

RESOLUTION 2002-14

A RESOLUTION OF THE CITY OF TARPON SPRINGS, FLORIDA APPROVING THE ABANDONMENT OF THE HARBOUR WATCH (POINTE ALEXIS NORTH / RIVERSIDE LANDING (POINTE ALEXIS SOUTH) DEVELOPMENT ORDER FOR DRI #99; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR REPEAL; PROVIDING FOR CONDITIONS FOR ABANDONMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 23, 1983, The Florida Companies later known by merger as Fairfield Communities, Inc. filed an Application for Development Approval (ADA) of a Development of Regional Impact (D.R.I.) pursuant to the provisions of Chapter 380.06, F.S.; and

WHEREAS, the City by the adoption of Resolution 83-91 on December 14, 1983 rendered a Development Order (D.O.) for D.R.I. #99 authorizing the construction of 970 dwelling units; and

WHEREAS, the City by the adoption of Resolution 85-32 on March 19, 1985 approved the First Amendment to the D.O. which reduced the total number of dwelling units to 867; and

WHEREAS, the City by the adoption of Resolution 89-13 on March 7, 1989 approved the Second Amendment to the D.O. which reduced the total number of dwelling units to 481; and

WHEREAS, the City by the adoption of Resolution 90-18 on May 1, 1990 approved the Third Amendment to the D.O. which changed setbacks; and

WHEREAS, the City by the adoption of Resolution 91-19 on November 4, 1991 approved the Fourth Amendment to the D.O. which provided for the construction of docks; and

WHEREAS, the City by the adoption of Resolution 97-79 on December 2, 1997 approved the Fifth Amendment to the D.O. which eliminated water quality monitoring requirements and extended the build out date to December 31, 2001; and

WHEREAS, Harbor Watch and Riverside Landing (Pointe Alexis) considered together are significantly below any presumptive threshold for a D.R.I.; and

WHEREAS, on February 6, 1998, the City received notification from the Department of Community Affairs (DCA) that a duly completed Application for Abandonment of a Development of Regional Impact for D.R.I. #99, Harbour

Watch/Riverside Landing had been received from the Developer and was deemed complete; and

WHEREAS, Compliance with the Public Notice requirements of the Florida Statutes has been demonstrated; and,

WHEREAS, there have been no objections to the abandonment of DRI #99 received by the City of Tarpon Springs resulting from the aforementioned public notices; and,

WHEREAS, the plan of development falls below any threshold for a D.R.I. as provided in Chapter 380.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, THAT:

Section 1. FINDINGS OF FACT

- A. This Resolution for the Abandonment of this Development of Regional Impact was filed, in part, as a response to the conditions of the Fifth Amendment to this Development Order.
- B. The combined development is legally described in Exhibit "A" attached hereto and made a part of this Resolution. Harbour Watch (Pointe Alexis North) contains approximately 85 single family detached residential units. At build out, the development will contain approximately 177 single-family residences. All of the infrastructure is completed along with a Clubhouse, swimming pool, tennis courts, a community viewing dock, a multi-slip dock with five slips, and fifteen single docks located on homeowners' lots. Riverside Landing (Pointe Alexis South) contains 40 multi-family residential units and 122 single family detached residential units. At build out, the development will contain 48 multi-family and 228 single-family detached residential dwelling units. There is a completed clubhouse and a swimming pool, along with 80% of the infrastructure. There remains a short portion of road that needs to be paved and the utilities in this section need to be installed. When completed, the entire project will be well below the 80% threshold for a DRI.
- C. The property has been and continues to be developed in accordance with the plats that have been filed, in the Public Records of Pinellas County, which are described as follows: Pointe Alexis North Phase I Replat at Plat Book 96, Pages 20-23, Pointe Alexis North Phase II at Plat Book 97, Pages 17-21, Pointe Alexis North Phase III at Plat Book 102, Pages 72-78, and Pointe Alexis South Phase I at Plat Book 92, Pages 44-49, Pointe Alexis South Phase I and II Partial Replat at

Plat Book 95, Pages 17 and 18, Pointe Alexis South Phase II Partial Replat at Plat Book 95, Pages 15 and 16, Pointe Alexis South Phase II at Plat Book 93, Pages 71-79, and Pointe Alexis South Phase III at Plat 105, Pages 93-97. In addition, all development has been done and will continue to be done, in compliance with all applicable federal, State, local and regulatory agency permitting requirements.

- D. Impacts from D.R.I. #99 to public facilities and services, environmental resources, public safety and archaeological resources have been mitigated in conformance with the development order and subsequent amendments as further detailed in Exhibit "B" to this Resolution.
- E. The Tarpon Springs Comprehensive Plan, Pinellas County Countywide Plan, Tarpon Springs Land Development Code, the Official Zoning Map of the City of Tarpon Springs and the subdivision plats prepared in accordance with Chapter 177, F.S. and recorded in the public records of Pinellas County, Florida insure that all preservation areas will remain protected and preserved.
- F. The developer has not relied upon benefits granted to authorized developments of regional impact that would not otherwise be available after abandonment.
- G. This abandonment will not have any impact on the Tarpon Springs Comprehensive Plan. The Future Land Use Map will continue to reflect the RL, Residential Low, R/OS, Recreation Open Space and P, Preservation land use designations on the residential developments described herein.
- H. This abandonment will not have any impact on the Official Zoning Map of the City of Tarpon Springs. It will continue to reflect the current zoning designations of R-70, Single and Two Family District at Harbour Watch and R-100, Single Family Residential at South Pointe Alexis a.k.a. Riverside Landing. Setbacks as approved under DRI #99 will remain the same and are provided in Exhibit "C"
- I. The development after abandonment remains consistent with the State Comprehensive Plan and the Strategic Regional Policy Plan, Future of the Region.

Section 2. CONCLUSIONS OF LAW

The Board of Commissioners having made the above findings of fact, reaches the following conclusions of law:

- A. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, it is appropriate for Resolution 83-91, as amended, to be repealed in its entirety.

- B. The review by the City, the Tampa Bay Regional Planning Council, other participating agencies and interested citizens reveals that this development is eligible to request this abandonment under the provisions of Chapter 380.06(26), F.S. and Rule 9J-2.0251, F.A.C.

Section 3. REPEAL

Resolution 83-91, the Development Order for D.R.I. #99, Harbor Watch/Riverside Landing, including all subsequent amendments, is hereby repealed in its entirety.

Section 4. CONDITIONS

This Development Order shall be abandoned subject to the conditions set out in Exhibit "B" attached hereto.

Section 5. EFFECTIVE DATE

The effective date of this Resolution shall be the earlier of:

- a) The expiration of 45 days if the Department of Community Affairs has not issued a notice of appeal to the Florida Land and Water Adjudicatory Commission (FLOWAC); or,
- b) If an appeal is filed, the earlier of the date a final order is issued by FLOWAC or the appeal is dismissed.

Section 6. RECORDATION IN THE PUBLIC RECORDS

The City Clerk is hereby directed to transmit a copy of this Resolution, subsequent to the satisfaction of Section 5 herein, to be recorded in the Public Records of Pinellas County, Florida.

EXHIBIT "A" TO RESOLUTION 2002-14
DESCRIPTION

POINTE ALEXIS NORTH (HARBOUR WATCH)

Lots 1 through 50 inclusive and all adjacent Common Areas and the Indian Preservation Area, POINTE ALEXIS NORTH, PHASE I REPLAT, according to the Plat thereof recorded in Plat Book 96, Pages 20 through 23, TOGETHER WITH,

Lots 51 through 105 inclusive and all adjacent Common Areas, POINTE ALEXIS NORTH, PHASE II, according to the Plat thereof as recorded in Plat Book 97, Pages 17 through 21, AND

Lots 106 through 186 inclusive and all adjacent Common Areas, POINTE ALEXIS NORTH, PHASE III, as recorded in Plat Book 102, Pages 72 through 78; of the Public Records of Pinellas County, Florida.

POINTE ALEXIS SOUTH (RIVERSIDE LANDING)

Lots 1 through 69 inclusive and all adjacent common Areas, POINTE ALEXIS SOUTH, PHASE I, according to the Plat thereof as recorded in Plat Book 92, Pages 44 through 49, TOGETHER WITH,

Lots 80 through 93 inclusive, Lots 102 through 128 inclusive, Lots 153 through 161 inclusive, Lots 186 through 213 inclusive and Lots 266 through 295 inclusive and all adjacent Common Areas, POINTE ALEXIS SOUTH, PHASE II, according to the Plat thereof as recorded in Plat Book 93, Pages 71 through 79 together with Lots 214 through 231 inclusive and all adjacent Common Areas, POINTE ALEXIS SOUTH, PHASE II, PARTIAL REPLAT, according to the Plat thereof as recorded in Plat Book 95, Pages 15 through 16,

AND, Lots 96 through 100 inclusive and all adjacent Common Areas, POINTE ALEXIS SOUTH, PHASE I AND II, PARTIAL REPLAT, according to the Plat thereof as recorded in Plat Book 95, Pages 17 through 18,

AND, Lots 129 through 150 inclusive, Lots 162 through 185 inclusive, and Lots 232 through 251 inclusive, and all adjacent common Areas, all in POINTE ALEXIS SOUTH, PHASE II, according to the Plat thereof as recorded in Plat Book 105, Pages 93 through 97, recorded in the Public Records of Pinellas County, Florida.

EXHIBIT "B" TO RESOLUTION 2002-14

**CONDITIONS OF APPROVAL OF ABANDONMENT
HARBOUR WATCH/RIVERSIDE LAND (POINTE ALEXIS) DRI #99**

1. The Developer and owners shall comply with the applicable zoning requirements, including special setbacks, assigned to this property by the City of Tarpon Springs simultaneously with the approval of this Abandonment. Setbacks are provided in Exhibit "C" of this Resolution.
2. Future Development on this property will not approach or exceed any DRI thresholds.
3. Existing and future development on this property will be subject to the Comprehensive Land Use Plan and Land Development Code for the City of Tarpon Springs in effect at the time.
4. All development on this property will continue in compliance with all applicable federal, state, local, and regional agency permitting requirements.
5. The archaeological site and approximately eleven (11) acre freshwater lake shown on Exhibit D shall be preserved and shall retain the land use designation of P, Preservation.
6. Owners of all waterfront lots shall be entitled to apply for permits for boat docks or viewing docks, however, nothing in these conditions for abandonment nor in the resolution of abandonment, guarantees permit issuance by any governmental agency for the construction of a dock(s). The existence of the multi-slip dock, having five slips, shall preclude those lot owners (Lots 16 through 22) from applying for individual single-family docks in lieu of the multi-slip dock.
7. If, in the future, an application is made to permit a residential multi-slip dock, review by the Department of Environmental Protection (DEP) will be required and as part of the application for a permit, information may be required, including, but not limited to the following:
 - Environmental resource permit pursuant to Chapter 373, F.S. and sovereign lands authorization in the form of a sovereignty, submerged land lease pursuant to Chapter 258, F.S.;
 - Demonstration of compliance with the rules governing Class II Outstanding Florida Waters and the Pinellas County Aquatic Preserve;

- Pursuant to Board of Trustees policy, a comprehensive plan consistency statement from the local government of jurisdiction must be provided by the Applicant;
 - Demonstration that sufficient water depths and potential for boat propeller dredging of sea grass beds and submerged bottoms. Some submerged areas may be too shallow for the mooring of vessels; vessel draft restrictions may be required; there may also be concerns regarding water depths affecting the ability to ingress and egress the subject site without detriment to water quality and sea grass habitat;
 - Analysis of the long-term cumulative and secondary impact to water quality, sea grasses, mangroves and associated habitat;
 - Demonstration that the proposed docks are clearly in the public interest pursuant to Chapters 258.42 and 373.414, F.S.;
 - Analysis of increased boat traffic and impacts to manatees;
 - Analysis of the potential for impacts to water quality by the fouling of boat paint;
 - Perform hydrographic analysis and water quality testing to determine if adequate flushing is provided; and,
 - Analysis of the impact to water quality due to the frequency over the long term of the need to maintenance dredge.
8. Mangrove and tidal marsh shoreline along the Gulf of Mexico shall remain unchanged and the construction setbacks from the mean high water line shall be a minimum of (a) thirty-five (35) feet or (b) the DER/COE jurisdictional line, whichever is greater, for all Harbour Watch properties. The construction setbacks as established under Pointe Alexis North Phase III as shown in Plat Book 102, Pages 72-78 of the Public Records of Pinellas County, Florida shall continue to be applicable to the Harbour Watch project and a buffer system shall continue to apply as described in such Plat.

A minimum construction setback of thirty (30) feet from the freshwater lake on Harbour Watch is to be maintained and no storm water shall be discharged into the lake. The existing swale and berm system designed to direct stormwater from the areas surrounding the lake by diverting same to detention areas shall be maintained. The area waterward of the top of the berm for the freshwater lake shall continue to remain in common property and not be altered. A thirty-five (35) foot setback from the marsh area of the Gulf of Mexico on the western boundary of the project as defined in the Plat recorded in Plat Book 93, Page 75 through 77 of the Public Records of Pinellas County, Florida for Point Alexis South shall continue to apply.

9. The above referenced setbacks and preservation area shall not preclude the use of the single-family or multi-slip docks or viewing docks as described in these conditions. Further, for the purposes of shoreline stabilization for any structure

or tree with a diameter of more than four inches, at a height of 3 feet, the lot owner or the association shall not be prohibited by these conditions from obtaining the necessary permits from the appropriate government agencies having jurisdiction in these areas to accomplish these purposes.

10. Pursuant to the provisions of Section 55.01(G)(1) through (4) of the Land Development Code entitled Wetland and Shoreline Buffers, a wetland buffer of 15' along all jurisdictional wetlands is not applicable at Harbour Watch or Pointe Alexis. The shoreline buffer, pursuant to Section 55.01(A)(1), LDC measured 30' from MHW, remains in effect but shall not be more restrictive than the setbacks set forth in Exhibit "C", hereof.

END OF EXHIBIT "B"

EXHIBIT "C" to RESOLUTION 2002-14

SETBACKS

POINTE ALEXIS SOUTH - MINIMUM SETBACKS

Lot Numbers	Type of Home	Front Yard To Street	Side Yard		Rear Yard	
			To Project Boundary	Bldg. to Bldg.	Rear to Boundary	Rear Yard
LOTS: 153-185, 232-251, 266-273	Patio Homes	20'	15'	10'	25'	25'
LOTS: 46-93	Townhouse Flats	25'	25'*	30'	35'	25'
LOTS: 105,108-110, 114, and 115	Single Family	20'	20'	25'	25'	30'
LOTS: 6, 7, 205-208, 214, 215, 219, 220, 224-227, 279 and 280	Patio Homes	25'	20'	10'	35'	30'
LOTS: 25-45, 102-104, 106-107, 111-113, 116-128	Single Family	25'	20'	25'	35'	30'
LOTS: 1-5, 8-24, 96-100, 129-150, 186-204, 209-213, 216-218, 221-223, 228-231, 274-278, 281-295	Patio Homes	25'	20'	15'	35'	30'

* To project boundary or street

HARBOUR WATCH - MINIMUM SETBACKS

Front Yard	Side yard (15' bldg. to bldg.)	Rear MHWL*	Rear to Freshwater Marsh MHWL
20'	7.5'	35'	30'

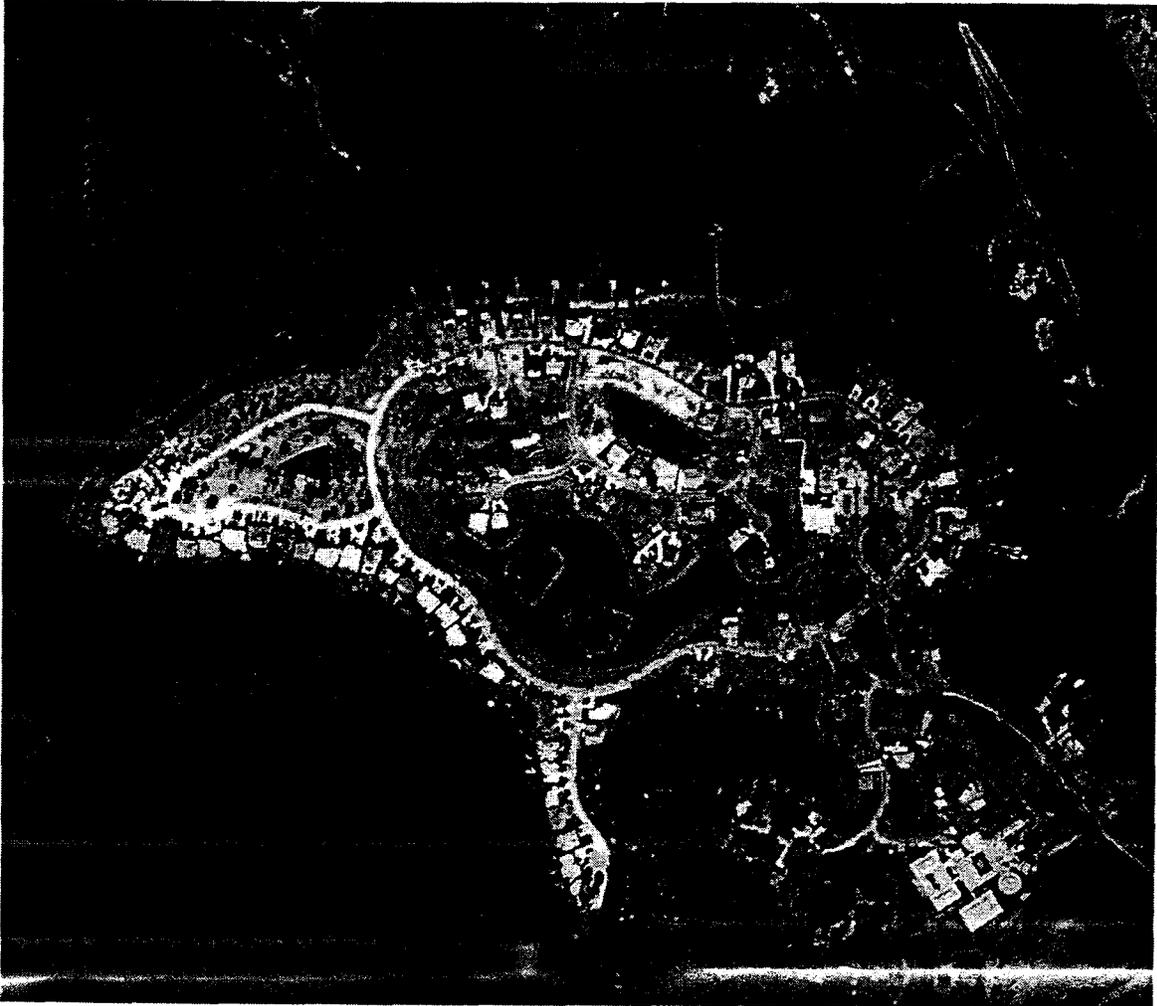
* Cannot encroach into COE/DER Jurisdictional Line

