

June 28, 2007

JAMES H. SHIMBERG, JR.
813-227-6412
jim.shimberg@hklaw.com

Ms. Susan Johnson
DRI Coordinator/Land Development Coordination
City of Tampa
315 E. Jackson St., Third floor
Tampa, Florida 33602

Re: Harbour Island Development of Regional Impact

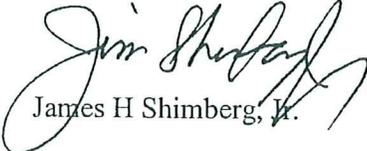
Dear Susan:

As you know, construction is still ongoing at The Plaza on Harbour Island, the new condominium project being developed within the Harbour Island Development of Regional Impact by the Patrinely Group, LLC. House Bill 7203, signed by Governor Crist, provides that all phases, buildout and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007 are extended for three (3) years regardless of any prior extension. The three (3) year extension is not a substantial deviation, is not subject to further review, and must not be considered when determining if subsequent extension is a substantial deviation requiring review as a development of regional impact. Therefore, it is our understanding that the buildout date for the Harbour Island DRI has now been extended by 3 years to December 31, 2010.

Please place this letter into the DRI file for the Harbour Island project.

Sincerely,

Holland & Knight LLP


James H Shimberg, Jr.

JHSjr/byz

cc: John Meyer, Tampa Bay Regional Planning Council
Kendrick James, Patrinely Group
Anne Pollack, Mechanik, Nuccio



CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

217

July 24, 1998

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

RE: Petition No. DZ81-63A Harbour Island Inc.
Ordinance 98-158

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 98-158

Certified Mail

98-158

ORDINANCE NO. 98-158

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING A FIFTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HARBOUR ISLAND INC. FOR HARBOUR ISLAND, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7887-A, passed and ordained by the City Council of the City of Tampa, Florida, on February 18, 1982, approved a Development Order for Harbour Island (formerly known as Seddon Island) (the "Development"), a Development of Regional Impact (hereinafter said Ordinance shall be referred to as the "Original Development Order"); and

WHEREAS, Ordinance No. 9464-A, passed and ordained by the City Council of the City of Tampa, Florida, on December 18, 1986, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 89-260, passed and ordained by the City Council of the City of Tampa, Florida, on October 12, 1989, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 94-68, passed and ordained by the City Council of the City of Tampa, Florida, on April 14, 1994, approved a third amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Third Amendment"); and

WHEREAS, Ordinance No. 97-88, passed and ordained by the City Council of the City of Tampa, Florida, on April 24, 1997, approved a fourth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fourth Amendment") (hereinafter the Original Development Order, as amended by the First Amendment, Second Amendment, Third Amendment

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and Fourth Amendment, shall be collectively referred to as the "Development Order" unless otherwise expressly provided); and

WHEREAS, on April 6, 1998, Harbour Island Inc. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the Harbour Island DRI, attached hereto as Composite Exhibit "A" and incorporated herein (the "NOPC"); and

WHEREAS, on June 5, 1998, the Developer filed a supplemental response to agency comments, which is attached hereto as composite Exhibit "A" and incorporated herein (the "Supplemental Response") (hereinafter the NOPC together with the Supplemental Response shall collectively be referred to as the "Notice of Change"); and

WHEREAS, the Notice of Change proposes to i) extend the buildout date of the development to December 31, 2007, and ii) extend the termination date of the Development Order to December 31, 2012 (hereinafter the above listed modifications are collectively referred to as the "Proposed Changes"); and

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

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

WHEREAS, the 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

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

WHEREAS, the City Council has, on June 25, 1998, 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

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WHEREAS, the City Council has, on June 25, 1998, 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; 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

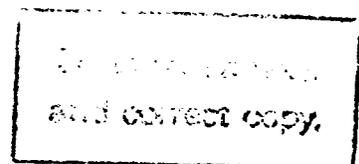
WHEREAS, the City Council has reviewed and considered the Notice of Change and the Proposed Changes, as well as all related testimony and evidence submitted by each party and members of the general public; and

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



- A. Harbour Island Inc. (the "Developer"), submitted to the City of Tampa the Notice of Change attached hereto as Composite Exhibit "A" and incorporated herein by reference.
- B. The Notice of Change proposes to amend the Development Order to i) extend the buildout date of the development to December 31, 2007, and ii) extend the termination date of the Development Order to December 31, 2012 (hereinafter all proposed modifications as set forth in the Notice of Change shall be collectively referred to as the "Proposed Changes").
- C. The Proposed Changes are consistent with the State Comprehensive Plan.
- D. The Development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes, as amended.
- E. The Development is consistent with the local comprehensive plan and all local land development regulations.
- F. The Proposed Changes are consistent with the report and recommendations of the Tampa Bay Regional Planning Council ("TBRPC") and satisfies the provisions of Subsection 380.06(14), Florida Statutes, as amended.
- G. The Proposed Changes will not unreasonably interfere with the achievement of the objectives of the adopted state land development plan applicable to the area.
- H. A comprehensive review of the impacts generated by the Proposed Changes described in the Notice of Change has been conducted by the City of Tampa, TBRPC, the Tampa Port Authority, and other participating agencies and interested citizens which indicates that the impacts are adequately addressed pursuant to the

requirements of Section 380.06, Florida Statutes, within the terms and conditions of the Development Order, as amended by this Fifth Amendment to the Development Order.

- I. The Proposed Changes are presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes.
- J. That based upon the analyses which are part of Composite Exhibit "A" and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.
- K. 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.
- L. All statutory procedures have been adhered to.
- M. 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, reaches the following conclusions of law:

- A. That these proceedings have been duly conducted pursuant to applicable laws 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 review by the City of Tampa, TBRPC and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.
- C. That based on the foregoing and pursuant to Chapter 380.06(19), Florida Statutes, the Proposed Changes are not a substantial deviation to the previously approved Development Order.

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

- A. That the Proposed Changes are hereby approved, and the Development Order is hereby amended to incorporate the Notice of Change.
- B. That the Development Order is hereby amended to
 - i) Extend the buildout date of the development to December 31, 2007 as reflected on the Revised Phasing Schedule attached hereto as Exhibit "B" and incorporated herein by reference.
 - ii) Extend the expiration date of the Development Order to December 31, 2012. Accordingly, Section 6 of the Development Order, as amended in Subsection 1.C. of the First Amendment, Section 4 of the Second Amendment, and

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and correct copy.

Subsection 3.3. of the Third Amendment, is hereby amended to provide as follows:

Section 6. Expiration of Development Order.

The Development Order shall be in effect until December 31, 2012. Any development activity wherein plans have been submitted to the City for review and approval prior to the expiration date of the Order, may be completed, if approved. This Development shall be substantially completed within one year of the buildout date and prior to the expiration date.

- C. The Original Development Order, as amended by the First Amendment, Second Amendment, Third Amendment, and Fourth Amendment, is hereby reaffirmed in its entirety, except as modified by this Ordinance.
- D. All of the Developer's commitments as set forth in the Notice of Change shall be honored, except as such commitments are superseded by the terms and conditions of this Ordinance.

Section 4. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Development Order.

Section 5. Development Order, As Amended. This Ordinance shall constitute the Fifth Amendment to Ordinance No. 7887-A, as amended by Ordinance No. 9464-A, Ordinance No. 89-260, Ordinance No. 94-68, and Ordinance No. 97-88, which shall constitute, collectively, the Development Order 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 6. Binding Effect. That this Development Order shall be binding upon the Developer, its assigns, or successors in interest.

Section 7. Governmental Agencies. It is understood that any reference herein to any governmental agencies 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, Harbour Island Inc., Attention: Mr. Michael Price, 424 Knights Run Avenue, Tampa, Florida 33602, the Florida Department of Community Affairs (Bureau of State Planning) and the TBRPC.

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. 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.

Section 12. Recording. That the Developer shall record a notice of adoption of this Fifth Amendment to the Development Order pursuant to Chapter 380, Florida Statutes.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, on JUL 16 1998.

Orlando Hernandez
CHAIRMAN, CITY COUNCIL

ATTEST:

Janett S. Martini
CITY CLERK

APPROVED by me on JUL 22 1998
Nick A. Greco
MAYOR

Prepared and Approved by:

Ardeech...
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 98-158 as the same appears in my office.
Witness my hand and official seal this 23rd day of July 19 98
Janett S. Martini
CITY CLERK

EXHIBITS TO FIFTH AMENDMENT TO DEVELOPMENT ORDER

Composite Exhibit "A"

Notification of Proposed Change to a Previously Approved
Development of Regional Impact (NOPC)

Exhibit "B"

Revised Phasing Schedule

A:\HarbIsland\ADO\5thADO040398.wpd

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

Prepared for:

Harbour Island, Inc.
424 Knights Run Avenue
Tampa, Florida 33602

Prepared by:

Randy Coen
URS Greiner, Inc.
7650 W. Courtney Campbell Causeway
Suite 700
Tampa, Florida 33607
(813)286-1711

and

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

**EXHIBIT "A"
TO THE HARBOUR ISLAND DRI
FIFTH AMENDED DEV. ORDER**

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and correct copy.

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE MANAGEMENT
2555 Shumard Oaks Boulevard
Tallahassee, Florida 32399
(904) 488-4925

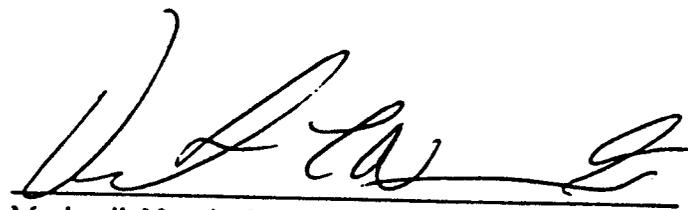
EFFECTIVE DATE
11/20/90

NOTIFICATION OF PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACTS (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 council, and the state land planning agency according to this form.

1. I, designated representative of Mechanik Nuccio Smith & Williams, the undersigned authorized representative of Harbour Island Inc., hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, we submit the following information concerning the Harbour Island 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 State Planning, Department of Community Affairs.

4/1/98
Date


Mechanik Nuccio Smith & Williams
Authorized Agent for Harbour Island Inc.

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and correct copy.

2. Applicant (name, address, phone).

Harbour Island Inc.
c/o Matt Broas, President
Harbour Island Inc.
800 S. Harbour Island Bl.
Tampa, Florida 33602
Phone: (813) 202-1800

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

Mechanik Nuccio Smith & Williams
101 East Kennedy Bl., Suite 1760
Tampa, Florida 33602
Phone: (813) 276-1920

and

Mr. Randy Coen
Greiner, Inc.
Post Office Box 31646
Tampa, Florida 33631-3416
Phone: (813) 286-1711

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

The subject development is located in Section 19, Township 29 South, Range 19 East, City of Tampa, Hillsborough County, Florida.

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

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Prior to listing the proposed changes, we will provide the history of the development order and its amendments to clarify what is being requested.

American Centennial Insurance Company (former owner of Harbour Island) filed an Application for Development Approval of a Development of Regional Impact with the City of Tampa on July 10, 1981. On February 19, 1982, the City Council of the City of Tampa granted a Development Order to Harbour Island Inc. for the Harbour Island DRI (Ordinance No. 7887-A).

On November 19, 1983, Harbour Island Inc. filed a document entitled "Request for Modification of the Harbour Island Development of Regional Impact Development Order and Phase Two Transportation Analysis" with the City of Tampa, Florida Department of Community Affairs and Tampa Bay Regional Planning Council. On December 18, 1986, the City Council of the City of Tampa adopted an amendment to the Development Order for Harbour Island DRI (Ordinance No. 9464-A) that approved a revision to the project's legal description; extended the buildout date to November 30, 1995; extended the Development Order's period of effectiveness to November 30, 1995; approved the relocation of land uses and flexibility in the location of land uses within the project; and eliminated sub-phases and specifically approved Phase Two.

On October 12, 1989, the City Council of the City of Tampa adopted an amendment to the Development Order for Harbour Island DRI (Ordinance No. 89-260) adding an aquarium as an approved land use; modifying the Conceptual Development Plan to allow an aquarium; and adding a Land Use Trade-Off Mechanism.

On April 9, 1991, Harbour Island Inc. filed a Request for a Substantial Deviation to the DRI/ADA and received approval from the City Council of the City of Tampa (Ordinance No. 94-68) on April 14, 1994. This amendment allowed 400 additional wet boat slips to be added to the currently approved land uses; added a 175-seat attraction facility as an approved

land use; extended the period of effectiveness of the Development Order to the year 2005; combined the remainder of the development into one phase with a buildout date of 2000; clarified that an increase in the number of external vehicular trips generated by the development by 15% or more above the number which was projected in the 1885 transportation analysis will require a substantial deviation determination pursuant to Subsection 380.06(19); revised the Conceptual Development Plan (Map H) to include 400 additional wet slips and a 175-seat attraction facility; and revised the legal description to accommodate a portion of the area for the approved wet boat slips.

On September 19, 1996, Harbour Island Inc. filed a Notification of Proposed Change with the City of Tampa, Florida Department of Community Affairs and Tampa Bay Regional Planning Council. On April 24, 1997, the City Council of the City of Tampa adopted an amendment to the Development Order for the Harbour Island DRI (Ordinance No. 97-88) that approved the modification of mooring facilities as to location and orientation, refined the placement and location of sewer pump-out facilities, clarified Speciality Retail square footage, increased Office square footage by less than five percent, and revised the Conceptual Development Plan-Map H.

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

The proposed changes to the Development Order are as follows (each requested change is followed by a discussion and rationale for each change):

- A. The first change requests an extension of the buildout date of the development to December 31, 2007.

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Discussion/Rationale

An updated transportation analysis which addresses the proposed 2007 buildout date is provided in Appendix A. The transportation analysis concludes that the extension of the buildout date of December 31, 2007 will not result in any regionally significant adverse impacts. The Amended Development Order provided in Appendix B depicts the revised development schedule of the project.

- B. The second change requests the extension of the termination date of the D.O. to December 31, 2012.

Discussion/Rationale

This change is necessary to effectuate the D.O. change requested in Item 5.A., above.

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.

Not applicable.

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

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Please see the response to Question #5 for the history of the development order and its amendments. There has been no change in local government jurisdiction for any portion of the development since 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 additional lands have been purchased or optioned within 1/4 mile of the DRI site subsequent to the approval of the 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.

No, the changes are not less than 40 percent of the criteria listed in Paragraph 380.06(19) F.S.

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

Yes

No

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

Yes. The proposed change will result in a new buildout date of December 31, 2007. Please see Item 5.A, above, for additional information.

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

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

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

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

No change to Map H - Conceptual Development Plan is proposed.

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 representation 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 responses to Question 5 as to the nature and scope of the proposed changes.

Please see the proposed Amended Development Order provided in Appendix "B" for the requested specific language.

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

Not applicable.

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

Not applicable.

