

#250



CITY OF TAMPA

Bob Buckhorn, Mayor

Growth Management & Development Services

Land Development Coordination

September 21, 2011

Mr. Randy Coen
Coen & Company
4121 West Cypress Street
Tampa, Florida 33607

Re: **Independence Park DRI**– Extension of the DRI Pursuant to HB 7207

Dear Randy:

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

Based upon the information provided, we have determined that the approved development has met the provisions of HB 7207 for an extension of time and is, therefore, extended for four years from the date of its build out and expiration. The new build out date is December 31, 2017. Please be advised that the four year extension does not impair the authority of the City of Tampa to require the property subject to the extension to be secured and maintained in a safe and sanitary condition in compliance with applicable codes and regulations. In addition, the extension request is issued by the City of Tampa for permits and development orders solely under its jurisdiction. Outside agencies which may have extra jurisdictional authority should be contacted for permit extensions separately.

Regards,

Susan L. Johnson
Subdivision Coordination
City of Tampa, Florida

#250



CITY OF TAMPA

Pam Iorio, Mayor

Growth Management & Development Services

Land Development Coordination

October 7, 2010

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

Re: Independence Parkway Development of Regional Impact – Extension of Phase 1 Build Out Pursuant to HB 1752

Dear Sir/Madam:

We are in receipt of your request to extend the build out date for Phase 1 of the Independence Parkway Development of Regional Impact. The Florida Legislature recently enacted House Bill 1752 in recognition of 2010 real estate conditions, which extended certain permits issued by Florida Department of Environmental Protection and Water Management Districts. **This extension includes any local government issued development order or building permit that has an expiration date of September 1, 2008 through January 1, 2012**

Based upon the information you provided, we have determined that the permit has met the provisions of HB 1752 and is extended for two years from the date of its expiration. The new expiration date is December 30, 2013. Please be advised that the two year extension does not impair the authority of the City of Tampa to require the property subject to the extension to be secured and maintained in a safe and sanitary condition in compliance with applicable codes and regulations. In addition, the extension request is issued by the City of Tampa for permits and development orders solely under its jurisdiction. Outside agencies which may have extra jurisdictional authority should be contacted for permit extensions separately.

Regards,

Susan L. Johnson
Subdivision Coordination
City of Tampa, Florida

#250

MECHANIK NUCCIO HEARNE & WESTER

A PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

305 S. BOULEVARD
TAMPA, FLORIDA 33606-2150
INTERNET ADDRESS: <http://www.floridalandlaw.com>

ALFRED A. COLBY
FRANK L. HEARNE
CAROLE T. KIRKWOOD
DAVID M. MECHANIK
JOHN B. NEUKAMM
VINCENT L. NUCCIO, JR.
WILLIAM R. PAUL
ANNE Q. POLLACK
J. MEREDITH WESTER*

TEL: (813) 276-1920
FAX: (813) 276-1560
E-MAIL ADDRESS: dmm@floridalandlaw.com

*NORTH TAMPA OFFICE: 18560 N. DALE MABRY HWY.
LUTZ, FLORIDA 33548-7900
TEL: (813) 968-1002
FAX: (813) 968-1502

OF COUNSEL:
M. D. "CHIP" PURCELL*

REPLY TO: TAMPA
 NORTH TAMPA

September 27, 2010

VIA – EMAIL: susan.johnson@tampagov.net

Ms. Susan Johnson
City of Tampa
DRI and Subdivision Coordinator
306 E. Jackson Street, 3rd Floor East
Tampa, FL 33602

RE: Independence Park Development of Regional Impact (#250): Two Year Extension of Phase I Buildout Date Pursuant to Senate Bill 1752 (Ch. 2010-147, *Laws of Florida*)

Dear Susan:

We represent REDUS Florida Commercial, LLC, the property owner and developer of Independence Park Development of Regional Impact ("DRI").

By this letter, we are providing notice of the intent to use a two year extension of the Phase I buildout date of the Independence Park DRI, pursuant to Senate Bill 1752 (Ch. 2010-147, *Laws of Florida*). Senate Bill 1752 provides an extension to development orders which expire, or have already expired, between September 1, 2008 and January 1, 2012. As the current build-out date for the first phase of Independence Park is December 30, 2011, it is eligible for an extension to December 30, 2013.

The Developer anticipates acting prior to the extended expiration date, unless other modifications to the relevant date are made.

Enclosed please find the following documents: Notification of a Time Extension for an Approved Project or Development; Owner-Agent Affidavit; and our firm check in the amount of \$51.80 in payment for a written confirmation of the extension.

Ms. Susan Johnson
September 27, 2010
Page 2 of 2

By this letter we are also notifying the City that REDUS Florida Commercial, LLC, the successor to Lindell Investments Inc., is now the owner of the property and the Developer of Record for the DRI. Such change shall be noted in the next annual report, and should a Notice of Proposed Change be filed in the future, the change to the developer of record will be noted in such NOPC.

Please add this letter to your file for the Independence Park DRI and please provide us with documentation of the Phase I buildout date extension to December 30, 2013.

Please contact me if you require further information. Thank you.

Sincerely yours,



David M. Mechanik, Esq., AICP

/kwm

Enclosures

cc: Mr. John Meyer, Tampa Bay Regional Planning Council (via email: johnm@tbrpc.org)
Mr. Bernard Piawah, Department of Community Affairs (via email:
Bernard.Piawah@dca.state.fl.us)
Ms. Donna Harris, Department of Community Affairs (via email:
Donna.Harris@dca.state.fl.us)
Mr. Josh Edwards (via email: josh.edwards@wachovia.com)
Mr. Randy Coen (via email: Randy@CoenCoConsulting.com)



Notification of a Time Extension for an Approved Project or Development

Deadline to file this notification is prior to the current expiration date of approval or by December 31, 2010, 5:00 pm whichever date occurs first. Identify below by placing a checkmark in the specific box as to which this notification of a time extension is being requested and provide the issued permit number or file number originally associated with the approval.

Please submit this Notification of Time Extension to the Growth Management and Development Services Department

The project name is: Independence Park Development of Regional Impact #250

- 1 Building Permit, Project #: _____
- 2 Zoning: Planned Development Ordinance # or Petition #: _____
- 3 Variance Authorization, Variance Petition #: _____
- 4 Construction Site Plan Approval Project #
(If no subdivision approval is required). _____
- 5 Subdivision, Preliminary Plat Approval, Project #: _____
- 6 Subdivision, Construction Plans Approval, Project #: _____
- 7 Subdivision, Final Plat Approval, Project #: _____
- 8 Special Use Permit, Petition #: _____
- 9 Development of Regional Impact Development Order (Phase 1 Buildout Date)
- 10 Architectural Review Commission/Barrio Latino Commission
Certificate of Appropriateness Petition # _____
- 11 10/10/2002 Date the permit/application/agreement was approved.
- 12 12/31/2011 Date the valid permit/application/agreement is set to expire (must be in the term September 1, 2008 and not later than January 1, 2012).
- 13 12/31/2013 Requested new expiration date for the permit/approval/agreement. Maximum time extension is 2 years from the date the permit would have expired.

Please identify below the entity processing the original permit/application/agreement:

- 14 Land Development Coordination Division
- 15 Construction Services Division
- 16 Historic Preservation and Urban Design

Disclaimer/Hold Harmless:

This extension would be granted only pursuant to Chapter 2010-147, Laws of Florida ("SB1752"), and the City of Tampa's good faith interpretation of Senate Bill 1752. By accepting the approved extension, the applicant (properly owner/permit holder) acknowledges that the legality of Senate Bill 1752 has been challenged. Accordingly, by accepting this extension, the applicant agrees to hold the City of Tampa harmless in the event a court of competent jurisdiction determines that the extension granted by the City of Tampa were not legally granted, or in the event that the extension is subsequently revoked based upon the legal challenge to Senate Bill 1752.