RETURN TO:
CITY CLERK'S OFFICE
 P.O. Box 5004
 TARPON SPRINGS, FL 34688-5004

END OF EXHIBIT "C"

RETURN TO:
CITY CLERK'S OFFICE
P.O. Box 5004
TARPON SPRINGS, FL 34688-5004

EXHIBIT "D"
TO RESOLUTION 2002-14



RETURN TO:
CITY CLERK'S OFFICE
P.O. Box 5004
TARPON SPRINGS, FL 34688-5004

L. F. DiDonato, DC
L. F. DiDONATO, DC, MAYOR-COMMISSIONER

Beverly Billiris
BEVERLEY BILLIRIS, MAYOR PRO TEMPORE

Jim Archer
JIM ARCHER, COMMISSIONER

Karen Brayboy
KAREN BRAYBOY, COMMISSIONER

David O. Archie
DAVID O. ARCHIE, COMMISSIONER

MOTION BY: COMMISSIONER Billiris
SECOND BY: COMMISSIONER Breyboy

VOTE ON MOTION

COMMISSIONER ARCHIE Yes
COMMISSIONER BRAYBOY Yes
COMMISSIONER ARCHER Yes
COMMISSIONER BILLIRIS Yes
MAYOR DiDONATO Yes

ATTEST:



Kathy M. Alesafis
KATHY M. ALESAFIS, CMC
CITY CLERK & COLLECTOR

APPROVED AS TO FORM:

John Hubbard
JOHN HUBBARD
CITY ATTORNEY

RETURN TO:
CITY CLERK'S OFFICE
P.O. Box 5004
TARPON SPRINGS, FL 34688-5004

I, IRENE S. JACOBS, CMC, Acting City Clerk and Collector of the City of Tarpon Springs, Florida, hereby certify that the attached and foregoing is a full, true, complete and correct copy of the original of which is now in the original records of the City.

IN WITNESS WHEREOF, I have hereunto, set my hand and affixed the official Seal of the City of Tarpon Springs, Florida, this 16th day of July, 2002

Irene S. Jacobs
IRENE S. JACOBS, CMC
ACTING CITY CLERK & COLLECTOR



City of Tarpon Springs
Planning and Zoning Department
324 E Pine Street
PO Box 5004
Tarpon Springs FL 34689-5004
(727) 942-5611
FAX (727) 937-1137

May 16, 2003

John Meyer, DRI Coordinator
Tampa Bay Reg. Planning Council
9455 Koger Blvd, Suite 219
St. Petersburg, FL 33702

RE: DRI Abandonment, Harbour Watch

Dear Mr. Meyer,

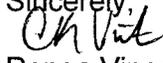
Per our previous discussions, a certified original copy of the Resolution approving the DRI abandonment has been enclosed. In reviewing the issue of additional docks, it appears that originally 23 docks were permitted as follows:

Lots 4-10, 16-22 (community dock built), Lots 23-27, and Lots 51-55.

It appears that an additional **45** homes may potentially be able to have a dock at Harbour Watch, however many of these will probably not ever be permitted because of environmental reasons. At Pointe Alexis South, it appears that the only potential would be for a community dock. Again, it is unlikely that this would be permitted for environmental reasons. I have included a couple reference maps that may be helpful.

If you need additional information or documentation please call. Thanks for your assistance in getting this resolved.

Sincerely,


Renea Vincent, ACIP
Planning and Zoning Director

Pinellas County Public GIS

ROADS

- Arterial
- Major Roads
- Road

PARCELS

- Parcel Lines
- 2000 Color Aerials



Tidal Swamp

Lake Avoca

SCALE 1 : 8,200



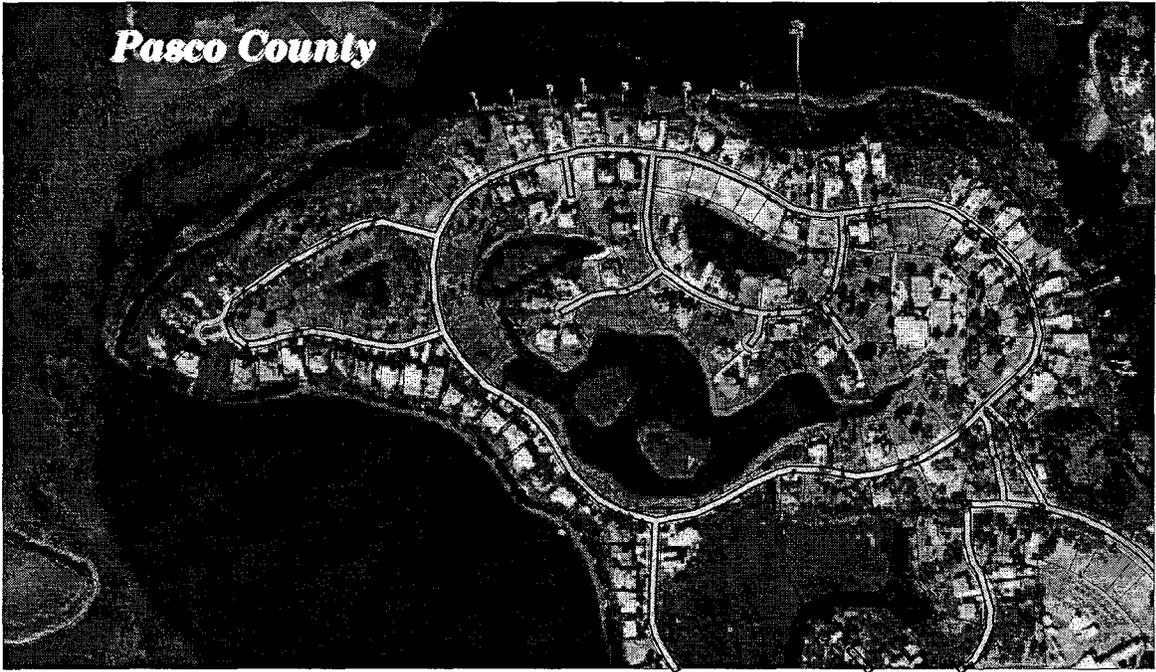
Pinellas County Public GIS

ROADS

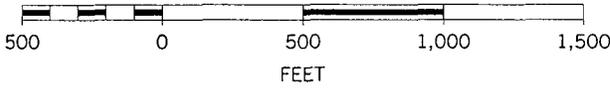
- Arterial
- Major Roads
- Road

PARCELS

- Parcel Lines
- 2000 Color Aerials



SCALE 1 : 8,200





99
City of Tarpon Springs, Florida

324 E. PINE STREET
P.O. BOX 5004
TARPON SPRINGS, FLORIDA 34688-5004
(813) 938-3711
FAX (813) 937-8199

December 3, 1997

Mr. J. Thomas Beck, Bureau Chief
Department of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Fifth Amendment to Development Order, DRI 99

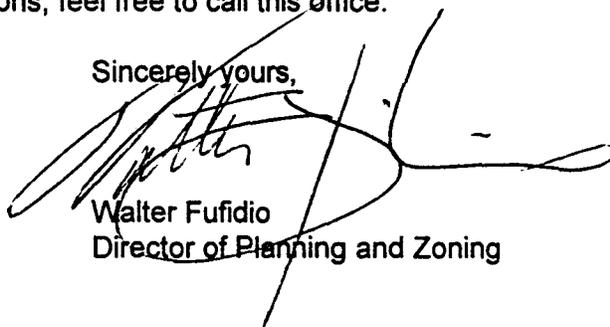
Dear Mr. Beck,

On December 2, 1977 the City of Tarpon Springs rendered a Fifth Amendment to the Development Order for the Harbour Watch and Riverside Landings (Pointe Alexis) D.R.I. Enclosed please find a copy of Resolution No. 97-79 as adopted.

We bring your attention to Section 5(A) of the Resolution. The Developer will be filing an abandonment of DRI in the near future. We look forward to working with you on that matter.

If you have any questions, feel free to call this office.

Sincerely yours,



Walter Fufidio
Director of Planning and Zoning

WF/bv

cc: Carol M. Collins, Department of Community Affairs /
Tim Butts, Tampa Bay Regional Planning Council
Donald E. Scholl, Esq.

RESOLUTION No. 97-79

A RESOLUTION OF THE CITY OF TARPON SPRINGS, FLORIDA, CONSTITUTING A FIFTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE HARBOUR WATCH AND POINTE ALEXIS SOUTH (RIVERSIDE LANDING), DRI-99; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING THAT THE AMENDMENTS HEREIN DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING FOR CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 23, 1983, The Florida Companies, now by merger known as Fairfield Communities, Inc., filed an Application for Development Approval (ADA) of Regional Impact with the City of Tarpon Springs, the Tampa Bay Regional Planning Council (TBRPC), the Florida Department of Community Affairs (DCA) and other state, regional, and local agencies pursuant to the provisions of Chapter 380.06, F.S.; known as DRI #99 Harbour Watch / Riverside Landing; and

WHEREAS, the City by the adoption of Resolution 83-91 on December 14, 1983, approved the development which Resolution constituted a Development Order (Order); and

WHEREAS, the City by the adoption of Resolution 85-32 on March 19, 1985, approved the First Amendment to the Order (Amended Order); and

WHEREAS, the City by the adoption of Resolution 89-13 on March 7, 1989, approved the Second Amendment to the Order (Second Amended Order); and

WHEREAS, the City by the adoption of Resolution 90-18 on May 1, 1990, approved the Third Amendment to the Order (Third Amended Order); and

WHEREAS, the City by the adoption of Resolution 91-19 on November 4, 1991, approved the Fourth Amendment to the Order (Fourth Amended Order); and

WHEREAS, a Fifth Amendment to this Development Order was previously submitted to the Department of Community Affairs and the Tampa Bay Regional Planning Council on December 19, 1994 and later withdrawn by the Developer upon determination by both agencies that said amendment would create a substantial deviation; and

WHEREAS, on August 26, 1997, the City received a duly completed Notice of a Proposed Change to a Previously Approved Development of Regional Impact for DRI-99; and

WHEREAS, legal notification of this action has been provided pursuant to the requirements of Chapter 380.06, F.S., and Article XII of the City of Tarpon Springs Zoning and Land Development Code; and

WHEREAS, a commitment to file an Abandonment of a Development Order, pursuant to Chapter 380.06(26), F.S., has been made by the Developer to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, THAT:

Section 1 FIFTH AMENDMENT

This Resolution shall constitute the Fifth Amendment to the Development Order issued to the response to the ADA filed by the Developer of the Harbour Watch / Riverside Landing, a Development of Regional Impact and a determination regarding a substantial deviation as defined by Chapter 380.06, Florida Statutes.

Section 2. FINDINGS OF FACT

- A. The infrastructure is substantially completed in Harbour Watch and, except for a minor portion which does not effect any jurisdictional wetlands, within Riverside Landing (Pointe Alexis South).
- B. The principle activity of the Developer is limited to the sale of single family residential lots with the exception of the limited portion of infrastructure to be completed as Riverside Landing.
- C. The extension of the buildout date to the date requested of December 31, 2001 will not create any regional impacts.
- D. All of the transportation mitigation requirements in this Development Order, as amended, have been completed by the Developer. There are no remaining transportation conditions.
- E. As a result of the demonstrated water quality analysis previously submitted, the Project Engineer's report and the extent and nature of the construction of the improvements for this Development, sufficient data has been generated to demonstrate that DRI-99 does not negatively impact the water quality of the surrounding water bodies and further water quality monitoring will serve no public purpose.
- F. The City and the Developer recognize that, because of its size and lack of regional impacts, DRI-99 does not meet the threshold for consideration of a Development of Regional Impact set forth in Chapter 28-24, F.A.C., and that the abandonment of this Development Order should be initiated.

Section 3. CONCLUSIONS OF LAW

These proceedings have been duly conducted pursuant to applicable law, and based upon the record in these proceedings, the Board of Commissioners having made the above findings of fact, reaches the following conclusions of law:

- A. That the extension of the buildout dates and extending the buildout date for DRI-99 to December 31, 2001, in accordance with the provisions of Section 380.06(19)(c), F.S., creates a presumption of substantial deviation, but this developer has submitted evidence which rebuts this presumption and the said extension does not constitute a substantial deviation.
- B. That the amendment of the water quality monitoring requirement for this development as set forth in this Resolution does not constitute a substantial deviation.
- C. That, having made the findings of fact and the above conclusions of law, the Order, Amended Order, Second Amended Order, Third Amended Order, and Fourth Amended Order are hereby amended to allow the Developer to conduct development as set out herein.

Section 4. AMENDMENTS

- A. The buildout dates for the Harbour Watch and Riverside Landing (Pointe Alexis South) shall be December 31, 2001.
- B. The following condition contained in Section 4. A3. (as re-adopted under Resolution 89-13) is amended as described below:

Section 4.A3. The first paragraph only is amended to read;

"The Developer shall institute a program to monitor the water quality for Pointe Alexis South (Riverside Landing) development in the site sampling sites referenced by Exhibit C of the original Development Order (Resolution 83-91) on a quarterly basis through the year 1994. Water quality monitoring stations for Harbour Watch shall be shown on Map H and shall be continued on a quarterly basis through the year 1996 but discontinued thereafter"

- C. Any portion of the Preliminary Development Agreement, Development Order, Amended Order, Second Amended Order, Third Amended Order, and Fourth Amended Order not otherwise amended by this Resolution shall remain in full force and effect.

Section 5. GENERAL CONDITIONS

- A. The Developer shall initiate the abandonment of the DRI process pursuant to Chapter 380.06(26), F.S. on or before fifteen (15) days after the effective date of this Fifth Amendment to the Development Order.

- B. Upon adoption of this Fifth Amendment to the Order, it shall be transmitted by the City to Tampa Bay Regional Planning Council, the Developer and the State of Florida Department of Community Affairs.
- C. Upon adoption of this Fifth Amendment to the Order, the Developer will file for an Abandonment of the Development Order within two years of the effective date of this Ordinance.
- D. This Fifth Amended Order shall be binding upon the Developer, and its assigns, or successors in interest.
- E. In the event that any portion or section of this Fifth Amended Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, appropriate commission or other governmental agency, such decision shall in no manner affect the remaining portions or sections of this Fifth Amended Order, and the Development Order, Amended Order, Second Amended Order, Third Amended Order, and Fourth Amended Order which shall remain in full force and effect. If any portion of the Fifth Amended Development Order that amended any provision of the Development Order, Amended Order, Second Amended Order, Third Amended Order, and Fourth Amended Order is determined to be invalid, then said previous provision shall become fully enforceable.

Section 6. EFFECTIVE DATE

This Resolution shall be effective on January 16, 1998 unless an appeal of this action is filed pursuant to Chapter 380.07, F.S. by the State of Florida Department of Community Affairs.

PASSED and ADOPTED this 2nd day of December, 1997.

Anita E. Protos

ANITA E. PROTOS, MAYOR-COMMISSIONER

Karen Brayboy

KAREN BRAYBOY, MAYOR PRO TEMPORE

Cindy Domino

CINDY DOMINO COMMISSIONER

George Bobotas

GEORGE BOBOTAS, COMMISSIONER

D. O. Archie

DAVID O. ARCHIE, COMMISSIONER

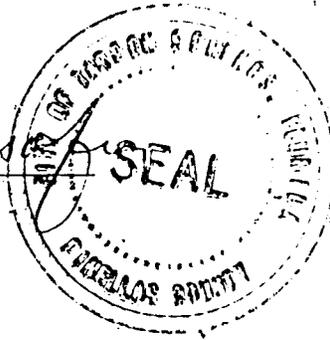
MOTION BY: COMMISSIONER BRAYBOY
SECOND BY: COMMISSIONER DOMINO

VOTE ON MOTION

COMMISSIONER ARCHIE	<u>Yes</u>
COMMISSIONER BOBOTAS	<u>Yes</u>
MAYOR PRO TEMPORE BRAYBOY	<u>Yes</u>
COMMISSIONER DOMINO	<u>Yes</u>
MAYOR PROTOS	<u>Yes</u>

ATTEST:

Kathy M. Alesafis
KATHE M. ALESAFIS, CMC
CITY CLERK & COLLECTOR



APPROVED AS TO FORM:

John Hubbard
JOHN HUBBARD
CITY ATTORNEY



City of Tarpon Springs, Florida

324 E. PINE STREET
P.O. BOX 5004
TARPON SPRINGS, FLORIDA 34688-5004
(813) 938-3711
FAX (813) 937-8199

RECEIVED

NOV 7 1991

Tampa Bay Regional
Planning Council

mailed 11/6/91

Ms. Susan Cooper
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702-2491

November 5, 1991

RE: DRI #99 (Pte. Alexis), Development Order Amendment #4

Dear Ms. Cooper:

Attached please find a certified copy of Resolution 91-19 and staff report approving the 4th amended development order for Pte. Alexis. Please contact Michael C. Crawford with any questions.