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

A termination date of December 31, 2012 is proposed. Please see Item 5.B, above, for additional information.

- 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-2.05(7), F.A.C.**

Not applicable.

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and correct copy.

APPENDIX A
TECHNICAL MEMORANDUM
UPDATED TRANSPORTATION ANALYSIS
Harbour Island

The Transportation Analysis which follows has been prepared to fully address the projected traffic conditions associated with the Notice of Proposed Change (NOPC) Development Order amendments currently requested for Harbour Island, located adjacent to the central business district of downtown Tampa, Florida, as more particularly described below.

The Harbour Island DRI has previously been modified via the NOPC process. As currently approved, Harbour Island is a single phase development, which contains 1,049,999 sf of Office, 240,000 sf of Retail, 550 rooms of Motel, a Conference Center with 340 rooms, 30,000 sf of Athletic Facilities, 4,650 Residential dwelling units, and 500 Boat Slips.

The transportation-related development order amendments requested as a part of the subject NOPC is the extension of the buildout date for Harbour Island to December 31, 2007. Therefore, this analysis is limited to the assessment of transportation impacts associated with the land use development totals identified herein.

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This updated transportation analysis includes the following:

- a review of the distribution of project traffic;
- an updated calculation of project traffic volumes;
- a review and update of the Transportation Impact Study Area;
- an assessment of background and project traffic volumes for the year 2007; and
- an identification and comparison of transportation improvements necessary to mitigate regionally significant adverse transportation impacts associated with the project as originally approved and proposed herein; as originally approved, no transportation improvements have been identified for the project, which have not been built.

This updated transportation analysis utilizes the updated 1994 *Highway Capacity Manual* (HCM) procedures, applicable FDOT reference materials, and the current edition of the Institute of Transportation Engineers' (ITE) *Trip Generation*. The analysis is limited to the p.m. peak hour roadway conditions, which is the required analysis period for NOPC applications. The transportation analysis presented, herein, satisfies the requirements of the Florida Department of Community Affairs (DCA), Hillsborough County, Tampa Bay Regional Planning Council (TBRPC), and Florida Department of Transportation (FDOT).

Existing Conditions

Existing 1996 p.m. peak hour traffic volumes are provided in Table 3, which is introduced in a later section of this Technical Memorandum. Based on the Transportation Impact Study Area (TISA) for the subject analysis, all roadways analyzed were found to operate within acceptable level of service standards.

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Project Traffic Distribution

The project traffic distribution exhibit from the original DRI analysis is appended. A review and evaluation of the distribution of project traffic indicates that the current distribution is similar to the original distribution. A FSUTMS plot showing the current project traffic distribution trace is appended. Modifications to site specific departure and arrival patterns have been made to reflect current conditions and observed driver behavior proximate to the site.

Trip Generation Update

Table 1 provides an updated calculation of gross and net external existing project traffic, respectively, for the p.m. peak hour. The updated trip generation analysis was completed using the same methodology as the original and previous transportation analyses. The project traffic volumes were calculated using the current version of the ITE Trip Generation Manual (Sixth Edition, 1997).

Machine recorded traffic counts located on the bridges access points (Franklin Street and Beneficial Drive) to Harbour Island indicate existing development is externally generating 81.8% of gross project traffic volumes calculated using ITE trip rates. Traffic count datum verifying this fact is appended. Table 2 provides the ITE calculated gross project traffic at buildout. Table 2 also provides a calculation of external project traffic at project buildout. Exhibit 1 provides a comparison of the existing development gross vehicle trips (ITE) and actual external trips (machine traffic counts).

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As a result, for the subject analysis, the existing 18.2% conversion rate for gross to net external project external project traffic will be utilized for the subject analysis since this rate represents the best available datum. It is important to note that no transit utilization was observed during the counting of existing project traffic. Thus, no transit utilization was included in the subject analysis.

TISA Determination

The original Phase II analysis TISA was based on the above original information and a 5 percent service volume threshold. The updated analysis is based on the same criterion. A review of the respective TISAs for both the original DRI analysis and the subject analysis indicates that the study area has generally remained the same in size.

Future Year Traffic Analysis

The future year (2007) traffic conditions for the subject analysis was completed in a two-step process. First, 2007 background traffic volumes were identified; then project traffic was added to the 2007 background traffic volumes to establish total traffic volumes.

Background traffic volume conditions for the year 2007 are identified in Table 2 for the p.m. peak hour. Background traffic volumes were calculated using the FDOT/RTA FSUTMS model, which includes Hillsborough County and several surrounding counties. Background traffic volumes for the year 2007 are based on growth rates established using base year 1990 ~~FSUTMS traffic data and~~

projected FSUTMS 2015 traffic data. Prior to establishing growth rates, the FSUTMS socioeconomic datum was reviewed and adjusted where appropriate to ensure that the following DRI projects are included in the background traffic forecast:

#78 Tampa Downtown

#82 Cruise Ship Terminal

The resulting 2007 background traffic volumes reflect increases in general background traffic, as well as traffic volume increases directly attributable to approved yet unbuilt portions of several DRI scale projects. Thus, the background traffic volumes in the subject analysis were developed in a manner consistent with the original analysis and, therefore, are directly comparable.

Project traffic at buildout was then added to the TISA roadway network based on the information developed above. Table 3 provides an assessment of total 2007 traffic (background plus project) volumes for each TISA roadway link. As identified in the table, all roadways within the TISA will operate within acceptable level of service standards in 2007 with project traffic buildout traffic volumes.

Conclusion

The extension of the build out date to December 31, 2007 for Harbour Island does not result in any additional regionally significant transportation impacts.

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TABLE 1
TRIP GENERATION
Harbour Island

Buildout Development		PM Peak Hour		
Land Use/ITE Code ¹	Quantity	In	Out	Total
Office/710	1,000,000 s.f.	204	996	1,200
Hotel/310	550 Rooms	198	206	404
Conference Center/ADA ²	340 Rooms	95	95	190
Condominium/230	4,650 dus	985	485	1,470
Athletic Facilities/495	30,000 s.f.	17	28	45
Speciality Retail/814 & 820	240,000 s.f.	267	355	622
Actual Internal/Trip Rate Adj. ³	18.2% of ITE	334	409	743
TOTAL		1,432	1,756	3,188

1. Source: ITE Trip Generation Report, Sixth Edition, 1997. Athletic club and private slips are omitted since such external trips are included in Internal/Trip Rate Adjustment Factor, see Footnote 3 below.
2. Source: Harbour Island Phase II Transportation Analysis NOPC Sufficiency Response, April 1986. Copy appended.
3. Adjustment as calculated in Exhibit 1, based on actual internalization/trip rates for land use areas. Actual vehicle trip counts appended.

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TABLE 2
EXISTING OCCUPIED DEVELOPMENT
Harbour Island

Existing Development			PM Peak Hour	
Parcel/ITE Code ¹	Land Use	Size ²	In	Out
Island Walk & Place/#220	Apartment	516 dus	169	95
Harbor Homes/#210	Single Family	96 dus	66	37
Port Royal (VI)/#210	Single Family	10 dus	9	5
Harbor Court/#232	Condominium	128 dus	37	22
Island Homes/#210	Single Family	25 dus	20	11
Sedan Cove/#230	Condominium	72 dus	31	16
Piazza/#310 & #710	Hotel	350 Rooms	118	122
	Office	246,207 s.f.	60	295
Office Core/#710 & #831	Office	11,530 s.f.	16	76
	Restaurant	5,280 s.f.	30	18
Total			556	697

1. Institute of Transportation Engineers, Sixth Edition, 1997. All residential volumes adjusted to reflect actual trip rates.
2. All development assumed 100% occupied.
3. Athletic Club and private boat slips omitted from total potential gross external trips since such trips are accounted for as internal trips.

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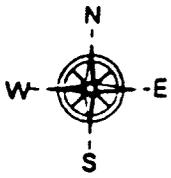
Table 3

Harbour Island

2007 PM Peak Near Traffic Conditions

Roadway Link	Geoadmy	LOS D1		Model PMBT1		Annual		Percent		2007		2007		2007		2007		Proposed Traffic % of LOS D		
		Service Volume	1990	2015	Peak Hour	Annual Growth	IN	OUT	IN	OUT	Existing		2007		2007		2007 LOS			
											Peak Hour Traffic	Annual	Background Traffic	2007	2007	2007			2007	
Bartholomew Blvd.																				
Green Ave. to Hyde Park Ave.	4LD	4460	31700	42700	1170	1230	1170	6.9%	6.9%	29	39	114	86	114	86	114	86	B	2.1%	2.0%
Hyde Park Ave. to First Ave.	4LD	4460	29400	40500	1630	1630	1630	6.9%	6.9%	29	54	86	154	154	154	154	154	B	2.1%	2.0%
First Ave. to Park St.	4LD	3110	29400	40500	1630	1630	1630	6.9%	6.9%	33	56	114	164	164	164	164	164	B	3.7%	3.3%
Park St. to Brewster St.	2LOW	2270	16300	21000	6	6	6	0.0%	0.0%	0	56	164	0	164	0	164	0	D	3.7%	3.3%
Chambers St. to Chambers St.																				
Monterey Ave. to Arverne Ave.	4LD	1460	15700	21500	430	430	430	2.4%	0.0%	10	0	0	0	0	0	0	0	B	1.0%	0.0%
Arverne Ave. to Howard Ave.	3LOW	3410	6000	18000	1610	1610	1610	0.0%	0.0%	35	0	0	0	0	0	0	0	B	3.5%	0.0%
Howard Ave. to Wilcox Ave.	3LOW	3410	6000	18000	1610	1610	1610	0.0%	0.0%	35	0	0	0	0	0	0	0	B	3.5%	0.0%
Wilcox Ave. to South Blvd.	3LOW	3410	16000	20200	3060	3060	3060	5.4%	0.0%	46	0	0	0	0	0	0	0	B	8.0%	0.0%
South Blvd. to Hyde Park Ave.	3LOW	3410	7200	20400	3060	3060	8.3%	0.0%	46	0	0	0	0	0	0	0	0	B	8.0%	0.0%
Hyde Park Ave. to First Ave.	3LOW	3410	4000	18400	3060	3060	8.2%	0.0%	46	0	0	0	0	0	0	0	0	B	8.0%	0.0%
First Ave. to Bayshore Blvd.	2LOW	2270	3000	12400	6000	6000	5.3%	0.0%	83	0	0	0	0	0	0	0	0	B	8.0%	0.0%
Bayshore Blvd. to Franklin St.	4LOW	4160	18000	32000	9430	9430	2.2%	0.0%	127	0	0	0	0	0	0	0	0	B	16.1%	0.0%
Franklin St. to Pacific Ave.	3LOW	3470	17000	30000	2170	2170	2.1%	12.1%	143	0	0	0	0	0	0	0	0	B	16.4%	0.0%
Pacific Ave. to Jefferson St.	3LOW	3010	15300	18000	2170	2170	0.0%	0.0%	143	0	0	0	0	0	0	0	0	B	12.1%	0.0%
Jefferson St. to Brewster St.	4LD	1460	14100	22500	4870	4870	1.0%	0.0%	51	0	0	0	0	0	0	0	0	C	5.0%	0.0%
Brewster St. to Broadway St.	4LD	1460	7100	21100	4970	4970	1.0%	27.2%	114	0	0	0	0	0	0	0	0	C	28.0%	0.0%
Broadway St. to Kennedy Blvd.	4LD	1460	6000	18000	2760	2760	1.7%	28.9%	116	242	48	308	706	1874	1874	1874	1874	C	21.0%	28.0%
Kennedy Blvd. to 95th St.	4LD	1460	24000	34200	4660	4660	0.9%	18.0%	82	107	282	276	308	1472	1472	1472	1472	C	14.3%	28.0%
95th St. to 2nd Ave.	4LD	1460	24000	34200	4660	4660	0.9%	18.0%	82	107	282	276	308	1472	1472	1472	1472	C	14.3%	28.0%
2nd Ave. to 4th St.	2LU	600	7300	9600	309	309	1.7%	0.9%	6	7	220	17	24	256	256	256	256	B	12.0%	14.0%
4th St.	2LU	600	7300	9600	309	309	1.0%	0.0%	3	4	177	10	14	201	201	201	201	B	1.1%	1.0%
Chambers St. to 17th St.	4LD	1460	28500	37300	3310	3310	0.0%	17.0%	78	75	222	237	237	1041	1041	1041	1041	D	11.7%	13.0%
17th St. to 21st St.	4LD	1460	22200	24700	1860	1860	0.0%	14.0%	64	61	152	166	166	681	681	681	681	D	9.0%	11.0%
21st St. to 23rd St.	4LD	1460	28500	27700	1560	1560	0.0%	10.5%	43	38	147	144	144	1432	1432	1432	1432	C	9.0%	9.0%
23rd St. to 40th St.	4LD	3110	1180	1180	1180	1180	0.0%	0.0%	40	36	116	122	122	630	630	630	630	C	3.7%	3.0%
40th St.																				
1-275 to Tyler St.	4LD	2810	28000	38000	1290	1290	1.2%	7.2%	26	30	206	160	160	2144	2144	2144	2144	D	3.0%	4.0%
Tyler St. to Case St.	4LD	2810	28000	48000	1290	1290	1.7%	7.2%	26	30	2175	160	160	2281	2281	2281	2281	D	3.0%	4.0%
Case St. to Park St.	4LD	2810	30900	43000	1400	1400	1.0%	7.6%	26	33	1606	160	160	1606	1606	1606	1606	D	3.0%	4.0%
Park St. to East St.	4LD	2810	32100	40300	1400	1400	0.8%	7.6%	5	33	1603	160	160	1617	1617	1617	1617	D	3.0%	4.0%
East St. to Thayer St.	4LD	2810	32200	43000	1400	1400	1.2%	7.6%	5	33	1603	160	160	1617	1617	1617	1617	D	3.0%	4.0%
Thayer St. to Kennedy Blvd.	4LD	2810	31200	41300	1420	1420	1.0%	7.6%	5	33	1648	160	160	1622	1622	1622	1622	D	3.0%	4.0%
Kennedy Blvd. to Jackson St.	4LD	1640	18400	27000	1400	1400	1.3%	7.6%	5	33	1551	160	160	1585	1585	1585	1585	D	3.0%	4.0%
Jackson St. to Wilcox St.	2LD	600	11100	13000	1830	1830	0.9%	0.1%	5	34	647	14	12	1317	1317	1317	1317	C	0.5%	0.5%
Wilcox St. to Brewster St.	2LD	600	8700	8200	0	0	0.0%	0.0%	5	34	775	15	15	760	760	760	760	D	1.0%	1.0%
Brewster St.																				
Jackson St. to Wilcox St.	4LOW	3470	6000	18100	1830	1830	3.0%	19.0%	0	45	0	134	0	0	0	0	0	C	0.0%	4.3%
Wilcox St. to Brewster St.	4LOW	3470	6000	21000	1830	1830	3.2%	6.7%	0	26	0	88	0	0	0	0	0	C	0.0%	7.0%
Brewster St. to Franklin St.	4LD	1640	3300	9400	4170	4170	0.0%	21.3%	139	88	270	304	304	670	670	670	670	C	24.0%	16.0%
Franklin St. to Terrace St.	4LD	1640	4700	13000	4170	4170	0.0%	26.0%	139	117	267	408	408	615	615	615	615	C	24.0%	24.0%
Terrace St. to Park St.	4LD	1640	5200	16400	4630	4630	0.0%	48.2%	487	347	0	706	680	706	706	706	706	C	48.7%	42.0%
Park St. to Harbour Island																				
Harbour Island																				
Brewster St. to Wilcox St.	4LU	1230	5400	6700	2250	2250	0.0%	12.4%	2	52	270	170	170	377	377	377	377	C	0.0%	14.0%
Wilcox St. to Washington St.	4LU	1230	3800	3400	250	250	0.0%	1.4%	2	6	333	7	29	340	340	340	340	C	0.0%	1.0%
Washington St. to Jackson St.	4LU	1230	1900	3100	150	150	0.0%	0.9%	2	3	468	6	12	463	463	463	463	C	0.0%	0.2%
Jackson St. to Kennedy Blvd.	4LU	1230	1900	3100	150	150	0.0%	0.1%	1	2	210	2	6	231	231	231	231	C	0.0%	0.2%