Acknowledgment:

I understand that any Development Order, permit or authorization determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action shall not be eligible for an extension. Any Development Order, permit or authorization that would delay or prevent compliance with a court order shall not be eligible for an extension. Approval of the time extension shall in no way impair the authority of the City of Tampa to require the owner of the property to maintain and secure the property in a safe and sanitary condition, in compliance with applicable laws and ordinances.

I hereby certify that the subject permit/agreement is valid, current, and unexpired.

- I am the owner
- I am the legal representative of the owner and have provided a notarized Owner/Agent affidavit which is attached hereto.
- I am the holder of the permit.
- Pursuant to Resolution 09-800, I wish to receive written confirmation of the time extension approval. The required \$51.80 fee is attached. c

David M. Mechanik
Signature

Date

Print Name: David M. Mechanik, Mechanik, Nuccio, Hearne & Wester P.A.
 Address: 305 S. Boulevard
 City, State, Zip: Tampa, FL 33606
 Daytime Phone: 813-276-1920
 Email: dmm@floridalaw.com

Official Use Only	
<input type="checkbox"/> Date Received: _____	
<input type="checkbox"/> Received by: _____	

OWNER/AGENT AFFIDAVIT

I, REDUS Florida Commercial, LLC
(Print Owner's name here)

am the owner of the property to which this Notification of a Time Extension for an Approved
Project or Development is being sought (in accordance with Independence Park Development of Regional Impact #250
_____ and Senate Bill 1752), and

hereby give authorization to David Mechanik, Esq. and/or Mechanik, Nuccio, Hearne & Wester P.A.

to act in my behalf as my agent in this matter in accordance with the notification requirements.

Owner's Signature: *J. Edwards*
JOSE EDWARDS

Date: 9/27/10

Owner's Address: 225 WATER STREET, 3RD FLOOR
JACKSONVILLE, FL 32205

NOTARIAL CERTIFICATE

COUNTY OF: Duval STATE OF: Florida

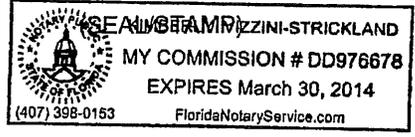
On this the 27 day of September, 2010, before me, the undersigned Notary Public

of the State of Florida, personally appeared Jose Edwards
(Name (s) of individual(s) who appeared before notary)

a whose name(s) is/are subscribed to within this document and hereby acknowledged and executed same.

WITNESS my hand and official seal.

Karen Strickland
NOTARY PUBLIC



Personally known to me, or Produced Identification: _____
(Type of Identification Produced)

DID take an oath, or DID NOT take an oath.

CITY OF TAMPA



Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

October 17, 2006

Tampa Bay Regional Planning Council
Attention: John Meyer
4000 Gateway Centre, Suite 100
Pinellas Park, FL 33782

Re: Independence Park Community Development District
Ordinance No. 2006-242

Dear Sir:

The City Council of the City of Tampa met in regular session on October 5, 2006 at 9:00 a.m. in the City Council Chambers.

During this session, the enclosed ordinance was adopted regarding the above listed community development district. This ordinance is being transmitted for your information and record keeping process.

If you have any questions, please contact my office at (813) 274-8397

Sincerely,

(Mrs.) Shirley Foxx-Knowles
City Clerk

SFK/ssm

Enclosure: Certified Copy of Ordinance 2006-242

CC
TBRPC

Upon Recording, Return to:
City of Tampa
Office of the City Clerk
315 East Kennedy Blvd, 3rd Floor
Tampa, FL 33602
Tel: 813-274-8397

Independence Park CDD
Tampa, Florida

ORDINANCE 2006-242

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, ESTABLISHING THE INDEPENDENCE PARK COMMUNITY DEVELOPMENT DISTRICT; FOR THE PURPOSE OF MANAGING AND DELIVERING BASIC COMMUNITY INFRASTRUCTURE IMPROVEMENTS (GENERALLY LOCATED SOUTH OF MEMORIAL HIGHWAY AND INDEPENDENCE PARKWAY, WEST OF THE VETERANS EXPRESSWAY/589 AND NORTH OF DANA SHORES DRIVE, COMPRISING 43.811 ACRES MORE OR LESS); SAID DISTRICT TO BE LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF TAMPA, HILLSBOROUGH COUNTY, FLORIDA; THE SAME BEING MORE PARTICULARLY DESCRIBED IN SECTION 2 HEREOF; PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

A. WHEREAS, Lindell Independence Land LLC and Lindell Independence Office LLC (collectively the "Petitioner") have submitted a petition to the City Council of the City of Tampa, Florida (the "City") pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, to adopt an ordinance to establish a community development district ("CDD"), and designating the land area for which the CDD would manage and finance the delivery of basic infrastructure services; and

B. WHEREAS, pursuant to Chapter 190 Florida Statutes the City conducted a public hearing to consider oral and written comments on the petition; and

C. WHEREAS, the proposed CDD complies with the requirements of law, is in the best interest and promotes the health, safety and welfare of the residents of the City of Tampa;

Certified as true
and correct copy

E2006-80427

1
2 NOW, THEREFORE,
3

4 BE IT ORDAINED BY THE CITY COUNCIL
5 OF THE CITY OF TAMPA, FLORIDA:
6

7 Section 1. *Recitals.* That the recitals above are hereby incorporated as if fully set
8 forth herein.
9

10 Section 2. *Establishment of District.* The **Independence Park Community**
11 **Development District** is hereby authorized and established, the administration of which shall
12 be subject to the provisions of Chapter 190 Florida Statutes, as amended from time to time;
13 and, the boundaries of which are more particularly described below:
14

15 **See Attached Exhibit "A"**
16

17 Section 3. *Initial CDD Board Members.* The five (5) initial members of the
18 Board of Supervisors are (alphabetically):
19

- 20 • Mr. Dick Greco
- 21 • Mr. Carl Lindell Jr.
- 22 • Mr. Grady Pridgen
- 23 • Mr. Janice Snow
- 24 • Mr. Ron Weisser
- 25

26
27 Section 4. *Declaration of Compliance with Statutory Requirements.* The City
28 hereby finds that:
29

- 30 (a) All statements contained within the petition have been found to be
31 true and correct; and
32
- 33 (b) That establishment of the CDD is consistent with the applicable
34 elements and portions of the state comprehensive plan and the
35 effective City of Tampa comprehensive plan; and
36
- 37 (c) That the area of land within the approved CDD is of sufficient
38 size, is sufficiently compact, and is sufficiently contiguous to be
39 developable as one functional interrelated community; and
40
- 41 (d) That the approved CDD is the best alternative available for
42 delivering community development services and facilities to the
43 area that will be served by the District; and
44
- 45 (e) That the services and facilities of the approved CDD will be
46 compatible with the capacity and uses of existing local and
47 regional community development services and facilities; and

1 (f) That the area that will be served by the district is amenable to
2 separate special-district government.
3

4 Section 5. *Authority to Assess Ad Valorem Taxes for Non-bond Service*
5 *Operating Purposes.* The approved CDD is hereby granted authority to assess ad valorem
6 taxes for non-bond service operating purposes up to the statutory maximum of 5 mills.
7