Sincerely,

Ronald F. Pianta, AICP
Planning and Zoning Director

RFP/bv

cc: Donald Scholl
Michael C. Crawford
File



City of Tarpon Springs, Florida

324 E. PINE STREET
P.O. BOX 5004
TARPON SPRINGS, FLORIDA 34688-5004
(813) 938-3711
FAX (813) 937-8199

MEMORANDUM

November 4, 1991

TO: MAYOR AND BOARD OF COMMISSIONERS

FROM: CAREY F. SMITH, CITY MANAGER

SUBJECT: RESOLUTION 91-19 (4th AMENDED DEVELOPMENT ORDER FOR PT. ALEXIS)

Recommendation

To approve Resolution 91-19 making a finding that the 4th Amended Development Order for Pt. Alexis does not constitute a Substantial Deviation as defined by Chapter 380.06(19), Florida Statutes.

Background

Chapter 380.06, Florida Statute requires that any changes to a previously approved Development of Regional Impact (DRI) be reviewed by the local government at an advertised public hearing. The local government review shall determine whether the proposed changes constitute a substantial deviation from the intent of the original development order approval. In determining what constitutes a substantial deviation the local government is guided by specific criteria established by Chapter 380.06(19), Florida Statutes. If the local government finds that the proposed changes do not constitute a substantial deviation from the original development order approval, a modified development order in the form of a Resolution is to be issued. Upon issuance of the modified development order the local government is to notify the Tampa Bay Regional Planning Council and Florida Department of Community Affairs of the changes.

The proposal is to allow the combination of the single slip docks for Lots 16 through 22 of Harbor Watch previously permitted by Resolution 89-13 and a December 22, 1988 pre-development agreement with the State into a multislip dock for five (5) building sites as follows:

- 1) Lot 16 and part of Lot 17
- 2) Lot 18 and part of Lot 17
- 3) Lot 19 and parts of Lots 18 and 20
- 4) Lot 21 and part of Lot 20
- 5) Lot 22

The previous agreement (December 22, 1988) and City issued development order (Resolution 89-13) permits a maximum of six (6) individual single slip docks for Lots 16 through 22, which will be reduced to five (5) slips as a part of the multislip proposal. The request does not constitute a substantial deviation from the original development order as defined by Chapter 380.06(19), Florida Statutes, and the pre-development agreement with the State was amended on September 20, 1991 to allow for the proposal. Under this development order, additional lot owners in the future may combine the previously permitted individual single slip docks into multislip docks provided the terms and specifications of the preliminary development agreement with the State are complied with.

Prepared By: Planning and Zoning

RESOLUTION 91-19

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, CONSTITUTING A FOURTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE HARBOUR WATCH AND RIVERSIDE LANDING PROJECTS OWNED BY FAIRFIELD COMMUNITIES, INC., INCORPORATING THE TERMS OF THE SECOND AMENDMENT TO THE PRE-DEVELOPMENT AGREEMENT BETWEEN THE DEVELOPER AND THE DEPARTMENT OF COMMUNITY AFFAIRS, MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW THAT THE AMENDMENTS DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION AND PROVIDING FOR THE INCORPORATION OF THE BALANCE OF ALL OF THE REMAINING PROVISIONS OF THE DEVELOPMENT ORDER, THE AMENDED DEVELOPMENT ORDER, THE SECOND AMENDED DEVELOPMENT ORDER AND THE THIRD AMENDED DEVELOPMENT ORDER REMAINING IN EFFECT.

WHEREAS, On August 23, 1983, THE FLORIDA COMPANIES, now by merger known as FAIRFIELD COMMUNITIES, INC., ("Developer") filed an Application for Development Approval ("ADA") of Regional Impact with the City of Tarpon Springs ("City"), the Tampa Bay Regional Planning Council ("TBRPC"), the Florida Department of Community Affairs ("DCA") and other state, regional and local agencies, pursuant to the provisions of Section 380.06, Florida Statutes; known as DRI #99 Harbour Watch/Riverside Landing; and

WHEREAS, the City by the adoption of Resolution 83-91 on December 14, 1983, approved the development which Resolution constituted a Development Order ("Order"); and

WHEREAS, the City by the adoption of Resolution 85-32 on March 19, 1985, approved the first amendment to the "Order" ("Amended Order"); and

WHEREAS, the City by the adoption of Resolution 89-13 on March 7, 1989, approved the second amendment to the "Order" ("Second Amended Order"); and

WHEREAS, The City by the adoption of Resolution 90-18 on May 1, 1990, approved the third amendment to the "Order" ("Third Amended Order"); and

WHEREAS, Public Notice requirements of the Florida Statutes have been complied with; and

WHEREAS, the City has received and reviewed the Second Amendment to the Pre-Development Agreement entered into between the Developer and the DCA; and

WHEREAS, the Board of Commissioners has reviewed and considered all of these matters as well as the prior ADA, Order, Amended Order, Second Amended Order and Third Amended Order and evidence submitted by the Developer, its staff, TBRPC, and members of the general public and made findings of fact and conclusions of law concerning a determination of substantial deviation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, CITY OF TARPON SPRINGS, FLORIDA, THAT:

1. Introduction: This Resolution shall constitute the Fourth Amendment to the Development Order of the City previously issued in response to the ADA filed by the Developer for the development of Harbour Watch/Riverside Landing, a Development of Regional Impact and a determination regarding a substantial deviation as defined under Florida Statute 380.06.

2. Findings of Fact:

A. The Developer and the DCA have entered into a Second Amendment to the Pre-Development Agreement concerning the issue of the Developer's right to construct docks adjacent to the lots abutting the Anclote River and the Gulf of Mexico. The Second Amendment to the Pre-Development Agreement further details the obligations and rights of the Developer on the dock issue and is attached hereto as Exhibit 1 and is incorporated by reference in this Fourth Amended Development order.

B. The facts presented under the Second Amendment to the Pre-Development Agreement and this proposed change demonstrate that environmental impacts will be minimized by allowing the use of multi-slip docks and this proposed change is consistent with the spirit and intent of all of the development orders controlling this project. This proposed change represents a reduction in any regional impact and does not create any type regional impact previously not reviewed in the Order, the Amended Order, the Second Amended Order or Third Amended Order. The proposed changes to the Order, the Amended Order, the Second Amended Order or Third Amended Order do not meet or exceed any of the criteria which constitute a substantial deviation as set forth under Florida Statute 380.06(19).

3. Conclusions of Law: The Board of Commissioners having made the above findings of fact, reaches the following conclusions of law:

A. That the Fourth Amendment to the Order allowing the construction of multi-slip docks as reflected in the Second

Amendment to the Pre-Development Agreement is consistent with the intent of the Order, Amended Order, Second Amended Order, Third Amended Order and ADA and that the proposed changes and Second Amendment to the Pre-Development Agreement do not constitute a substantial deviation as defined under Florida Statute (380.06(19)).

B. The Second Amendment to the Pre-Development Agreement is adopted and incorporated by reference into this Fourth Amended Development Order as Exhibit 1.

4. Amendments:

A. The Second Amendment to the Pre-Development Agreement is applicable to Harbour Watch ("Pointe Alexis North") and amends the agreement by providing an option for those owners of lots so designated, to opt to join other such designated lot owners in the construction of a multi-slip dock in lieu of a single dock adjacent to their property provided the total number of allowable slips does not increase.

5. General Conditions:

A. That, having made the above findings of fact and the above conclusions of law, the "Order", "Amended Order", "Second Amended Order", and "Third Amended Order" are hereby amended to allow the Developer to conduct development as set out under the Second Amendment to the Pre-Development Agreement.

B. Any portion of the Development Order, Amended Development Order, Second Amended Development Order and Third Amended Development Order not otherwise amended by this Resolution shall remain in full force and effect.

C. This amendment to the Order shall become effective upon adoption by the Board of Commissioners for the City.

D. Upon adoption of this Fourth Amendment to the Order, it shall be transmitted by the City to the Tampa Bay Regional Planning Council, the Developer and the State Land Planning Agency.

E. This Fourth Amended Order shall be binding upon the Developer, and its assigns, or successors in interest.

F. In the event that any portion or section of this Fourth Amended Order is determined to be invalid, illegal or unconstitutional by a Court of competent jurisdiction, appropriate commission or other governmental agency, such decision shall in no manner affect the remaining portions or sections of this Fourth Amended Order and the Development Order, Amended Development Order, Second Amended Development Order, and Third Amended Development Order which shall remain in full force and effect. If any portion or section of this Fourth Amended Order that amended any provision of the Development Order, Amended Development Order, Second Amended Development Order, and Third Amended Development Order is determined to be invalid, then said previous provision shall become fully enforceable.

EXHIBIT 1
SECOND AMENDMENT TO PDA

SECOND AMENDMENT TO THE AGREEMENT

This Amendment to the December 29, 1988 Agreement on Pointe Alexis North is entered into between Fairfield Communities, Inc. ("Owner/Developer"), and the Department of Community Affairs (the "Department"), subject to all governmental approvals and solely at the risk of the Owner/Developer.

WHEREAS, the Owner/Developer and the Department entered in to an agreement, "AGREEMENT", a copy of which is attached hereto and incorporated herein as Exhibit 1-1, on December 29, 1988; and

WHEREAS, the Owner/Developer and the Department entered into the first amendment to the agreement, a copy of which is attached hereto and incorporated herein as Exhibit 2-2, on June 27, 1989; and

WHEREAS, the Agreement dated December 29, 1988 and First Amendment to the Agreement dated June 27, 1989, allowed the Owner/Developer and/or its successors in interest to construct 23 single family docks and a community viewing dock on and adjacent to certain specified lots in the Owner/Developer's development known as Pointe Alexis North (see Exhibit "A"); and

WHEREAS, for certain lots, that have been so designated under the Agreement, construction is permitted for up to twenty-three single docks, not to exceed 500 square feet over water surface area to be located on the Pointe Alexis North site, as shown on Exhibit A to said Agreement; and

WHEREAS, in order to accommodate the request of the Department of Environmental Regulation ("DER") and Pinellas County, and to

minimize environmental impacts, it is agreed that at one or more locations, authorization should be granted for the docks to be combined and multi-slip docks constructed; and

WHEREAS, any such multi-slip docks shall only be placed in proximity to the lots approved in Exhibit A under the Agreement and would not exceed the five hundred square foot per dock limitation applied on a per slip basis; and

WHEREAS, it is agreed that any lot owner taking part in a multi-slip dock would thereby waive the owner's right to a future single dock in lieu of the multi-slip dock; and

WHEREAS, there will be no material adverse consequences as a result of permitting construction of multi-slip docks, in lieu of single docks;

NOW THEREFORE, and in consideration of the mutual covenants contained herein, it is hereby understood and agreed;

1. The Department finds this Second Amendment is in the best interest of the State of Florida, is beneficial to the Department in its role as the state agency with responsibility for administration and enforcement of chapter 380, Florida Statutes, and reasonably applied and effectuates the provisions and purposes of chapter 380, Florida Statutes, and is essential to the continued viability of this project.

2. Paragraph 2 of the Agreement shall be amended to read:

"2. The Department agrees that the Owner/Developer or its successors in interest may construct twenty-three (23) single-family docks on and adjacent to lots numbered 4-10, 16-27, and 51-

55; provided however, that only four docks may be located on or adjacent to the five lots numbered 16-20; or in lieu of a single-family dock, owners may join in constructing multi-slip docks with the multi-slip dock substituting for the single family dock permitted and a community viewing dock on the community lot between Lots 159 and 160, as more specifically set forth on attached Exhibit "B".

3. Paragraph 3 of the Agreement shall be amended as follows:

The following language shall be substituted for subsection "h".

(h) No terminal platform size shall be more than two hundred forty (240) square feet if located outside the Aquatic Preserve and One Hundred Sixty (160) square feet if located within the Aquatic Preserve.

The following subsection shall be added:

"m) The owner of each single family dock may join with other owners to construct a multi-slip dock under these conditions:

i) The right of the owner to construct a single-family dock shall be transferred to the owner's right in the multi-slip dock.

ii) The total square footage of over water surface area shall not exceed the product of 500 square feet time the number of permitted single-family docks that are included in the multi-slip dock which shall not exceed eight (8) slips.

iii) Each individual owner of a lot which has a permitted single-family dock and is a participant in a multi-slip

dock shall remain responsible for compliance with this Agreement. Construction of a single-family dock, after the lot owner has relied on the Development Order to take part in a multi-slip dock, shall require an amendment to the Development Order.

4. The terms and conditions of the Agreement dated December 29, 1988, and First Amendment to the Agreement dated June 27, 1989, otherwise remain in full force and effect and are expressly incorporated by reference as conditions of this Second Amendment to the Agreement.

5. The date of execution of this Amended Agreement should be the date that the last party signs and acknowledges this Second Amendment to the Agreement.

6. This Second Amendment shall be effective upon being properly approved by the City of Tarpon Springs as a portion of the Fourth Amended Development Order for DRI-99.

FOR THE OWNER/DEVELOPER:

BY: *[Signature]*
Fairfield Communities, Inc.

[Signature]
Witness
[Signature]
Witness

STATE OF FLORIDA)
COUNTY OF PINELLAS)

BEFORE ME, the undersigned authority, personally appeared J. ROBERT WARD, Vice President and General Manager of Fairfield Communities, Inc., to me personally known and known to me to be the individual who executed the foregoing instrument as such officer, and he duly acknowledged before me that he executed the same freely and voluntarily as the act and deed of said corporation.

WITNESS my hand and official seal in the County and State aforesaid this 20th day of September, 1991.

Patricia J. Philo
Notary Public
Commission No. AA 759856
My Commission Expires: 3/19/94

FOR THE DEPARTMENT OF COMMUNITY AFFAIRS:

BY: Randall Kelley
Department of Community Affairs

Carol C. Marks
Witness
Dover Luffey
Witness

STATE OF FLORIDA)
COUNTY OF LEON)

BEFORE ME, the undersigned authority, personally appeared Randall Kelley, of the Department of Community Affairs, on behalf of the Department to be known and known to me to be the individual who executed the foregoing instruments as such officer, and he duly acknowledged before me that he executed the same freely and voluntarily as the act and deed of said corporation.

WITNESS my hand and official seal in the County and State aforesaid, this 3rd day of October, 1991.

Jane R. Bass
Notary Public, State of Florida
Commission No. Notary Public, State of Florida
My Commission Expires Commission Expires June 24, 1992
Bonded thru Troy Fahn - Insurance Inc.

Approved as to form and legal sufficiency:

[Signature]
Department of Community Affairs

AGREEMENT

This Agreement, entered into between Fairfield Communities, Inc. ("Owner/Developer"), and the Department of Community Affairs ("Department"), subject to all other governmental approvals and solely at the risk of the Owner/Developer.

WHEREAS, the Department is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, which includes provisions relating to developments of regional impact ("DRI"); and

WHEREAS, the Department is authorized to enter into Agreements pursuant to Subsection 380.032(3), Florida Statutes, with any landowner, developer, or governmental agency as may be necessary to effectuate the provisions and purposes of Chapter 380, Florida Statutes, or any rules promulgated thereunder; and

WHEREAS, the Owner/Developer's predecessor in interest, The Florida Companies, filed on August 23, 1983, an application for development approval ("ADA") of a DRI with the City of Tarpon Springs, the Tampa Bay Regional Planning Council, and the Department pursuant to the provisions of Section 380.06, Florida Statutes (1983); and

WHEREAS, after extensive review and comment on the ADA, the City of Tarpon Springs ("City") adopted Resolution 83-91 approving a development order for the project now known as Pointe Alexis South and Pointe Alexis North; and

WHEREAS, on March 19, 1985, pursuant to the request of the Owner/Developer, Fairfield Communities, Inc., the Florida Companies' successor in interest, the City of Tarpon Springs adopted Resolution 85-32, amending its earlier development order for Pointe Alexis South and Pointe Alexis North by increasing the number of dwelling units for Pointe Alexis South from 280 to 295 units and reducing the number of dwelling units for Pointe Alexis North from 690 to 572 units; and

WHEREAS, Pointe Alexis South is now partially built out; however, the Owner/Developer is now proposing to reduce the number of units in Pointe Alexis North from 572 dwelling units to 186 dwelling units and to change the unit type entirely to single-family, detached homes. Thus, the entire development will now comprise, at most, 481 dwelling units, which the Owner/Developer contends is less than 50% of the presumptive DRI threshold established by Rule 28-24.010, Florida Administrative Code; and

WHEREAS, it is the Owner/Developer's position that the development order and the amendment thereto, as well as a Final Judgment entered September 29, 1982, and an Amended Final Judgment entered on July 2, 1985, by the Circuit Court of the Sixth Judicial Circuit, in and for Pinellas County, Florida, in The Florida Companies v. City of

the Owner/Developer /or its successors in interest to construct docks on and adjacent to the lots in Pointe Alexis North. The City and the Department, however, contend that neither the final judgment nor any other approval grants to the Owner/Developer the right to construct docks; and

WHEREAS, it is Owner/Developer's position that in light of the substantial changes in its proposed development plans, including but not limited to its reduction in the total number of dwelling units, the combined development of Pointe Alexis South and Pointe Alexis North is no longer a DRI pursuant to Section 380.08, Florida Statutes (1983) and Florida Administrative Code Rule 28-24.010; and

WHEREAS, the Department contends that any proposed construction of docks requires additional DRI review pursuant to Section 380.08(10)(a), and Subsection 380.08(19)(b)17, Florida Statutes, and that the combined development of Pointe Alexis South and Pointe Alexis North is and continues to be a DRI; and

WHEREAS, the Owner/Developer and the Department desire to amicably resolve this dispute without resort to further legal proceedings.

