



CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

March 22, 1993

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

RE: Petition No. DZ82-61
Ordinance No. 93-39

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Swift, Manager, Land Development Coordination, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

mailed 3/22/93
received 3/23/93

In project file marked
Ordinance No. 93-39
Exhibits

{ Exhibit A = NOPC, NOPC sufficiency response, and
letter to FDOT
Exhibit B = Revised site plan

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

AN ORDINANCE AMENDING ORDINANCE 8594-A, WHICH ORDINANCE RENDERED AN AMENDMENT TO A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY MORLEY PROPERTIES, INC; DETERMINING THAT THE REVISED PLAN OF DEVELOPMENT IS NOT A SUBSTANTIAL DEVIATION FROM THE APPROVED PLAN OF DEVELOPMENT WHICH FORMED PART OF THE EARLIER APPLICATION FOR DEVELOPMENT APPROVAL, PURSUANT TO CHAPTER 380.06 (17) (b), FLORIDA STATUES (1983); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council passed and ordained Ordinance 8238-A, on May 12, 1983, which Ordinance constituted a development order rendered pursuant to Chapter 380 Florida Statutes, on an application for development approval filed by Freedom Savings, for the Freedom Financial Center, a Development of Regional Impact; and

WHEREAS, Morley Properties, Inc., of Orlando filed a revised site plan for the subject site which was determined by City Council on June 21, 1984 not to be a Substantial Deviation to the original Development Order (Ordinance 8594-A); and

WHEREAS, on September 4, 1992, Office Depot, Inc., filed a Notice of Proposed Change (the "Notification") attached hereto as Exhibit "A" and incorporated herein by reference to a previously approved Development of Regional Impact, proposing a revised plan of development for Phases II & III of the original Development Order; and

WHEREAS, on February 10, 1993, Office Depot, Inc. filed a Sufficiency Response attached hereto as Exhibit "A" and incorporated by reference; and

WHEREAS, on March 4, 1993, Office Depot, Inc. filed a second Sufficiency Response in the form of a letter addressed to Maximo Perez, Florida Department of Transportation, attached hereto as Exhibit "A" and incorporated by reference (hereinafter the Notification together with the Sufficiency Response shall collectively be referred to as the "Notice of Change"); and

WHEREAS, the Notice of Proposed Change provides for an increase in the amount of overall retail development by 9,125 square feet to a project total of 74,420 square feet, an increase in the amount of Phase II retail development by 17,825 square feet, a decrease in the amount of Phase III retail by 8,700 square feet, a reduction in the amount of Phase II and III office development by 485,540 square feet, an increase in the amount of Phase II restaurant space by 6,300 square feet to a project total of 11,900 square feet, the deletion of the square footage allocated for the

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health club (5,600 square feet), an increase by less than six years 11 months 29 days for Phase II build-out, and an increase by less than two years 11 months 29 days for Phase III build-out; the addition of 1.2 acres of land and the deletion of specific original Development Order conditions as either non-applicable or satisfied (hereinafter said changes shall be referred to as the "Proposed Change"); and

WHEREAS, the proposed changes include changes in the Development Order build-out schedule, an increase in retail development and an extension of expiration dates which will require a public hearing pursuant to 380.06(19)(f)(3), Florida Statutes; and

WHEREAS, the subject property is located within the Westshore Regional Activity Center as shown the Tampa Bay Regional Planning Council's Regional Policy Plan and the City of Tampa's Comprehensive Land Use Plan; and

WHEREAS, the Regional Activity Center designation on this site has changed the DRI transportation review criteria to a threshold of ten percent (10%) of peak hour Level of Service D capacity; and

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

WHEREAS, the City Council on March 4, 1993 and March 18, 1993 held duly noticed public hearing on the Notification for Proposed Changes and has heard and considered testimony and documents received therein; and

WHEREAS, the City Council has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by Office Depot, Inc., concerning the simultaneous increase and decrease of development square footage, the phasing extension and extension of expiration date of the development order and the addition of land into the DRI area; and

WHEREAS, the Tampa City Council as the governing body of the local government having jurisdiction pursuant to Florida Statutes, Section 380.06, is authorized and empowered to consider proposed changes and to amend a previously approved Development of Regional Impact; and

WHEREAS, City Council has reviewed and considered the above-referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a Development Order be amended to reflect City Council's approval of changes to an adopted Development Order; and

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WHEREAS, Office Depot, Inc., has agreed to accept all other responsibilities previously levied on the predecessors in title to Phases II and III, under ordinances 8238-A and 8594-A, except as herein modified; and

WHEREAS, City Council has now determined that the revised plan of development is not a substantial deviation from the previously approved plan of development, in that it does not create a reasonable likelihood of additional adverse impact and that it does not create other regional impacts not previously reviewed by City Council or the Tampa Bay Regional Planning Council;

NOW, THEREFORE,

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

Section 1. Findings of Fact. That the City Council, having received the above-referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notice of Proposed Change and Sufficiency Response attached hereto as Exhibit A.

B. That Developer proposes to amend the approved project by providing for an increase in the amount of overall retail development by 9,125 square feet to a project total of 74,420 square feet, an increase in the amount of Phase II retail development by 17,825 square feet, a decrease in the amount of Phase III retail by 8,700 square feet, a reduction in the amount of Phase II and III office development by 485,540 square feet, an increase in the amount of Phase II restaurant space by 6,300 square feet to a project total of 11,900 square feet, the deletion of the square footage allocated for the health club (5,600 square feet), an increase by less than six years 11 months 29 days for Phase II build-out, and an increase by less than two years 11 months 29 days for Phase III build-out; the addition of 1.2 acres of land and the deletion of specific original Development Order conditions as either non-applicable or satisfied.

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

D. That the Proposed Changes are consistent with the State Comprehensive Plan.

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

F. That the Proposed Changes are found not to be a Substantial Deviation under the provisions of 380.06(19), Florida Statutes, nor create additional regional impacts nor impacts not previously approved;

G. That a Comprehensive review of the impacts generated by the Proposed Change has been conducted by the City of Tampa, the Tampa Bay Regional Planning Council and the Department of Community Affairs.

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

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

B. That review by the City of Tampa, the Tampa Bay Regional Planning Council 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 the Proposed Changes are presumed to create a Substantial Deviation under Section 380.06(19), Florida Statutes.

D. That based upon analyses which are part of Exhibit "A," the record of the proceeding and the aforementioned reviews 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.

E. That based upon the foregoing and pursuant to Section 380.06(19), Florida Statutes, the Proposed Changes are found not to be a Substantial Deviation.