8 Section 6. *Grant of Special Powers.* The approved CDD is hereby granted
9 authority to exercise those certain Special Powers enumerated in Chapter 190.012 (2) (a-f)
10 Florida Statutes.
11

12 Section 7. *Severability.* If any section, subsection, sentence, clause, provision,
13 or part of this ordinance shall be invalid for any reason, the remainder of this ordinance shall
14 not be affected thereby, but shall remain in full force and effect.
15

16 Section 8. *Recording; Notice of Establishment.* The City Clerk shall certify and
17 record a copy of this Ordinance in the Office of the Clerk of the Circuit Court of
18 Hillsborough County, Florida. The Petitioner, at Petitioners sole cost and expense, shall
19 promptly file a Notice of Establishment in compliance with Chapter 190.0485 in the Office
20 of the Clerk of the Circuit Court of Hillsborough County, Florida in substantially the form
21 attached hereto as **Exhibit "B"**.
22

23 Section 9. *Effective Date of Ordinance.* This ordinance shall be effective
24 immediately upon execution by the Mayor.
25

26 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
27 TAMPA, FLORIDA, ON OCT 05 2006.
28

29 ATTEST:

30 Shirley Fox-Knowles
31 City Clerk
32

CITY COUNCIL:

Sherry M. Miller
Chairperson/Chairperson Pro-Tem
33

34 PREPARED BY &
35 APPROVED AS TO FORM:
36

APPROVED by me on OCT 06 2006

Pam Iorio
Pam Iorio, Mayor
37
38
39

40 *e/s/ Rolando J. Santiago, Esq.*
41 Assistant City Attorney
42 K:\RJS\Ordinances\CDD\Independence Park (Sept 2006).doc
43

State of Florida
County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of Ord. No. 2006-242
on file on my office

Witness my hand and official seal this 17th
of Oct, 2006

Sandra A. Marshall
CITY CLERK / DEPUTY CITY CLERK

EXHIBIT "A" 1 OF 1

INDEPENDENCE PARK CDD
Legal Description

That part of the Northeast 1/4 of Section 12, Township 29 South, Range 17 East, Hillsborough County, Florida, lying within the following described boundaries to wit:

Commence at the Northeast corner of said Northeast 1/4 of Section 12, run thence South 00° 19' 53" West, 104.79 feet, along the East boundary of said Northeast 1/4; thence North 89° 40' 07" West, 30.00 feet to the West right-of-way line of George Road for a Point of Beginning; from said Point of Beginning, run thence South 00° 19' 33" West, 1717.29 feet, along the West right-of-way line of George Road; thence from a tangent bearing of North 86° 59' 10" West, run Northwesterly, 984.46 feet, along a curve to the right (having a radius of 1153.00 feet, a central angle of 48° 55' 14", and a chord bearing and distance of North 62° 31' 33" West, 954.83 feet), to the end of said curve; thence North 38° 03' 56" West, 1385.13 feet to the beginning of a curve to the right; thence Northeasterly, 279.54 feet, along said curve (having a radius of 125.00 feet, a central angle of 128° 07' 51", and a chord bearing and distance of North 26° 00' 00" East, 224.82 feet), to the South right-of-way line of State Road No. S-576 (Memorial Highway); thence South 89° 56' 05" East, 1598.62 feet along said South right-of-way line; thence South 44° 48' 06" East, 19.75 feet, along intersection right-of-way line for said State Road No. S-576, to the Point of Beginning. LESS Right-of-Way for George Road.

City of Tampa
Right of Way & Mapping Section
LEGAL DESCRIPTION APPROVED

Date: 07/28/06 File No. N/A

Atlas: G-6 By: J. H. Cook

Certified as true
and correct copy

Exhibit "B"

After Recording, Return to:
Mark Straley Esq. CDD Counsel
100 East Madison Street , Suite 300
Tampa, FL 33602
Tel: 813-223-9400

**NOTICE OF ESTABLISHMENT:
INDEPENDENCE PARK COMMUNITY DEVELOPMENT DISTRICT**

NOTICE IS HEREBY GIVEN that on _____ 2006, the City of Tampa passed and adopted Ordinance 2006-_____ creating and establishing the Independence Park Community Development District, the administration of which shall be subject to the provisions of Chapter 190 Florida Statutes, as amended from time to time, the boundaries of which are more particularly described below:

See Attached Exhibit "A"

THE INDEPENDENCE PARK COMMUNITY DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW.

Dated this _____ day of _____ 2006.

Print: _____
Chairman, Independence Park CDD

Approved as to Form:

Independence Park CDD Counsel

Certified as true
and correct copy



CITY OF TAMPA

Office of City Clerk

October 15, 2002

Tampa Bay Regional Planning Council
John Meyer, DRI Coordinator
9455 Koger Boulevard
St Petersburg FL 33702

RE: File No. DZ02-77
Ordinance 2002-223

Dear Sirs:

The City Council of the City of Tampa met in regular session on October 10, 2002, at 9:00 a.m. During this session, the enclosed ordinance (2002-223) was adopted, approving an ordinance rendering a development order for Chase Manhattan Bank (now known as Independence Park Building, Inc.) for a mixed use development.

A certified copy of the ordinance is hereby transmitted.

Sincerely,

Gail A. Anderson
Deputy City Clerk

GAA/gsg

Enclosure: Certified copy of Ordinance 2002-223 by certified mailing.

ORDINANCE NO. 2002- 223

CC-
TBRPC

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY THE CHASE MANHATTAN BANK (NOW KNOWN AS JPMORGAN CHASE) AS GEORGE ROAD LAND, INC. (NOW KNOWN AS INDEPENDENCE PARK LAND, INC.) AND GEORGE ROAD BUILDING, INC. (NOW KNOWN AS INDEPENDENCE PARK BUILDING, INC.), DELAWARE CORPORATIONS AUTHORIZED TO DO BUSINESS IN FLORIDA, FOR A MIXED USE DEVELOPMENT, DRI #250, A DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 30, 2001, THE CHASE MANHATTAN BANK (now known as JPMORGAN CHASE) (the "Developer"), and GEORGE ROAD LAND, INC. (now known as INDEPENDENCE PARK LAND, INC.) and GEORGE ROAD BUILDING, INC. (now known as INDEPENDENCE PARK BUILDING, INC.) (the "Owners"), Delaware corporations authorized to do business in Florida, (the Developer and Owner together shall hereinafter be referred to as the "Applicant") filed an Application for Development Approval (which together with two corrective letters dated June 8, 2001 and June 12, 2001 and later filed sufficiency responses, dated October 25, 2001, March 28, 2002, and May 22, 2002 are hereinafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with the City of Tampa (the "City"), Hillsborough County City-County Planning Commission, Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (2001), as amended ("Chapter 380"), and Chapter 27, City of Tampa Code; and

WHEREAS, the ADA proposes the development of a mixed use office and retail development, located on an approximately 43.81 acre site generally located in the southwest corner of Memorial Highway and George Road within the municipal boundaries of the City of Tampa, Hillsborough County, Florida; and

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

WHEREAS, the ADA was filed when the City had a Sustainable Communities designation which allowed the City to be self-governing regarding land development review; and

WHEREAS, all applicable Sustainable Communities procedures were adhered to; and

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

WHEREAS, the City Council has on September 26, 2002 and October 10, 2002, held two duly noticed public hearings on the ADA and has heard and considered testimony and documents received thereon; and

City of Tampa
City Council
October 10, 2002

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

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

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

Section 1. That this Ordinance shall constitute the Development Order of the City Council issued in response to the ADA filed by the Applicant, for the development of a mixed use development, DRI #250, a DRI. The scope of development to be permitted pursuant to this Development Order includes the land use, operations, and activities described in the ADA (which includes the Application for Development Approval, two corrective letters dated June 8, 2001 and June 12, 2001, and later filed sufficiency responses, dated October 25, 2001, March 28, 2002, and May 22, 2002), by reference made a part hereof and attached hereto as Composite Exhibit "A."