NOW THEREFORE for and in consideration of the mutual covenants contained herein, it is hereby understood and agreed:

1. The Department finds that this Agreement is in the best interest of the State of Florida, is beneficial to the Department in its role as the state agency with responsibility for the administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and purposes of Chapter 380, Florida Statutes, and is essential to the continued viability of this project.

2. The Department agrees that the Owner/Developer or its successors in interest may construct twenty-three (23) single-family docks on and adjacent to lots numbered 4-10, 18-27, and 51-55; provided, however, that only four docks may be located on or adjacent to the five lots numbered 18-20; and a community viewing dock on the community lot between lots 159 and 160, as more specifically set forth on attached Exhibit "A".

3. That the single-family docks and the community viewing dock shall be subject to the following standards and criteria:

- (a) No dock shall exceed 500 square foot of over-water surface area;
- (b) Each dock shall be constructed on or held in place by pilings and shall not involve filling or dredging other than that necessary to install the pilings;
- (c) No dock shall substantially impede the flow of water or create a navigational hazard;

(d) Each single-family dock as shown on Exhibit "A" for lots 4-10, 16-27, and 51-55 may be used only for recreational, non-commercial activities associated with the mooring of boats and boat paraphernalia;

(e) The community floating dock shall be utilized only as a floating dock and no mooring of boats thereto shall be permitted;

(f) Any main access docks shall be limited to a maximum width of four (4) feet;

(g) The dock decking design and construction shall ensure maximum light penetration, with full consideration of safety and practicality;

(h) No terminal platform area shall be more than 100 square feet;

(i) Decking in conjunction with any dock, other than as authorized by paragraph 3(b), is prohibited;

(j) Each dock shall be sited, aligned, and constructed so as to minimize impacts to adjacent seagrass beds;

(k) Each dock shall be aligned and constructed in accordance with Aquatic Preserve Standards; and

(l) Each dock shall display a mandated warning/caution sign and such other information as is appropriate to the safe operation of boats within the vicinity of the dock.

Subject to such docks as may be subsequently authorized by approval of a substantial deviation application pursuant to Section 380.06(19)(g), Florida Statutes (1997), the Owner/Developer shall establish a conservation easement pursuant to Section 704.08, Florida Statutes (1997), for the remaining waterfront property in Punta Alcaz North prohibiting docks in such areas.

4. No other docks, other than those which are specifically authorized by this Agreement, shall be constructed until such time as the Owner/Developer submits a substantial deviation application for development approval ("ADA"), pursuant to Section 380.06(19)(g), Florida Statutes (1997), and an amended development order thereon has been issued by the City of Tarpon Springs and approved by the Department of Community Affairs and the Tampa Bay Regional Planning Council, subject to the hearing and appeal provisions of Section 360.07, Florida Statutes (1997). The Owner/Developer shall arrange a pre-application meeting on its substantial deviation application within forty-five (45) days of approval of this Agreement and shall submit its substantial deviation application within ninety (90) days of the approval of this Agreement. Review of the substantial deviation application shall include a review of the cumulative impact of all docks.

5. The Owner/Developer shall not claim vested rights or assert equitable estoppel arising from this Agreement or any expenditures or actions taken in reliance upon this

Agreement to construct any other docks or appurtenant facilities. This Agreement shall not entitle the Owner/Developer to a substantial deviation DRI development order pursuant to subsection 380.00(10)(a), Florida Statutes (1987), approving particular conditions in a final development order or approving any docks not otherwise authorized by this Agreement.

6. In the event of a breach of this Agreement or a failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, the Department may terminate this Agreement or file suit to enforce this Agreement as provided in Section 380.00 and 380.11, Florida Statutes, including a suit to enjoin any and all development authorized by this Agreement. In any administrative or judicial action, or appellate proceeding including appeal(s), for the enforcement of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs of litigation.

7. Nothing in this Agreement shall constitute a waiver of any party of the right to appeal any subsequent development order pursuant to Section 380.07, Florida Statutes.

8. This Agreement affects the rights and duties of the parties under Chapter 380, Florida Statutes. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in the issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this Agreement.

9. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and assigns of the parties hereto. The Owner/Developer shall ensure and provide that any successor in interest to any lands or parcels affected by this Agreement is bound by the terms of this Agreement. The Owner/Developer shall record a Notice of this Agreement which complies with Section 380.00(8)(a)(10), Florida Statutes, in the Official Records of Pinellas County, Florida, and shall provide the Department with a copy of the recorded Notice, including book and page number within two (2) weeks of the date of execution of this Agreement.

10. As a condition of entering into this Agreement, the Owner/Developer agrees to enter into an agreement with the City resolving any disputes between the City and the Owner/Developer regarding the Owner/Developer's right to apply for dock permits. Said agreement shall release the City from any and all liability, including but not limited to any claim for damages or attorney's fees, arising out of any judgment entered in Case No. 81-11082-7, or arising out of any settlement agreement previously entered into between the City and Owner/Developer or its predecessors in interest relating to docks for this

FOR THE DEPARTMENT OF COMMUNITY AFFAIRS:

BY Paul R. Brooks
Department of Community Affairs

STATE OF Florida)
COUNTY OF Duval)

BEFORE ME, the undersigned authority, personally appeared Paul R. Brooks of the Department of Community Affairs, on behalf of the Department to be known and known to me to be the individual who executed the foregoing instrument as such officer, and he duly acknowledged before me that he executed the same freely and voluntarily as the act and deed of said corporation.

WITNESS my hand and official seal in the County and State aforesaid, this 21st day of November, 1988.

James R. Bond
Notary Public, State of Florida
My Commission Expires June 21, 1992
Repealed the 1st day of January 1992

Cherie R. Leonard
Witness

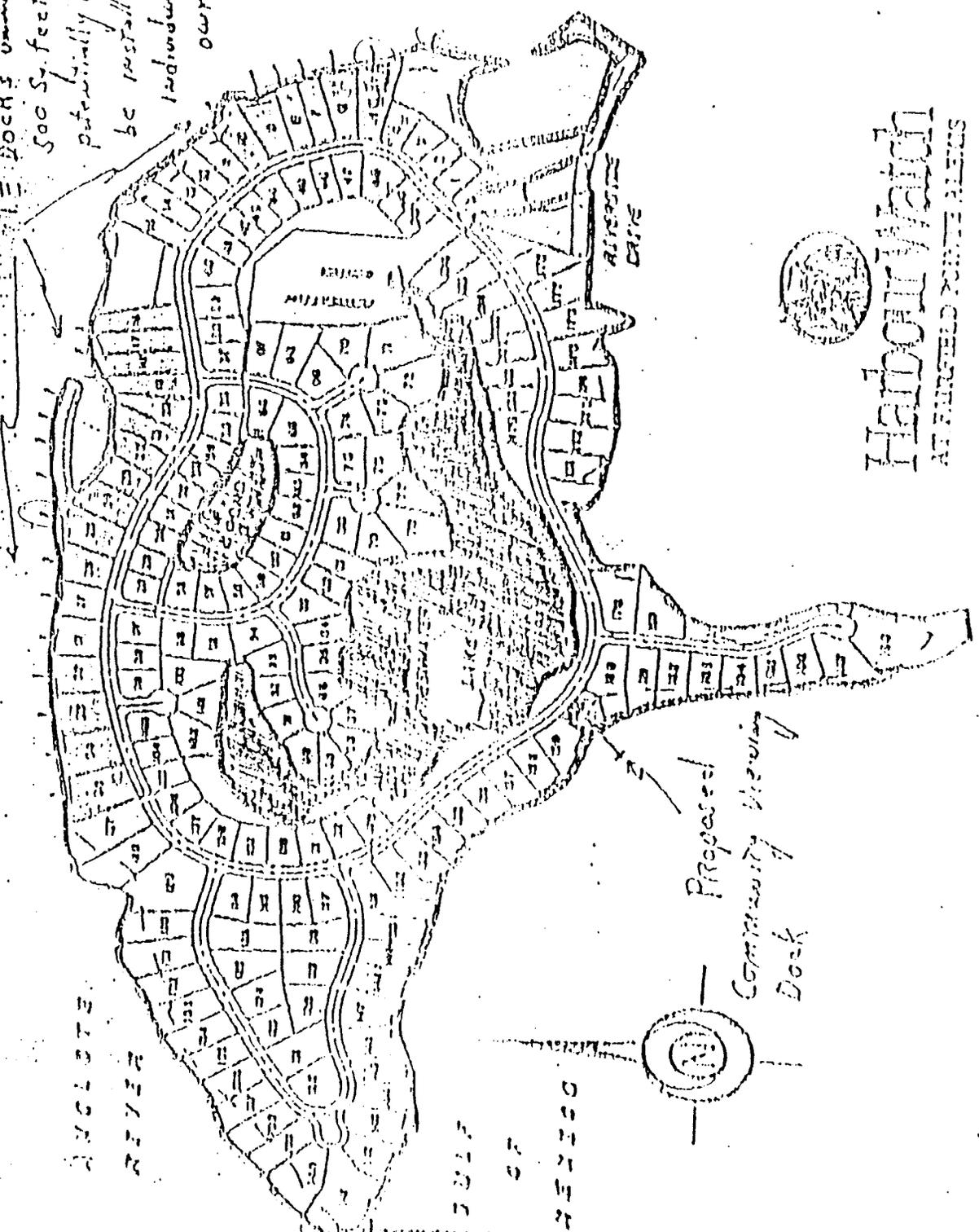
Renetta J. Butler
Witness

Approved as to form and legal sufficiency:

Jeffrey J. Steininger
Department of Community Affairs

WLH/FF-Agrecel/llh

The docks under
 500 Sq. feet which
 potentially could
 be installed by
 individual lot
 owners



HarborWalk
 AT FAIRFIELD POINTE ALIENS

68-7-7
 6-2-98

FIRST AMENDMENT TO THE AGREEMENT

This Amendment to the December 29, 1988 Agreement on Pointe Alexis North is entered into between Fairfield Communities, Inc. ("Owner/Developer"), and the Department of Community Affairs (the "Department"), subject to all governmental approvals and solely at the risk of the Owner/Developer.

WHEREAS, the Owner/Developer and the Department entered into an agreement, a copy of which is attached hereto and incorporated herein as Exhibit A, on December 29, 1988; and

WHEREAS, the Agreement dated December 29, 1988 allowed the Owner/Developer and/or its successors in interest to construct docks on and adjacent to certain specified lots in the Owner/Developer's development known as Pointe Alexis North; and

WHEREAS, Paragraph 4 of the Agreement dated December 29, 1988 prohibited the Owner/Developer from building any additional docks, other than those specifically authorized by that Agreement, until such time as it submitted a substantial deviation application for development approval pursuant to section 380.06(19)(g) Fla. Statutes (1987), and an amended development order thereon is issued by the City of Tarpon Springs and approved by the Department and the Tampa Bay Regional Planning Council, subject to the hearing and appeal provisions of section 380.07 Fla. Statutes (1987); and

WHEREAS, Paragraph 4 further requires the Owner/Developer to arrange a pre-application meeting on its substantial deviation application within forty-five (45) days of approval of the Agreement dated December 29, 1988 and to submit its substantial deviation application within ninety (90) days of the approval of that Agreement; and

WHEREAS, the Owner/Developer has no present intent to construct any additional docks other than those specifically authorized in the Agreement dated December 29, 1988, and desires to avoid incurring the substantial costs of preparing and submitting for agency review a substantial deviation application; and

WHEREAS, the Owner/Developer and the Department agree that a substantial deviation application seeking approval of additional docks may be held in abeyance until such time as the Owner/Developer desires to move forward on such an application; and

WHEREAS, there will be no material adverse consequences as a result of waiving the time requirements specified in Paragraph 4 of the Agreement dated December 29, 1988, especially since such a waiver will result in no additional construction activity

EXHIBIT 2-2

other than that which has already been authorized by the Agreement dated December 29, 1988.

NOW THEREFORE, and in consideration of the mutual covenants contained herein, It is hereby understood and agreed;

1. The Department finds this Agreement Amendment is in the best interest of the State of Florida, is beneficial to the Department in its role as the state agency with responsibility for administration and enforcement of chapter 380, Fla. Statutes, and reasonably applies and effectuates the provisions and purposes of chapter 380, Fla. Statutes, and is essential to the continued liability of this project.

2. Paragraph 4 of the Agreement between Fairfield Communities, Inc. and the Department shall be amended to read:

4. No other docks, other than those which are specifically authorized by this Agreement, shall be constructed until such time as the Owner/Developer submits a substantial deviation application for development approval ("ADA"), pursuant to Section 380.06(19)(g), Florida Statutes (1987), and an amended DRI development order thereon has been issued by the City of Tarpon Springs and approved by the Department of Community Affairs and the Tampa Bay Regional Planning Council, subject to the hearing and appeal provisions of Section 380.07, Florida Statutes (1987). Review of the substantial deviation application shall include a review of the cumulative impact of all docks. At the time the Owner/Developer desires to proceed with any additional docks at Pointe Alexis North the Owner/Developer must schedule and attend a pre-application conference and shall submit its substantial deviation application for development approval within forty-five (45) days of that conference. As a requirement of this Agreement, the Owner/Developer shall include as a part of the annual status report required to be filed each December 14th for the Pointe Alexis North DRI, the location, size and number of all existing docks and developments in conservation areas, the status of compliance with the terms of this Agreement and any amendments, and an indication of the location, size and number of any docks or developments in conservation areas proposed for construction during the forthcoming year.

3. The terms and conditions of the Agreement dated December 29, 1988, otherwise remain in full force and effect and are expressly incorporated by reference as conditions of this Amended Agreement.

4. The date of execution of this Amended Agreement should be the date that the last party signs and acknowledges this Amended Agreement.

FOR THE OWNER/DEVELOPER:

BY: J. Robert Ward Vice President
Fairfield Communities, Inc.

STATE OF Florida)
COUNTY OF Pinellas)

BEFORE ME, the undersigned authority, personally appeared J. Robert Ward of Fairfield Communities, Inc. to be known and known to me to be the individual who executed the foregoing instrument as such officer, and he duly acknowledged before me that he executed the same freely and voluntarily as the act and deed of said corporation.

WITNESS my hand and official seal in the County and State aforesaid, this 27th day of June, 1987.

Patricia J. Philo
Notary Public, State of Florida
My Commission Expires 3/1/90

Chris D. Blaine
Witness

Alvin M. Kibuklis
Witness

FOR THE DEPARTMENT OF COMMUNITY AFFAIRS:

BY: Paul R. Bradshaw
Department of Community Affairs

STATE OF Florida)
COUNTY OF Leon)

BEFORE ME, the undersigned authority, personally appeared Paul R. Bradshaw of the Department of Community Affairs, on behalf of the Department to be known and known to me to be the individual who executed the foregoing instruments as such officer, and he duly acknowledged before me that he executed the same freely and voluntarily as the act and deed of said corporation.

WITNESS my hand and official seal in the County and State aforesaid, this 16th day of June, 1989.

Lorraine K. Philington
Notary Public, State of

My Commission Expires:

Henry L. Brown
Witness

Notary Public, State of Florida
My Commission Expires April 5, 1993
Banded Blue Tray Film - Insurance Inc.