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**OVERALL ISLAND
ENTIRE TRIP COMPARISON**

IN	OUT	TOTAL
366	607	1253 ITE
416	600	1016 ACTUAL
DIFFERENCE 237 (18.9%)		

PIAZZA

IN	OUT	ITE
178	417	ITE
187	489	ACTUAL

APARTMENTS

IN	OUT	ITE
189	85	ITE
151	76	ACTUAL

**RESIDENTIAL SOUTH
OF KNIGHTS RUN**

IN	OUT	ITE
163	81	ITE
84	55	ACTUAL

Athletic Club

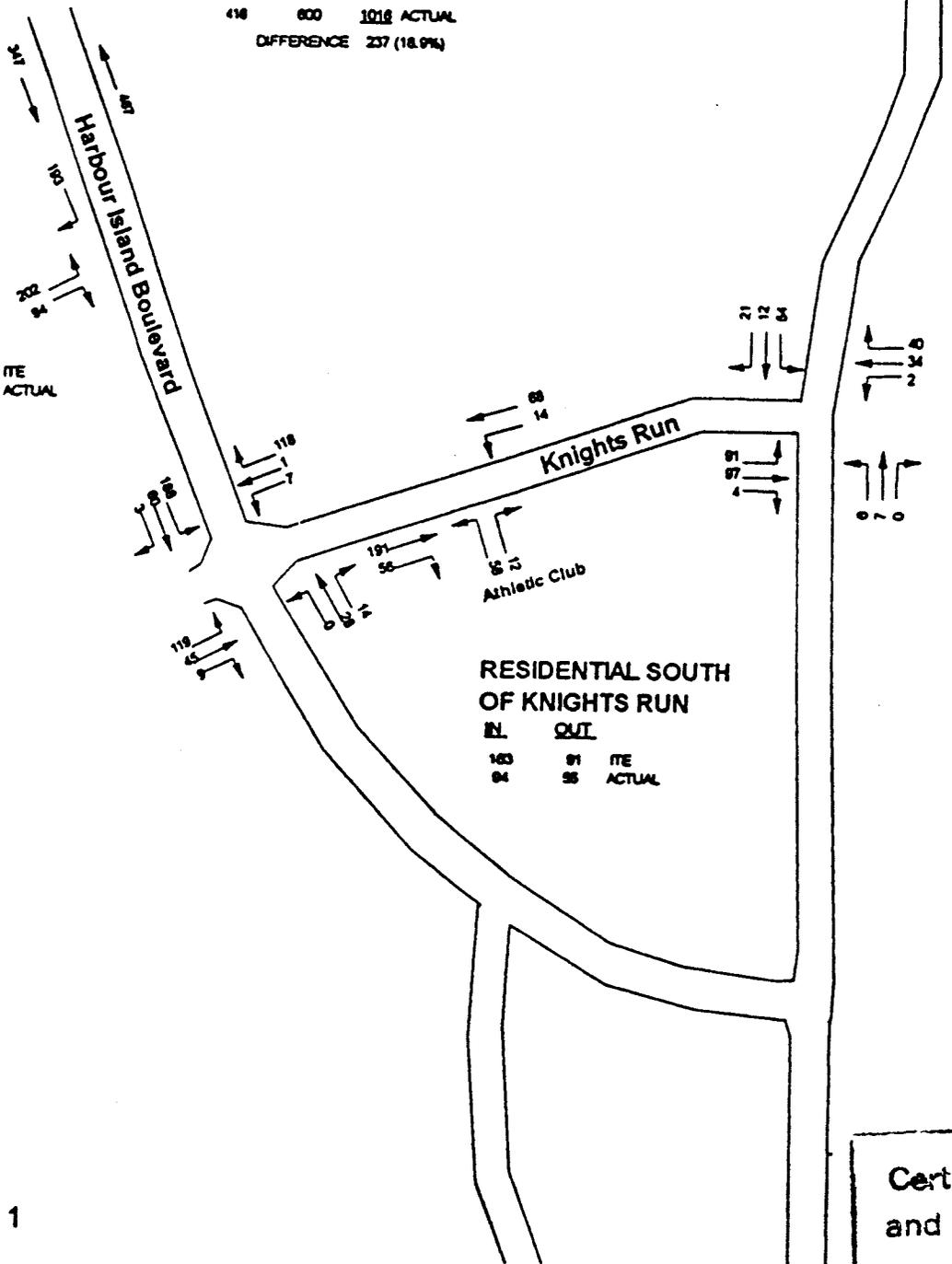


EXHIBIT 1

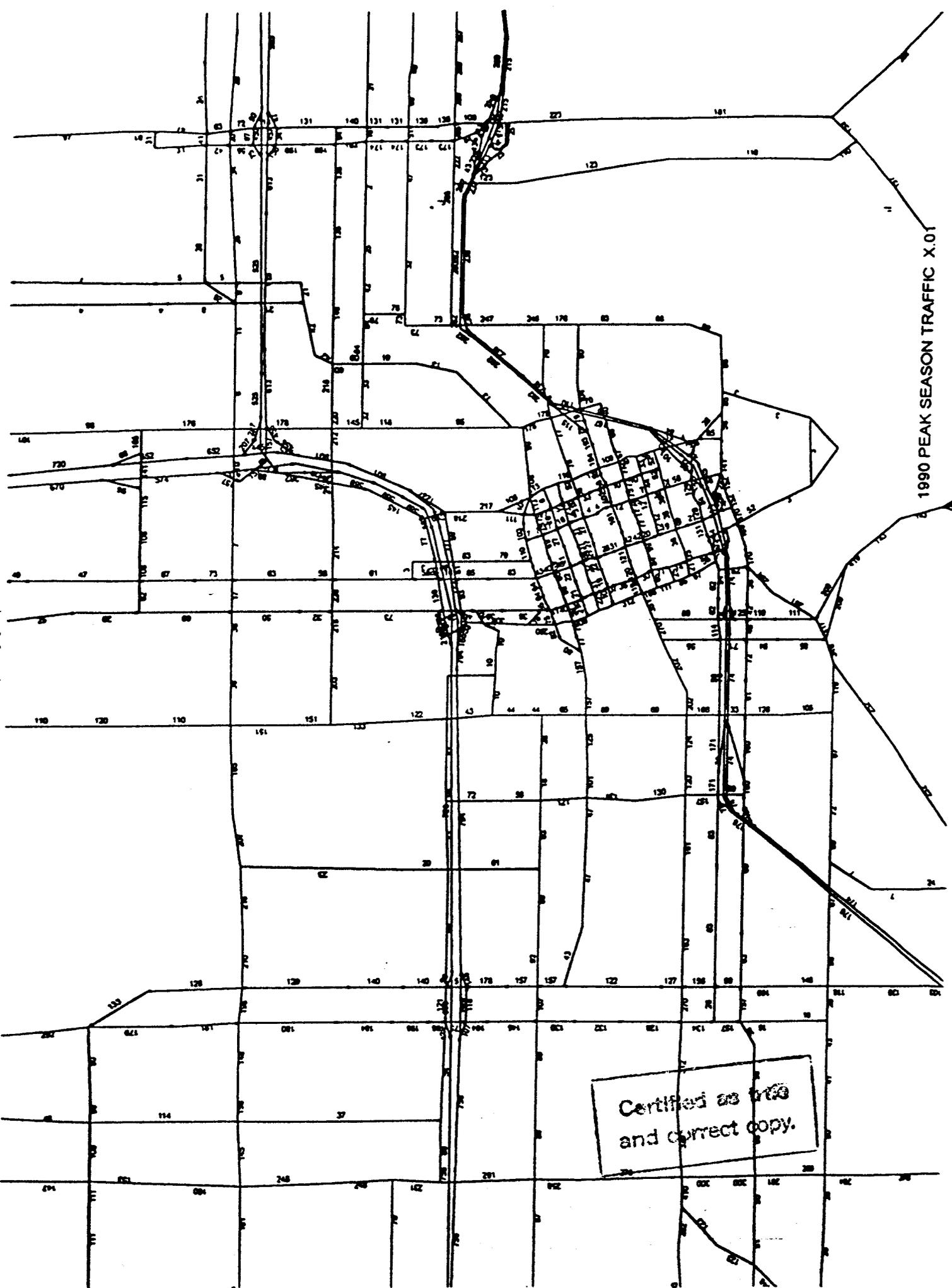
HARBOUR ISLAND
Existing Counts vs ITE

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★ ITE predicted trips based on occupied square feet, rooms, and dwelling units.

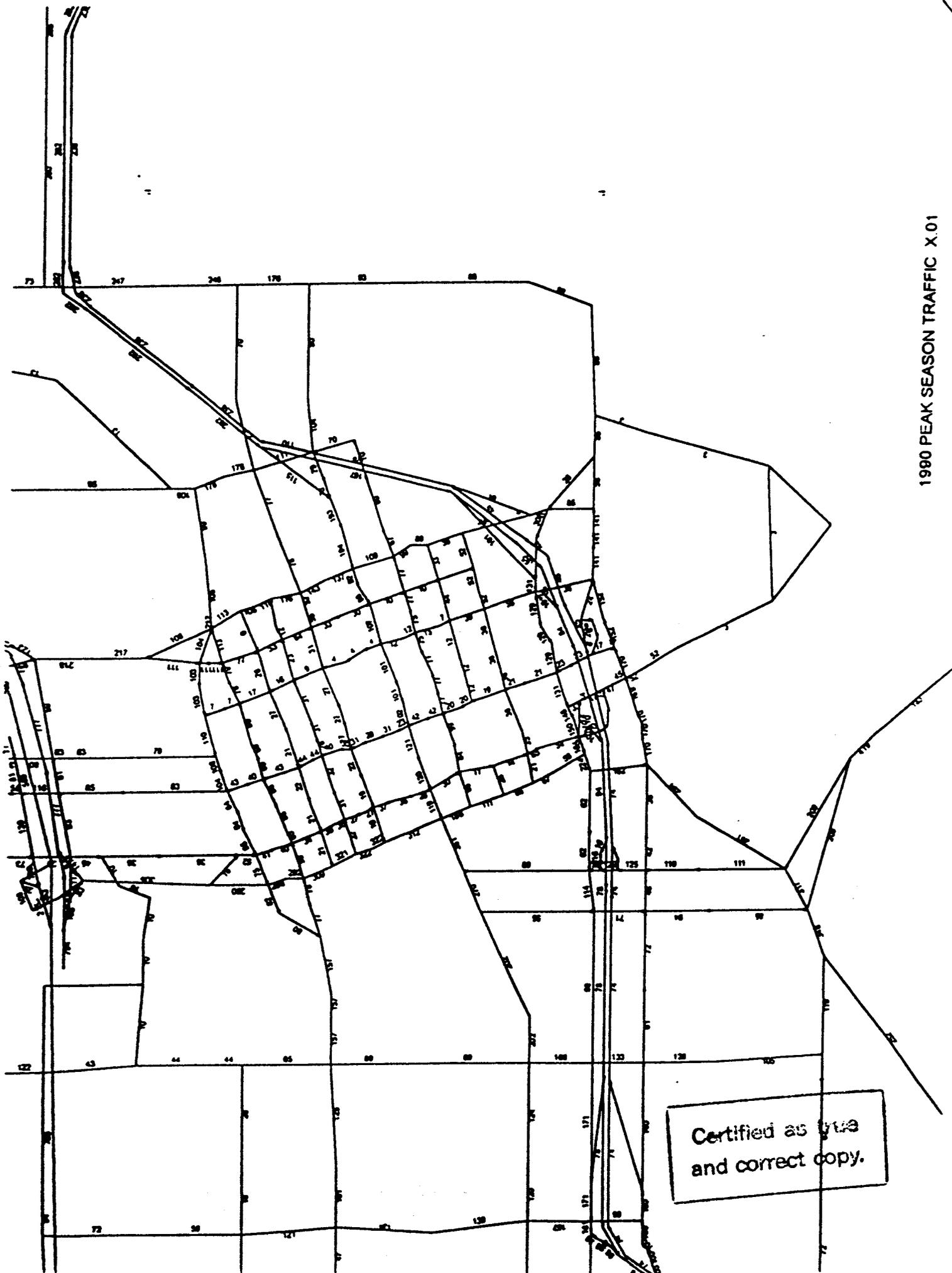
**APPENDIX TO
UPDATED TRANSPORTATION ANALYSIS**