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

A. That the Proposed Changes are hereby approved subject to the following conditions, limitations and restrictions:

1. The legal description is amended to incorporate 1.2 acres of land into the DRI boundary.

2. The Developer shall comply with the City of Tampa Code, as amended, regulating storm water management in effect at the time of permitting for the 1.2 acres added into the Development of Regional Impact.

3. The 1.2 acres added into the Development of Regional Impact will be used exclusively for parking, landscaping and stormwater management.

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

1. The approved Development Schedule is hereby amended to the following:

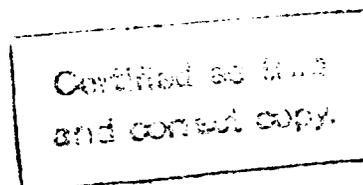
	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>	<u>TOTAL</u>
Office	228,755	---	---	228,755 ¹
Retail	22,445 ²	36,975	15,000 ³	74,420
Restaurant	2,800	9,100	---	11,900
TOTAL	254,000	46,075	15,000	315,075

1. Deletion of 485,540 square feet of office development from approved project.
2. As defined in the original ADA on pages 12-1 and 31-5.
3. Limited to specialty retail uses as defined by the ITE Trip Generation Manual, 5th Edition, or any other retail use which can be demonstrated to the City of Tampa's Transportation Division to attract less than or equal to 40.67 vehicle trip ends per day.

2. Section 2 of the Development Order, as amended by the First Amendment, is hereby amended to incorporate the Notice of Change.

3. Section 4.C.2 of the Development Order is hereby deleted as not applicable. The project as amended generates traffic that consumes less than 9.5% of the Level of Service D capacity for all regional roadways and intersections in the vicinity of the project. Therefore, these improvements are not within the study network for the project and should not be included as a condition of approval.

4. Section 4.C.3 of the Development Order is hereby deleted due to the satisfaction of the conditions contained therein.



5. Section 4.D. of the Development Order is hereby modified to read as follows:

The Developer shall construct access points to the site at the following locations: Marie Street, Sterling Avenue, Kennedy Boulevard (limited driveway access), and Dale Mabry Highway (limited driveway access). The improvements may include, but are not limited to, geometric improvements, signalization modification, and new signal installations. The design for these improvements shall be reviewed and approved by the Florida Department of Transportation (where applicable), with input from the City, the Developer and the Developer's consultants. The improvements to the access points shall be completed no later than is necessary to complement the completion of each phase, based upon recognized engineering practices.

6. Section 4.F. of the Development Order is hereby deleted as not applicable to the retail component. The revised development schedule reduces the project's share of peak hour Level of Service D capacity to less than ten percent (10%).

7. Section 4.G. of the Development Order is hereby deleted as not applicable to the retail component. The revised development schedule reduces the project's share of peak hour Level of Service D capacity to less than ten percent (10%).

8. Section 4.H. of the Development Order is hereby deleted. The proposed amendments reduce the number of total PM peak hour trips by over fifty percent (50%).

9. Section 4.I. of the Development Order is hereby modified to read as follows:

That the Developer of the office portion of the project shall participate in a TSM and an implementation program to be developed through the coordinated efforts of the Developer, the City, Hillsborough County, Florida Department of Transportation, Hillsborough County MPO, Hillsborough County Regional Transit and the Tampa Bay Regional Planning Council. The TSM plan shall include procedures to encourage and facilitate the use of car-pooling, van-pooling, flex time, transit ridership and provision of bus stop shelters. However, this shall in no way be construed to impose any additional financial obligations upon the Developer beyond those stipulated in 4(C), 4(D) and 4(E) above. For the purpose of 4(F) and 4(G), "financial obligations" shall not be construed to require any further capital expenditures beyond those identified in 4(C), 4(D), and 4(E).

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and correct copy.

The Developer of Phases II and III shall be required to provide proof of membership in the Westshore Alliance prior to the issuance of building permits for any development in Phase II or III. The Developer shall also encourage within each retail component of the project implementation of those TSM measures which are developed by the Westshore Alliance and which are applicable to free standing retail development.

10. Section 4.L. of the Development Order is hereby modified to read as follows:

The Developer shall implement the following measures to minimize adverse water quality impacts from the development:

1. Use water spraying, hay bale barriers, silt fences and temporary berms during construction.
2. Limit clearing of the site to that area required for each development phase or for staging for the next phase.
3. Avoid clearing and grading on the site to the maximum extent possible during the summer months, of the highest potential for erosive rainfall.
4. Protect all inlets to storm sewers by the placement of temporary sediment traps during construction.
5. Maintain all temporary and permanent sediment traps and erosion control devices and measures on a regular scheduled basis.

Section 11. Section 4.U. of the Development Order is hereby modified to read as follows:

That the Developer shall encourage energy conservation measures proposed in the ADA, including but not limited to, the use of energy conserving appliances and building design features, landscaping techniques, energy efficient lighting, and the implementation of automated energy management systems.

Section 12. Section 6 of the Development Order is hereby modified to read as follows:

That this Order shall remain in effect for a period of fifteen (15) years from the effective date of Ordinance 8238-A. This Order may be extended by City Council subject to Chapter 380 F.S. on the finding of excusable delay in any proposed development activity.

Section 4. Schedule of Development. The original Development Schedule as outlined in Table 12-1 of the Application for Development Approval is hereby amended to provide for an extension of the Phase II and III build-out. The build-out of Phase II shall be extended to December 30, 1995 from December 31, 1988, a period of six years, eleven months and 29 days. The build-out of Phase III shall be extended to December 30, 1995 from December 31, 1992, a period of two years, eleven months and 29 days. Any development activity wherein plans have been submitted to the City for its review and approval prior to the build-out date of this Order, may be completed, if approved. Such development shall be substantially completed (90%) within one-year of the build-out date as provided herein.

The amended Schedule of Development shall be as follows:

<u>Phase</u>	<u>Original</u>	<u>Proposed</u>
I	1983 to 1984	No Change
II	1986 to 1988	1992 to December 30, 1995
III	1989 to 1992	1992 to December 30, 1995

Section 5. Amendment by Site Plan. That Section 1 of Ordinance 8238-A and Ordinance 8594-A is hereby amended as to Phase II and III development only, by inserting the attached site plan dated March 4, 1993, a copy of which is attached hereto as Exhibit "B" and by reference incorporated into this Ordinance.

Section 6. Development Order, as Amended. This Ordinance shall constitute the Second Amendment to Ordinance No. 8238-A, and Ordinance No. 8594-A which shall constitute, collectively, the Development Order as passed and ordained by the City Council. All provisions of the Development Order and First Amendments, 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 7. Definitions. The definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 8. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

<p>Certified as true and correct copy.</p>
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Section 9. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 10. 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 11. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its effective date to the Developer, the Florida Department of Community Affairs and the Tampa Bay Regional Planning Council.