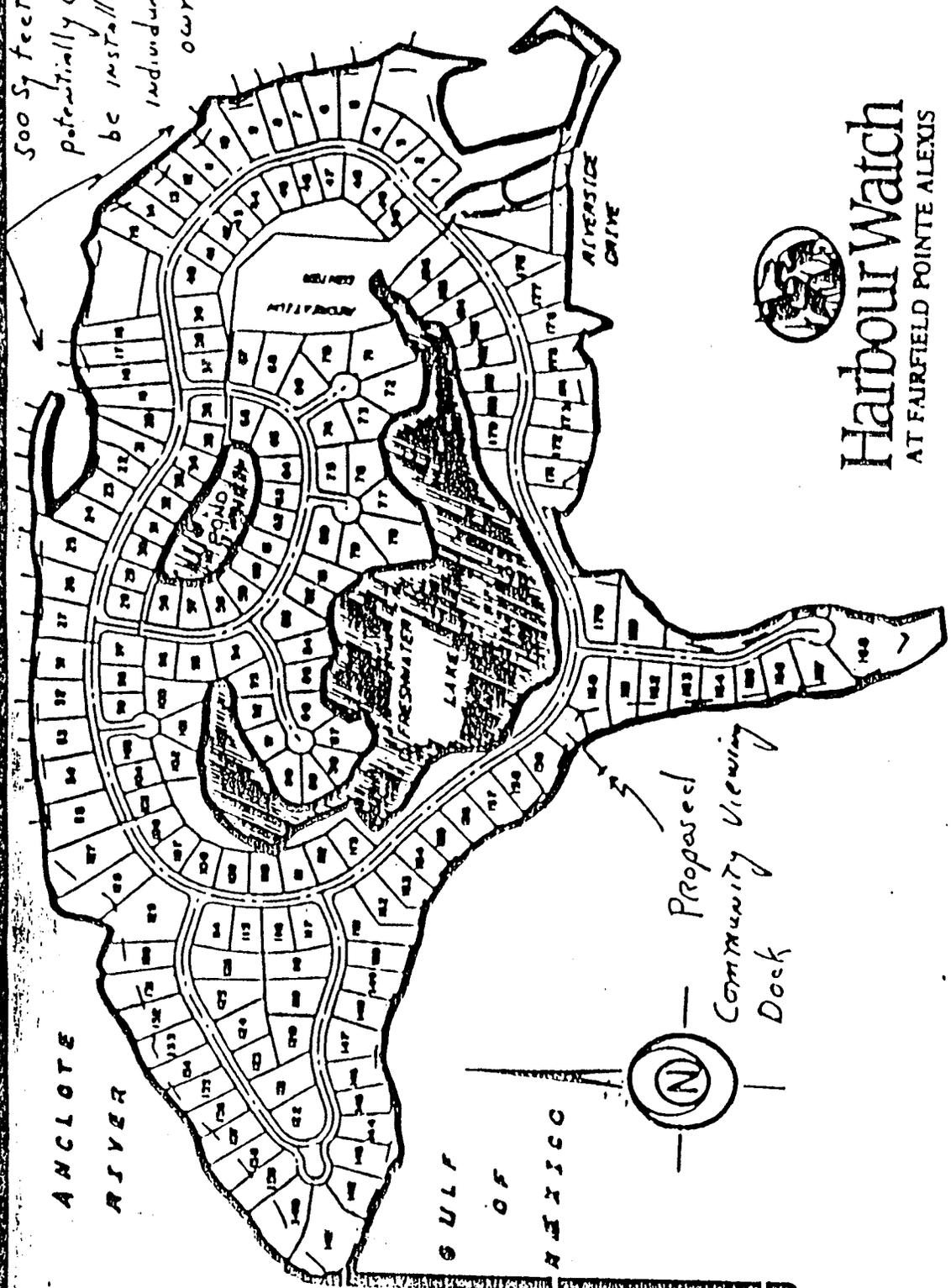
Julia A. Magee
Witness

Approved as to form and legal sufficiency:

Jeffrey R. Steimanyder
Department of Community Affairs

WLI/SuppAgreement

500 Sq feet which
potentially could
be installed by
individual lot
owner

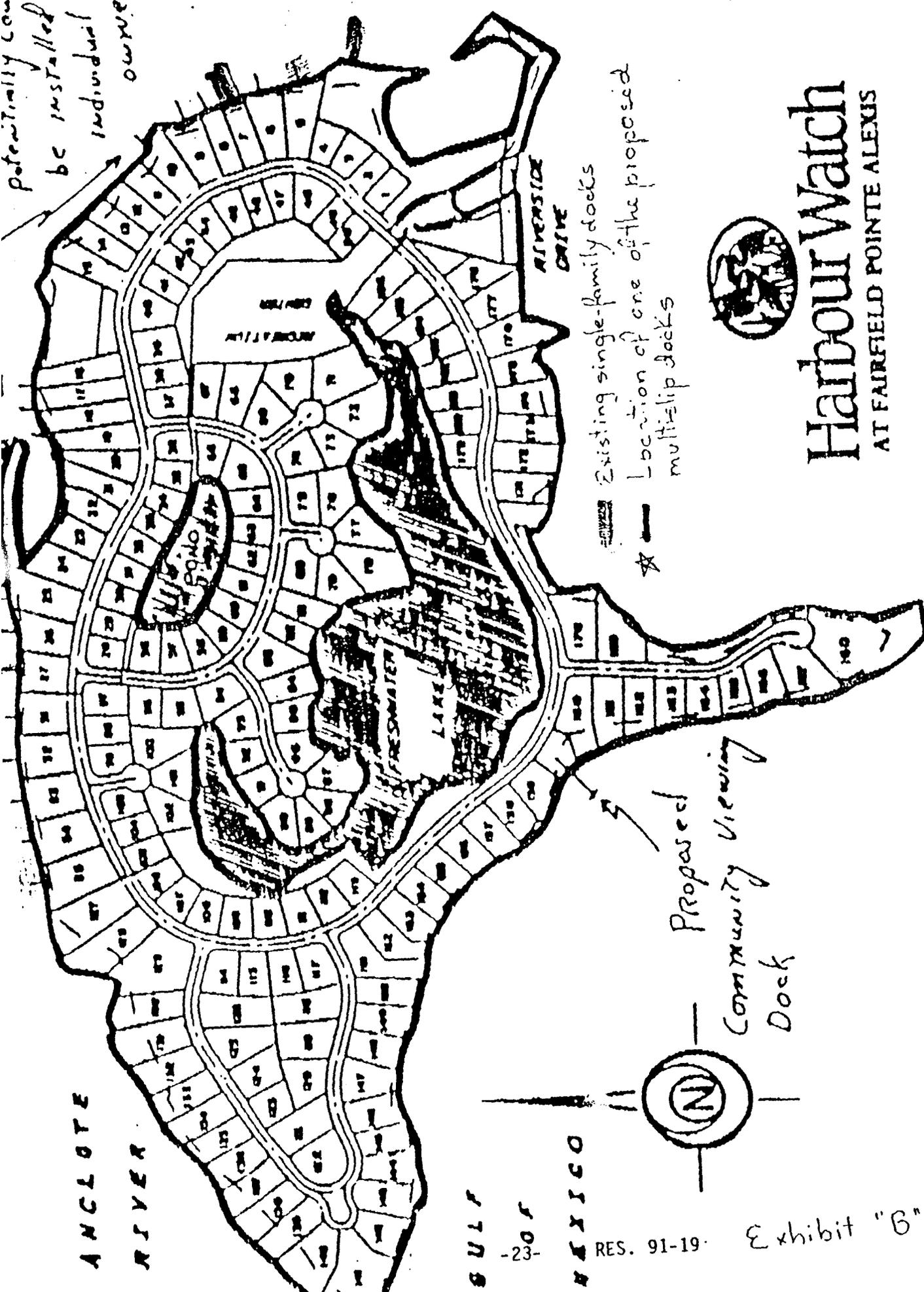


Harbour Watch

AT FAIRFIELD POINTE ALEXIS

88-7-7

potentially could
be installed by
individual lot
owner



Harbour Watch

AT FAIRFIELD POINTE ALEXIS

6-2-88

Exhibit "B"

EXHIBIT 2
LEGAL DESCRIPTION

HARBOUR WATCH --- LEGAL DESCRIPTION

That certain piece, parcel, or tract of land lying in and being part of Section 3 and Section 4, Township 27 South, Range 15 East, Tarpon Springs, Pinellas County, Florida, also being part of Tampa and Tarpon Springs Land Company Subdivision, as recorded in Plat Book H1, page 116, of the public records of Pinellas (formerly Hillsborough) County, Florida, and being more particularly described as follows:

Beginning at the Northwest corner of Lot 156, Sunset Hills Country Club, as recorded in Plat Book 17, pages 27 thru 33, of the public records of Pinellas County, Florida; thence South $16^{\circ}27'30.8''$ West, by and along the westerly boundary of said Lot 156, a distance of 65.90 feet to the north riparian line of "red area" referred to in section 10 (d) of Agreement between Chicago Trust Company and Roy K. Thomas as Trustees and Edgar J. Phillips, dated August 15, 1925, and identified by initials of Nathan William MacChesney; thence South $85^{\circ}41'45.8''$ West, by and along said line a distance of 9.98 feet to the mean high water line of a salt marsh; thence Westerly and Southerly by and along said mean high water line, to the intersection of said mean high water line with the mean high water line of the Gulf of Mexico; thence Northerly, Northwesterly, Westerly, by and along said mean high water line to the intersection of said mean high water line with the mean high water line of the Anclote River; thence Northeasterly, Easterly, and Southeasterly, by and along said mean high water line to the intersection of said mean high water line with the Northwesterly boundary of Lot 145, Sunset Hills Country Club, as recorded in Plat Book 17, pages 27 thru 33, of the public records of Pinellas County, Florida; thence South $32^{\circ}08'48.2''$ West, by and along said boundary a distance of 201.26 feet to the center-line of Riverside Drive, an 80.0 foot right-of-way, said point also being a point on a curve bearing North $32^{\circ}08'48.2''$ East from the radius point of said curve; thence Northwesterly, around and along a curve to the left, said curve having a radius of 300.00 feet and a delta of $32^{\circ}10'17.4''$, a distance of 449.20 feet to a point of tangency; thence South $29^{\circ}58'30.3''$ West, by and along aforementioned center-line a distance of 277.26 feet to the West boundary of aforementioned Sunset Hills Country Club; thence South $00^{\circ}01'29.2''$ East, by and along said West boundary a distance of 40.00 feet to the Northwest corner of aforementioned Lot 156, and the point of beginning. Containing 90.151 acres, more or less.

THE ABOVE DESCRIBED PROPERTY INCLUDES THE FOLLOWING DESCRIBED PROPERTY:

Lots F, G, otherwise described as that Parcel of Land bounded by Lots F and H on the East and the Gulf of Mexico on the South, West and North and Lot H in Section 4, Township 27 South, Range 15 East, of Property of Tampa & Tarpon Springs Land Co., according to plat thereof recorded in Plat Book 1, page 116, public records of Hillsborough County, Florida, of which Pinellas County was formerly a part; AND

Lots A, B, C, D, E, I, J, K, L, M, N, O, P, Q, and R in Section 3, Township 27 South, Range 15 East of Property of Tampa & Tarpon Springs Land Co., according to plat thereof recorded in Plat Book 1, page 116, public records of Hillsborough County, Florida, of which Pinellas County was formerly a part, LESS THAT PART OF SAID LOTS O, P, and Q which lies in Sunset Hills Country Club Subdivision, according to plat thereof recorded in Plat Book 17, pages 27 to 33 inclusive, Pinellas County Records. ALSO that certain unnumbered triangular tract West of Tract R and South of Tract J, of Tampa & Tarpon Springs Land Company's Subdivision, of Section 3, Township 27 South, Range 15 East, according to the plat thereof of said Tampa & Tarpon Springs Land Company's Subdivision, according to plat thereof recorded in Plat Book 1, page 116, public records of Pinellas County, Florida:

PASSED and ADOPTED this 4th day of November, 1991.

Anita E. Protos

ANITA E. PROTOS, MAYOR-COMMISSIONER

George Bobotas

GEORGE BOBOTAS, MAYOR PRO TEMPORE

Glenn A. Davis

GLENN A. DAVIS, COMMISSIONER

L. F. Di Donato

L. F. DIDONATO, COMMISSIONER

Blaine P. LeCouris

BLAINE P. LeCOURIS, COMMISSIONER

MOTION BY: COMMISSIONER LeCOURIS
SECOND BY: COMMISSIONER BOBOTAS

VOTE ON MOTION

COMMISSIONER LeCOURIS Yes
COMMISSIONER DiDONATO Yes
COMMISSIONER BOBOTAS Yes
COMMISSIONER DAVIS Yes
MAYOR PROTOS Yes

ATTEST:

Kathy M. Alesafis
KATHY M. ALESAFIS, CMC
CITY CLERK & COLLECTOR

APPROVED AS TO FORM:

Alan S. Zimet
ALAN S. ZIMMET
CITY ATTORNEY

I, KATHY M. ALESAFIS, City Clerk and Collector of the City of Tarpon Springs, Florida, hereby certify that the attached and foregoing is a full, true, complete and correct copy of the original of which is now in the official records of the City.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the City of Tarpon Springs, Florida, this 5th day of November, 1991
Kathy M. Alesafis
KATHY M. ALESAFIS
CITY CLERK & COLLECTOR



City of Tarpon Springs, Florida

324 E. PINE STREET
P.O. BOX 5004
TARPON SPRINGS, FLORIDA 34688-5004
(813) 938-3711
FAX (813) 937-8199

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

May 2, 1990

RE: Pointe Alexis Development Order
Amendment #3

Dear Ms. Cooper:

Attached please find a certified copy of the final action by the City of Tarpon Springs regarding the referenced project.

Please contact me with any questions.

Sincerely,

Ronald F. Pianta, AICP
Planning and Zoning Director

RFP/bv

cc: File

RECEIVED
MAY - 4 1990

Tampa Bay Regional
Planning Council

Mailed 5/3/90

RESOLUTION 90-18

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, CONSTITUTING A THIRD AMENDMENT TO THE DEVELOPMENT ORDER FOR THE HARBOUR WATCH AND RIVERSIDE LANDING PROJECTS OWNED BY FAIRFIELD COMMUNITIES, INC.; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW THAT THE AMENDMENTS DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR THE INCORPORATION OF THE BALANCE OF ALL OF THE REMAINING PROVISIONS OF THE DEVELOPMENT ORDER, THE AMENDED DEVELOPMENT ORDER AND THE SECOND AMENDED DEVELOPMENT ORDER REMAINING IN EFFECT.

WHEREAS, on August 23, 1983, THE FLORIDA COMPANIES, now by merger known as FAIRFIELD COMMUNITIES, INC., ("Developer") filed an Application for Development Approval ("ADA") of Regional Impact with the City of Tarpon Springs ("City"), the Tampa Bay Regional Planning Council ("TBRPC"), the Florida Department of Community Affairs ("DCA") and other state, regional and local agencies, pursuant to the provisions of Section 380.06, Florida Statutes; known as DRI #99 Harbour Watch/Riverside Landing; and

WHEREAS, the City by the adoption of Resolution 83-91 on December 14, 1983, approved the development which Resolution constituted a Development Order ("Order"); and

WHEREAS, the City by the adoption of Resolution 85-32 on March 19, 1985, approved the first amendment to the "Order" ("Amended Order"); and

WHEREAS, the City by the adoption of Resolution 89-13 on March 7, 1989, approved the second amendment to the "Order" ("Second Amended Order"); and

WHEREAS, Public Notice requirements of the Florida Statutes have been complied with; and

WHEREAS, the Board of Commissioners has reviewed and considered all of these matters, the prior ADA, Order, Amended Order, Second Amended Order, evidence submitted by the Developer, its staff, all applicable agencies, and members of the general public and made findings of fact and conclusions of law concerning a determination of substantial deviation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, CITY OF TARPON SPRINGS, FLORIDA, THAT:

1. Introduction: This Resolution shall constitute a Third Amendment to the Development Order of the City previously issued in response to the ADA filed by the Developer for the Development of Harbour Watch/Riverside Landing, a Development of Regional Impact and a determination regarding a substantial deviation as defined under Florida Statutes 380.06.

2. Findings of Fact:

A. The requested changes which constitute the third amendment to the development order are to the setbacks for Riverside Landing as follows:

1. All lots in Pointe Alexis South, Phase III replat, together with lots 153 through 161 inclusive and lots 266 through 273 inclusive, Pointe Alexis South Phase II as recorded in Plat Book 93, Pages 71-79, together with the townhouse flats shall be revised as follows:

Single Family:	Front yard from 25 feet to 20 feet
	Side yard to project boundary 20 feet to 15 feet
	Side building to building 25 feet to 10 feet
	Rear yard to project boundary 35 feet to 25 feet

Rear building to building 60 feet to 50 feet

Patio Homes: Front yard from 25 feet to 20 feet
Side yard to project boundary 20 feet to 15 feet
Side building to building 15 feet to 10 feet
Rear yard to project boundary 35 feet to 25 feet
Rear building to building 60 feet to 50 feet

Townhouse Flats: Rear building to building 75 feet to 50 feet

2) Lots 105, 108, 109, 110, 114, and 115 of Pointe Alexis

South Phase II as recorded in Plat Book 93, Pages 71-79 shall be revised as follows:

Single Family: Front yard from 25 feet to 20 feet
Rear yard to project boundary 35 feet to 25 feet

Patio Homes: Front yard from 25 feet to 20 feet
Rear yard to project boundary 35 feet to 25 feet

3) The common side lot lines of lots 6, 7 of Pointe Alexis

South Phase I, as recorded in Plat Book 92, pages 44-49, and the common side lot lines of lots 205 through 208 inclusive, and 279, 280 of Pointe Alexis South Phase II, as recorded in Plat Book 93, pages 71-79, and the common side lot lines of lots 214, 215; 219, 220; 224, 225; 226, 227 of Pointe Alexis South Phase II, Partial Replat as recorded in Plat Book 95, pages 15-16 shall be revised as follows:

Single Family: Side building to building 25 feet to 10 feet

Patio Homes: Side building to building 15 feet to 10 feet

4) All other existing setbacks shall remain the same.

B. The changes to the setbacks requested by the Developer are contained in Exhibit A attached hereto and made a part hereof, and the request of the Developer to amend the setbacks as contained under Exhibit A does not create a regional impact previously not reviewed in the Order, Amended Order or Second Amended Order. The proposed changes to the Order, Amended Order or Second Amended Order do not meet

or exceed any of the criteria which constitute a substantial deviation as set forth under Florida Statutes 380.06(19).

C. The amended table of setbacks allows this development to proceed in a manner consistent with the intent and objectives of the Order, Amended Order and Second Amended Order.

3. Conclusions of Law: The Board of Commissioners having made the above findings of fact, reaches the following conclusions of law:

A. That the development proposed under the amended table of setbacks does not constitute a substantial deviation as defined under Florida Statutes 380.06(19). That the Third Amendment to the Order to amend the table of setbacks is hereby incorporated as part of this Order, and is consistent with the intent of the Order, Amended Order and Second Amended Order and ADA.