**Certified as true
and correct copy.**



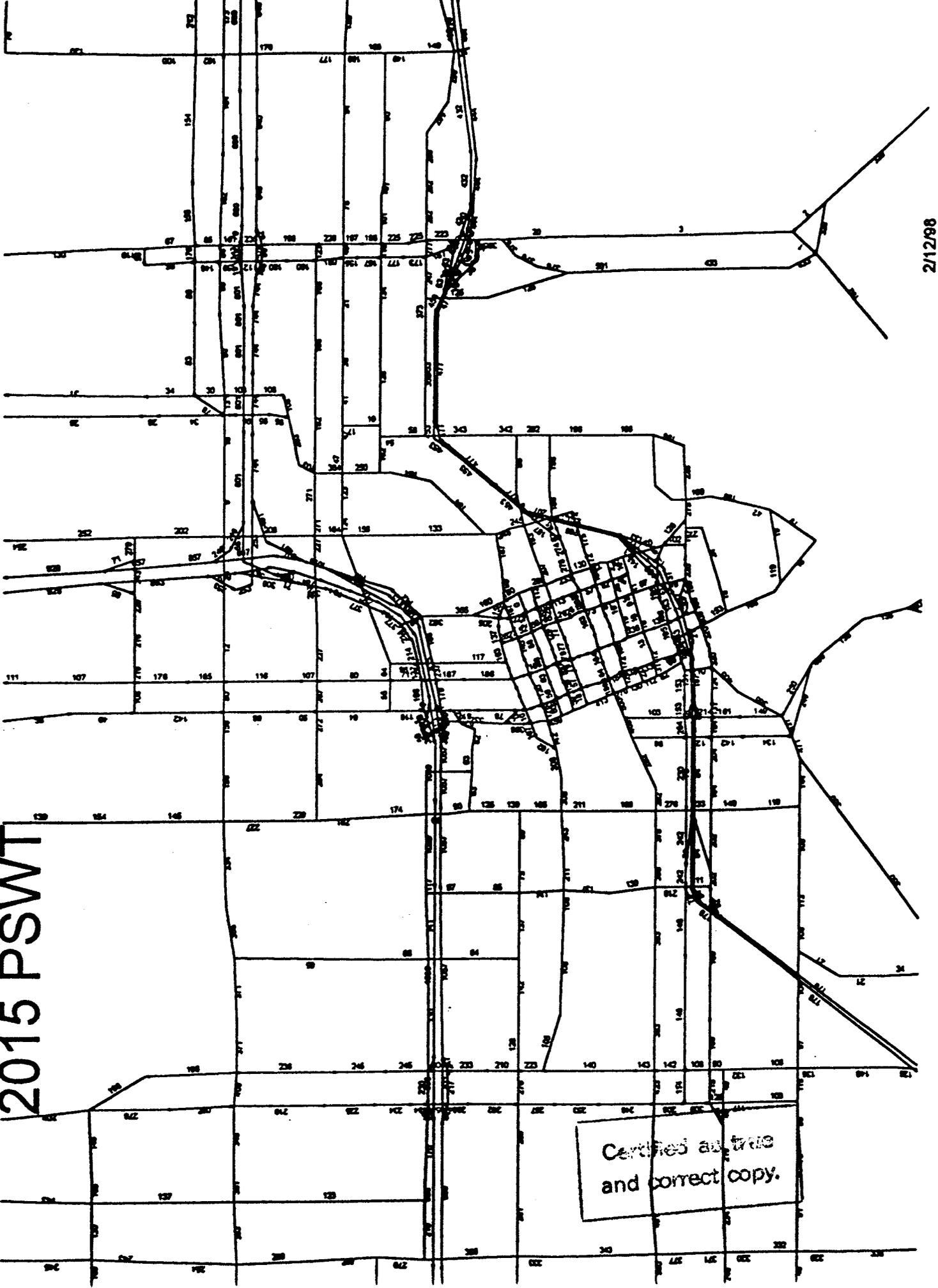
1990 PEAK SEASON TRAFFIC X.01

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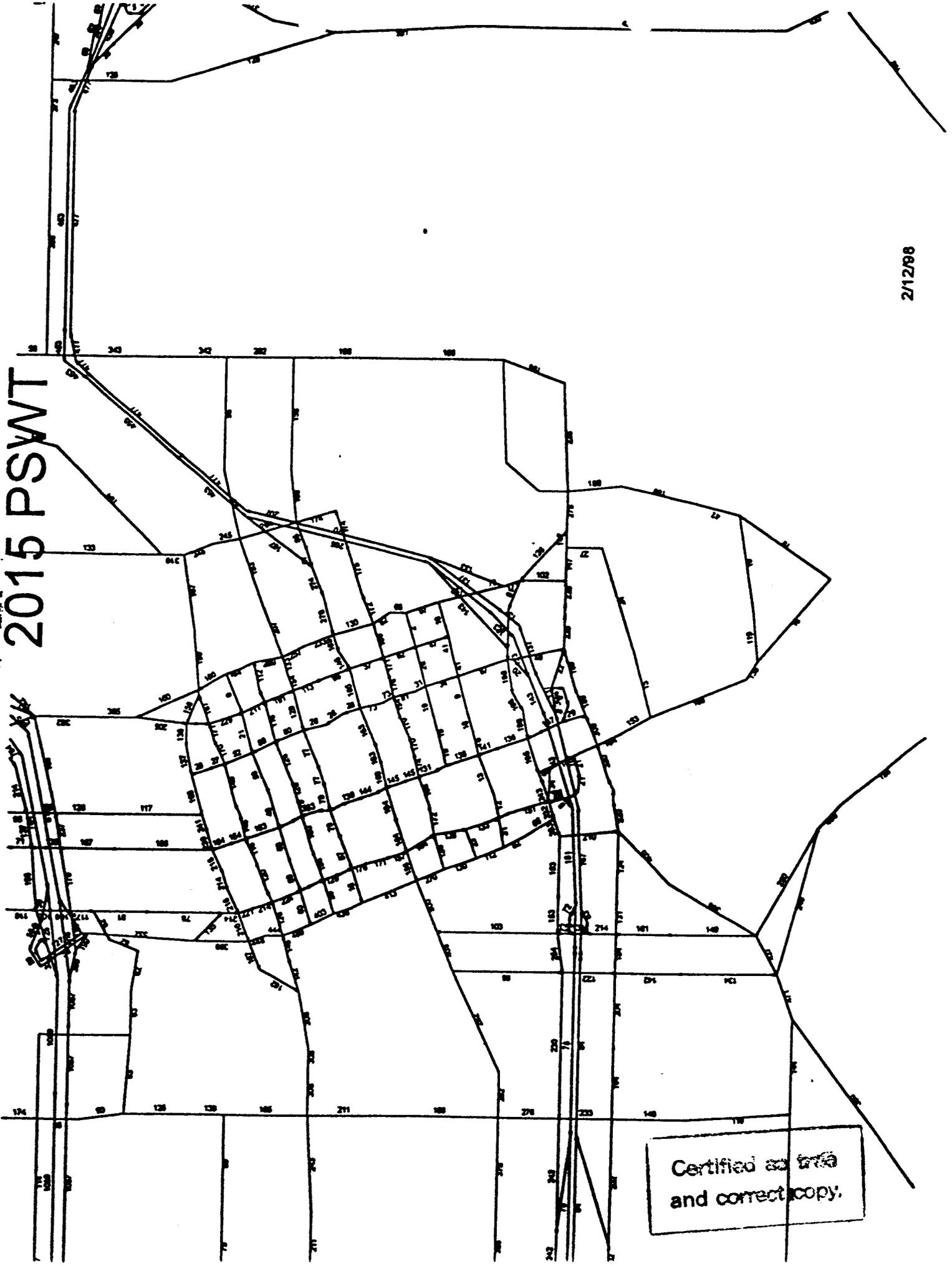
1990 PEAK SEASON TRAFFIC X.01