Section 12. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 13. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 14. Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAR 18 1993, 1993.

CITY OF TAMPA

Joe Greco

CHAIRMAN, CITY COUNCIL

ATTEST:

Frances Henriquez

CITY CLERK

APPROVED by me on Mar 19, 1993.

APPROVED as to form by:

Rita K. Pi

CITY ATTORNEY

Sandra W. Goldman

MAYOR

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance no 93-39 on file in my office.

Witness my hand and official seal this 22nd day of March, 19 93

FRANCES HENRIQUEZ, CITY CLERK

CITY CLERK

AN ORDINANCE AMENDING ORDINANCE 8238-A, WHICH ORDINANCE RENDERED A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY FREEDOM SAVINGS, FOR FREEDOM FINANCIAL CENTER; DETERMINING THAT A REVISED SITE PLAN IS NOT A SUBSTANTIAL DEVIATION FROM THE SITE PLAN WHICH FORMED PART OF THE EARLIER APPLICATION FOR DEVELOPMENT APPROVAL, PURSUANT TO CHAPTER 380.06(17)(b), FLORIDA STATUTES (1983); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council passed and ordained Ordinance 8238-A, on May 12, 1983, which Ordinance constituted a development order rendered pursuant to Chapter 380 Florida Statutes, on an application for development approval filed by Freedom Savings, for the Freedom Financial Center, a development of regional impact, and

WHEREAS, Morley Properties, Inc., of Orlando as the successor-in-interest to Freedom Savings in regard to this property, has filed a revised site plan for that site, and

WHEREAS, pursuant to Florida Statutes, Section 380.06(17)(a), the City of Tampa is required to make a substantial deviation review and determination, and

WHEREAS, the Department of Housing, Inspection and Community Services has coordinated a review of the revised site plan, and has determined that such revised site plan is not a substantial deviation from the previously approved site plan, and

WHEREAS, Morley Properties, Inc., has agreed to accept all other responsibilities previously levied on Freedom Savings, under Ordinance 8238-A, and

WHEREAS, City Council has now determined that the revised site plan is not a substantial deviation from the previously approved site plan, in that it does not create a reasonable likelihood of additional adverse impact and that it does not create other regional impact not previously reviewed by City Council or the Tampa Bay Regional Planning Council;

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

SECTION 1. That Section 1 of Ordinance 8238-A is hereby amended by inserting the attached site plan, a copy of which is attached hereto as Exhibit "A", and by reference incorporated herein and by reference incorporated within Ordinance 8238-A, as if fully set out herein and therein; site plan dated 5-29-84.

SECTION 2. That all other sections of Ordinance 8238-A, specifically including the conditions of development set out in Section 4 thereof, shall remain in full force and effect.

SECTION 3. That all building permits requested by Morley Properties, Inc., shall be issued only to the extent that they are consistent with the revised site plan, Exhibit "A".

SECTION 4. That all proper officers of the City of Tampa are hereby authorized and empowered to do all things necessary in order to carry out and make effective the provisions of this Ordinance.

SECTION 5. That the City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of the effective date of this Ordinance to Morley Properties, Inc., the Florida Department of Community Affairs and the Tampa Bay Regional Planning Council.

SECTION 6. That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON 6-21-84.

ATTEST:

Frances Henriquez
CITY CLERK

Sandra W. Friedman
CHAIRMAN, CITY COUNCIL

APPROVED by me on JUN 22 1984

Prepared and Approved by:

Paul Termit
ASSISTANT CITY ATTORNEY

Bob Martinez
MAYOR

STATE OF FLORIDA

LAND AND WATER ADJUDICATORY COMMISSION

IN RE:

CITY OF TAMPA, FLORIDA ORDINANCE)
NO. 8190-A APPROVING THE FREEDOM) CASE NOS. 83-1266 and 83-1310
FINANCIAL CENTER A DEVELOPMENT OF)
REGIONAL IMPACT IN THE CITY OF) NOTICE OF FILING
TAMPA.)
_____)

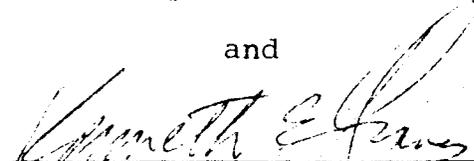
Respondents, City of Tampa, a Florida municipal corporation, and Freedom Savings & Loan Association, a Florida corporation, file herewith Ordinances #8237-A and #8238-A, passed by Tampa City Council and approved by the Mayor of Tampa on May 12, 1983. Ordinance #8237-A repeals Ordinance #8190-A and Ordinance #8238-A now constitutes the Development Order approving the Freedom Financial Center as a Development of Regional Impact in the City of Tampa.

We hereby certify that a copy of the foregoing has been furnished by U.S. Mail to the persons listed on the attached service list this 12th day of May, 1983.



THEODORE C. TAUB, ESQ.
Taub & Williams
Plaza on the Mall, Suite 1700
201 E. Kennedy Boulevard
Post Office Box 3430
Tampa, Florida 33601
(813) 223-1884
Attorneys for Respondent, Freedom
Savings & Loan Association

and



KENNETH E. GRAVES, ESQ.
Assistant City Attorney
City of Tampa
Fifth Floor, 100 E. Kennedy Blvd.
Tampa, Florida 33601
(813) 223-1884
Attorneys for Respondent, City
of Tampa

SERVICE LIST

Honorable Bob Graham
Governor
The Capitol
Tallahassee, Florida 32301

Honorable Jim Smith
Attorney General
The Capitol
Tallahassee, Florida 32301

Honorable Doyle Conner
Commissioner of Agriculture
The Capitol
Tallahassee, Florida 32301

Honorable Gerald Lewis
Comptroller
The Capitol
Tallahassee, Florida 32301

John T. Herndon, Secretary
Florida Land and Water
Adjudicatory Commission
Office of the Governor
The Capitol
Tallahassee, Florida 32301

C. Laurence Keeseey, Esq.
2571 Executive Center Circle, East
Tallahassee, Florida 32301

Mr. Chris Bentley
Division of Administrative Hearings
Department of Administration
2009 Apalachee Parkway
Oakland Building
Tallahassee, Florida 32301

Fred F. Church, Jr.
Freedom Savings
Post Office Box 24024
Tampa, Florida 33623

Honorable Bill Gunter
Insurance Commissioner
The Capitol
Tallahassee, Florida 32301

Honorable Ralph Turlington
Commissioner of Education
The Capitol
Tallahassee, Florida 32301