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

- A. That the real property which is the subject of the ADA is legally described as set forth in Exhibit "B," attached hereto and by reference made a part hereof.
- B. That a portion of the property was previously approved under a 1981 Binding Letter of Interpretation Determination ("BLID") issued by the Florida Department of Community Affairs ("DCA") which authorized conversion of the former Rocky Point Golf Course site to 171,000 square feet of administrative offices, 90,000 sq. ft. of research and development facilities, 22,000 sq.ft. of common area, 700 spaces of parking facilities, a power plant, a service yard, a baseball field and other active recreational amenities.
- C. That the Applicant submitted to the City the ADA (including, but not limited to, the List of Developer Commitments made by the Applicant as set forth in Exhibit "A-1," attached hereto and made a part hereof, to the extent that such commitments are not inconsistent with the terms and conditions of this Development Order) which subjects the entire development to DRI review.
- D. That the Applicant is seeking specific approval for Phase I and conceptual approval for Phase 2 of a two-phase mixed use office and retail development, DRI #250, located on an approximately 43.81 acre site in the southwest corner of Memorial Highway and George Road, as shown on Table 1, below.
- E. That, in addition to seeking specific approval for 650,000 sq.ft. of office uses in Phase 1 and conceptual approval for 350,000 sq.ft. of office uses in Phase 2, the

Carried on file
and dated 08/01/02

Applicant is requesting the ability to convert office use to a maximum of 100,000 sq.ft. gross leaseable area ("g.l.a.") of retail space through the utilization of the Land Use Equivalency Matrix, attached hereto as Exhibit "C" and incorporated herein by reference.

- F. That the Applicant is providing revised Map "H," attached hereto as Exhibit "D" and incorporated herein by referenced, to correct a scrivener's error.
- G. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (2001).
- H. That the proposed development is consistent with the State Comprehensive Plan.
- I. That the proposed development is consistent with the adopted local comprehensive plan and all local land development regulations.
- J. That the proposed development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- K. That the comprehensive review of the impact generated by the development has been conducted by the City and the TBRPC.
- L. That the proposed development is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(15), Florida Statutes (2001).

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

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

Section 4. Order. Conditions of Approval. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that Phase 1 of the Independence Park DRI #250, as presented in the ADA and as described below in Table 1 (the "Development"), is hereby specifically approved subject to the following conditions,

restrictions and limitations, and Phase 2 of the Independence Park DRI #250 is conceptually approved and revised Map "H," attached hereto as Exhibit "D," is hereby incorporated. Specific Phase 2 approval will be contingent upon further Section 380.06, F.S., transportation analysis and full ADA responses for Water Supply (Question #17). In addition, prior to the submittal of a revised transportation analysis for specific Phase 2 approval, the Applicant shall participate in a transportation methodology meeting with the appropriate review entities. (TBRPC General Condition #5.)

Table 1
Land Use and Phasing Schedule

The Development is approved as a two-phase mixed use development with specific Phase 1 approval and conceptual Phase 2 approval, as follows. The Development build out date is December 31, 2011.

Land Use*	Specifically Approved Phase 1 2001-2006	Conceptually Approved Phase 2 2006-2011	Total
Office (sq.ft.)	650,000**	350,000	1,000,000

* May include 100,000 sq.ft. g.l.a. of commercial, if implemented, through use of the Equivalency Matrix set forth in Exhibit "C," attached hereto and incorporated as a part of this Development Order.

** Includes existing 125,575 square foot building.

- A. Equivalency Matrix. The Applicant has provided a Land Use Equivalency Matrix, attached hereto as Exhibit "C," to authorize conversion from Office use to Commercial use. The Land Use Equivalency Matrix was based on the most restrictive of factors including transportation, water supply, wastewater, solid waste and affordable housing. Such exchange shall be limited to a total of 100,000 sq. ft. g.l.a. of retail space and shall utilize the prescribed conversion rate of "1,000 sq. ft. of office space is equal to 381 sq. ft. g.l.a. of retail space." The Applicant shall give the DCA and the TBRPC notice of its intent to trade off land uses at least fifteen (15) days prior to the City's approval. Each Annual Report submitted following the approval of a trade-off shall include a summary of such exchange(s).
- B. Substantial Deviations. Should development significantly depart from the parameters set forth in the ADA, the Development will be subject to a substantial deviation determination pursuant to Section 380.06, F.S.
- C. Annual Reports. The Applicant shall submit annual reports on the DRI to the City, the TBRPC, the State Land Planning Agency - Department of Community

Affairs, and other agencies as may be appropriate, on July 1, 2003, and on July 1 of each following year until such time as all terms and conditions of this Development Order are satisfied. The report shall be submitted on such forms as may from time to time be designated by the State. Such reports shall be submitted to the Director of Business and Community Development who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this Development Order and may issue further orders to ensure compliance with the terms and conditions of this Development Order. The Applicant shall be notified of any City Council hearing wherein such report is to be reviewed; provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. The annual report shall contain the following information:

1. Changes in the plan of development, or representations contained in the ADA, or phasing for the reporting year and for the next year;
2. A summary comparison of development activity proposed and actually conducted for the reporting year;
3. Undeveloped tracts of land that have been sold to a separate entity or developer during the reporting year;
4. Identification of, and intended use of, lands purchased, leased, or optioned by the Applicant adjacent to the original DRI site during the reporting year;
5. An assessment of the development's and local government's compliance with conditions of approval contained in this Development Order, and the commitments contained in the ADA;
6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
7. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes (2001);
8. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Applicant pursuant to Subsection 380.06(15)(f), Florida Statutes (2001);
9. A PM peak hour traffic count taken at all established access points to public rights-of-way to the development site upon the issuance of certificates of occupancy for a cumulative total of 240,000 sq.ft. of office or the equivalent thereof if the Equivalency Matrix is used;

Carthage Co. Inc.
and others

10. An indication of a change, if any, in local government jurisdiction for any portion of the development during the reporting year;
11. A list of significant local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each; and
12. Identification of bus route(s) which serve the site, mass transit amenities located on site and mass transit ridership at the project site as stated in Subsection 4.D.2., below.
13. Each Annual Report submitted following the approval of a trade-off using the Land Use Equivalency Matrix, attached hereto as Exhibit "C," shall include a summary of such exchange(s).

D. Transportation Conditions. In addition to mitigation measures set forth herein, Applicant shall pay City of Tampa transportation impact fees as provided herein, provided however that Applicant shall receive credit against such impact fees for improvements constructed, right-of-way dedicated and/or cash contributed pursuant to this Development Order, in accordance with the City of Tampa Code.