2015 PSWT



2/12/98

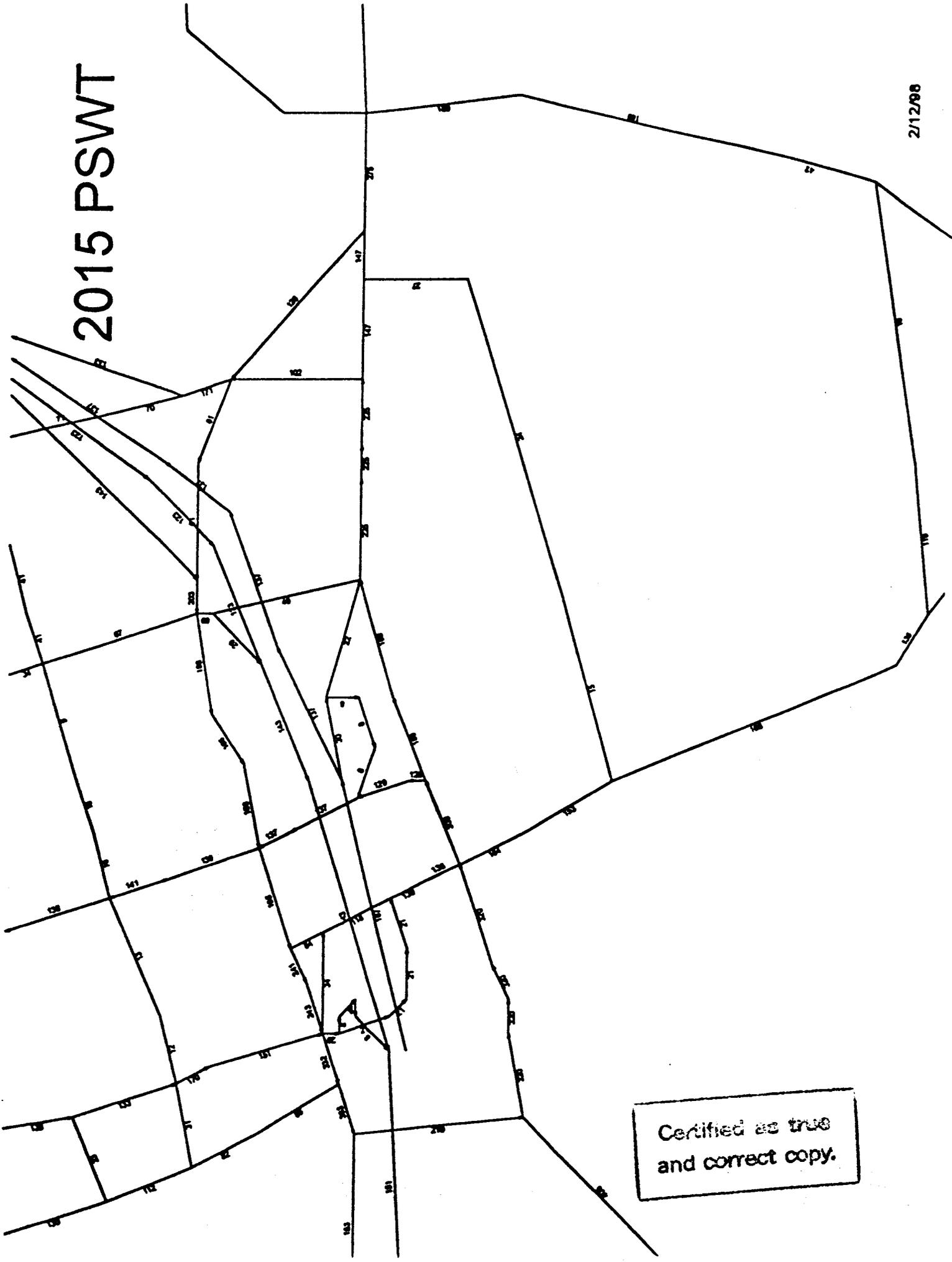
2015 PSWT



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2/12/88

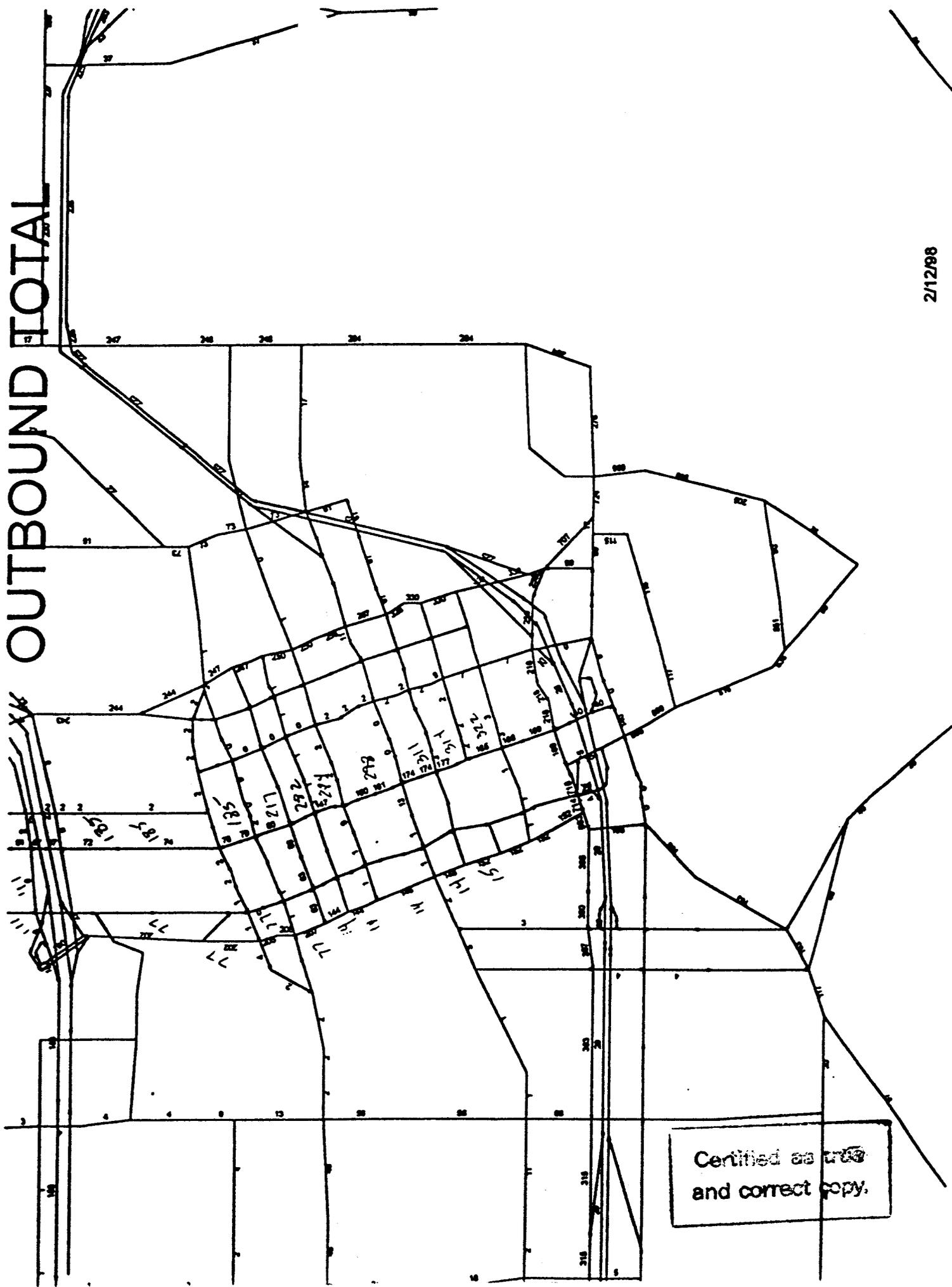
2015 PSWT



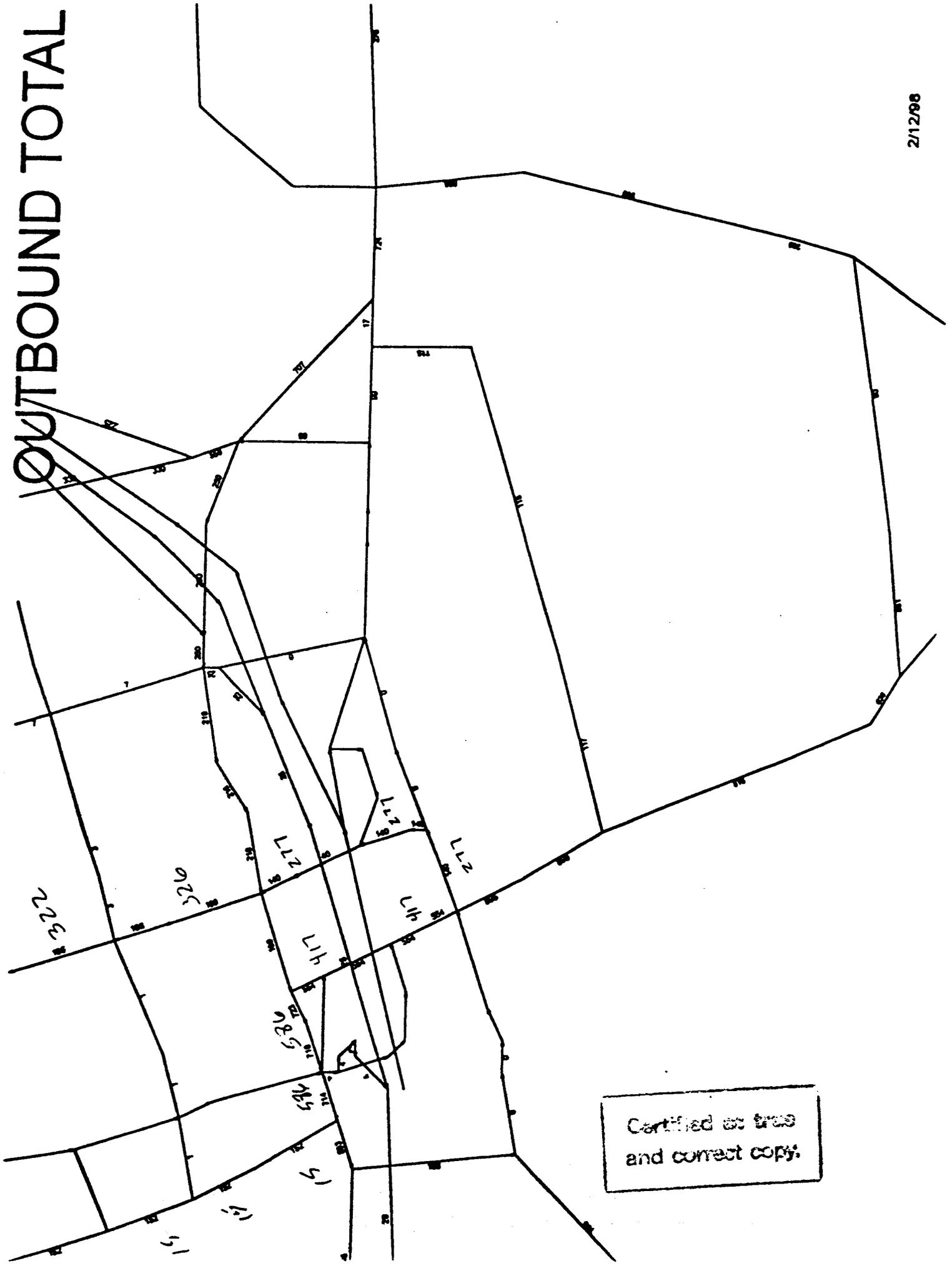
2/12/08

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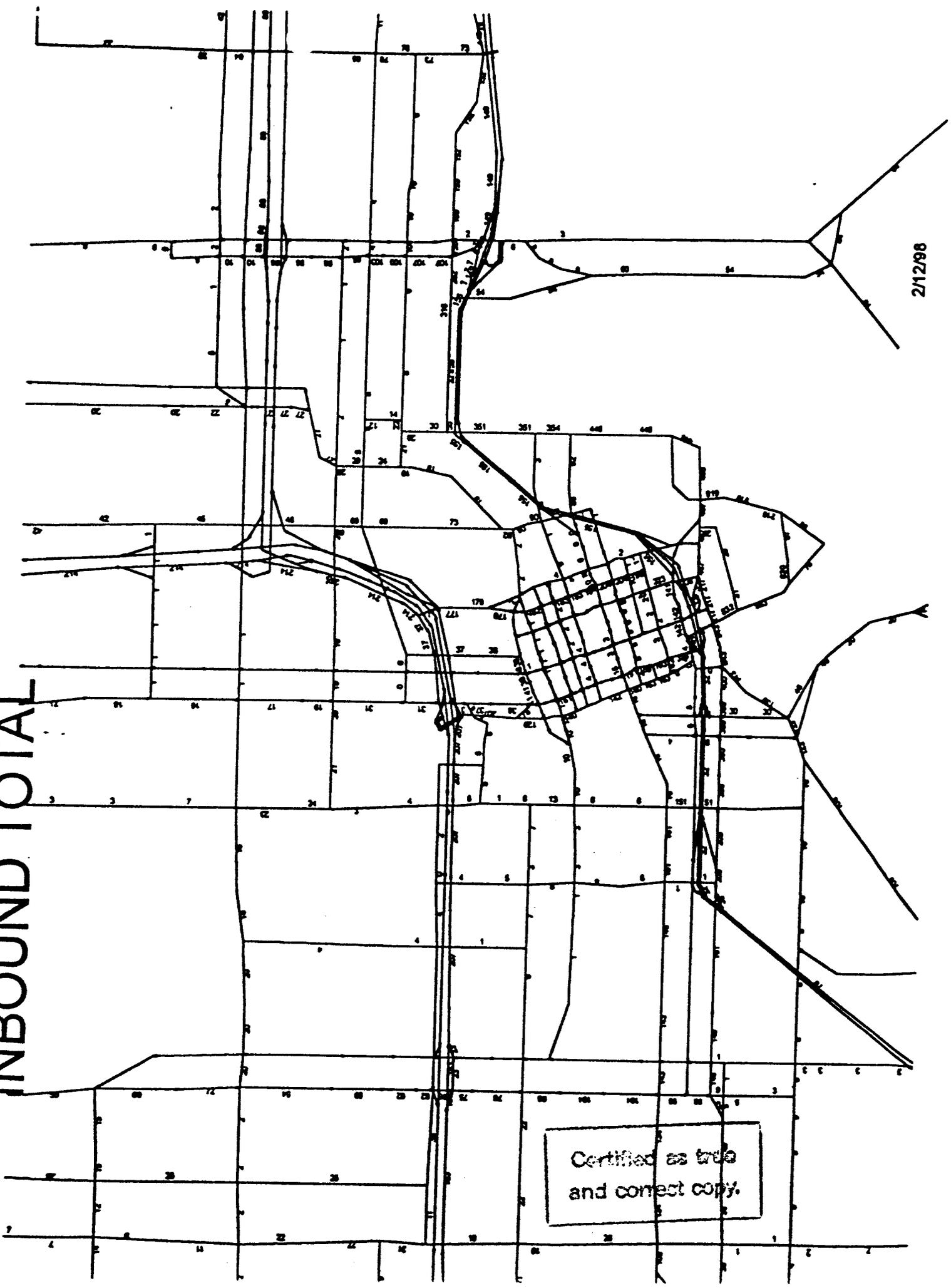
OUTBOUND TOTAL



OUTBOUND TOTAL



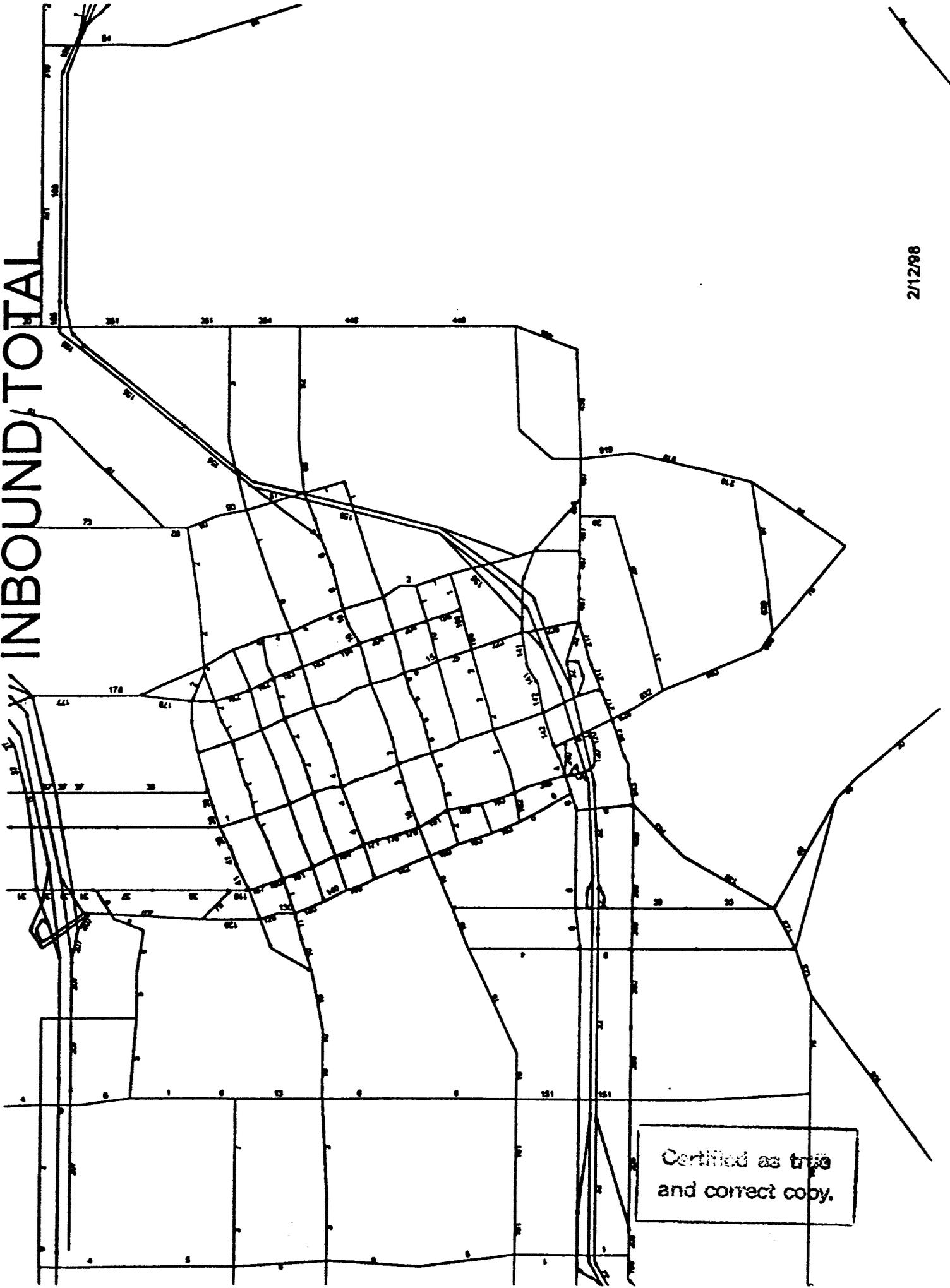
INBOUND TOTAL



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and correct copy.

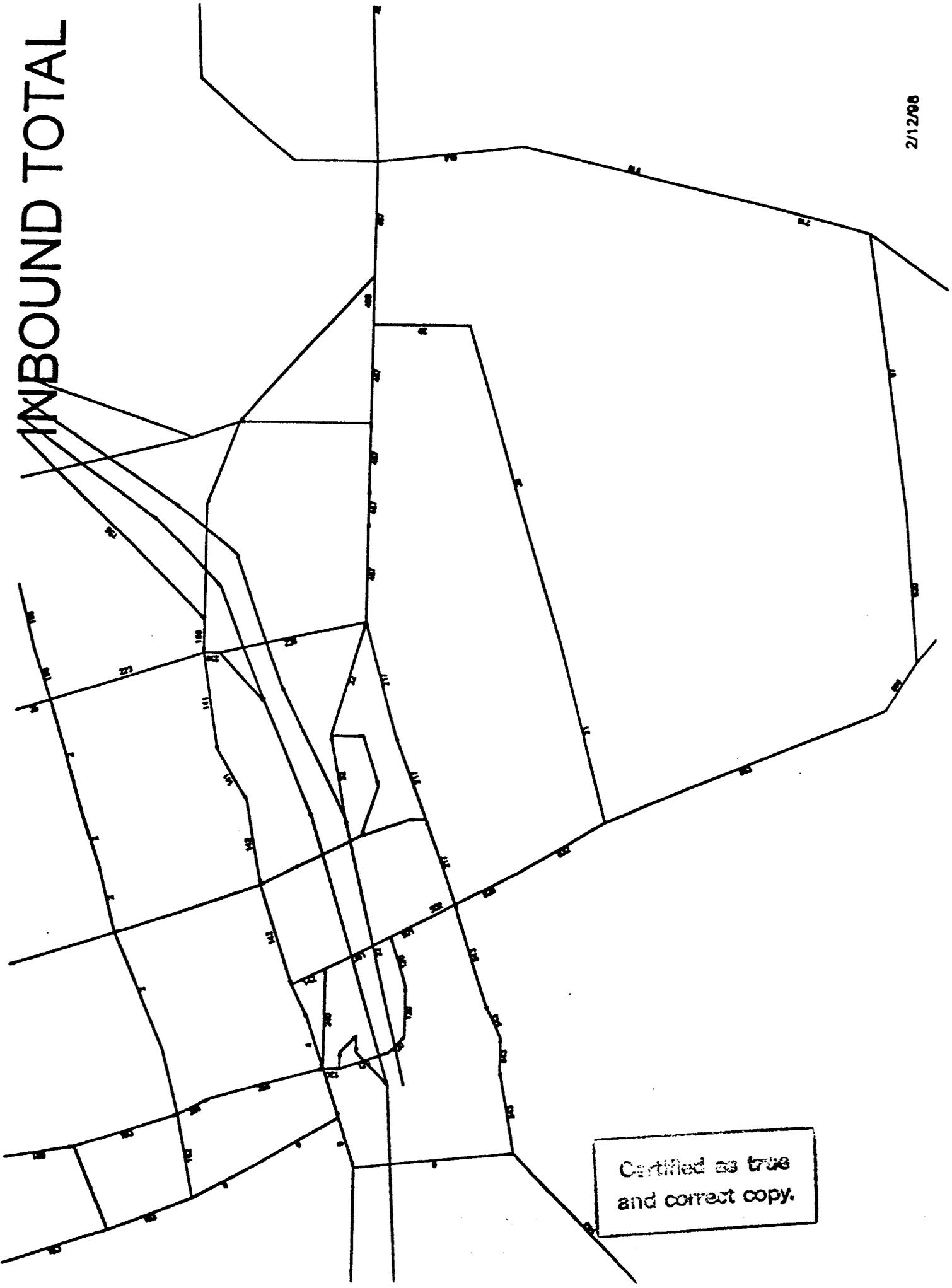
2/12/98

INBOUND TOTAL



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INBOUND TOTAL



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APPENDIX H

REVISED TABLE 31-6

VEHICLE TRIP GENERATION

**HARBOUR ISLAND PHASE II
TRANSPORTATION ANALYSIS NOPC
SUFFICIENCY RESPONSE, APRIL 1986**

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TABLE 31-6
(REVISED, 2/4/86)
VEHICLE TRIP GENERATION

HARBOUR ISLAND

Land Use Description	Size	Daily Trip Rate (1)	Daily Vehicle Trip Ends	P.M. Peak Hour Vehicle Trip Ends	
				IN	OUT
Office	1,000,000 s.f.	13.1/1,000 s.f.	13,100	367	1,493
Hotel	550 rooms	10.5/room	5,775	201	201
Conference Center	350 rooms	7.9/room	2,756	95	95
Condominium	4,650 d.u.	5.2/d.u.	24,180	1,581	791
Athletic Facilities	30,000s.f.	11.7/1,000 s.f.	351	36	9
Specialty Retail:(2)					
Quality Restaurant	47,000 s.f.	74.9/1,000 s.f.	3,520	179	110
Specialty Retail	193,000 s.f.	42.5/1,000 s.f.	8,203	390	390
		Total	57,885	2,849	3,089

Notes:

- (1) Rates are expressed as trip ends per unit shown.
- (2) Specialty Retail was assumed to comprise of 20 percent quality restaurant and 80 percent specialty retail. This is based on the existing Harbour Island retail component.