4. Amendments:

A. The table of setbacks contained in Exhibit A applicable to Riverside Landing ("Point Alexis South") amend the previous minimum setbacks established by Map "H" from The ADA of the Order, and amended by Map "C-2" of the Amended Order.

5. General Conditions:

A. The Development Order, Amended Development Order or Second Amended Development Order shall only be amended as provided by this Resolution and except as amended by this Resolution shall remain in full force and effect.

B. The setbacks hereby approved shall not supersede the requirement to comply with the minimum setbacks from any environmentally sensitive areas as provided in the Order, Amended Order and Second Amended Order.

C. This amendment to the Order shall become effective upon adoption by the Board of Commissioners for the City of Tarpon Springs.

D. Upon adoption of this Third Amendment to the Order, it shall be transmitted by the City to the Tampa Bay Regional Planning Council, the Developer and the State Land Planning Agency.

E. This Third Amended Order shall be binding upon the Developer, and its assigns, or successors in interest.

F. In the event that any portion or section of this Third Amended Order is determined to be invalid, illegal or unconstitutional by a Court of competent jurisdiction, appropriate commission or other governmental agency, such decision shall in no manner affect the remaining portions or sections of this Third Amended Order which shall remain in full force and effect. To the extent any portion of this Third Amended Order is determined invalid, the compatible provisions of the Development Order, Amended Development Order and Second Amended Development Order shall be in full force and effect.

EXHIBIT A

TABLE I

MINIMUM SETBACKS

- 1) All lots in Pointe Alexis South, Phase III Replat together with lots 152 through 161 inclusive and lots 266 through 273 inclusive, Pointe Alexis South Phase II as recorded in Plat Book 93, pages 71-79, together with the townhouse flats:

	<u>Front Yard To Street</u>	<u>Side Yard To Project Boundary</u>	<u>Bldg. To Bldg.</u>	<u>Rear Yard Rear To Boundary</u>	<u>Bldg. To Bldg.</u>
SINGLE FAMILY	20.0'	15.0'	10.0'	25.0'	50.0'
PATIO HOUSES	20.0'	15.0'	10.0'	25.0'	50.0'
TOWNHOUSE FLATS	25.0'	25.0' (street)	30.0'	35.0'	50.0'

- 2) Lots 105, 108, 109, 110, 114, and 115 of Pointe Alexis South Phase II, as recorded in Plat Book 93, pages 71-79:

	<u>Front Yard To Street</u>	<u>Side Yard To Project Boundary</u>	<u>Bldg. To Bldg.</u>	<u>Rear Yard Rear To Boundary</u>	<u>Bldg. To Bldg.</u>
SINGLE FAMILY	20.0'	20.0'	25.0'	25.0'	60.0'
PATIO HOUSES	20.0'	20.0'	15.0'	25.0'	60.0'

- 3) Lots 6, 7 of Point Alexis South Phase I, as recorded in Plat Book 92, pages 44-49, and lots 205 through 208 inclusive, and 279, 280 of Pointe Alexis South Phase II, as recorded in Plat Book 93, pages 71-79, and lots 214, 215; 219, 220; 224, 225; 226, 227 of Pointe Alexis South Phase II, Partial Replat as recorded in Plat Book 95, pages 15-16:

Front Yard To Street	Side Yard		Rear Yard	
	To Project Boundary	Bldg. To Bldg. (Common Lot Lines Only)	Rear To Boundary	Bldg. To Bldg.

SINGLE FAMILY	25.0'	20.0'	10.0'	35.0'	60.0'
PATIO HOUSES	25.0'	20.0'	10.0'	35.0'	60.0'

4) All remaining lots:

Front Yard To Street	Side Yard		Rear Yard	
	To Project Boundary	Bldg. To Bldg.	Rear To Boundary	Bldg. To Bldg.

SINGLE FAMILY	25.0'	20.0'	25.0'	35.0'	60.0'
PATIO HOUSES	25.0'	20.0'	15.0'	35.0'	60.0'

Legal Description

Riverside Landings

LOTS 43, 44, 45, 55, 100, 101, 102, 122 AND A PART OF LOT 170, SUNSET HILLS COUNTRY CLUB SUBDIVISION, AS RECORDED IN PLAT BOOK 17, PAGES 27 THRU 33, ALSO, LOTS 37, 31, 32, TURF AND SURF ESTATES, AS RECORDED IN PLAT BOOK 51, PAGE 27, OF THE PUBLIC RECORDS OF THE CITY OF TARPON SPRINGS, COUNTY OF PINELLAS, FLORIDA, SAID PROPERTY LOCATED IN SECTIONS 3 AND 10, TOWNSHIP 27 S, RANGE 15 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 27 S, RANGE 15 EAST, THENCE N. 69°34'24"W., ALONG THE SOUTH LINE OF SAID SECTION 3, 1319.56 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N. 89°34'24"W., ALONG SAID SOUTH LINE 170.11 FEET TO A POINT ON THE EAST SIDE OF LAKE AVOCA, (SUNSET HILLS COUNTRY CLUB SUBDIVISION) (THENCE ALONG THE BOUNDARY OF SAID LAKE AVOCA THE FOLLOWING COURSES AND DISTANCES) N. 16°25'59"E., 400.16 FEET; THENCE N. 44°09'01"W., 450.0 FEET; THENCE S. 45°50'59"W., 450.0 FEET; THENCE N. 89°34'24"W., 300.11 FEET; THENCE S. 18°54'36"W., 410.52 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3, THENCE N. 89°34'24"W., ALONG SAID SOUTH LINE OF SECTION 3, 714.67 FEET TO A POINT ON THE WEST LINE OF LOT 170, (THENCE ALONG THE WEST LINE OF LOT 170 THE FOLLOWING COURSES AND DISTANCES) N. 18°15'15"E., 235.76 FEET, THENCE N. 12°14'10"W., 208.47 FEET; THENCE N. 40°37'29"E., 149.74 FEET; THENCE N. 23°47'13"E., 247.14 FEET; THENCE N. 13°12'25"E., 252.83 FEET; THENCE N. 5°21'12"E., 220.30 FEET; THENCE N. 15°47'07"W., 99.37 FEET; THENCE N. 18°58'35"E., 113.67 FEET; THENCE N. 6°10'10"W., 296.90 FEET TO A FOUND CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF SEA BREEZE ISLAND AS RECORDED IN PLAT BOOK 28, PAGE 67; THENCE N. 30°21'11"W., ALONG THE EAST LINE OF SAID SEA BREEZE ISLAND, 227.59 FEET, AND TO A POINT ON THE CENTER LINE OF SEA BREEZE DRIVE; THENCE N. 82°20'44"E., ALONG SAID CENTER LINE, 556.72 FEET TO A POINT; THENCE N. 58°55'07"E., 505.80 FEET TO A POINT ON THE WEST LINE OF LOT 110 OF SAID SUNSET HILLS COUNTRY CLUB SUBDIVISION AND A POINT ON A CURVE; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 1010.00 FEET, A DELTA OF 00°30'17", A DISTANCE OF 8.90 FEET, THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 590.0 FEET, A DELTA OF 2°42'56", A DISTANCE OF 27.96 FEET AND TO THE NORTHWEST CORNER OF LOT 108; THENCE CONTINUE ALONG SAID CURVE HAVING A RADIUS OF 590.0 FEET, A DELTA OF 21°52'36", A DISTANCE OF 225.27 FEET TO THE SOUTHEAST CORNER OF LOT 104; THENCE N. 35°20'52"E., ALONG THE SOUTHEAST LINE OF LOT 104, 150.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 440.0 FEET, A DELTA OF 21°29'09", A DISTANCE OF 165.00 FEET; THENCE S. 13°51'43"W., 368.50 FEET; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 808.50 FEET, A DELTA OF 2°15'19"; A DISTANCE OF 31.82 FEET; THENCE S. 78°30'46"E., 286.12 FEET; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 891.50 FEET, A DELTA OF 17°33'37", A DISTANCE OF 273.23 FEET; THENCE N. 50°46'01"E., 368.50 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 1260.0 FEET, A DELTA OF 10°18'23", A DISTANCE OF 226.65 FEET; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 360.0 FEET, A DELTA OF 28°25'00", A DISTANCE OF 178.55 FEET; THENCE S. 00°30'36"E., 817.43 FEET, THENCE LEAVING SAID RIVERSIDE DRIVE, S. 89°29'20"W., 109.98 FEET; THENCE S. 00°42'16"E., 179.91 FEET; THENCE S. 26°40'50"E., 22.20 FEET; THENCE N. 74°20'14"W., 61.55 FEET; THENCE S. 15°52'02"W., 227.05 FEET; THENCE S. 70°39'51"E., 91.16 FEET; THENCE S. 70°44'01"E., 39.80 FEET; THENCE S. 00°38'11"E., 54.97 FEET, THENCE S. 10°36'56"E., 69.05 FEET; THENCE S. 10°36'56"E., 217.37 FEET; THENCE S. 18°53'19"E., 160.71 FEET, AND TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HOLIDAY DRIVE; (THENCE SOUTHWESTERLY ALONG THE NORTH AND WEST RIGHT-OF-WAY LINE OF HOLIDAY DRIVE THE FOLLOWING COURSES AND DISTANCES), THENCE S. 00°32'55"E., 208.40 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.0 FEET, A DELTA OF 53°06'56", A DISTANCE OF 92.70 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 150.0 FEET, A DELTA OF 50°05'07", A DISTANCE OF 131.12 FEET; THENCE N. 89°40'00"W., 103.05 FEET; THENCE N. 00°28'40"W., 142.51 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 140.00 FEET, A DELTA OF 51°59'45", A DISTANCE OF 127.05 FEET; THENCE N. 37°29'32"E., 10.00 FEET; THENCE NORTHWESTERLY ALONG A CURVE, HAVING A RADIUS OF 150.00 FEET, A DELTA OF 37°03'59", A DISTANCE OF 97.04 FEET; THENCE N. 89°34'37"W., 28.43 FEET; THENCE N. 00°30'35"W., 15.0 FEET; THENCE N. 89°34'27"W., 150.00 FEET; THENCE S. 00°30'35"E., 149.87 FEET; THENCE N. 89°45'31"W., 100.00 FEET; THENCE N. 00°30'35"W., 150.00 FEET, (TO THE NORTHWEST CORNER OF LOT 32, OF HERETOFORE MENTIONED TURF AND SURF ESTATES); THENCE N. 00°30'35"W., 436.15 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 3, AND THE POINT OF BEGINNING CONTAINING 4,073,025.21 SQUARE FEET OR 93,504 ACRES MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.

PASSED and ADOPTED this 1st day of May, 1990.

Anita E. Protos

ANITA E. PROTOS, MAYOR-COMMISSIONER

Glenn A. Davis

GLENN A. DAVIS, MAYOR PRO TEMPORE

Wayne O'Brien

WAYNE O'BRIEN, COMMISSIONER

George Bobotas

GEORGE BOBOTAS, COMMISSIONER

Lulamae Wolfe

LULAMAE WOLFE, COMMISSIONER

MOTION BY: COMMISSIONER WOLFE
SECOND BY: COMMISSIONER DAVIS

VOTE ON MOTION

COMMISSIONER WOLFE YES
COMMISSIONER BOBOTAS YES
COMMISSIONER O'BRIEN YES
COMMISSIONER DAVIS YES
MAYOR PROTOS YES

ATTEST:



Kathy M. Alesafis
KATHY M. ALESAFIS, CMC
CITY CLERK & COLLECTOR

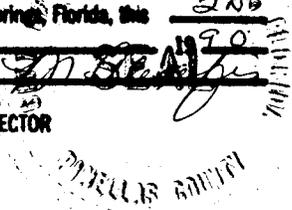
APPROVED AS TO FORM:

Alan S. Zimmet
ALAN S. ZIMMET
CITY ATTORNEY

I, KATHY M. ALESAFIS, City Clerk and Collector of the City of Tarpon Springs, Florida, hereby certify that the attached and foregoing is a full, true, complete and correct copy of the original of which is now in the official records of the City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the City of Tarpon Springs, Florida, this 2nd day of May, 1990.

Kathy M. Alesafis
KATHY M. ALESAFIS
CITY CLERK & COLLECTOR



RESOLUTION 89-13

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, CONSTITUTING A SECOND AMENDMENT TO THE DEVELOPMENT ORDER FOR THE HARBOUR WATCH AND RIVERSIDE LANDING PROJECTS OWNED BY FAIRFIELD COMMUNITIES, INC., INCORPORATING THE TERMS OF THE PRE-DEVELOPMENT AGREEMENT BETWEEN THE DEVELOPER AND THE DEPARTMENT OF COMMUNITY AFFAIRS, MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW THAT THE AMENDMENTS DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION AND PROVIDING FOR THE INCORPORATION OF THE BALANCE OF ALL OF THE REMAINING PROVISIONS OF THE DEVELOPMENT ORDER AND THE AMENDED DEVELOPMENT ORDER REMAINING IN EFFECT.

WHEREAS, on August 23, 1983, THE FLORIDA COMPANIES, now by merger known as FAIRFIELD COMMUNITIES, INC., ("Developer") filed an Application for Development Approval ("ADA") of Regional Impact with the City of Tarpon Springs ("City"), the Tampa Bay Regional Planning Council ("TBRPC"), the Florida Department of Community Affairs ("DCA") and other state, regional and local agencies, pursuant to the provisions of Section 380.06, Florida Statutes; known as DRI #99 Harbour Watch/Riverside Landing (see exhibit 2 for legal description); and

WHEREAS, the City by the adoption of Resolution 83-91 on December 14, 1983, approved the development which Resolution constituted a Development Order ("Order"); and

WHEREAS, the City by the adoption of Resolution 85-32 on March 19, 1985, approved the first amendment to the "Order" ("Amended Order"); and

WHEREAS, the Amended Order provided for the approval of previously submitted site plans and the Developer has now submitted a Second Amended Site Plan which requires an additional amendment to the Order to make the Order consistent with the Second Amended Site Plan for Harbour Watch and Riverside Landing; and

WHEREAS, the Board of Commissioners has received comments and recommendations from the Tampa Bay Regional Planning Council and the Department of Community Affairs; and

WHEREAS, the City has received the Pre-Development Agreement entered into between the Developer and the DCA; and

WHEREAS, the City has entered into an Agreement with the Developer regarding its liability relating to the issue of docks which was raised during this approval process; and

WHEREAS, Public Notice requirements of the Florida Statutes have been complied with; and

WHEREAS, the Developer's request for the Second Amendment to the Development Order is contingent upon site plan approval, proper rezoning, plat approval, and any other Governmental approvals applicable to the subject property; and

WHEREAS, the Board of Commissioners has reviewed and considered all of these matters as well as the prior ADA, Order, Amended Order, and evidence submitted by the Developer, its staff, TBRPC, and members of the general public and made findings of fact and conclusions of law concerning a determination of substantial deviation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, CITY OF TARPON SPRINGS, FLORIDA, THAT:

1. Introduction: That this Resolution shall constitute the Second Amendment to the Development Order of the City previously issued in response to the ADA filed by the Developer for the Development of Harbour Watch/Riverside Landing, a Development of Regional Impact and a determination regarding a substantial deviation as defined under Florida Statutes 380.06.

2. Findings of Fact: SECOND AMENDED SITE PLAN FOR RIVERSIDE LANDING AND HARBOUR WATCH

A. There is an overall decrease in the number of units permitted in the Order from 970 to 481 units, representing a decrease of 489 units. There is an overall decrease in the number of units permitted in the Amended Order from 867 units to 481 units for a decrease of 386 units.

B. The reduction in units in this Second Amended Site Plan relates to the Harbour Watch site only which was initially approved for 690 units in the Order, reduced to 572 by the Amended Order, and is now reduced to 186 units. The Second Amended Site Plan, Revised Map "H", represents a decrease of 504 units on Harbour Watch from the Order and a decrease of 386 units from the Amended Order. The gross acreage included in this development remains at approximately 90

acres for a density of approximately 2 units per acre.

C. The City has approved subdivision plats for Phase I and Phase II of Harbour Watch, which call for a total of 105 single-family lots. Approval of Phase III would include the final 81 additional single-family lots.

D. The Amended Order approved a site plan for 360 units in six-story buildings located on the westerly portion of the Harbour Watch site with 121 townhouse flats and 91 patio homes. The Second Amended Site Plan eliminates the six-story buildings and attached units while substituting in their place single-family lots of up to one-half acre in size. The reduction of 386 units and the density reduction makes an equivalent reduction in any regional impact.

E. The Developer and the DCA have entered into a Pre-Development Agreement concerning the issue of the Developer's right to construct docks adjacent to the lots abutting the Anclote River and the Gulf of Mexico. The Pre-Development Agreement details the obligations and rights of the Developer on the dock issue which was raised during this approval process and is attached hereto as Exhibit 1 and is incorporated by reference in this Second Amended Development Order.

F. The reduction in density and development pursuant to revised Map "H" will result in a corresponding reduction in the environmental impacts of the project as addressed in the Environmental Assessment Report of Wade-Trim Inc., dated October 26, 1987.

G. The facts presented under the Second Amended Site Plan demonstrate a reduction in any regional impact, and do not create a regional impact previously not reviewed in the Order or the Amended Order. The proposed changes to the Order or the Amended Order do not meet or exceed any of the criteria which constitute a substantial deviation as set forth under Florida Statute 380.06(19).

H. The development plans as set out under the Second Amended Site Plan, revised Map "H", are consistent with the intent and objectives of the Order and Amended Order.

I. As a result of the demonstrated reduction in environmental impacts from the Second Amended Site Plan, the construction setbacks and buffers from the Gulf of Mexico and the

Anclote River can be clarified and established at acceptable minimums as set forth below in this Second Amended Development Order, without negatively impacting any environmental concerns addressed in this Order.

