate.

P. Port and Marina Facilities.

1. The operator of the boat slips shall have on-hand sufficient absorbent boom or equivalent material to contain a petroleum spill from the largest boat expected to dock at the facility. Personnel shall be trained in the proper procedure for handling a petroleum spill and for alerting the proper authorities of the event.
2. No live-aboards shall be allowed at the boat docks, nor shall slips be leased for long-term boat dockage except to tenants of the development. The slips shall be reserved for occasional use only except by tenants of the development.

Q. Credits Against Local Impact Fees and Exactions.

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1. To the extent that the Applicant or its successors or assigns, are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Applicant is also subject by local ordinance to impact fees or exactions to meet the same needs, the City of Tampa shall establish and implement a procedure that credits a development order exaction or fee toward an impact fee or exaction imposed by local ordinance for the same need; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, the City of Tampa shall not be required to grant a credit toward the local exaction or impact fee unless the City of Tampa determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address.
2. If the City of Tampa imposes or increases an impact fee or exaction by local ordinance after a development order has been issued, the Applicant may petition the City of Tampa, and the City of Tampa shall modify the affected provisions of the development order to give the Applicant credit for any contribution of land for a public facility, or construction, expansion, or contribution of funds for land acquisition or construction or expansion of a public facility, or a portion thereof, required by the Order toward an impact fee or exaction for the same need.
3. This subsection does not apply to internal, onsite facilities required by local regulations or to any offsite facilities to the extent such facilities are necessary to provide safe and adequate services to the development (the "Excluded Facilities").

Section 5. Definitions. That the definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Order, unless the context indicates otherwise.

Section 6. Commencement of Development. That development of the Development shall commence by December 31, 1999, unless the time period for commencement is extended by the City, subject to the requirements of Subsection 380.06(19), Florida Statutes.

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Section 7. Expiration of Development Order. That this Order shall remain in effect for a period of twenty (20) years from the date upon which this Order becomes final and the appeal period has ended. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed, if approved. This Order may be extended by City Council on the finding of excusable delay in any proposed development activity, subject to the requirements of Chapter 380.06(19), Fla. Stat.

Section 8. Downzoning/Unit Density Reduction/Intensity Reduction. That prior to fifteen (15) years from the date upon which this Order becomes final and the appeal period has ended, the City may not down-zone or reduce the unit density or intensity permitted by this Order, unless the City can demonstrate that:

- A. substantial changes in the conditions underlying the approval of the Order have occurred; or
- B. the Order was based upon substantially inaccurate information provided by the Applicant; or
- C. the change is clearly established by the City to be essential to the public health, safety, or welfare.

Any down-zoning, unit density reduction or intensity reduction shall be effected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning, land use or development regulations which decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Applicant by this Order. The inclusion of this Section 8 is not to be construed as evidencing any present foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes (1995).

Section 9. Effect of Development Order on Successors and Assigns. This Order shall be binding upon the Applicant, its successors, assigns, or successors-in-interest.

Section 10. Compliance with Local Land Development Regulations. All development undertaken pursuant to this Order shall be in accordance with all applicable local codes, ordinances in effect at the time of permitting, and other laws, except as otherwise specifically provided herein and in any applicable development agreement. Additionally, the Applicant has elected to be bound by the rules adopted pursuant to

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Chapters 403 and 373, Florida Statutes, in effect at the time of adoption of this Development Order. Accordingly, all applications for permits pursuant to those chapters and which are necessary for and consistent with the development authorized by this Development Order shall be subject to the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time of issuance of this Development Order.

Section 11. Responsibility for Monitoring. That the Director of Business and Community Development is responsible for ensuring compliance with this Order and the receipt of the Applicant's contributions required herein. Monitoring shall be accomplished by review of the Annual Report, Building Permits, Certificates of Occupancy, Plats, if applicable, and by on-site observations.

Section 12. Reference to Governmental Agencies. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Order.

Section 13. Directions to Clerk. That the City Clerk is hereby directed to send certified copies of this Order, within five (5) days of the effective date of this Ordinance, to the Applicant, the Florida Department of Community Affairs, and the TBRPC.

Section 14. Rendering of Development Order. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 15. Recordation of Notice of Adoption. That the Applicant shall record a notice of adoption of this Order as required pursuant to Chapter 380 and shall furnish the City Clerk a copy of the recorded notice.

Section 16. Effective Date. That this Ordinance shall take effect immediately upon becoming a law, and a copy hereof shall be posted on the bulletin board in the hall of the first floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

Section 17. TBRPC Fees. Payment for any future activities of the TBRPC with regard to this development including, but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the Applicant in accordance with the Rule 9J-2.0252, F.A.C.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, ON MAY 15 1997

Certified as true
and correct copy.

4/30/97

Ronnie Mason
CHAIRMAN, CITY COUNCIL

ATTEST.

Janett S. Martini
CITY CLERK

APPROVED by me on MAY 16 1997

Nick A. Russo
MAYOR

Prepared and Approved by:

Andrew Belmont
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 97-105 or file in my office. Witness my hand and official seal this 19th day of May 1997.

Janett S. Martini
CITY CLERK
BY: Gail A. Anderson
GAIL A. ANDERSON, DEPUTY CITY CLERK