Honorable George Firestone
Secretary of State
The Capitol
Tallahassee, Florida 32301

Roger S. Tucker
Tampa Bay Regional Planning
Council
9455 Kozer Boulevard
St. Petersburg, Florida 33702

John DeGrove, Secretary
Department of Community Affairs
2571 Executive Center Circle East
Tallahassee, Florida 32301

Diane D. Tremor
Hearing Officer
Division of Administrative Hearings
The Oakland Building
2009 Apalachee Parkway
Tallahassee, FL 32301

OFFICE OF **CITY CLERK** THIRD FLOOR, CITY HALL, TAMPA, FLORIDA 33602 • 813/223-8396

FRANCES HENRIQUEZ
City Clerk

May 16, 1983

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

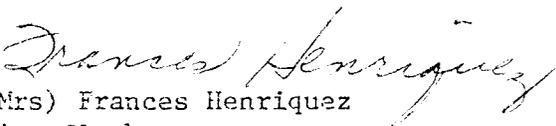
Re: Ordinance Nos. 8237-A and 8238-A

Gentlemen:

I am transmitting the above ordinance which was adopted by the City Council and signed by the Mayor.

Please let me know if I can be of further service.

Sincerely,


(Mrs) Frances Henriquez
City Clerk

eph

Enclosure

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 FREEDOM SAVINGS, FOR FREEDOM FINANCIAL CENTER, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on July 1, 1982, Freedom Savings filed an Application for Development Approval (hereinafter "ADA") of a Development of Regional Impact (hereinafter "DRI") with the City of Tampa (hereinafter "the City"), Hillsborough County City-County Planning Commission, Hillsborough County Environmental Protection Commission, Florida Department of Community Affairs and the Tampa Bay Regional Planning Council (hereinafter "TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (1981), as amended (hereinafter "Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of Freedom Financial Center for a multi-tower office complex together with supporting retail areas in the City of Tampa, located on approximately 8.07 acres; 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 Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Chapter 380, and Section 43-96.2, City of Tampa Code have been satisfied; and

WHEREAS, the City Council has on February 10, 1983, held a duly noticed public hearing on the Application for Development Approval and has heard and considered testimony and documents received thereon; and

WHEREAS, the City Council has received and considered the report and recommendations of the TBRPC; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the application hearing on the subject Development of Regional Impact, 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 (hereinafter "Order") for the City Council issued in response to the ADA filed by Freedom Savings, for development of the Freedom Financial Center, a Development of Regional Impact. The scope of development to be permitted pursuant to this Order includes the operations described in the ADA and the supporting documents, which by reference are made a part hereof as composite Exhibit A.

Section 2. That 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 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 Freedom Savings (hereinafter "the Developer") submitted to the City an ADA and sufficiency response which are attached hereto as composite Exhibit A, and by reference made a part hereof, to the extent that they are not inconsistent with the terms and conditions of this Order.

- C. That the Developer proposes the development of the Freedom Financial Center, a multi-tower office complex together with supporting retail areas with a total site area of approximately 8.07 acres, located approximately at the intersection of Kennedy Boulevard and Dale Mabry Highway in the City of Tampa.
- D. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1981), as amended.
- E. That the project is consistent with all local land development regulations.
- F. That this Order is consistent with the report and recommendations of the TBRPC.
- G. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.
- H. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.

Section 3. 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 this proceeding, the Developer and the various departments of the City are authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.
- B. That the review by the City, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the ADA is hereby approved, subject to the following conditions, restrictions and limitations:

- A. Substantial Deviations: Retriggering of Development of Regional Impact process.

Further review pursuant to Chapter 380, may be required if a substantial deviation, as defined in Chapter 380, occurs. The Developer shall be given due notice of, and an opportunity to be heard at any hearing to determine whether or not a proposed change to the development is a substantial deviation. Substantial deviation may occur by failure to comply with the conditions herein, failure to follow the plans and specifications submitted in the ADA and supplementary information, or by activities which are not commenced until after the expiration of the period of the effectiveness of this Order.

- B. The Developer shall submit an annual report on the Development of Regional Impact to the City, the TBRPC, the State Land Planning Agency, and other agencies as may be appropriate, on the anniversary of the effective date of this Order for each following year until and including such time as all terms and conditions of this Order are satisfied. Such report shall be submitted to the Director, Department of Housing, Inspections and Community Services (hereinafter "HICS") who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Order. The Developer shall be notified of any City Council hearing wherein such report is to be reviewed, provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any

terms or conditions of this Order. The annual report shall contain:

1. A description of all development activity conducted pursuant to this Order during the year immediately preceding the submission of the annual report;
2. A description of all development activities proposed to be conducted under the terms of this Order for the year immediately subsequent to the submission of the annual reports;
3. A statement listing anticipated applications for development permits, required pursuant to applicable regulations, which the Developer proposes to submit during the year immediately following submittal of the annual report;
4. A statement by HICS regarding the status of the activities, improvements, measures and commitments referred to in Section 4.
5. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to the Developer in its capacity as Developer of the Freedom Financial Center; and
6. A statement that all persons have received copies of the annual report, as required under Chapter 380.

It is the intent herein, that the foregoing requirements for submittal of the annual report shall be in addition to and not in lieu of any submittal requirements for an annual report as promulgated by the State Land Planning Agency.

- C. 1. The Developer shall contribute to the City, in discharge of its responsibility to mitigate the transportation system impacts of all phases of the Freedom Financial Center, the sum of \$270,000.00, as a grant-in-aid-of-construction, which has been determined to be at least equal to the proportionate share of the cost of improvements listed below, assignable to Freedom Financial Center. The first payment will be in an amount of \$135,000.00, due and payable at the time of the issuance of the first construction permit, which does not include site clearing, or necessary demolition permits (hereinafter "construction permit"), for Phase I or on July 1, 1984, whichever event occurs earlier. The second payment in an amount of \$135,000.00, is due and payable at the time of the issuance of the first construction permit for Phase II, or on July 1, 1986, whichever event occurs earlier. The City shall apply this grant-in-aid-of-construction referred to above, together with any interest accrued on that grant, toward completing the following transportation improvements:
 - a. Improvement at the intersection of Cypress and Dale Mabry: Provide two through lanes and an exclusive left turn lane in each direction of Cypress.
 - b. Improvement at the intersection of Dale Mabry Highway and Kennedy Boulevard: Improve Dale Mabry to a total of three through northbound lanes on the south approach.
2. The City shall award contracts so that the improvements referred to in 4(C)(1)(a) and (b) above, shall be in place no later than the issuance of a certificate of occupancy for Phase II.
3. The Developer shall not seek building permits for Phase III development from the City until one of the following events occurs:

- a. Funding commitments from the responsible entities have been received by the City for the following improvement:
 - (1) Improve Himes Avenue from Gray Street north to Cypress Street to a four lane facility; or
 - b. The Developer, at its own expense, shall complete a transportation analysis regarding Phase III, which shall be reviewed by the City, and which transportation analysis establishes that the improvement referred to in 4(C)(3)(a) above is no longer needed, in order to attain a level of service C daily, or D at peak hour, on that facility or segment. The methodology utilized in conducting this transportation analysis shall be based upon generally accepted traffic engineering practices as utilized in the ADA; or
 - c. Funding commitments from the responsible entities have been received by the City for that portion of the improvement which the transportation analysis referred to in 4(C)(3)(b) determines is still required.
4. Payment of the sum of \$270,000.00 referred to in Section 4(C)(1) above, shall constitute the final and complete payment by the Developer for any and all off-site transportation improvements related to the project, except as may be provided in 4(D) and 4(E), below.
 5. The City's representatives to the Metropolitan Planning Organization (MPO), shall support the inclusion of the foregoing improvements in the Transportation Improvement Program, as items to be completed by the Florida Department of Transportation (FDOT).
 6. The City shall award contracts for the implementation of any or all, of the foregoing improvements, as soon as possible, after receiving grants-in-aid-of-construction, or impact assessment fees, from development projects within this impact area, or after receiving funding from other sources, which equal, in the aggregate, one hundred percent (100%) of the costs of those improvement(s).
 7. In regard to the improvement referred to in 4(C)(3)(a)(1), the City shall continue to proceed with its on-going efforts to seek funding from the State or Federal government to four lane Himes Avenue from Kennedy to Columbus.
 8. The City, upon the effective date of this order, shall immediately review its city-wide transportation needs priorities, in regard to the foregoing improvements, and shall reorder its priorities, if deemed appropriate, in order to facilitate this phased development.
- D. The Developer shall construct access points to Freedom Financial Center at the following locations: Gray Street, North B Street, Sterling Avenue, Kennedy Boulevard (limited driveway access), and Dale Mabry Highway (limited driveway access). The improvements may include, but are not limited to, geometric improvements, signalization modification, and new signal installations. The design for these improvements shall be reviewed and approved by the Florida Department of Transportation, with input from the City, the Developer and the Developer's consultants. The improvements to the access points shall be completed no later than is necessary to complement the completion of each phase, based upon recognized engineering practices.
 - E. The Developer, in conjunction with the City and the Hillsborough Area Regional Transit Authority, shall seek to provide bus shelters, bus turnouts and bus information signs on or adjacent to the site. The scope of these improvements shall be consistent with

the ridership/usage goals and design capacities planned or committed for this development in the ADA and any traffic system management (hereinafter "TSM") programs which are developed.

- F. That the Developer, in lieu of widening Dale Mabry Highway from I-275 south to Gray Street to eight lanes divided, shall be required to participate in TSM measures, over and above those identified in the ADA. Such TSM measures are intended to reduce the development's share of existing daily level of service C capacity to less than 5%. These TSM measures are described in 4(H) and shall be implemented prior to the issuance of a Certificate of Occupancy for Phase II.
- G. That the Developer, in lieu of improving the Dale Mabry Highway/Kennedy Boulevard intersection to include improving Kennedy to a total of six through lanes and providing dual left turn lanes on Kennedy on each approach, as referred to above, shall be required to participate in TSM measures over and above those identified in the ADA. Such measures are intended to reduce the project's share of existing peak hour level of service D capacity to less than 5%. These TSM measures are described in 4(H) and shall be implemented prior to the issuance of a Certificate of Occupancy for Phase III.
- H. That the Developer shall be required to assure the City or provide such assurances that 12.5% of the PM peak hour auto trips generated by this development, over and above those assigned to transit in the ADA, shall take place outside the PM peak traffic hour. Such measures may include, but are not limited to, staggered work hours, carpooling, vanpooling, park and ride, employee bus pass programs and on-site transit facilities.
- I. That the Developer shall participate in a TSM and an implementation program to be developed through the coordinated efforts of the Developer, the City, Hillsborough County, FDOT, Hillsborough County MPO, Hillsborough Area Regional Transit and the TBRPC. The TSM plan shall include procedures to encourage and facilitate the use of carpooling, vanpooling, flex time, transit ridership and provision of bus stop shelters. However, this shall in no way be construed to impose any additional financial obligations upon the Developer beyond those stipulated in 4(C), 4(D), 4(E), 4(F), 4(G), and 4(H), above. For the purpose of 4(F), 4(G), and 4(H), "financial obligations" shall not be construed to require any further capital expenditures beyond those identified in 4(C), 4(D), and 4(E).
- J. The Developer shall cooperate with the City toward making improvements to the Storm Water Drainage System in this part of the City consistent with the requirements which have been made a part of the associated community unit (CU) rezoning review. The Developer's contribution for off-site storm water system improvements is specified in the CU rezoning Ordinance, attached hereto as Exhibit C. Such contribution fully discharges the Developer's obligation in connection therewith.
- K. The Developer shall be responsible for the cost of capital improvements to the utilities, curbs and sidewalks in the site vicinity, as referenced in the ADA. Connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the utility systems necessitated by this development, shall be assumed by the Developer, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations.
- L. The Developer shall implement the following measures to minimize adverse water quality impacts from the development:
 - 1. Conduct regular sweeping of the perimeter roads.
 - 2. Use water spraying, hay bale barriers, silt fences and temporary beams during construction.