1. Specific approval of Phase 2 development shall be contingent upon transportation analysis prepared in accordance with Section 380.06, F.S. This information shall be submitted under the NOPC process. Following acceptance of the analysis and revised mitigation requirements by all appropriate review agencies, the Development Order shall be appropriately modified to reflect any transportation mitigation requirements necessitated by Phase 2 development.
2. Since the Applicant has assumed a three percent reduction in Phase 1 project trips to account for anticipated mass transit ridership, each Annual Report shall include identification of bus route(s) which serve the site, mass transit amenities located on site and mass transit ridership at the project site.
3. Site plan specific transportation improvements (site access) related to the Development, including signalization and geometric improvements, will be provided at the sole expense of the Applicant when warrants are met and in accordance with City standards.
4. Payment of Impact Fees. The Development shall be subject to the provisions of the City of Tampa Transportation Impact Fee Ordinance. The Applicant shall be entitled to a credit against such impact fees for all transportation improvements, except site specific improvements including signalization,

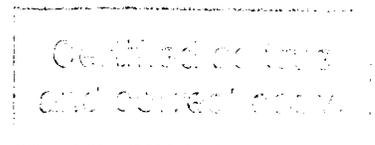
Certified as true
and correct

required under this Development Order, to the extent permitted under the Transportation Impact Fee Ordinance.

5. At the time of issuance of the first certificate of occupancy for any new building in the Development, the Applicant shall provide a bus pull out area and bus stop pad for purposes of establishing a new bus stop along Memorial Highway. The Hillsborough Area Regional Transit Authority ("Hartline") shall be responsible for construction of a bus shelter to be erected on the bus stop pad. The Applicant shall coordinate with City staff and Hartline staff to establish the location of the new stop which shall be located on Memorial Highway as close as is technically feasible to George Road and to establish the specifications for the pull out area and pad. In the event that existing right-of-way is insufficient to accommodate the pull out area and pad, the Applicant shall dedicate to the City the land necessary to accommodate this facility. The Applicant shall be entitled to a credit against transportation impact fees for the construction of, and any associated right-of-way dedication for, the bus pull out area and bus stop pad up to 2% of the assessed transportation impact fee for the Development. Upon establishment of the new bus stop, Hartline shall remove the existing two bus stops along the Development boundary on Memorial Highway.

E. Hurricane Preparedness.

1. The Applicant shall promote awareness of hurricane/flooding hazard, preparedness and hazard mitigation. The Applicant shall develop a plan for evacuation and recovery to ensure the safe and orderly evacuation of tenants/employees after an official evacuation order is issued, to include: (1) ordering all buildings in the evacuated areas closed for the duration of a hurricane evacuation order; (2) informing all employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation and re-entry/recovery plans. This plan shall be included in the first annual report submitted after occupancy of any portion of the Development.
2. The Applicant shall meet or exceed all appropriate federal, state and local construction codes, setback requirements, and flood plain management regulations recognizing the vulnerability of this site to flooding and severe winds from tropical storms and hurricanes.
3. The Applicant shall coordinate with the Institute for Business and Home Safety (IBHS) and the Hillsborough County Office of Emergency Management to identify the flood, fire and wind-resistant "fortified" design criteria and technologies.



F. Vegetation, Wildlife and Wetlands.

1. Wetlands, if any, must be field delineated by the Hillsborough County Environmental Protection Commission (“EPC”) and surveyed and approved by EPC staff prior to site development. All efforts must be undertaken to prevent any erosion or turbid water from being discharged into wetlands, if any. Hay bales, silt screens or other EPC approved methods or erosion/turbidity control may be required.
2. Native vegetation and drought-tolerant vegetation should be utilized to the greatest extent possible as project landscaping.

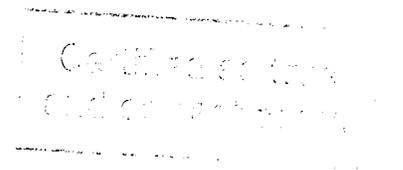
G. Water Quality and Stormwater Management.

1. There are four existing groundwater wells on the site. If not proposed for use, these wells should be abandoned and cement plugged by a licensed water well contractor in accordance with Rule 40D-3.531, F.A.C.
2. Pursuant to the City of Tampa Stormwater Management Technical Standards, all development will comply with the pre-development 5 year and post-development 25 year criteria. In addition, post development will meet the 5 year pre-development rate.
3. The Applicant is responsible for the maintenance of the on-site stormwater systems.

H. Water Supply.

1. Potable water, including water for fire fighting requirements, will be supplied by the City at the standard charges for water. Connection fees, installation charges, and if applicable, grants-in-aid of construction for offsite improvements to the water system necessitated by this Development shall be assumed by the Applicant, its successors or assigns, when assessed by the City as project plans become final, all in accordance with established City policies and regulations.
2. Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.). Installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices is required.

3. Reclaimed water, existing irrigation wells, and retained stormwater should serve as the only sources for irrigation on-site.
 4. The project shall utilize reclaimed water at the time, and to the full extent, that it is made available by the City of Tampa.
 5. Non-potable water demand for the project should be addressed, to maximum extent possible, with the lowest quality water available and suitable.
 6. Acknowledging that water supply is a limited resource in the Tampa Bay Region, the Applicant shall provide full responses to the Water Supply questions (contained in the ADA) to coincide with a request for specific Phase 2 approval. This information shall be submitted through the Notice of Proposed Change (NOPC) process. The City shall modify the Development Order to incorporate the findings and/or identify conditions based on this additional information.
 7. Prior to construction, the Applicant shall investigate the technical, environmental and economic feasibility of using non-potable water for irrigation and other purposes within the development. Non-potable water sources examined should include stormwater and reclaimed water. The investigation shall include, at a minimum, the proximity of the non-potable water source to the proposed development, the long-term availability of that source, the appropriateness of that source for intended use and consideration of the installation of distribution lines during construction in anticipation of the non-potable water source. The thoroughness of the Applicant's investigation will be evaluated by the Southwest Florida Water Management District.
 8. Ecologically viable portions of the existing native vegetation shall be incorporated into the landscape design to the extent practicable and shall not be irrigated.
- I. Wastewater Management. Wastewater service to the Development will be supplied by the City at its Howard F. Curren Advanced Wastewater Treatment Plant at the standard charges for wastewater service. The Applicant shall be responsible for any pre-treatment necessary to ensure that all wastewater flows from the Development to the wastewater system meet domestic wastewater characteristics. Connection fees, grants-in-aid of construction for offsite improvements to the wastewater system necessitated by the Development shall be assumed by the Applicant, its successors or assigns, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations.



- J. Solid Waste/Hazardous Waste/Medical Waste. In the event that businesses using or producing hazardous materials or medical waste locate within the Development, these materials shall be handled in a manner consistent with applicable Federal, State and Local regulations.
- K. Other Public Facilities, Utilities, and Services. The City shall assure the adequacy and availability of the following public services for this development: police, emergency medical and fire. The Applicant should coordinate with the Tampa Police Department to optimize environmental building attributes prior to construction and to incorporate security improvements throughout the Development.
- L. Recreation and Open Space.
1. The Applicant, its successors or assigns, shall be responsible for maintenance of all open space areas within the Development.
 2. The existing fitness trail shall be retained during construction and following completion of the Development except as noted in Condition L.3., below. Portions of the trail may be temporarily closed to ensure the safety of all users during the construction phase. The Applicant, its successors or assigns, shall be responsible for the maintenance of the fitness trail.
 3. The site has existing fitness/recreation trails and environmental education areas as recreation features which will be incorporated into the project design. These features will be used in conjunction with the stormwater management system to enhance the visual and aesthetic qualities of the Development. [In accordance with the ADA, these areas may be modified.] (ADA/Page 10.8)
- M. Energy. The Applicant shall encourage the incorporation of energy conservation measures into the site design, building construction and landscaping to the maximum extent feasible.
- N. Phase 2 Infrastructure. Excess infrastructure capacity constructed to potentially serve conceptually approved Phase 2 shall be constructed at the Applicant's risk and shall not vest conceptually approved Phase 2 development rights.
- O. Credits Against Local Impact Fees and Exactions.
1. To the extent that the Applicant, its successors or assigns, are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or

portion thereof, and the Applicant is also subject by local ordinance to impact fees or exactions to meet the same needs, the City shall establish and implement a procedure that credits a development order exaction or fee toward an impact fee or exaction imposed by local ordinance for the same need; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, the City shall not be required to grant a credit toward the local exaction or impact fee unless the City determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address.