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and correct copy.

**HARBOUR ISLAND NOPC
APRIL 1998
APPENDIX "B"**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING A FIFTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HARBOUR ISLAND INC. FOR HARBOUR ISLAND, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7887-A, passed and ordained by the City Council of the City of Tampa, Florida, on February 18, 1982, approved a Development Order for Harbour Island (formerly known as Seddon Island) (the "Development"), a Development of Regional Impact (hereinafter said Ordinance shall be referred to as the "Original Development Order"); and

WHEREAS, Ordinance No. 9464-A, passed and ordained by the City Council of the City of Tampa, Florida, on December 18, 1986, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 89-260, passed and ordained by the City Council of the City of Tampa, Florida, on October 12, 1989, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 94-68, passed and ordained by the City Council of the City of Tampa, Florida, on April 14, 1994, approved a third amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Third Amendment"); and

WHEREAS, Ordinance No. 97-88, passed and ordained by the City Council of the City of Tampa, Florida, on April 24, 1997, approved a fourth amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Fourth Amendment") (hereinafter the Original Development Order, as amended by the First Amendment, Second Amendment, Third Amendment

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and Fourth Amendment, shall be collectively referred to as the "Development Order" unless otherwise expressly provided); and

WHEREAS, on _____ Harbour Island Inc. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the Harbour Island DRI, attached hereto as Composite Exhibit "A" and incorporated herein (the "NOPC"); and

WHEREAS, the Notice of Change proposes to i) extend the buildout date of the development to December 31, 2007, and ii) extend the termination date of the Development Order to December 31, 2012 (hereinafter the above listed modifications are collectively referred to as the "Proposed Changes"); and

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

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

WHEREAS, the 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

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

WHEREAS, the City Council has, on _____, held a duly noticed public hearing on the Proposed Changes and has reviewed and considered the Proposed Changes,

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and correct copy.

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; 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 Notice of Change and the Proposed Changes, as well as all related testimony and evidence submitted by each party and members of the general public; and

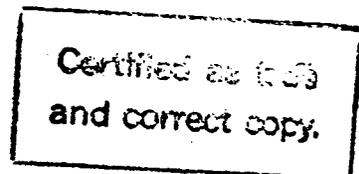
WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

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

- A. Harbour Island Inc. (the "Developer"), submitted to the City of Tampa the Notice of Change attached hereto as Composite Exhibit "A" and incorporated herein by reference.**



- B. The Notice of Change proposes to amend the Development Order to i) extend the buildout date of the development to December 31, 2007, and ii) extend the termination date of the Development Order to December 31, 2012 (hereinafter all proposed modifications as set forth in the Notice of Change shall be collectively referred to as the "Proposed Changes").
- C. The Proposed Changes are consistent with the State Comprehensive Plan.
- D. The Development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes, as amended.
- E. The Development is consistent with the local comprehensive plan and all local land development regulations.
- F. The Proposed Changes are consistent with the report and recommendations of the Tampa Bay Regional Planning Council ("TBRPC") and satisfies the provisions of Subsection 380.06(14), Florida Statutes, as amended.
- G. The Proposed Changes will not unreasonably interfere with the achievement of the objectives of the adopted state land development plan applicable to the area.
- H. A comprehensive review of the impacts generated by the Proposed Changes described in the Notice of Change has been conducted by the City of Tampa, TBRPC, the Tampa Port Authority, and other participating agencies and interested citizens which indicates that the impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of the Development Order, as amended by this Fifth Amendment to the Development Order.

- I. The Proposed Changes are presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes.
- J. That based upon the analyses which are part of Composite Exhibit "A" and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.
- K. 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.
- L. All statutory procedures have been adhered to.
- M. 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, reaches the following conclusions of law:

- A. That these proceedings have been duly conducted pursuant to applicable laws 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 review by the City of Tampa, TBRPC and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.
- C. That based on the foregoing and pursuant to Chapter 380.06(19), Florida Statutes, the Proposed Changes are not a substantial deviation to the previously approved Development Order.

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

- A. That the Proposed Changes are hereby approved, and the Development Order is hereby amended to incorporate the Notice of Change.
- B. That the Development Order is hereby amended to
 - i) Extend the buildout date of the development to December 31, 2007 as reflected on the Revised Phasing Schedule attached hereto as Exhibit "B" and incorporated herein by reference.
 - ii) Extend the expiration date of the Development Order to December 31, 2012. Accordingly, Section 6 of the Development Order, as amended in Subsection 1.C. of the First Amendment, Section 4 of the Second Amendment, and

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Subsection 3.3. of the Third Amendment, is hereby amended to provide as follows:

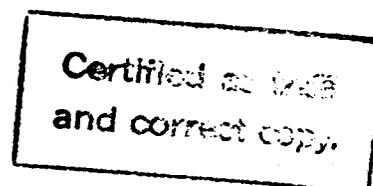
Section 6. Expiration of Development Order.

The Development Order shall be in effect until December 31, 2012. Any development activity wherein plans have been submitted to the City for review and approval prior to the expiration date of the Order, may be completed, if approved. This Development shall be substantially completed within one year of the buildout date and prior to the expiration date.

- C. The Original Development Order, as amended by the First Amendment, Second Amendment, Third Amendment, and Fourth Amendment, is hereby reaffirmed in its entirety, except as modified by this Ordinance.
- D. All of the Developer's commitments as set forth in the Notice of Change shall be honored, except as such commitments are superseded by the terms and conditions of this Ordinance.

Section 4. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Development Order.

Section 5. Development Order, As Amended. This Ordinance shall constitute the Fifth Amendment to Ordinance No. 7887-A, as amended by Ordinance No. 9464-A, Ordinance No. 89-260, Ordinance No. 94-68, and Ordinance No. 97-88, which shall constitute, collectively, the



Development Order 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 6. Binding Effect. That this Development Order shall be binding upon the Developer, its assigns, or successors in interest.

Section 7. Governmental Agencies. It is understood that any reference herein to any governmental agencies 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, Harbour Island Inc., Attention: Mr. Michael Price, 424 Knights Run Avenue, Tampa, Florida 33602, the Florida Department of Community Affairs (Bureau of State Planning) and the TBRPC.

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. 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.

Section 12. Recording. That the Developer shall record a notice of adoption of this Fifth Amendment to the Development Order pursuant to Chapter 380, Florida Statutes.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, on JUL 16 1998



CHAIRMAN, CITY COUNCIL

ATTEST:


CITY CLERK

APPROVED by me on _____

MAYOR

Prepared and Approved by:

ASSISTANT CITY ATTORNEY

Certified as true
and correct copy.

EXHIBITS TO FIFTH AMENDMENT TO DEVELOPMENT ORDER

Composite Exhibit "A" Notification of Proposed Change to a Previously Approved
Development of Regional Impact (NOPC)

Exhibit "B" Revised Phasing Schedule

A:\HarbIsland\ADO\5thADO033098.wpd

Certified as true
and correct copy.

EXHIBIT "B"
TO FIFTH AMENDED DEVELOPMENT ORDER
REVISED PHASING SCHEDULE

A. Phasing Schedule and Deadlines

1. Subject to the conditions set forth within the Development Order, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and Fifth Amendment, the development of the project shall proceed in accordance with the following table:

<u>Years</u>	<u>Use</u>	<u>Amount</u>
Combined Phases I & II (Build-out December 31, 2007)	Residential	4,650 d.u.
	Hotel	550 rooms
	Retail (Neighborhood & Specialty)	240,000 s.f.
	Office	1,049,999 s.f.
	Conference Center	350 rooms
	Athletic Center	30,000 s.f.
	Boat Slips	500 slips

DEVELOPMENT NOTES:

1. Approved land use totals are subject to an Equivalency Matrix contained in the Development Order, as amended.
2. Retail consists of 240,000 S.F. gross leasable area and 266,667 S.F. gross floor area.

Certified as true
and correct copy

EXHIBIT "B"
TO FIFTH AMENDED DEVELOPMENT ORDER
REVISED PHASING SCHEDULE

A. Phasing Schedule and Deadlines

1. Subject to the conditions set forth within the Development Order, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and Fifth Amendment, the development of the project shall proceed in accordance with the following table:

<u>Years</u>	<u>Use</u>	<u>Amount</u>
Combined Phases I & II (Build-out December 31, 2007)	Residential	4,650 d.u.
	Hotel	550 rooms
	Retail (Neighborhood & Specialty)	240,000 s.f.
	Office	1,049,999 s.f.
	Conference Center	350 rooms
	Athletic Center	30,000 s.f.
	Boat Slips	500 slips

DEVELOPMENT NOTES:

1. Approved land use totals are subject to an Equivalency Matrix contained in the Development Order, as amended.
2. Retail consists of 240,000 S.F. gross leasable area and 266,667 S.F. gross floor area.

City of...
and...

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

SUFFICIENCY RESPONSE

IN NORC FILE

Prepared for:

Harbour Island, Inc.
424 Knights Run Avenue
Tampa, Florida 33602

Prepared by:

Randy Coen
URS Greiner, Inc.
7650 W. Courtney Campbell Causeway
Tampa, Florida 33607
(813) 286-1711

Certified as true
and correct copy.

and

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

*Per 98-158
D281-63A*



CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

April 29, 1997

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

RE: Petition No. DZ81-63A
Ordinance 97-88

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 Ord 97-88

Certified Mail

TBRF-

ORDINANCE NO. 97-88

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING A FOURTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HARBOUR ISLAND INC. FOR HARBOUR ISLAND, A PREVIOUSLY APPROVED DEVELOPMENT OR REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7887-A passed and ordained by the City Council of the City of Tampa, Florida, on February 18, 1982, approved a Development Order for Harbour Island (formerly known as Seddon Island) (the "Development"), a Development of Regional Impact (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 9464-A passed and ordained by the City Council of the City of Tampa, Florida, on December 18, 1986, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 89-260 passed and ordained by the City Council of the City of Tampa, Florida, on October 12, 1989, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 94-68 passed and ordained by the City Council of the City of Tampa, Florida, on April 14, 1994, approved a third amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Third Amendment") (hereinafter the Development Order, as amended by the First Amendment, as amended by the Second Amendment, and as further amended by the Third Amendment, shall be collectively referred to

**Certified as true
and correct copy.**

April 8, 1997

as the "Development Order" unless otherwise expressly provided); and

WHEREAS, on September 19, 1996, Harbour Island Inc. (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06 (19), Florida Statutes for the Harbour Island DRI, attached hereto as Composite Exhibit "A" and incorporated herein (the "Notice of Change"); and

WHEREAS, on December 16, 1996, the Developer filed a supplemental response to comments provided by reviewing agencies, which is attached hereto as Composite Exhibit "A" and incorporated herein (the "First Supplemental Response"); and

WHEREAS, on April 4, 1997, the Developer filed a second supplemental response, which is attached hereto as composite Exhibit "A" and incorporated herein (the "Second Supplemental Response"); and

WHEREAS, on April 8, 1997, the Developer filed a third supplemental response, which is attached hereto as composite Exhibit "A" and incorporated herein (the "Third Supplemental Response") (hereinafter the Notice of Change, the First Supplemental Response, the Second Supplemental Response, and the Third Supplemental Response shall collectively be referred to as the "Notification of Change"); and

WHEREAS, the Notification of Change proposed to amend the Development Order to allow the placement of mooring facilities to occur parallel, perpendicular and in other appropriate

configurations; to expand the water area (legal description) previously designated as "Approved Boat Slip Locations"; to redefine the placement and location of sewer pump-out facilities; to clarify Specialty Retail square footage; to increase the amount of Office square footage by less than five percent (5%); and to incorporate a Revised Conceptual Development Plan (Revised Map H), (hereinafter the above listed modifications are collectively referred to as the "Proposed Changes"); and

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

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

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

WHEREAS, the City Council has, on April 10, 1997, 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; 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 Notification of Change 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 persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

- A. Harbour Island Inc. (the "Developer"), submitted to the City of Tampa the Notification of Change attached hereto as Composite Exhibit "A" and incorporated herein by reference.

- B. The Notification of Change proposes to amend the Development Order, to allow the placement of mooring facilities to occur parallel, perpendicular and in other appropriate configurations; to expand the water area (legal description) previously designated as "Approved Boat Slip Locations"; to redefine the placement and location of sewer pump-out facilities; to clarify Specialty Retail square footage; to increase the amount of Office square footage by less than five percent (5%); and to incorporate a Revised Conceptual Development Plan (Revised Map H), (hereinafter, all proposed modifications as set forth in the Notification of Change shall be collectively referred to as the "Proposed Changes").
- C. The Proposed Changes are consistent with the State Comprehensive Plan.
- D. The Development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes, as amended.
- E. The Development is consistent with the local comprehensive plan and all local land development regulations.
- F. The Proposed Changes are consistent with the report and recommendations of the Tampa Bay Regional Planning Council ("TBRPC") and satisfies the provisions of Subsection 380.06(14), Florida Statutes, as amended.

- G. The Proposed Changes will not unreasonably interfere with the achievement of the objectives of the adopted state land development plan applicable to the area.
- H. A comprehensive review of the impacts generated by the Proposed Changes described in the Notification of Change has been conducted by the City of Tampa, TBRPC, the Florida Department of Environmental Protection ("FDEP"), the Tampa Port Authority, and other participating agencies and interested citizens which indicates that the impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of the Development Order, as amended by this Fourth Amendment to the Development Order.
- I. The Proposed Changes are presumed to create a substantial deviation under subsection 380.06(19), Florida Statutes.
- J. That based upon the analyses which are part of Composite Exhibit "A" and the record of the proceedings, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.
- K. 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.