3. Limit clearing of the site to that area required for each development phase or for staging for the next phase.
 4. Avoid clearing and grading on the site to the maximum extent possible during the summer months, of the highest potential for erosive rainfall.
 5. Protect all inlets to storm sewers by the placement of temporary sediment traps during construction.
 6. Maintain all temporary and permanent sediment traps and erosion control devices and measures on a regular scheduled basis.
- M. That the Developer shall implement on-site drainage and filter systems as referenced in the ADA, in order to improve the water quality of Tampa Bay.
 - N. That the Developer shall submit to the City of Tampa the results of additional soil testing undertaken to determine the best foundation method for the development, as referenced in the ADA.
 - O. The Developer shall adhere to the Federally-mandated regulations, Title 40, Part 61, Subpart B, if any of the existing TECO buildings contains asbestos. Further, the Developer shall employ watering and other techniques to reduce dust emissions during demolition periods.
 - P. The Developer shall implement mitigative measures, as referenced in the ADA, in order to control air and noise pollution at the development site.
 - Q. That the total daily generation of solid waste from commencement of construction to build out of the initial phase of the project, as referenced in the ADA, will be accepted by the City. Approval by the City of subsequent phases, or portions thereof, will be accompanied by a verification from the City that adequate solid waste disposal capacity is available to serve that phased development.
 - R. That if any significant historical or archeological sites or artifacts are discovered during site preparation and construction, the Bureau of Historic Sites and Properties, Florida Department of State, shall be notified to determine the importance of such discoveries, and to determine appropriate measures to be undertaken to insure their preservation. The Developer shall insure that the project will not interfere with the attainment of the sulphur dioxide and particulate standards as well as the attainment of oxidant standards for Hillsborough County.
 - S. That the Developer shall be the responsible agent for the maintenance of all open space areas on the project site.
 - T. That the Developer shall be the responsible entity for the maintenance and operation of the on-site wells.
 - U. That the Developer shall encourage energy conservation measures proposed in the ADA, including but not limited to, the use of energy conserving appliances and building design features, landscaping techniques, energy efficient lighting, the use of an energy manager and the implementation of automated energy management systems.
 - V. That the Developer shall be responsible for the cost of any water distribution capital improvements necessitated by this development for adequate fire protection.
 - W. That the Developer shall implement the Federal Aviation Administration review recommendations.

- X. That the total daily water requirements from commencement of construction through build-out and operation of the project as referenced in the ADA will be supplied by the City at the standard charge for water service. Connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the water system necessitated by this development, shall be assumed by the Developer, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations.
- Y. That, the average daily flows of waste water from commencement of construction through build-out and operation of the project as referenced in the ADA will be accepted by the City at the standard charge for wastewater service. Connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the wastewater system necessitated by this development, shall be assumed by the Developer, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations. Grants-in-aid-of-construction, if required by the City, shall be reduced by a credit for Average Daily Flows generated by the previously existing development on the site, and by a credit for Sewer Improvement Fees.
- Z. All development pursuant to this Order shall be in accordance with applicable local building codes, ordinances, and other laws except as otherwise herein provided.

Section 5. That the definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Development Order.

Section 6. That this Order shall remain in effect for a period of fifteen (15) years from the effective date of this Development Order. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed, if approved. This Order may be extended by City Council on the finding of excusable delay in any proposed development activity.

Section 7. That this Order shall be binding upon the Developer, assigns or successors in interest.

Section 8. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Order.

Section 9. That in the event that any portion or section of this Order is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner effect the remaining portions or sections of this Order which shall remain in full force and effect.

Section 10. That the City Clerk is hereby directed to send copies of this Order, within five (5) days of the effective date of this Ordinance, to the Developer, the Florida Department of Community Affairs, and the TBRPC.

Section 11. That the Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380, and shall furnish the City Clerk a copy of the recorded notice.

Section 12. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 13. That this Ordinance shall take effect immediately upon becoming a law, and a copy hereof shall be posted on the bulletin board in the hall of the first floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA,
ON MAY 12 1983

ATTEST:

Francis Henriquez

CITY CLERK

Prepared and Approved By:

Kenneth G. Gaus
ASSISTANT CITY ATTORNEY

Sandra W. Friedman
CHAIRMAN, CITY COUNCIL

APPROVED by me on May 12, 1983

Bob Martinez
MAYOR

State of Florida)
County of Hillsborough)

This is to certify that the foregoing is a
true and correct copy of Ord. 8238-A
on file in the City Clerk's office.

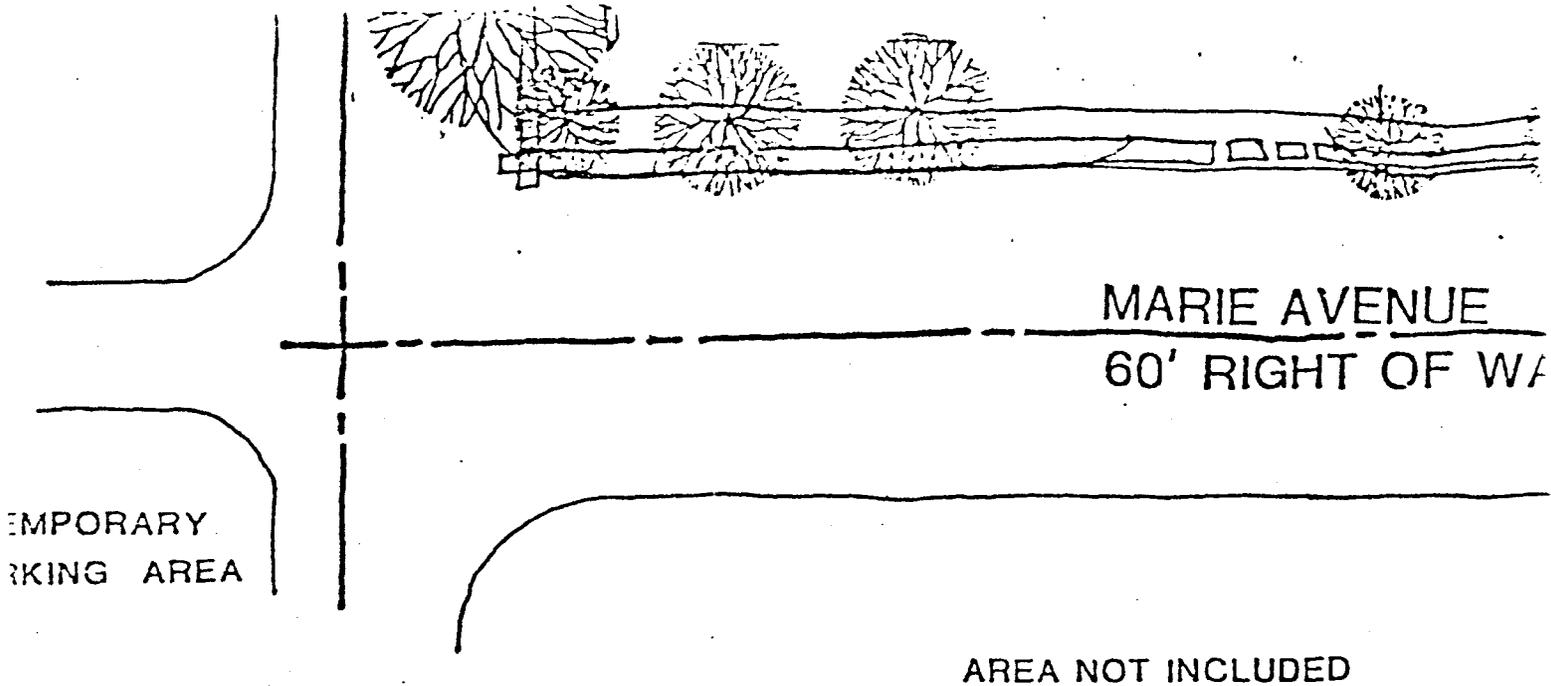
Witness my hand and official seal this 12 day

Francis Henriquez, CITY CLERK

Mary A. Saichanks
Deputy City Clerk

CITY CLERK.