2. If the City imposes or increases an impact fee or exaction by local ordinance after a development order has been issued, the Applicant may petition the City, and the City shall modify the affected provisions of the Development Order to give the Applicant credit for any contribution of land for a public facility, or construction, expansion, or contribution of funds for land acquisition or construction or expansion of a public facility, or a portion thereof, required by the Development Order toward an impact fee or exaction for the same need.
3. This subsection does not apply to site access required by local regulations or to any offsite facilities to the extent such facilities are necessary to provide safe and adequate services to the Development (the "Excluded Facilities").

Section 5. Definitions. That the definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Development Order, unless the context indicates otherwise. All references to Applicant shall include its successors or assigns.

Section 6. Commencement of Development. Physical development shall commence within two (2) years of adoption of this Development Order, unless the time period for commencement is extended by the City, subject to the requirements of Subsection 380.06(19), F.S. For the purposes of this Development Order, "physical development" shall include construction of infrastructure, roadways or vertical development.

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

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

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

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

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

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

Section 10. Compliance with Land Development Regulations, ADA and Conditions. All development undertaken pursuant to this Development Order shall be in accordance with local land development codes and regulations in effect at the time of permitting, except in connection vested rights which are acquired pursuant to Subsection 163.3167(8), F.S., or rights conferred under Section 8, Downzoning, above. In addition, any approval of the Development shall require that all of the Applicant's commitments set forth in the ADA, and included herein, be honored, except as they may be superseded by specific terms of this Development Order, or any subsequent amendment(s) thereto. (TBRPC General Condition #4) Additionally, the Applicant has elected to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time of adoption of this Development Order. Accordingly, all applications for permits pursuant to those chapters and which are necessary for and consistent with the development authorized by this Development Order shall be subject to the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time of issuance of this Development Order.

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

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

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

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

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

Section 16. Effective Date. That this Development Order, after adoption as an ordinance, shall take effect upon transmittal to the Developer, Tampa Bay Regional Planning Council, and the Department of Community Affairs.

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

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, ON OCT 10 2002.



CHAIRMAN, CITY COUNCIL

ATTEST:



CITY CLERK, DEPUTY CITY CLERK

APPROVED by me on OCT 14 2002



MAYOR

Prepared and Approved by:


ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2002-223 on file on my office

Witness my hand and official seal this 15th day of Oct, 2002


CITY CLERK / DEPUTY CITY CLERK

**INDEPENDENCE PARK DRI
DEVELOPMENT ORDER**

LIST OF EXHIBITS

Composite Exhibit "A"	ADA (which includes the Application for Development Approval, two corrective letters dated June 8, 2001 and June 12, 2001, and later filed sufficiency responses, dated October 25, 2001, March 28, 2002, and May 22, 2002)
Exhibit "A-1"	List of Developer Commitments
Exhibit "B"	Legal Description
Exhibit "C"	Equivalency Matrix
Exhibit "D"	Map H

Certified as true
and correct copy.

COMPOSITE EXHIBIT "A"

ADA (which includes the Application for Development Approval, two corrective letters dated June 8, 2001 and June 12, 2001, and later filed sufficiency responses, dated October 25, 2001, March 28, 2002, and May 22, 2002)

Certified as true
and correct copy.

COMPOSITE EXHIBIT "A"

Located in DRI #250, Independence Park, project file.

(Includes ADA, two corrective letters dated 6/8/01 and 6/12/01, and first, second and third sufficiency responses, dated 10/25/01, 3/28/02 and 5/22/02, respectively.)

EXHIBIT "A-1"

INDEPENDENCE PARK DRI
DEVELOPMENT ORDER
PHASE 1
LIST OF DEVELOPER COMMITMENTS

A. Location of Commercial Component

1. If the land use trade off mechanism is implemented, a commercial activity node will be situated at the southeast quadrant of the Memorial Highway and Independence Parkway intersection. (ADA/Page 10.1)

B. Transportation

1. Should traffic signal warrants be met at the George Road access point, the Applicant will signalize the intersection. (ADA/Page 21.5)

2. Although no enhancement of the standard Hartline modal split was utilized in the ADA transportation analysis, the Applicant supports transit use and will work with Hartline and other appropriate entities to ensure that transit service continues to be available to the site. (ADA/Page 21.6)

3. The Applicant will consider all applicable components of the *transportation demand management* strategies, referenced in the ADA. (SR1/Response to HCCCPC Transportation Comment #2)

C. Air Quality

1. To minimize wind erosion clearing and grubbing operations will be performed only in limited areas where construction is scheduled to proceed. (ADA/Page 22.1 & SR1/Page 22.1)

2. Measures to be employed to minimize fugitive dust will include sodding, seeding, mulching, or planting of landscaped material in cleared and disturbed areas. Watering procedures will be employed as necessary to minimize fugitive dust. (ADA/Page 22.1 & SR1/Page 22.1)

D. Vegetation, Wildlife and Wetlands.

1. Those created and remnant habitat areas not proposed for impact will remain undisturbed and are depicted on Map H. These areas primarily occur along the eastern

City of Independence
City Engineer's Office
1000 West 10th Street
Independence, MO 64050
Phone: 816.833.1234
Fax: 816.833.1235
www.ci.independence.mo.us

side of the project. [Since the City of Tampa has acquired an additional fifty foot (50') right-of-way for a future George Road expansion, some of these designated areas will be impacted upon clearing for roadway construction. (ADA/page 12.2)

2. With regard to the conservation of trees and existing native vegetation cited in City Policy 10.5, it is anticipated that the subject vegetation areas will remain, to the extent practical, as elements of the overall site plan. (SR1/Response to HCCCPC Conservation Comment).

3. With regard to the availability of feeding areas and habitat favored by wading birds, please note that approximately 11 acres of open-water areas and associated shallow shoreline habitat favored by the White Ibis, Wood Stork, and other wading birds will be provided under post-development conditions. (SR1/Response to TBRPC's Project Description Comment #3)

4. As envisioned, all lakes will have 4:1 slopes and a 15-foot maintenance easement. Vegetated littoral shelves will be planted with species common to the area. (ADA/Page 13.2)

E. Water Quality and Stormwater Management.

1. Construction of the project will result in the construction of a full stormwater management system that will provide treatment of stormwater runoff before it is discharged from the site. (ADA/Page 14.3)

2. The Applicant will also encourage the use of xeriscape techniques and the responsible use of water, pesticides and fertilizers. (ADA/Page 14.3)

3. Construction Best Management Practices will be used to prevent construction related turbidity and erosion problems. A plan to regularly monitor and maintain, as necessary, erosion and turbidity control measures will be designed and implemented with input from the City of Tampa and other regulatory agencies, as appropriate. (ADA/Page 14.3)

4. The existing and proposed stormwater retention ponds will provide a source of passive recreation for the employees of the project. (ADA/Page 10.2)

5. The stormwater management system will be designed to provide attenuation for on-site flows resulting from any increase in impervious areas. (ADA/Page 16.2)

6. The post-development 25-year/24-hour storm peak discharge rate from the on-site basins will be limited to the capacity of the Independence Parkway outfall cross drains. (ADA/Page 19.2)