J. As a result of the demonstrated reduction in the environmental impacts from the Second Amended Site Plan, sufficient data will be generated to monitor any possible impact, provided the number of water quality monitoring stations are reduced from seven to three, located as shown on revised Map "H" and sampling frequency as set forth below in this Second Amended Development Order.

K. The unit threshold for the TRANSPORTATION conditions (Section 4.B, Page 6 of the Order) will not be reached due to the reduction in units set forth on the Second Amended Site Plan, revised Map "H" and said Condition no longer applies to this Development.

3. Conclusions of Law: The Board of Commissioners having made the above findings of fact, reaches the following conclusions of law:

A. That the Second Amendment to the Order to reflect the Second Amended Site Plan, revised Map "H", hereby incorporated as part of this Order, is consistent with the intent of the Order, Amended Order and ADA and that the development proposed under the Amended Site Plan does not constitute a substantial deviation as defined under Florida Statutes 380.06(19).

B. The construction setbacks and buffers from the Gulf of Mexico and the Anclote River shall be established and clarified as set forth in this Second Amended Development Order.

C. The water quality monitoring requirements for the Harbour Watch site shall be amended as set forth in this Second Amended Development Order.

D. The provisions of the Pre-Development Agreement are adopted and incorporated by reference into this Second Amended Development Order.

E. The TRANSPORTATION conditions under Section 4.B of the Order do not apply to the Riverside Landing/Harbour Watch Development.

4. Amendments:

The following Conditions contained in Section 4.

CONDITIONS of the Order are amended as described below with all other portions of section 4 remaining in effect.

A. ENVIRONMENTAL CONDITIONS: The Developers shall undertake the following measures to protect the sensitive environmental nature of the project site and to discourage encroachment of development into environmentally sensitive preservation and conservation areas:

- 1 a. Mangrove and tidal marsh shoreline along the Gulf of Mexico shall remain unchanged and the construction setbacks from the mean high water line shall be a minimum of a) thirty-five (35) feet or b) the DER/COE jurisdictional line, whichever is greater. The construction setbacks and DER/COE jurisdictional line shall be as provided in revised Map H. There shall be no construction of permanent or temporary structures permitted waterward of the 35 foot setback line or within DER/COE jurisdictional areas except as provided in the Department of Community Affairs Pre-Development Agreement attached hereto as Exhibit 1.

A minimum construction setback of thirty feet for the freshwater lake on Harbour Watch is established. The freshwater lake shall remain as protected in the Amended Order including the requirement that no stormwater shall be discharged into the lake. The existing swale and berm system designed to direct stormwater from the areas surrounding the lake to detention areas shall be maintained and similarly extended to areas in Phase III. The area waterward of the top of the berm for the freshwater lake shall remain common property and not be altered.

- b. In addition to the setbacks established above in section A 1 a. along the Gulf of Mexico, a buffer is established and the alternate method to be used shall be shown in revised Map H and on the subdivision plat for Phase III. This buffer shall consist of:
 1. (Alternate 1) A 10 foot wide undisturbed area of native vegetation.
 2. (Alternate 2) A 10 foot wide drainage easement and swale constructed within the easement to direct drainage away from the jurisdictional areas for retention on site.
 3. (Alternate 3) A 5 foot wide buffer with a physical barrier designed to prohibit the loss of or encroachment upon native vegetation, and divert drainage away from jurisdictional areas. The typical design shall be shown on revised Map H.
 4. The City is authorized to approve a substitution of the alternates by the individual lot owners or the developer provided the substituted alternate

shall be limited to one of the three alternates itemized above.

5. These buffer alternates and the setbacks set forth above shall be additional requirements to the existing requirements for drainage of stormwater as provided in the permits applicable to this development.

- A 3. First paragraph only shall be amended to read:
The Developer shall institute a program to monitor water quality for the Riverside Landing Development at the on-site sampling sites referenced by Exhibit C of the original Development Order (Resolution 83-91), on a quarterly basis during construction and for a period of one year after project build-out. Water quality monitoring stations for Harbour Watch shall be shown on revised Map H. Sampling shall be taken at the Harbour Watch monitoring stations upon completion of the infrastructure for Phase III and annually thereafter on the anniversary date of completion of the infrastructure until the sooner of the following events shall occur:
 1. Homes are constructed on all lots to be used for residential purposes.
 2. The developer has sold all lots to individual purchasers.

In addition the sampling shall also take place upon the occurrence of the sooner of item (1) or (2) to take place.

- B. TRANSPORTATION shall be deleted from the Order in its entirety.

5. General Conditions:

- A. That, having made the above findings of fact and the above conclusions of law, the "Order" and "Amended Order" are hereby amended to allow the Developer to conduct development as set out under and in accordance with the Second Amended Site Plan, revised Map "H".

- B. Any portion of the Development Order or Amended Development Order not otherwise amended by this Resolution shall remain in full force and effect.

- C. This amendment to the Order shall become effective upon adoption by the Board of Commissioners for the City and issuance of all approvals for the site plan, rezoning, and subdivision plats necessary for the Developer to proceed with development pursuant to such development plans. In the event that such approvals are not obtained and at all times until such approvals are obtained, the Amended Order shall continue to be in full force and effect.

- D. Upon adoption of this Second Amendment to the Order, it shall be transmitted by the City to the Tampa Bay Regional Planning Council, the Developer and the State Land Planning Agency.

E. This Second Amended Order shall be binding upon the Developer, and its assigns, or successors in interest.

F. In the event that any portion or section of this Second Amended Order is determined to be invalid, illegal or unconstitutional by a Court of competent jurisdiction, appropriate commission or other governmental agency, such decision shall in no manner affect the remaining portions or sections of this Second Amended Order which shall remain in full force and effect.

EXHIBIT 1

PDA

AGREEMENT

This Agreement is entered into between Fairfield Communities, Inc. ("Owner/Developer"), and the Department of Community Affairs ("Department"), subject to all other governmental approvals and solely at the risk of the Owner/Developer.

WHEREAS, the Department is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, which includes provisions relating to developments of regional impact ("DRI"); and

WHEREAS, the Department is authorized to enter into Agreements pursuant to Subsection 380.032(3), Florida Statutes, with any landowner, developer, or governmental agency as may be necessary to effectuate the provisions and purposes of Chapter 380, Florida Statutes, or any rules promulgated thereunder; and

WHEREAS, the Owner/Developer's predecessor in interest, The Florida Companies, filed on August 23, 1983, an application for development approval ("ADA") of a DRI with the City of Tarpon Springs, the Tampa Bay Regional Planning Council, and the Department pursuant to the provisions of Section 380.06, Florida Statutes (1983); and

WHEREAS, after extensive review and comment on the ADA, the City of Tarpon Springs ("City") adopted Resolution 83-91 approving a development order for the project now known as Pointe Alexis South and Pointe Alexis North; and

WHEREAS, on March 19, 1985, pursuant to the request of the Owner/Developer, Fairfield Communities, Inc., the Florida Companies' successor in interest, the City of Tarpon Springs adopted Resolution 85-32, amending its earlier development order for Pointe Alexis South and Pointe Alexis North by increasing the number of dwelling units for Pointe Alexis South from 280 to 295 units and reducing the number of dwelling units for Pointe Alexis North from 690 to 572 units; and

WHEREAS, Pointe Alexis South is now partially built out; however, the Owner/Developer is now proposing to reduce the number of units in Pointe Alexis North from 572 dwelling units to 186 dwelling units and to change the unit type entirely to single-family, detached homes. Thus, the entire development will now comprise, at most, 481 dwelling units, which the Owner/Developer contends is less than 50% of the presumptive DRI threshold established by Rule 28-24.010, Florida Administrative Code; and

WHEREAS, it is the Owner/Developer's position that the development order and the amendment thereto, as well as a Final Judgment entered September 29, 1982, and an Amended Final Judgment entered on July 2, 1985, by the Circuit Court of the Sixth Judicial Circuit, in and for Pinellas County, Florida, in The Florida Companies v. City of

Tarpon Springs, et al., C/ No. 81-11002-7, do not preclude, in fact specifically allow, the Owner/Developer and/or its successors in interest to construct docks on and adjacent to the lots in Pointe Alexis North. The City and the Department, however, contend that neither the final judgment nor any other approval grants to the Owner/Developer the right to construct docks; and

WHEREAS, it is Owner/Developer's position that in light of the substantial changes in its proposed development plans, including but not limited to its reduction in the total number of dwelling units, the combined development of Pointe Alexis South and Pointe Alexis North is no longer a DRI pursuant to Section 380.06, Florida Statutes (1983) and Florida Administrative Code Rule 28-24.010; and

WHEREAS, the Department contends that any proposed construction of docks requires additional DRI review pursuant to Section 380.06(19)(a), and Subsection 380.06(19)(b)17, Florida Statutes, and that the combined development of Pointe Alexis South and Pointe Alexis North is and continues to be a DRI; and

WHEREAS, the Owner/Developer and the Department desire to amicably resolve this dispute without resort to further legal proceedings.

NOW THEREFORE for and in consideration of the mutual covenants contained herein, it is hereby understood and agreed:

1. The Department finds that this Agreement is in the best interest of the State of Florida, is beneficial to the Department in its role as the state agency with responsibility for the administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and purposes of Chapter 380, Florida Statutes, and is essential to the continued viability of this project.
2. The Department agrees that the Owner/Developer or its successors in interest may construct twenty-three (23) single-family docks on and adjacent to lots numbered 4-10, 16-27, and 51-55; provided, however, that only four docks may be located on or adjacent to the five lots numbered 18-20; and a community viewing dock on the community lot between Lots 159 and 160, as more specifically set forth on attached Exhibit "A".
3. That the single-family docks and the community viewing dock shall be subject to the following standards and criteria:
 - (a) No dock shall exceed 500 square foot of over-water surface area;
 - (b) Each dock shall be constructed on or held in place by pilings and shall not involve filling or dredging other than that necessary to install the pilings;
 - (c) No dock shall substantially impede the flow of water or create a navigational hazard;

(d) Each single-ally dock as shown on Exhibit "A" for lots 4-10, 16-27, and 51-55 may be used only for recreational, non-commercial activities associated with the mooring of boats and boat paraphernalia;

(e) The community viewing dock shall be utilized only as a viewing dock and no mooring of boats thereto shall be permitted;

(f) Any main access docks shall be limited to a maximum width of four (4) feet;

(g) The dock decking design and construction shall ensure maximum light penetration, with full consideration of safety and practicality;

(h) No terminal platform size shall be more than 160 square feet;

(i) Dredging in conjunction with any dock, other than as authorized by paragraph 3(b), is prohibited;

(j) Each dock shall be sited, aligned, and constructed so as to minimize impacts to adjacent seagrass beds;

(k) Each dock shall be aligned and constructed in accordance with Aquatic Preserve Standards; and

(l) Each dock shall display a manatee warning/caution sign and such other information as is appropriate to the safe operation of boats within the vicinity of the dock.

Subject to such docks as may be subsequently authorized by approval of a substantial deviation application pursuant to Section 380.06(19)(g), Florida Statutes (1987), the Owner/Developer shall establish a conservation easement pursuant to Section 704.06, Florida Statutes (1987), for the remaining waterfront property in Pointe Alexis North prohibiting docks in such areas.

4. No other docks, other than those which are specifically authorized by this Agreement, shall be constructed until such time as the Owner/Developer submits a substantial deviation application for development approval ("ADA"), pursuant to Section 380.06(19)(g), Florida Statutes (1987), and an amended development order thereon has been issued by the City of Tarpon Springs and approved by the Department of Community Affairs and the Tampa Bay Regional Planning Council, subject to the hearing and appeal provisions of Section 360.07, Florida Statutes (1987). The Owner/Developer shall arrange a pre-application meeting on its substantial deviation application within forty-five (45) days of approval of this Agreement and shall submit its substantial deviation application within ninety (90) days of the approval of this Agreement. Review of the substantial deviation application shall include a review of the cumulative impact of all docks.

5. The Owner/Developer shall not claim vested rights or assert equitable estoppel arising from this Agreement or any expenditures or actions taken in reliance upon this

Agreement to construct a dock or appurtenant facility. This Agreement shall not entitle the Owner/Developer to a substantial deviation DRI development order pursuant to subsection 380.06(18)(g), Florida Statutes (1987), approving particular conditions in a final development order or approving any docks not otherwise authorized by this Agreement.

6. In the event of a breach of this Agreement or a failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, the Department may terminate this Agreement or file suit to enforce this Agreement as provided in Section 380.06 and 380.11, Florida Statutes, including a suit to enjoin any and all development authorized by this Agreement. In any administrative or judicial action, or appellate proceeding including appeal(s), for the enforcement of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs of litigation.

7. Nothing in this Agreement shall constitute a waiver of any party of the right to appeal any subsequent development order pursuant to Section 380.07, Florida Statutes.

8. This Agreement affects the rights and duties of the parties under Chapter 380, Florida Statutes. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in the issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this Agreement.

9. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and assigns of the parties hereto. The Owner/Developer shall ensure and provide that any successor in interest to any lands or parcels affected by this Agreement is bound by the terms of this Agreement. The Owner/Developer shall record a Notice of this Agreement which complies with Section 380.06(8)(a)(10), Florida Statutes, in the Official Records of Pinellas County, Florida, and shall provide the Department with a copy of the recorded Notice, including book and page number within two (2) weeks of the date of execution of this Agreement.

10. As a condition of entering into this Agreement, the Owner/Developer agrees to enter into an agreement with the City resolving any disputes between the City and the Owner/Developer regarding the Owner/Developer's right to apply for dock permits. Said agreement shall release the City from any and all liability, including but not limited to any claim for damages or attorney's fees, arising out of any judgment entered in Case No. 81-11982-7, or arising out of any settlement agreement previously entered into between the City and Owner/Developer or its predecessors in interest relating to docks for this

FOR THE DEPARTMENT OF COMMUNITY AFFAIRS:

BY: Paul R. Bradshaw
Department of Community Affairs

STATE OF Florida)
COUNTY OF Leon)

BEFORE ME, the undersigned authority, personally appeared Paul R. Bradshaw of the Department of Community Affairs, on behalf of the Department to be known and known to me to be the individual who executed the foregoing instrument as such officer, and he duly acknowledged before me that he executed the same freely and voluntarily as the act and deed of said corporation.

WITNESS my hand and official seal in the County and State aforesaid, this 21st day of December, 1988.

Jane R. Bond
Notary Public, State of Florida
My Commission Expires June 24, 1992
Notary Public, State of Florida
My Commission Expires June 24, 1992
Bonded Three Thousand Dollars

Cherie L. Francis
Witness

Bonetta J. Butler
Witness

Approved as to form and legal sufficiency:

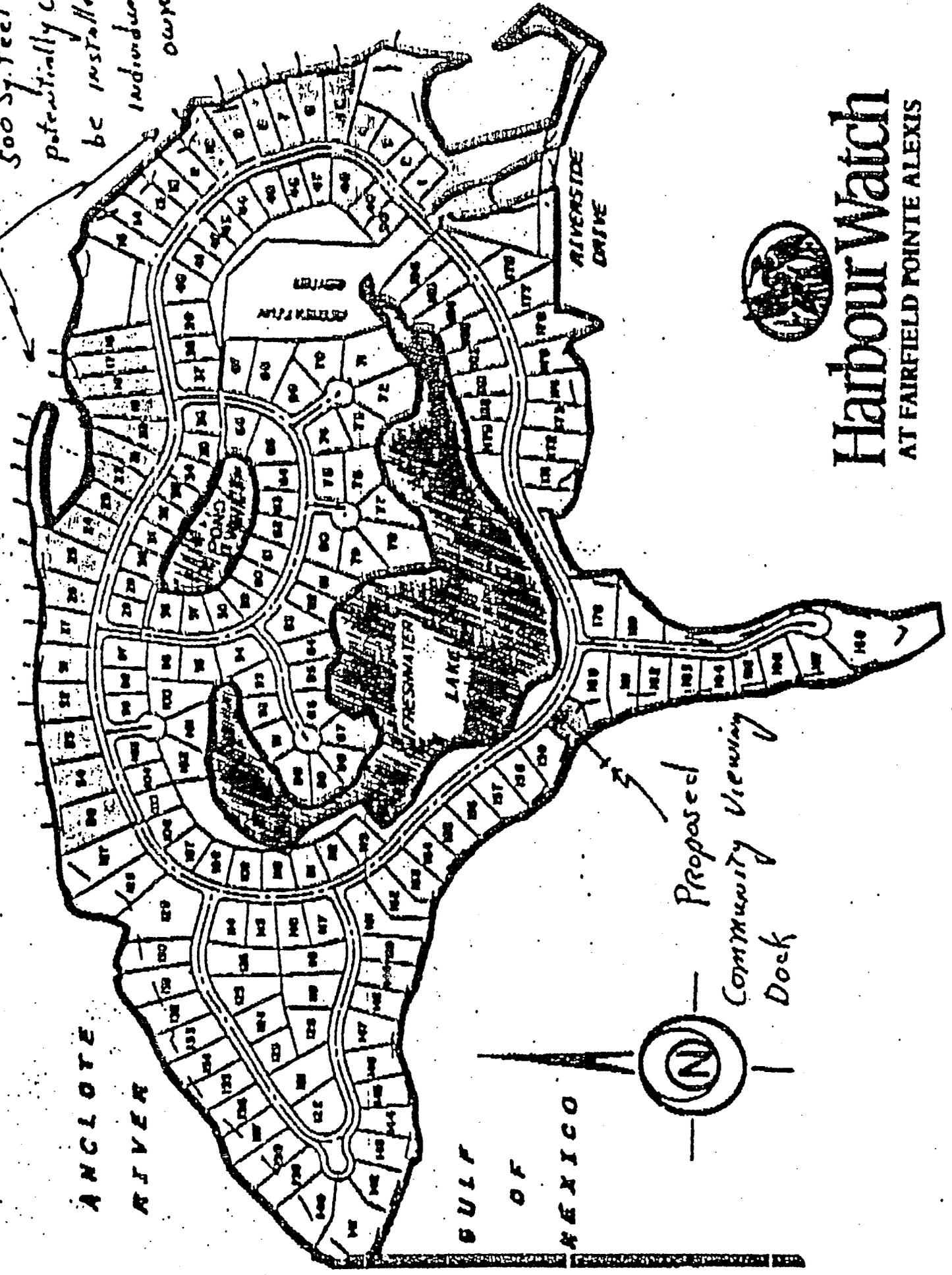
Jeffrey J. Steinmeyer
Department of Community Affairs

WLH/FF-Agreed/tlh

Docks under
500 Sq. feet which
potentially could
be installed by
individual lot
owners

ANCLOTE
RIVER

GULF
OF
MEXICO



Proposed
Community Viewing
Dock



Harbour Watch

AT FAIRFIELD POINTE ALEXIS

EXHIBIT "A"

1-7-88

EXHIBIT 2

Legal Description

9.