Composite Exhibit "A" to this DRI Order
is maintained in the official records of
the City Clerk of the City of Tampa.



LEGAL DESCRIPTION

The Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 21, Township 29 South, Range 18 East, Hillsborough County, Florida. Less Road Rights-of-Way. Being more particularly described as follows:

Commence at the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 21, thence N 89°54'15" W, a distance of 39.00 feet to a point on the West right-of-way boundary of Sterling Avenue for a POINT OF BEGINNING; thence S 0°30'30" W, along said right-of-way boundary, a distance of 635.95 feet to a point of intersection with the North right-of-way boundary of Kennedy Boulevard; thence N 89°55'23" W, along said right-of-way boundary, a distance of 327.77 feet; thence N 0°04'37" E, a distance of 20.00 feet; thence N 89°55'23" W, a distance of 142.38 feet to a point of curvature; thence along an arc to the right of 122.78 feet with a radius of 82.00 feet; subtended by a chord of 111.63 feet, chord bearing N 47°01'39" W, to a point of tangency; thence N 4°07'55" W, along the East right-of-way boundary of Dale Mabry Highway, a distance of 152.92 feet; thence N 0°26'37" E, continuing along said right-of-way boundary, a distance of 387.68 feet; thence S 89°54'15" E, a distance of 565.17 feet to the POINT OF BEGINNING. Containing 8.07 acres more or less.

EX "A" to COONS

ORDINANCE NO. 5237 -A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, PROVIDING FOR THE REPEAL OF ORDINANCE NO. 8190-A, AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, City of Tampa Ordinance No. 8190-A was passed and adopted by the City Council of the City of Tampa on March 3, 1983, and

WHEREAS, that Ordinance took effect on March 8, 1983 when the Mayor signed that Ordinance, and

WHEREAS, Ordinance No. 8190-A rendered a Development Order pursuant to Chapter 380, Florida Statutes, on an Application for Development Approval filed by Freedom Savings, for the Freedom Financial Center, which was a Development of Regional Impact, and

WHEREAS, on April 11, 1983, the Tampa Bay Regional Planning Council (TBRPC) voted to appeal this Development Order unless certain conditions acceptable to TBRPC were negotiated regarding transportation improvements, and

WHEREAS, the representatives of the TBRPC, the City of Tampa, and Freedom Savings have successfully negotiated conditions which are acceptable to all parties, and

WHEREAS, those conditions are embodied in a new and separate Development Order, now, therefore,

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

Section 1. That the Development Order rendered by Ordinance No. 8190-A is hereby repealed in its entirety and declared null and void and of no effect.

Section 2. That all officers of the City of Tampa are hereby authorized and empowered to do all things necessary in order to carry out and make effective the provisions of this Ordinance.

Section 3. That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAY 12 1983.

Sandra W. Friedman
CHAIRMAN, CITY COUNCIL

ATTEST:

Francis Henriquez
CITY CLERK

APPROVED by me on May 12, 1983

Bob Martinez
MAYOR

Prepared and Approved by:

Kenneth E. Lewis
ASSISTANT CITY ATTORNEY

AN ORDINANCE REZONING PROPERTY IN THE GENERAL VICINITY OF 111 NORTH DALE MAERY HIGHWAY IN THE CITY OF TAMPA, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, FROM ZONING DISTRICT CLASSIFICATION C-2 TO CU; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, upon resolution of the City Council a public hearing as required by law was held relating to the rezoning of the real estate described in Section 1 of this Ordinance from Zoning District Classification C-2 to CU, under the terms and provisions of Chapter 43, City of Tampa Code, now, therefore,

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

Section 1. That the Zoning District Classification upon the following described real estate, situate, lying and being in the City of Tampa, County of Hillsborough and State of Florida, and more particularly described as follows:

(See legal description attached hereto as Exhibit A
and by reference made a part hereof)

which is presently zoned C-2, be and the same is hereby changed to CU, said district to be controlled by a Site Development Plan, with the latest revision date of February 8, 1983 (hereinafter called the "Approved Site Plan"), a copy of which is attached hereto and by reference made a part hereof (Exhibit B), as provided for in Chapter 43, City of Tampa Code, and that the said Zoning Map of the City of Tampa be, and the same is hereby amended and changed to show that the above described real estate is in Zoning District Classification CU, and all information shown thereon shall be as much a part of this Ordinance as if such information set forth on said Zoning Map of the City of Tampa was all fully described and set out herein.

Section 2. That the area shown on the Approved Site Plan is hereby deemed to carry a zoning district classification which would allow petitioning for a permit to allow the sale of alcoholic beverages.

Section 3. That the approval of this rezoning shall not release the petitioner from meeting all other applicable sections of the City of Tampa Code and other ordinances, as such sections or ordinances relate to the actual permitting and development of the rezoned site except as is otherwise specifically provided herein or in the attachments hereto.

Section 4. Pursuant to Section 43-27, City of Tampa Code, Subsection (F)(4), it has been determined that this CU development is reasonably calculated to have a distinguishable impact on the surrounding area; that the impact will be adequately relieved through the happening of certain events more particularly described below; and that continued development under this rezoning ordinance is conditioned upon the happening of the following events:

- A. That the Developer or its successors in interest (hereinafter "the Developer") shall contribute as a grant-in-aid-of-construction a sum not to exceed \$49,000.00, for a possible neighborhood traffic diversion plan. That grant-in-aid-of-construction is due and payable within 30 days of receipt of a written notice from the City of Tampa. Notwithstanding the above, the Developer shall not be required to pay this grant-in-aid-of-construction unless and until the improvements are determined to be needed by the City of Tampa's Department of Public Works, Traffic Management Division. The decision by that division shall be based on relevant traffic count data, input from the neighborhood and after consultation with the Developer, the Developer's consultants and City Council. Further, the decision shall be based upon recognized, standard traffic engineering practices. Notwithstanding the above, the Developer shall not be required to provide the grant-in-aid-of-construction unless the improvements are determined to be required

on or before three years after issuance of the final Certificate of Occupancy.