City of Tampa
Department of Public Works
Engineering Division

7. Discharge from the southern portion of the site (Basin 200) will be limited to 8.5 cfs to allow for the off-site flows from the Fountain Square project located east of the site. The off-site Fountain Square runoff will bypass the proposed stormwater system to prevent commingling with Development stormwater. (ADA/Page 19.2)

8. Post-development peak discharge from the site to the north culvert will be 24.63 cfs. (ADA/Page 19.3)

9. The first one inch of runoff from the on-site basins will be treated in the corresponding lakes between normal water level (NWL) and the design low water (DLW). The first 0.5 inch will be drawn down over a 60 hour period with the remaining volume drawn down in 120 hours. (ADA/Page 19.4)

10. The stormwater management facility at the Development will ultimately be reconstructed as a result of the further development of the site, and will therefore be subject to applicable current criteria and permitting standards when such modifications are designed and constructed. In addition, the Applicant has and will continue to encourage the multi-purpose use of its stormwater management system to complement open space, recreation, and conservation objectives. (SR1/Response to TBRPC's Project Description Comment #3)

F. Soils.

1. All buildings will be constructed on compacted fill materials with habitable structure floor elevations set at or above the determined 100-year flood elevation. Fill will be utilized to overcome the influence of high groundwater conditions. (ADA/Page 15.1)

2. The design of the stormwater management areas will include 4:1 sideslopes which will be stabilized with sod. (ADA/Page 15.1)

3. The practices listed in response to DRJ/ADA response to Question #15.C. will be implemented for this project. (SR1/Response to TBRPC's Soils Comment #1& ADA/page 15.2)

4. Any unsuitable soils will be utilized for the grading of grassed areas and/or creation of landscape berms. (ADA/Page 15.2)

G. Floodplains.

1. All habitable structures will have finished floor elevations above the 100-year flood elevation. (ADA/Page 16.1)

Checked as true
and correct copy.

2. Post-development stormwater discharge from the project will be limited to capacity of the existing roadway storm sewer system in the Development, which currently serves the site. (ADA/Page 16.1)

H. Water Supply.

1. The City will own and maintain the [internal water supply] system within the rights-of-way adjacent to the Development. The Applicant will be responsible for maintaining the proposed system within the project. (ADA/Page 17.3)

2. The Applicant will encourage the practice of water conservation in all components of the project. (ADA/Page 17.4)

3. Xeriscaped lawns and common areas will be encouraged throughout the project to reduce the demand for water supply. (ADA/Page 17.4)

I. Wastewater Management. All portions of the development will be served by the proposed sanitary sewer system. Consequently, no permanent or temporary septic tanks will be installed. (ADA/Page 18.2 & SR1/Response to TBRPC's Wastewater Management Comment #2)

J. Solid Waste/Hazardous Waste/Medical Waste. Tenants will be provided with information at the time of purchase or lease which identifies hazardous and toxic materials and proper procedures for the disposal of such materials including any requirements for separation of such wastes. (ADA/Page 20.3)

K. Recreation and Open Space. The existing and proposed stormwater retention ponds will provide a source of passive recreation for the employees of the project. (ADA/Page 10.2)

L. Energy. Xeriscape landscaping will be recommended wherever possible to reduce irrigation and energy needs by relying on plants most suitable to the climate and conditions of the area. (ADA/Page 29.2)

Continued on next page

EXHIBIT "B"
LEGAL DESCRIPTION

THAT PART OF:

The Northeast ¼ of Section 12, Township 29 South, Range 17 East, Hillsborough County, Florida described as follows:

From the Northeast corner said Northeast ¼ of Section 12 run thence S.00°19'53"W., 104.79 feet, along the East boundary of said Northeast ¼; Thence N.89°40'07"W., 30.00 feet of the West right-of-way line of George Road for a point of beginning. From said point of beginning; run thence S.00°19'53"W., 1717.29 feet, along the West right-of-way line of George Road; Thence from a tangent bearing of N.86°59'10"W., run Northwesterly, 984.46 feet, along a curve to the right (having a radius of 1153.00 feet, a central angle of 48°55'14", and chord bearing and distance of N.62°31'33"W., 954.83 feet), to the end of said curve; thence N.38°03'56"W., 1385.13 feet to the beginning of a curve to the right; Thence Northeasterly, 279.54 feet, along said curve (having a radius of 125.00 feet, a central angle of 128°07'51", and a chord bearing and distance of N.26°00'00"E., 224.82 feet), to the South right-of-way line of State Road No. S-576 (Memorial Highway); Thence S.89°56'05"E., 1598.62 feet along said South right-of-way line; Thence S.44°48'06"E., 19.75 feet along intersection right-of-way line for said State Road No. S-576, to THE POINT OF BEGINNING.

LESS THAT PART DESCRIBED AS FOLLOWS:

From the Northeast corner of the Northeast ¼ of said Section 12, run thence South 00°19'53" West, 104.79 feet along the East boundary line of said Northeast ¼; Thence North 89°40'07" West, 30.00 feet to the West right-of-way line of George Road; Thence South 00°19'53" West, 1717.29 feet along the West right-of-way line of George Road to a point on the North right-of-way line of Independence Parkway; Thence from a tangent bearing of North 86°59'10" West run Northwesterly 50.12 feet along the arc of a curve concave to the Northeast whose radius is 1153.00 feet, central angle is 02°29'26" and has a chord bearing and distance of North 04°15'33" East, 50.11 feet; Thence North 00°19'53" East, 1727.64 feet to a point on the South right-of-way line of Memorial Highway (State Road No. S-576); Thence South 89°56'05" East, 36.00 feet long the South Right-of-way line of said Memorial Highway; Thence South 44°48'06" East, 19.75 feet along the South right-of-way line of said Memorial Highway to the POINT OF BEGINNING.

Contains 45.794 Gross Acres
1.983 Less Out Acres
43.811 Net Acres

SEARCHED INDEXED
SERIALIZED FILED
APR 11 1966
FBI - TAMPA

EXHIBIT "C"

Technical Memorandum

EQUIVALENCY MATRIX Independence Park DRI (Tables revised 10/01)

A land use equivalency matrix was prepared in order to allow for the exchange of office square footage with retail square footage, while keeping unchanged the impacts of the development. The exchange requires a concurrent reduction in the office land use to ensure that no additional regionally significant adverse public facilities impacts occur as a result of the utilization of the equivalency matrix. The equivalency matrix is presented in Table 1 and is based on p.m. peak-hour peak external two-way direction project traffic (as typically required by the Department of Community Affairs for exchanges of office and retail entitlements) for Independence Park, as shown in Table 2. The minimum/maximum ranges of development identified in Table 1 were developed based on non-exceedance of the most restrictive public facility demand factor (i.e., transportation, water, wastewater, solid waste, and affordable housing), as identified in Table 3. Thus, the equivalency matrix provides the opportunity for the limited exchange of office square footage for retail square footage in a manner which ensures that additional adverse impacts will not result from such an exchange.

The project traffic volumes by land use provided in Table 2 were developed based on the Sixth Edition of the Institute of Transportation Engineers' (ITE) *Trip Generation*. Additional information regarding the calculated trip generation characteristics for Independence Park is provided in Question 21 of the Independence Park Development of Regional Impact Application for Development Approval.

The Utility/Employment Equivalency Comparison provided in Table 3 was developed to determine if the current water demand, wastewater production, solid waste disposal, or affordable housing-related employment would serve as "limiting factors" to the transportation equivalency matrix exhibited in Table 1. Table 3 documents that water demand, wastewater production, solid waste disposal and affordable housing are not limiting factors for the subject exchange of development entitlements.