- L. All statutory procedures have been adhered to.
- M. 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, reaches the following conclusions of law:

- A. That these proceedings have been duly conducted pursuant to applicable laws 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 review by the City of Tampa, TBRPC and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

**Certified as true
and correct copy.**

C. That based on the foregoing and pursuant to Chapter 380.06(19), Florida Statutes, the Proposed Changes are found not to be a substantial deviation to the previously approved Development Order.

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

- A. That the Proposed Changes are hereby approved, and the Development Order is hereby amended to incorporate the Notification of Change.
- B. That the Development Order is hereby amended as follows:
1. Section 1 of the Development Order [which includes the approved Land Use Table for the Development, including the 500 approved boat slips] is amended to provide as follows:

The Development Order is amended to clarify and provide that the placement of mooring facilities for the wet storage, berthing and securing of watercraft (also referred to in the Development Order as "Boat Slips") shall be permitted to occur parallel, perpendicular and in a basin-like or marina configuration along the shoreline. The mooring facilities shall be constructed in accordance with applicable permits and approvals or, where applicable, new or modified permits and approvals from applicable permitting agencies.

The mooring facilities may be fixed or floating. Waterwalks, boat docks, revetments and seawalls planned for development to allow for access to boat slips and for securing shorelines will be constructed in accordance with applicable permitting regulations.

2. Section 2.A of the original Development Order, as amended by Section 4.A of the First Amendment, as amended by Section 3.A.6 of the Third Amendment, is hereby amended to modify the legal description of the Development to accommodate the expansion of the water area previously designated as "Approved Boat Slip Locations" for the 500 approved moorings, which legal description is attached hereto as Exhibit "B" and incorporated herein.
3. The Development Order is hereby amended to redefine the placement and location of the three (3) required sewage pump-out facilities, by allowing for two permanent and one portable sewage pump-out facility to be located in the northwest portion of Harbour Island. Accordingly, section 3.A.1.c.(i). of the Third Amendment is amended and restated as follows:
 - (i). The Developer shall provide three (3) sewage pump-out facilities. The sewage pump-out facilities shall consist of two permanent and

one portable pump-out facility and shall be located in the northwest portion of Harbour Island. One permanent and one portable pump out facility have been provided. The second permanent pump-out facility shall be provided prior to completion of the Phase I Boat Slips (300 boat slips).

In addition, the Development Order is amended to include a new subsection 3.A.1.g.(x) which provides as follows:

(x). Sewage pump out facilities shall be operated only by trained marina staff or with direct supervision of operations by trained marina staff. The sewage pump out areas shall be properly illuminated during operations. The sewage pump out facilities shall be locked or otherwise inoperative whenever a trained marina staff person is not available.

4. The Development Order is hereby amended to clarify that the approved Specialty Retail (Commercial) component of the Development is identified in terms of both Gross Leasable Area (GLA) and Gross Floor Area (GFA). Accordingly, Section 1 of the original Development Order [which contains the approved Land Use Table for the Development] is hereby amended to provide that the approved Specialty Retail land use

component of the Development consists of 240,000 square feet GLA which is equivalent to 266,667 square feet GFA.

5. The Development Order is hereby amended to increase the approved Office land use component of the Development by 49,999 square feet Gross Floor Area (GFA). Accordingly, Section 1 of the original Development Order is hereby amended to provide that the approved Office component of the Development consists of 1,049,999 square feet (GFA). [Land uses are subject to Subsections 4.T (water supply) and 4.U. (wastewater) of the original Development Order, Ordinance No. 7887-A].
6. The Development Order is hereby amended to incorporate and refer to the Revised Conceptual Development Plan (Revised Map H dated November 15, 1996) attached hereto and incorporated herein as Exhibit "C" in lieu of the Revised Conceptual Development Plan approved as part of the Third Amendment (Exhibit C to the Third Amendment).
7. In order to address comments provided by the Florida Department of Environmental Protection (FDEP), the Development Order is amended to include a new subsection 3.A.1.f.(iii) which provides as follows:

(iii). Permitting for mooring facilities shall include conditions which require standard manatee construction conditions to be followed for all in-water work and that permanent manatee information displays be installed and maintained.

8. In order to address the comments of the Tampa Port Authority, the Development Order is hereby amended as follows:

The portion of the boat slip area located to the east of the Beneficial Drive bridge shall be limited to the area depicted on Exhibit "D" attached hereto and incorporated herein (the "Northeast Boat Slip Area"). The Northeast Boat Slip Area shall be further limited to a maximum of thirty-two (32) boat slips and such boat slips shall be available only for non-public use (for use only by occupants of Harbour Island and their guests). The specific boat slip configuration in the Northeast Boat Slip Area shall be subject to review and approval by the Tampa Port Authority and other permitting agencies in accordance with applicable permitting regulations. Approval of this Development Order is not intended, and shall not be

Section 6. Binding Effect. That this Development Order shall be binding upon the Developer, its assigns, or successors in interest.

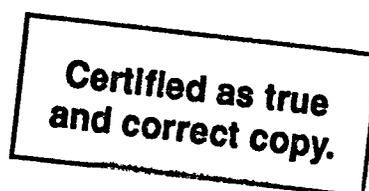
Section 7. Governmental Agencies. It is understood that any reference herein to any governmental agencies shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this development order.

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, Harbour Island Inc., attention: Mr. Michael Price, 424 Knights Run Avenue, Tampa, FL 33602, the Florida Department of Community Affairs (Bureau of State Planning) and the TBRPC.

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. Effective Date. That this Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall



Exhibits A-D
in NOPC file
for 97-88 (5/97)



CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

April 18, 1994

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 32702

RE: Petition No. DZ81-63
Ordinance No. 94-68

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,
(813) 223-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Ordinance No. 94-68

CERTIFIED MAIL

cc: Land Development Coordination



315 E. Kennedy Blvd., City Hall • Tampa, Florida 33602 • 813/223-8396

Printed on Recycled Paper

see. part.

ORDINANCE NO. 94-68

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING A THIRD AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HARBOUR ISLAND INC. FOR HARBOUR ISLAND, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7887-A passed and ordained by the City Council of the City of Tampa, Florida, on February 18, 1982, approved a Development Order for Harbour Island (formerly known as Seddon Island) (the "Development"), a Development of Regional Impact (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 9464-A passed and ordained by the City Council of the City of Tampa, Florida, on December 18, 1986, approved a first amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 89-260 passed and ordained by the City Council of the City of Tampa, Florida, on October 12, 1989, approved a second amendment to the Development Order (hereinafter said Ordinance shall be referred to as the "Second Amendment") (hereinafter the Development Order as amended by the First Amendment, as amended by the Second Amendment, shall be collectively referred to as the "Development Order" unless otherwise expressly provided); and

WHEREAS, on April 9, 1991, Harbour Island Inc. (the "Developer") filed a Request for a Substantial Deviation to a Development of Regional Impact Application for Development Approval under Chapter 380.06, Florida Statutes, dated March 1991 (the "Substantial Deviation"); on November 4, 1991, the Developer filed the First Sufficiency Response dated November 1991 (the "First Sufficiency Response"); on April 22, 1992, the Developer filed the Second Sufficiency Response dated April 1992 (the "Second Sufficiency Response"); and the Developer filed supplemental responses on December 15, 1992 (dated December 11, 1992), January 12, 1994 and January 26, 1994 (the "Supplemental Responses") (hereinafter the Substantial Deviation, First Sufficiency Response, Second Sufficiency Response and Supplemental Responses shall together be referred to as the "Substantial Deviation Application," unless otherwise expressly provided, and are attached hereto as Composite Exhibit "A" and incorporated herein by reference; and

WHEREAS, the Substantial Deviation Application proposes to amend the Application for Development Approval (hereinafter the "ADA") as approved in the Development Order, to incorporate an additional 400 wet boat slips into the currently

Certified as true
and correct copy.

approved land uses; to add a 175 seat attraction facility as an approved land use; to provide for an extension of the period of effectiveness of the Development Order to the year 2005; to clarify that the remainder of the Development has been combined into one phase with a buildout date of November 30, 2000; to clarify that an increase in the number of external vehicular trips generated by the Development by fifteen percent (15%) or more above the number which was projected in the 1985 transportation analysis incorporated as part of the Development Order, as amended by this Substantial Deviation Approval, shall require a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes; to revise the Conceptual Development Plan (Map H) as depicted on the revised Conceptual Development Plan (Map H dated March 31, 1994) to include the 400 additional wet boat slips and the 175 seat attraction facility; and to revise the legal description of the Development to accommodate a portion of the 400 additional wet boat slips, all as more specifically set forth in the Substantial Deviation Application (the "Proposed Amendments"); and

WHEREAS, the Proposed Amendments to the Development Order shall constitute the Substantial Deviation Approval; and

WHEREAS, the City Council has reviewed and considered the Substantial Deviation Application, as well as all related testimony and evidence submitted by the Developer concerning the Substantial Deviation Application; 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 Substantial Deviation Application and to amend the Development Order; and

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

WHEREAS, the City Council has, on March 31, 1994, held a duly noticed public hearing on the Substantial Deviation Application and the Proposed Amendments and has reviewed and considered the Substantial Deviation Application and the Proposed Amendments, 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; and

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

WHEREAS, the City Council has reviewed and considered the Substantial Deviation Application and the Proposed Amendments, 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 persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

- A. The Owner of the Development is Harbour Island Inc. and the developer is Harbour Island Inc. (the "Developer").
- B. That the Developer submitted to the City of Tampa the Substantial Deviation Application attached hereto as Composite Exhibit "A" and incorporated herein by reference.
- C. That the Substantial Deviation Application proposes to amend the Application for Development Approval (hereinafter the "ADA") as approved in the Development Order, to incorporate an additional 400 wet boat slips into the currently approved land uses; to add a 175 seat attraction facility as an approved land use; to provide for an extension of the period of effectiveness of the Development Order to the year 2005; to clarify that the remainder of the Development has been combined into one phase with a buildout date of November 30, 2000; to clarify that an increase in the number of external vehicular trips generated by the Development by fifteen percent (15%) or more above the number which was projected in the 1985 transportation analysis incorporated as part of the Development Order, as amended by this Substantial Deviation Approval, shall require a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes; to

revise the Conceptual Development Plan (Map H) as depicted on the revised Conceptual Development Plan (Map H dated March 31, 1994) to include the 400 additional wet boat slips and the 175 seat attraction facility; and to revise the legal description of the Development to accommodate a portion of the 400 additional wet boat slips, all as more specifically as set forth in the Substantial Deviation Application (the "Proposed Amendments").

- D. That the legal description of the real property which is the subject of this Substantial Deviation Application is set forth in Exhibit "B", attached hereto and incorporated herein by reference.
- E. That the Substantial Deviation Application proposes modifications to the Development Order for the Harbour Island Development of Regional Impact (the "Development").
- F. That the Development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes, as amended.
- G. That the Development is consistent with the local comprehensive plan and all local land development regulations.
- H. That the Development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council ("TBRPC") and satisfies the provisions of Subsection 380.06(14), Florida Statutes, as amended.
- I. That the Development will not unreasonably interfere with the achievement of the objectives of the adopted state land development plan applicable to the area.
- J. That a comprehensive review of the impacts generated by the Proposed Amendments described in the Substantial Deviation Application has been conducted by the City of Tampa, TBRPC, the Florida Department of Environmental Protection ("FDEP"), the Tampa Port Authority, and other participating agencies and interested citizens which indicates that the impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of the Development Order, as amended by this Substantial Deviation Approval.

- K. That the additional regional impact or impacts which may be generated by the Proposed Amendments described in the Substantial Deviation Application have been reviewed in accordance with the criteria set forth in Chapter 380, Florida Statutes.

Section 2. 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 laws and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Proposed Amendments as described herein, subject to the conditions, restrictions and limitations set forth herein.
- B. That the review by the City of Tampa, the TBRPC and other participating agencies and interested citizens concludes that the impacts of the Substantial Deviation Application are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.
- C. The basis of this substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and adoption of this Ordinance is that the Developer has determined or admitted that the Substantial Deviation Application is a substantial deviation under Subsection 380.06(19), Florida Statutes.

Section 3. Order. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Substantial Deviation Application is hereby accepted and approved, subject to the following conditions, restrictions, and limitations:

- A. The Proposed Amendments, specifically the amendments to the ADA as approved in the Development Order, to incorporate an additional 400 wet boat slips to the currently approved land uses; to add a 175 seat attraction facility as an approved land use; to provide for an extension of the period of effectiveness of the Development Order to the year 2005; to clarify that the remainder of the Development has been combined into one phase with a buildout date of November 30, 2000; to clarify that an increase in the number of external vehicular trips

generated by the Development by fifteen percent (15%) or more above the number which was projected in the 1985 transportation analysis incorporated as part of the Development Order, as amended by this Substantial Deviation Approval, shall require a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes; to revise the Conceptual Development Plan (Map H) as depicted on the revised Conceptual Development Plan (Map H dated March 31, 1994) to include the 400 additional wet boat slips and the 175 seat attraction facility; and to revise the legal description of the Development to accommodate a portion of the 400 additional wet boat slips, all as more specifically set forth in the Substantial Deviation Application (the "Proposed Amendments") are hereby approved, and the Development Order, as amended by this Substantial Deviation Approval, is amended as follows:

1. Section 1 of the Development Order (which incorporates the approved land use schedule for the Development) is hereby amended to add 400 additional wet boat slips (the "Boat Slip Expansion") to the 100 existing approved wet boat slips, and the Conceptual Development Plan (Map H) is hereby amended to incorporate the 400 additional wet boat slips, as contained in the revised Conceptual Development Plan (Map H dated March 31, 1994), attached hereto as Exhibit "C" and incorporated herein. The Boat Slip Expansion shall be subject to the following conditions, limitations and restrictions:

a. Phases. The Boat Slip Expansion shall be phased as follows: "Phase I Boat Slips" shall be the originally approved 100 wet boat slips, and 200 of the 400 wet boat slips which are the subject of this Substantial Deviation Application; "Phase II Boat Slips" shall be the remaining 200 wet boat slips of this Substantial Deviation Application.

b. Floodplains/Disaster Preparedness.