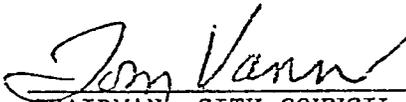
- B. That the Developer shall improve the drainage system by on-site retention of the volume difference between a run-off coefficient of 0.25 and the post-development run-off coefficient, or, in the alternative, by a grant-in-aid-of-construction in the amount of \$79,661.00, which amount is due and payable at the time of the issuance of the first construction permit (specifically not including any necessary site clearing or demolition permits), or on July 1, 1984, whichever event occurs earlier. Such sum may be reduced by more on-site retention/detention. The amount of such reduction, if any, shall be determined by the Department of Public Works, after consultation with the Developer and the Developer's consultants, and based upon recognized engineering practices.

Section 5. That the proper officers of the City of Tampa are hereby authorized and empowered to do all things necessary in order to carry out and make effective the provisions of this Ordinance.

Section 6. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby, repealed.

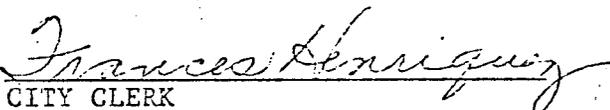
Section 7. That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA,
ON FEB 24 1983.

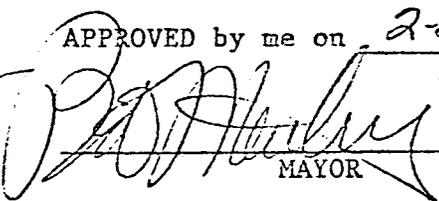


CHAIRMAN, CITY COUNCIL
Pro Tem

ATTEST:



CITY CLERK

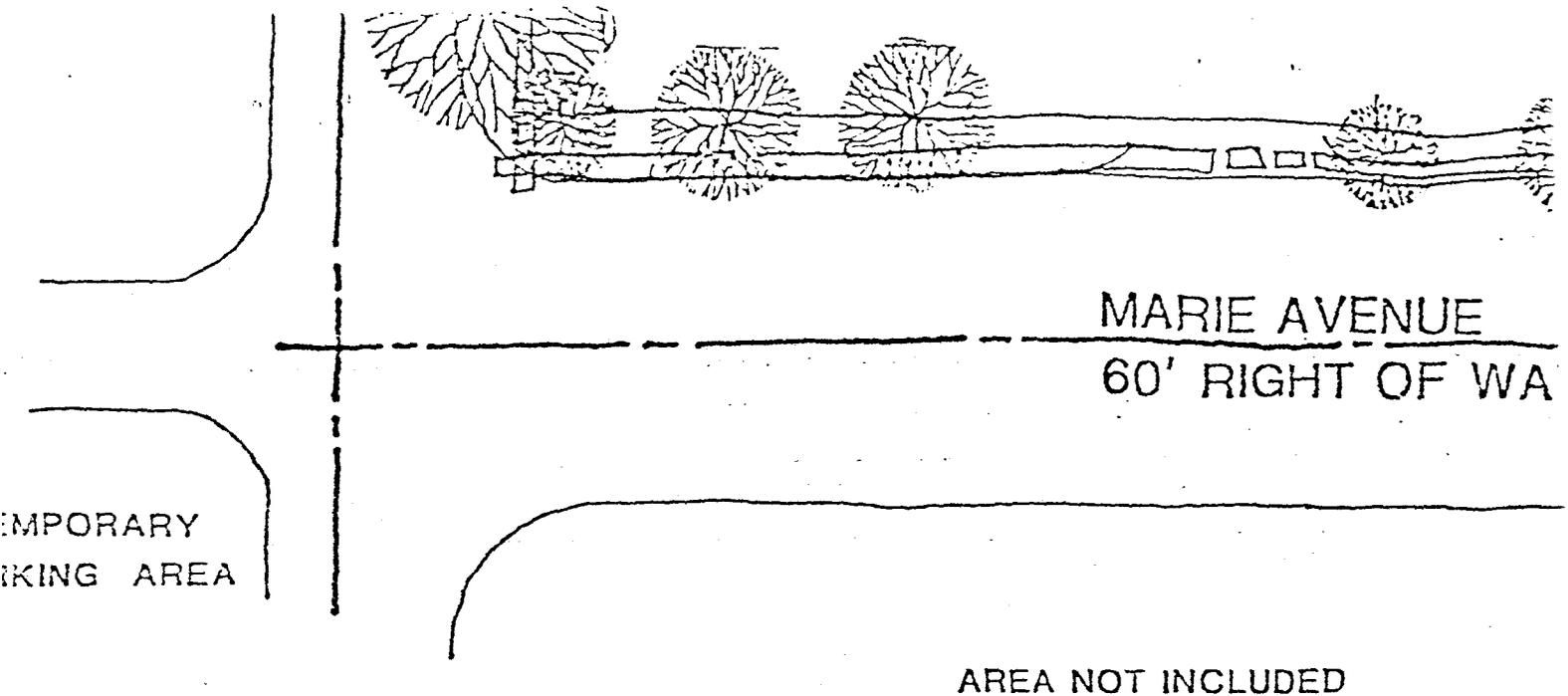
APPROVED by me on 2-25-83


MAYOR

Prepared and Approved by:



ASSISTANT CITY ATTORNEY



LEGAL DESCRIPTION

The Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 21, Township 29 South, Range 18 East, Hillsborough County, Florida. Less Road Rights-of-Way. Being more particularly described as follows:

Commence at the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 21, thence N 89°54'15" W, a distance of 39.00 feet to a point on the West right-of-way boundary of Sterling Avenue for a POINT OF BEGINNING; thence S 0°30'30" W, along said right-of-way boundary, a distance of 635.95 feet to a point of intersection with the North right-of-way boundary of Kennedy Boulevard; thence N 89°55'23" W, along said right-of-way boundary, a distance of 327.77 feet; thence N 0°04'37" E, a distance of 20.00 feet; thence N 89°55'23" W, a distance of 142.38 feet to a point of curvature; thence along an arc to the right of 122.78 feet with a radius of 82.00 feet; subtended by a chord of 111.63 feet, chord bearing N 47°01'39" W, to a point of tangency; thence N 4°07'55" W, along the East right-of-way boundary of Dale Mabry Highway, a distance of 152.92 feet; thence N 0°26'37" E, continuing along said right-of-way boundary, a distance of 387.68 feet; thence S 89°54'15" E, a distance of 565.17 feet to the POINT OF BEGINNING. Containing 8.07 acres more or less.

Ex "A" to WOODS

The approved site plan with a revision date of February 8, 1983 which is Exhibit B to Ordinance No. 8187-A is maintained in the official ordinance file in the Office of the City Clerk, City of Tampa.