Based on the foregoing analysis and the limitations identified in the equivalency matrix (i.e., minimum and maximum land use totals), no additional regionally significant adverse impacts will occur as a result of the proposed exchanges.

Geotechnical
Foundation
Engineering

TABLE 1 (revised 10/01)

Equivalency Matrix
Independence Park DRI

Change to: Change From:	Retail
Office	381 sf/ksf (0.3810) ^{2,3}

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

<u>Land Use</u>	<u>Minimum</u>	<u>Maximum</u>
Office	375,000 sf	650,000 sf
Retail	0 sf	100,000 sf

² Example exchanges:
Add 100,000 sf of retail by reducing Office, 100 ksf of retail ÷ 0.3810, office factor = 262.47; reduce Office by 262,467 sf

³ Actual Equivalency factor for use in calculations

City of Independence
10/22/2001

TABLE 2 (revised 10/01)

INDEPENDENCE PARK DRI
PM PEAK HOUR BUILDOUT TRIP GENERATION

Land Use	ITE Land Use Code	Size	Gross P.M. Peak Hour		Transit Capture		Internal Capture		Passer-By Capture		Not P.M. Peak Hour		Two-Way External Trip Rate	
			In	Out	In	Out	In	Out	In	Out	In	Out		Total
Office	710	650,000sf	137	671	4	20	14	67	0	0	119	584	703	1.082/
Additional Land Use														
Retail	820	100,000 sf	301	327	9	10	67	14	117	127	100	176	284	2.840/

1. ITE's Trip General Manual, 6th Edition, applicable pages appended.
2. Transit rate of 3.0%
3. Internal capture for Additional Land Uses is 10% of the Office Land Use.
4. Trip Generation Handbook, October 1998, pages appended.

TABLE 3 (revised 10/01)

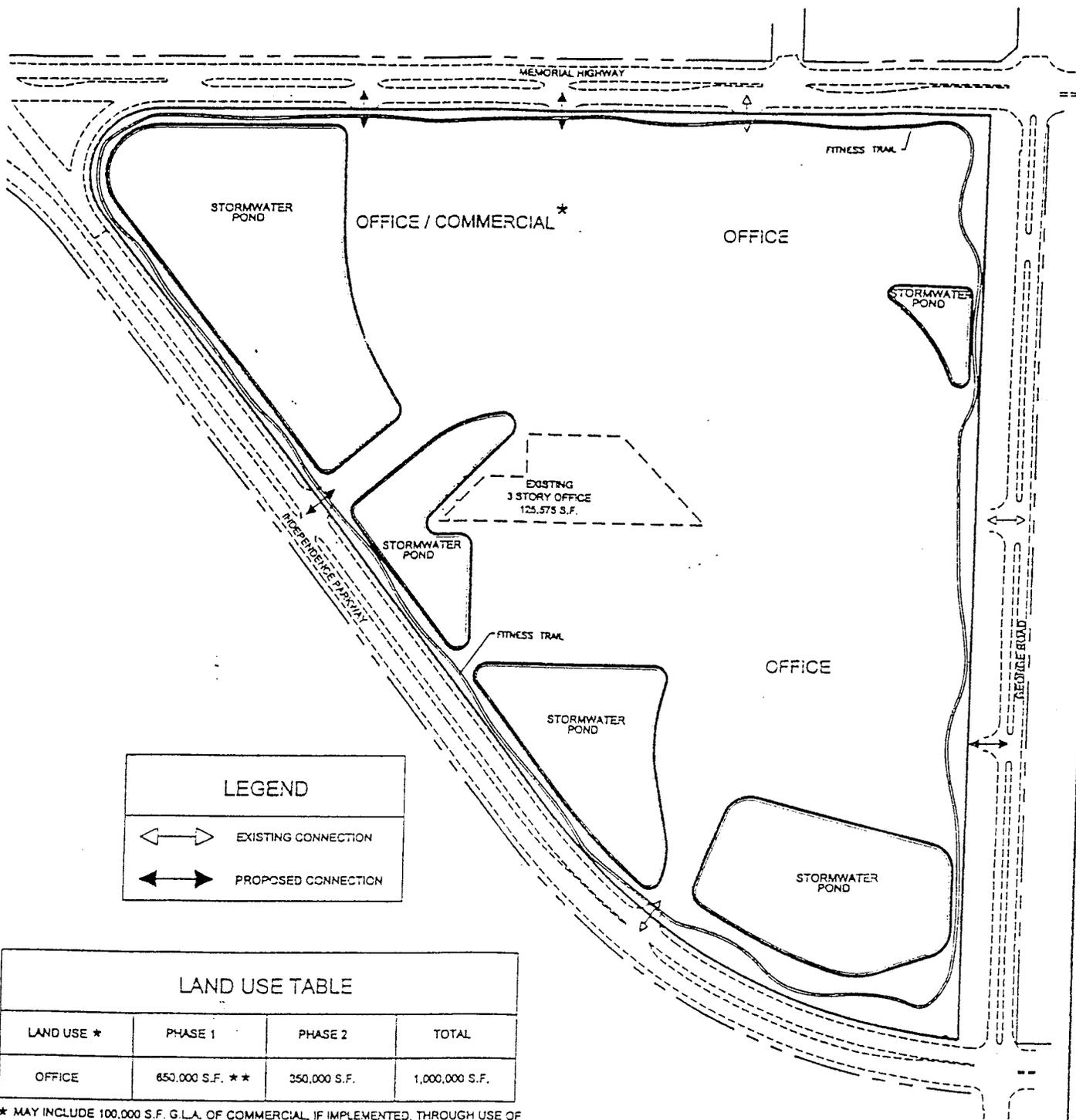
UTILITY/EMPLOYMENT EQUIVALENCY COMPARISON
INDEPENDENCE PARK DRI

Land Use	Base Size ¹	Retail Equivalent		Maximum Allowable ³ Additional Development
		Size	Comment	
Office	1,000 sf	381 sf	--	
Water Wastewater Solid Waste Aff. Housing	240 gpd 200 gpd 10 lbs/day 1.45 emp.	45.7 gpd 38.1 gpd 3.0 lbs/day 0.30 emp.	< Office < Office < Office < Office	<ul style="list-style-type: none"> Retail does not exceed Office based on water, wastewater, and solid waste

¹ Base size for Land Use obtained from Table 1. Water, Wastewater, solid waste and affordable housing rates obtained from ADA. Retail rates: water-120 gpd/ksf; wastewater - 8 lbs/day/ksf; and affordable housing - 0.80 emp/ksf.

² Equivalent Land Use size based on use of Equivalency Matrix

³ Maximum allowable limits identified herein are based on worst-case utility or employment basis.



* MAY INCLUDE 100,000 S.F. G.L.A. OF COMMERCIAL, IF IMPLEMENTED, THROUGH USE OF THE EQUIVALENCY MATRIX SET FORTH IN EXHIBIT "C" OF THE DEVELOPMENT ORDER.
 ** INCLUDES EXISTING 125,575 S.F. BUILDING



EXHIBIT "D"

May 16, 2001
 (Revised 9/25/02)

MAP H
 MASTER PLAN

INDEPENDENCE PARK

A Development of Regional Impact by:
 The Chase Manhattan Bank

WilsonMiller, Inc.
 Project Coordination, Planning
 Transportation, Engineering

Vanzise Hagen Brustlin, Inc.
 Environmental

Mechanik Nuccio Williams Hearme & Wester, P.A.
 Legal Counsel