(i) The Developer shall continue to work with the Hillsborough County Department of Emergency Planning Operations to expand the plan of action

and maintain emergency readiness for the Boat Slip Expansion. The existing evacuation plan for the Development should be expanded to include the following items pertaining to the Boat Slip Expansion:

- (a) provision for early warning of boat owners and employees;
 - (b) provision for boat and marina security;
 - (c) specific actions to be taken by project employees at the beginning of the hurricane season (preparedness), hurricane watch and (early) warning/evacuation phases of a hurricane response; and
 - (d) procedures must ensure safety of employees in addition to property protection.
- (ii) Public information to complement the existing hurricane evacuation plan and to convey the information contained within the plan to the employees and boat owners shall be provided and maintained for the Boat Slip Expansion. The information should be developed for the purpose of educating the Development's boat owners and employees regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters; and the identification of steps to minimize property damage and to protect human life, including detailed emergency operating procedures for the Boat Slip Expansion area itself.

c. Wastewater Management.

- (i) The Developer shall provide three permanent sewage pump-out facilities, as described below, and shall reserve a slip adjacent to each facility to accommodate usage of the facilities. These sewage pump-out facilities shall be evenly dispersed along

the docking facilities: one located at the site of the present facility, one at the northern end of the Boat Slip Expansion area, and one located along the southwestern edge of Harbour Island. The permanent facility at the site of the present portable facility located at the site of the existing slips shall be installed within one year of rendition of this Ordinance, subject to no appeals. The facility at the southwest edge of the island shall be installed upon construction and occupancy of the Phase I Boat Slips of the Boat Slip Expansion. The facility at the northern end of the island shall be required prior to occupancy of any slips along Garrison Channel. The slips required to be reserved adjacent to each facility will not be counted as a boat slip for purposes of calculating the number of boat slips which are constructed in the Development.

- (ii) Disposal of hazardous wastes (as defined by applicable regulations) into the sewer system shall be prohibited.
- (iii) The Boat Slip Expansion sewage pump-out stations shall be monitored annually for leaks and ruptures. Faulty lines or equipment shall be replaced as quickly as possible.
- (iv) The City of Tampa has determined that it currently has permitted, adequate, available and committed capacity to provide wastewater treatment service for the additional wastewater demand to be generated from the Boat Slip Expansion. Any upgrading of the wastewater collection lines necessary to accommodate the additional 20,000 gallons/day flow generated by the additional 400 slips shall be the responsibility of Harbour Island Inc.

d. Solid Waste.

- (i) Boat slip owners and renters shall be required to adhere to all applicable federal, state, and local legislation concerning hazardous materials, and the use of toxic materials shall be prohibited.
- (ii) A regular litter cleanup and garbage pickup program shall be instituted upon initial occupancy of the Boat Slip Expansion project. A well-marked central collection location shall be designated to collect waste oil and other hazardous material generated from boats occupying slips within the Boat Slip Expansion area.

e. Wetlands.

- (i) Any wetland losses allowed pursuant to TBRPC policy shall be minimized to unavoidable losses and shall require 1:1 in-kind wetland replacement, at minimum. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being disturbed and shall provide water quality benefits and plant and animal habitat equivalent to the wetland to be destroyed or altered.
- (ii) All wetland mitigation for construction of the sea wall and boat slips in the Boat Slip Expansion area shall be consistent with the specific conditions included in FDER Permit #291690713, dated April 18, 1990. Compliance with these conditions shall be addressed in each annual report for the Development.
- (iii) Covered slips which would shade littoral or submerged vegetation shall be prohibited.

f. Vegetation and Wildlife.

- (i) The Boat Slip Expansion shall be phased, as suggested by the FDEP, in order to assess and reduce the impacts of the additional slips upon the

West Indian manatee. "Phase I Boat Slips" shall be the originally approved 100 boat slips, and 200 of the 400 boat slips which are the subject of this Substantial Deviation Application. "Phase II Boat Slips" shall be the remaining 200 boat slips of this Substantial Deviation Application. Approval of Phase II Boat Slips shall be contingent upon a letter from FDEP indicating that the construction and use of these additional wet boat slips are not expected to significantly impact the manatee. If the existing boating safety zones and other manatee protective measures existing at that time prove ineffective to reduce the potential impacts of additional boat slips, additional recommendations by FDEP may be required. These recommendations may include, but not be limited to, denial of additional slips, limitations of the types of vessels allowed (sailboat/powerboat), additional speed zone protection, and/or development of a local Manatee Protection Plan. A letter from FDEP is contingent upon the results of a review and determination of adverse impacts to manatees resulting from Phase I Boat Slips, the effectiveness of existing speed zones in protecting manatees, and the implementation of specific manatee protection speed zones for all other areas within the boater's sphere of influence of the Boat Slip Expansion (approximately 10 miles). The FDEP review shall commence upon the request of the Developer, which request shall be no earlier than the construction and occupancy of 200 Phase I Boat Slips, and the Developer's submittal of an FDEP-approved boater destination study. This destination study shall be performed after the construction and occupancy of at least 200 Phase I Boat Slips and shall be performed using FDEP-approved survey methods.

The FDEP assessment of the impact of these 200 Phase I Boat Slips and potential risk assessment for the Phase II Boat Slips shall then be completed within a reasonable period of time required to perform such an assessment.

- (ii) In the event that any state- or federally-listed plant or animal species, in addition to those already identified as occurring on-site, are observed using the Boat Slip Expansion area for nesting, feeding, or breeding, appropriate action shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC) and the FDEP.

g. Water Quality.

- (i) As committed by the Developer, there shall be no fuel storage tanks or fuel pumping facilities associated with the Boat Slip Expansion.
- (ii) The dockmaster shall, through the use of slip lease provisions and deed restrictions, enjoin water-polluting activities at the boat slips, such as improper disposal of painting and cleaning materials, bilge water, and the contents of holding tanks.
- (iii) No boat maintenance, other than routine maintenance, such as cleaning of boats, shall be conducted, nor shall any maintenance facilities be located as part of the Boat Slip Expansion.
- (iv) There shall be no live-aboards in the Boat Slip Expansion area.
- (v) The Developer shall prohibit the use of toxic materials in the Boat Slip Expansion area.
- (vi) The Developer shall maintain spill removal equipment (small booms, oil-absorbent pads) on-site to collect minor petroleum spills which routinely occur within marina facilities (bilge water, overfills, illegal waste oil disposal).

- (vii) A regular litter cleanup and garbage pickup program shall be instituted upon occupancy of the Boat Slip Expansion area for the entire Boat Slip Expansion area including water areas.
- (viii) A well-marked central collection location shall be designated to collect waste oil and other hazardous material generated from boats occupying slips within the Boat Slip Expansion area.
- (ix) The Developer shall provide to all Harbour Island boat slip users information that:
 - (a) indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas; and
 - (b) advises of applicable statutes and regulations regarding hazardous wastes and materials.

h. Water Supply.

- (i) Planning and development of the Boat Slip Expansion shall conform to, and further, the applicable rules and guidelines adopted by the Southwest Florida Water Management District ("SWFWMD") for the Eastern Tampa Bay Water Use Caution Area.
- (ii) Water-saving devices shall be required as part of the Boat Slip Expansion as mandated by the Florida Water Conservation Act (Section 533.14, F.S., 1985) and native vegetation shall be used in landscaping to the greatest extent feasible.
- (iii) The City of Tampa has determined that it currently has permitted, adequate and available capacity to provide potable water service for the additional potable water demand to be generated from the Boat Slip Expansion. When service is desired, an Application for Commitment form must be completed and returned to the Water Department.

i. Stormwater.

(i) The Developer shall comply with all applicable stormwater requirements in accordance with the City of Tampa Code.

j. Energy.

(i) Assurance shall be provided of adequate electrical service to serve the total Harbour Island Development at build-out.

(ii) The Developer shall utilize the most feasible energy-efficient lighting for the Boat Slip Expansion.

k. Health Care, Police and Fire Protection.

(i) The City has determined that there are adequate facilities to accommodate the increased demand for fire, police and EMS services which will be generated by the Boat Slip Expansion.

(ii) Adequate and appropriate emergency access shall be provided to all areas of the Boat Slip Expansion, pursuant to applicable City of Tampa regulations and codes, including City of Tampa Code Chapter 11.

(iii) The Boat Slip Expansion's fire system shall meet applicable provisions of Chapter 4A-3, FAC, (National Fire Protection Association's Section 303, "Boat Slips and Boatyards") in addition to applicable local fire codes and regulations, including City of Tampa Code Chapter 11.

(iv) The Developer shall supply the Boat Slip Expansion boat slips with fire extinguishers and fire hydrants in sufficient numbers and appropriate locations to accommodate fire-fighting operations.

(v) The Developer shall provide facilities to assure that adequate water pressure and flow for fire-fighting services will be provided for the Boat Slip Expansion.

Certified as true
and correct copy.

1. Port Facilities.

- (i) In order to minimize the transportation impacts, as assumed in the Substantial Deviation Application, the Boat Slip Expansion slips shall be available for use only by residents and tenants of Harbour Island, with usage controlled through slip leases and deed restrictions, and there shall be no charter boat operations, boat rentals, boat sales, or any commercial activity in the Boat Slip Expansion area.
- (ii) The following "License Rules and Regulations" of the Harbour Island "Boat Slip License Agreement", Exhibit SR-1 of the First Sufficiency Response, shall be included in all slip leases and deeds for the Boat Slip Expansion: (b) through (e), (g) through (k). In addition, the following "miscellaneous" stipulations of the "Boat Slip License Agreement" shall be included in all slip leases and deeds for the Boat Slip Expansion: (c), (d), and (j).
- (iii) The Developer shall provide TBRPC, the City of Tampa, and the DCA with copies of all dredge and fill and boat slip construction permit applications, permits and permit modification requests for the Boat Slip Expansion.
- (iv) The conditions of FDER Permit #291690713 are incorporated by reference in this Ordinance, and compliance with same shall be assessed in each annual report.
- (v) The comments of the Tampa Port Authority ("TPA") are addressed as follows:
 - (a) The existing boat slips are subject to TPA Permit #89-248 and are subject to the terms and conditions of such permit. Future boat slip construction will be subject to applicable TPA and FDEP permitting requirements and will be subject to the terms and conditions of such future permits.

(b) Approval of the Boat Slip Expansion is not intended, nor shall it be construed, to require that TPA is required to maintain Garrison Channel or Seddon Channel.

- m. The first annual report, after occupancy of any Boat Slip Expansion area, shall include a copy of the slip lease agreement and standard deed restrictions for boat slips. Any revised lease agreements and deeds for the Boat Slip Expansion area shall be provided in subsequent annual reports. The annual report shall also contain information regarding, at minimum, hurricane evacuation procedures, a hurricane damage probability statement, wetland mitigation progress reports and sanitation device procedures for the Boat Slip Expansion.
2. Section 1 of the Development Order is further amended to add a 175 seat attraction facility as an approved land use, and the Conceptual Development Plan (Map H) is hereby amended to add a 175 seat attraction facility as an approved land use hereunder, and such attraction facility may be located within those areas on the revised Conceptual Development Plan (Map H dated March 31, 1994), attached hereto as Exhibit "C" and incorporated herein, depicted as Commercial (Retail). Square footage for the attraction facility shall be drawn from commercial (retail).
3. Section 6 of the Development Order, (as restated Section 1.c. of the First Amendment and in Section 4 of the Second Amendment), is hereby amended to be contained in Section 6 of the Development Order and to provide as follows:

Section 6. Expiration of Development Order.

The Development Order shall be in effect until November 30, 2005. Any development activity wherein plans have been submitted to the City for review and approval prior to the expiration date of the Order, may be completed, if approved. This Development shall be substantially completed within one year of the buildout date and prior to the expiration date.

4. The Development Order is hereby amended to clarify that the remainder of the Development has been combined into a single phase with a buildout date of the year November 30, 2000.

5. Subsection 3.B. of the First Amendment is hereby restated and amended to be consistent with the threshold set forth in Subsection 380.06(19)(b)15., Florida Statutes, as follows:

B. The monitoring program shall include provision of daily and peak hour traffic counts on an annual basis to the City of Tampa, the FDOT and TBRPC. If the monitoring reveals that actual external vehicle trips (average daily or P.M. peak hour) are exceeding the projected external vehicle trips, 34,670 average daily or 4,324 peak hour, by fifteen percent (15%) or more, then the developer shall be required to undergo a substantial deviation determination pursuant to Section 380.06(19), Florida Statutes.

6. The Development Order is hereby amended to modify the legal description of the Development to accommodate a portion of the 400 additional wet boat slips, which legal description is attached hereto as Exhibit "B" and incorporated herein.

B. The Substantial Deviation Application provides analyses which have addressed the Proposed Amendments on a cumulative basis.

C. All of the Developer's commitments as set forth in the Substantial Deviation Application shall be honored, except as such commitments are superseded by the terms and conditions of this Ordinance.

D. Should the Developer divest itself of all interest in Harbour Island prior to the expiration of the Development Order, the Developer shall designate the successor entity to be responsible for preparation of the annual report subject to approval by the City of Tampa.

E. Payment for any future activities of the TBRPC with regard to the Development, including but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the Developer in accordance with the DRI review fee schedule within 15 days of billing.

Section 4. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this development order.

Section 5. Development Order, As Amended. This Ordinance shall constitute the Third Amendment to Ordinance No. 7887-A, as amended by Ordinance No. 9464-A and Ordinance No. 89-260, which shall constitute, collectively, the Development Order 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 6. Binding Effect. That this Development Order shall be binding upon the Developer, its assigns, or successors in interest.

Section 7. Governmental Agencies. It is understood that any reference herein to any governmental agencies 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 development order.

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, Harbour Island Inc., attention: Mr. Donald A. Furtado, Executive Vice President, Harbour Associates, Inc., 420 Knights Run Avenue, Tampa, FL 33602, the Florida Department of Community Affairs (Bureau of State Planning) and the TBRPC.

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

Certified as true
and correct copy.

Section 12. Recording. That the Developer shall record a notice of adoption of this Third Amendment to the Development Order pursuant to Chapter 380, Florida Statutes.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON APR 14 1994.

Joe Greco
CHAIRMAN, CITY COUNCIL

ATTEST:
Janett S. Martini
CITY CLERK

APPROVED by me on 'APR 15 1994
Sandra W. Friedman
MAYOR

Prepared and Approved by:

Shirley K. ...
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 94-68 as file in my office.

Witness my hand and official seal this 15th day of April, 19 94.

Janett S. Martini
CITY CLERK

BY: Nancy Townsend
CITY CLERK
NANCY TOWNSEND, DEPUTY CITY CLERK

HARBOUR ISLAND AMENDED DEVELOPMENT ORDER

EXHIBIT LIST

Composite Exhibit "A":

- Request for Substantial Deviation to a Development of Regional Impact Application for Development Approval under Chapter 380.06, Florida Statutes, dated March 29, 1991
- First Sufficiency Response dated November 1991
- Second Sufficiency Response dated April 1992
- Supplemental Responses dated December 11, 1992, January 12, 1994 and January 26, 1994

Exhibit "B" - Legal description which is the subject of the Substantial Deviation Application

Exhibit "C" - Revised Conceptual Development Plan (Map H dated March 31, 1994)

Ord 94-68