RESOLUTION 89-13

RIVERSIDE LANDING PUD

LOTS 43, 44, 45, 55, 100, 101, 102, 122 AND A PART OF LOT 170, SUNSET HILLS COUNTRY CLUB SUBDIVISION, AS RECORDED IN PLAT BOOK 17, PAGES 27 THRU 33, ALSO, LOTS 37, 31, 32, TURF AND SURF ESTATES, AS RECORDED IN PLAT BOOK 51, PAGE 27, OF THE PUBLIC RECORDS OF THE CITY OF TARPON SPRINGS, COUNTY OF PINELLAS, FLORIDA, SAID PROPERTY LOCATED IN SECTIONS 3 AND 10, TOWNSHIP 27 S, RANGE 15 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 27 S, RANGE 15 EAST, THENCE N. 89°34'24"W., ALONG THE SOUTH LINE OF SAID SECTION 3, 1319.56 FEET TO THE POINT OF BEGINNING: THENCE CONTINUE N. 89°34'24"W., ALONG SAID SOUTH LINE 170.11 FEET TO A POINT ON THE EAST SIDE OF LAKE AVOCA, (SUNSET HILLS COUNTRY CLUB SUBDIVISION) (THENCE ALONG THE BOUNDARY OF SAID LAKE AVOCA THE FOLLOWING COURSES AND DISTANCES) N. 16°25'59"E., 400.16 FEET; THENCE N. 44°09'01"W., 450.0 FEET; THENCE S. 45°50'59"W., 450.0 FEET; THENCE N. 89°34'24"W., 300.11 FEET; THENCE S. 18°54'36"W., 410.52 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3, THENCE N. 89°34'24"W., ALONG SAID SOUTH LINE OF SECTION 3, 714.67 FEET TO A POINT ON THE WEST LINE OF LOT 170, (THENCE ALONG THE WEST LINE OF LOT 170 THE FOLLOWING COURSES AND DISTANCES) N. 18°15'15"E., 235.76 FEET, THENCE N. 12°14'10"W., 208.47 FEET; THENCE N. 40°37'29"E., 149.74 FEET; THENCE N. 23°47'13"E., 247.14 FEET; THENCE N. 13°12'25"E., 252.83 FEET; THENCE N. 5°21'12"E., 220.30 FEET; THENCE N. 15°47'07"W., 99.37 FEET; THENCE N. 18°58'35"E., 113.67 FEET; THENCE N. 6°10'10"W., 296.90 FEET TO A FOUND CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF SEA BREEZE ISLAND AS RECORDED IN PLAT BOOK 28, PAGE 67; THENCE N. 30°21'11"W., ALONG THE EAST LINE OF SAID SEA BREEZE ISLAND, 227.59 FEET, AND TO A POINT ON THE CENTER LINE OF SEA BREEZE DRIVE; THENCE N. 82°20'44"E., ALONG SAID CENTER LINE, 556.72 FEET TO A POINT; THENCE N. 58°55'07"E., 505.80 FEET TO A POINT ON THE WEST LINE OF LOT 110 OF SAID SUNSET HILLS COUNTRY CLUB SUBDIVISION AND A POINT ON A CURVE; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 1010.00 FEET, A DELTA OF 00°30'17", A DISTANCE OF 8.90 FEET, THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 590.0 FEET, A DELTA OF 2°42'56", A DISTANCE OF 27.96 FEET AND TO THE NORTHWEST CORNER OF LOT 108; THENCE CONTINUE ALONG SAID CURVE HAVING A RADIUS OF 590.0 FEET, A DELTA OF 21°52'36", A DISTANCE OF 225.27 FEET TO THE SOUTHEAST CORNER OF LOT 104; THENCE N. 35°20'52"E., ALONG THE SOUTHEAST LINE OF LOT 104, 150.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 440.0 FEET, A DELTA OF 21°29'09", A DISTANCE OF 165.00 FEET; THENCE S. 13°51'43"W., 368.50 FEET; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 808.50 FEET, A DELTA OF 2°15'19"; A DISTANCE OF 31.82 FEET; THENCE S. 78°30'46"E., 286.12 FEET; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 891.50 FEET, A DELTA OF 17°33'37", A DISTANCE OF 273.23 FEET; THENCE N. 50°46'01"E., 368.50 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 1260.0 FEET, A DELTA OF 10°18'23", A DISTANCE OF 226.65 FEET; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 360.0 FEET, A DELTA OF 28°25'00", A DISTANCE OF 178.55 FEET; THENCE S. 00°30'36"E., 817.43 FEET, THENCE LEAVING SAID RIVERSIDE DRIVE, S. 89°29'20"W., 109.98 FEET; THENCE S. 00°42'16"E., 179.91 FEET; THENCE S. 26°40'50"E., 22.20 FEET; THENCE N. 74°20'14"W., 61.55 FEET; THENCE S. 15°52'02"W., 227.05 FEET; THENCE S. 70°39'51"E., 91.16 FEET; THENCE S. 70°44'01"E., 39.80 FEET; THENCE S. 00°38'11"E., 54.97 FEET, THENCE S. 10°36'56"E., 69.05 FEET; THENCE S. 10°36'56"E., 217.37 FEET; THENCE S. 18°53'19"E., 160.71 FEET, AND TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HOLIDAY DRIVE; (THENCE SOUTHEASTERLY ALONG THE NORTH AND WEST RIGHT-OF-WAY LINE OF HOLIDAY DRIVE THE FOLLOWING COURSES AND DISTANCES), THENCE S. 00°32'55"E., 208.40 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.0 FEET, A DELTA OF 53°06'56", A DISTANCE OF 92.70 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 150.0 FEET, A DELTA OF 50°05'07", A DISTANCE OF 131.12 FEET; THENCE N. 89°40'00"W., 103.05 FEET; THENCE N. 00°28'40"W., 142.51 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 140.00 FEET, A DELTA OF 51°59'45", A DISTANCE OF 127.05 FEET; THENCE N. 37°29'32"E., 10.00 FEET; THENCE NORTHWESTERLY ALONG A CURVE, HAVING A RADIUS OF 150.00 FEET, A DELTA OF 37°03'59", A DISTANCE OF 97.04 FEET; THENCE N. 89°34'37"W., 28.43 FEET; THENCE N. 00°30'35"W., 15.0 FEET; THENCE N. 89°34'27"W., 150.00 FEET; THENCE S. 00°30'35"E., 149.87 FEET; THENCE N. 89°45'31"W., 100.00 FEET; THENCE N. 00°30'35"W., 150.00 FEET, (TO THE NORTHWEST CORNER OF LOT 32, OF HERETOFORE MENTIONED TURF AND SURF ESTATES); THENCE N. 00°30'35"W., 436.15 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 3, AND THE POINT OF BEGINNING CONTAINING 4,073,025.21 SQUARE FEET OR 93.504 ACRES MORE OR LESS, SUBJECT TO ANY EASEMENTS OF RECORD.

HARBOUR WATCH. --- LEGAL DESCRIPTION

That certain piece, parcel, or tract of land lying in and being part of Section 3 and Section 4, Township 27 South, Range 15 East, Tarpon Springs, Pinellas County, Florida, also being part of Tampa and Tarpon Springs Land Company Subdivision, as recorded in Plat Book H1, page 116, of the public records of Pinellas (formerly Hillsborough) County, Florida, and being more particularly described as follows:

Beginning at the Northwest corner of Lot 156, Sunset Hills Country Club, as recorded in Plat Book 17, pages 27 thru 33, of the public records of Pinellas County, Florida; thence South $16^{\circ}27'30.8''$ West, by and along the Westerly boundary of said Lot 156, a distance of 65.90 feet to the north riparian line of "red area" referred to in section 10 (d) of Agreement between Chicago Trust Company and Roy K. Thomas as Trustees and Edgar J. Phillips, dated August 15, 1925, and identified by initials of Nathan William MacChesney; thence South $85^{\circ}41'45.8''$ West, by and along said line a distance of 9.98 feet to the mean high water line of a salt marsh; thence Westerly and Southerly by and along said mean high water line, to the intersection of said mean high water line with the mean high water line of the Gulf of Mexico; thence Northerly, Northwesterly, Westerly, by and along said mean high water line to the intersection of said mean high water line with the mean high water line of the Anclote River; thence Northeasterly, Easterly, and Southeasterly, by and along said mean high water line to the intersection of said mean high water line with the Northwesterly boundary of Lot 145, Sunset Hills Country Club, as recorded in Plat Book 17, pages 27 thru 33, of the public records of Pinellas County, Florida; thence South $32^{\circ}08'48.2''$ West, by and along said boundary a distance of 201.26 feet to the center-line of Riverside Drive, an 80.0 foot right-of-way, said point also being a point on a curve bearing North $32^{\circ}08'48.2''$ East from the radius point of said curve; thence Northwesterly, around and along a curve to the left, said curve having a radius of 800.00 feet and a delta of $32^{\circ}10'17.4''$, a distance of 449.20 feet to a point of tangency; thence South $89^{\circ}58'30.3''$ West, by and along aforementioned center-line a distance of 277.26 feet to the West boundary of aforementioned Sunset Hills Country Club; thence South $00^{\circ}01'29.2''$ East, by and along said West boundary a distance of 40.00 feet to the Northwest corner of aforementioned Lot 156, and the point of beginning. Containing 90.151 acres, more or less.

THE ABOVE DESCRIBED PROPERTY INCLUDES THE FOLLOWING DESCRIBED PROPERTY:

Lots F, G, otherwise described as that Parcel of Land bounded by Lots F and H on the East and the Gulf of Mexico on the South, West and North and Lot H in Section 4, Township 27 South, Range 15 East, of Property of Tampa & Tarpon Springs Land Co., according to plat thereof recorded in Plat Book 1, page 116, public records of Hillsborough County, Florida, of which Pinellas County was formerly a part; AND

Lots A, B, C, D, E, I, J, K, L, M, N, O, P, Q, and R in Section 3, Township 27 South, Range 15 East of Property of Tampa & Tarpon Springs Land Co., according to plat thereof recorded in Plat Book 1, page 116, public records of Hillsborough County, Florida, of which Pinellas County was formerly a part, LESS THAT PART OF SAID LOTS O, P and Q which lies in Sunset Hills Country Club Subdivision, according to plat thereof recorded in Plat Book 17, pages 27 to 33 inclusive, Pinellas County Records. ALSO that certain unnumbered triangular tract West of Tract R and South of Tract J of Tampa & Tarpon Springs Land Company's Subdivision, of Section 3, Township 27 South, Range 15 East, according to the plat thereof of said Tampa & Tarpon Springs Land Company's Subdivision, according to plat thereof recorded in Plat Book 1, page 116, public records of Pinellas County, Florida.

PASSED and ADOPTED this 7th day of March, 1989.

Tom Ash
TOM ASH, MAYOR-COMMISSIONER

Glenn A. Davis
GLENN A. DAVIS, MAYOR PRO TEMPORE

Bessie N. Lontakos
BESSIE N. LONTAKOS, COMMISSIONER

Anita E. Protos
ANITA E. PROTOS, COMMISSIONER

Wayne O'Brien
WAYNE O'BRIEN, COMMISSIONER

MOTION BY: COMMISSIONER LONTAKOS
SECOND BY: COMMISSIONER PROTOS

VOTE ON MOTION

COMMISSIONER O'BRIEN Yes
COMMISSIONER PROTOS Yes
COMMISSIONER LONTAKOS Yes
COMMISSIONER DAVIS Yes
MAYOR ASH Yes

ATTEST:

SEAL

Kathy M. Alesapis
KATHY M. ALESAPIS
CITY CLERK & COLLECTOR

APPROVED AS TO FORM:

Alan S. Zimet
ALAN S. ZIMMET
CITY ATTORNEY

CITY OF TARPON SPRINGS
COUNTY OF PINELLAS
STATE OF FLORIDA

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original as it appears in the official files of the City of Tarpon Springs, Florida.

WITNESS my hand and official seal of said City this 13th day of March

CITY OF TARPON SPRINGS, FLORIDA

Kathy M. Alesapis
KATHY M. ALESAPIS, CITY CLERK

THE LAW OFFICES
OF
SCHOLL AND CROW

DONALD E. SCHOLL
LAWRENCE D. CROW
JUSTIN G. JOSEPH

620 EAST TARPON AVENUE
TARPON SPRINGS, FLORIDA 34689

TEL: (813) 937-3111
FAX: (813) 938-9575

RECEIVED

MAR 24 1989

March 20, 1989

PLANNING DEPT.
TARPON SPRINGS

Alan S. Zimmet, Esq.
Attorney at Law
Sargent, Repka & Covert
2963 Gulf-to-Bay Blvd.
#320
Clearwater, Florida 34619

RE: City of Tarpon Springs and Fairfield Communities, Inc.
Amended Settlement Agreement - March 7, 1989

Dear Alan:

Enclosed please find a copy of the recorded Amended Settlement Agreement Between the City of Tarpon Springs and Fairfield Communities, Inc., for your records.

I am also providing a copy of this document to Ron Pianta.

Yours truly,

DONALD E. SCHOLL

DES:pjp

Enclosure

CC: Mr. Ronald F. Pianta



City of Tarpon Springs, Florida

Mr. Henry Bitteker
Department of Community Affairs
Rhyne Building
2740 Centerview Drive
Tallahassee, Florida 32399

March 24, 1989

RE: Amended Settlement Agreement
City of Tarpon Springs and Pte. Alexis
(DRI #99)

Dear Henry,

Attached is a copy of the recorded amended Settlement Agreement as required by the Department's (DCA) Preliminary Development Agreement (PDA) of December, 1988.

Thank you for your continued efforts in resolving this matter.

Sincerely,

Ronald F. Pianta, AICP
Planning and Zoning Director

RFP/bv

Att.

cc: Donald E. Scholl
Alan S. Zimmet, City Attorney
Susan Cooper, TBRPC ✓
File

RECORDING
 EC 19.50
 S _____
 CI _____
 EFC _____
 HF _____
 EV _____
 TOTAL 19.50

**AMENDED SETTLEMENT AGREEMENT
 BETWEEN THE CITY OF TARPON SPRINGS
 AND FAIRFIELD COMMUNITIES, INC.**

WHEREAS, the City of Tarpon Springs, hereinafter called "City", and Fairfield Communities, Inc., its predecessors, successors and assigns, hereinafter called "Developer", have entered into a certain Joint Stipulation of Settlement and Amended Joint Stipulation of Settlement both of which Joint Stipulations of Settlement have resulted in the entry of Final Judgments, in Case No. 81-11982-7, in the Circuit Court of the Sixth Judicial Circuit, Pinellas County, Florida, hereinafter called Final Judgment and Amended Final Judgment respectively.

WHEREAS, this Agreement is entered to resolve amicably a dispute that existed between the City, the Tampa Bay Regional Planning Council, the Florida Department of Community Affairs and the Developer regarding the Developer's right to apply for dock permits on Pointe Alexis North; and

WHEREAS, the Department of Community Affairs and the Developer have entered into a Pre-Development Agreement resolving this dispute between the Developer, the Department of Community Affairs and the Tampa Bay Regional Planning Council; and

NOW THEREFORE FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

1. The Developer, for itself, its successors or assigns, accepts the terms of the Pre-Development Agreement as it relates to the Developer's rights to seek permits to develop or maintain docks on the Pointe Alexis North development and releases the City in regard to the issue of the docks from any and all liability, including but not limited to any claim for damages or attorney fees, arising out of the Joint Stipulation, Amended Joint Stipulation, Final Judgment or Amended Final Judgment.

2. The Developer, its successors or assigns, will be required to obtain permits in accordance with the established review application process from the City for each individual dock approved in the Pre-Development Agreement or as might be later approved under any substantial deviation determination under the DRI process, which permit shall be obtained prior to any dock being constructed. The City shall apply the same standard and conditions of approval regarding these docks as are generally applied throughout the City. This Agreement does not guarantee that any specific dock permits will be granted.

3. In the event that the Developer elects to undergo the substantial deviation process to obtain approval of additional docks beyond the docks approved in the Pre-Development Agreement, and the Developer fails to obtain such approval as to any or all of the docks, the City shall not in any way be liable to the Developer for such failure provided the City has acted in good faith throughout the substantial deviation process.

4. The Developer and the City acknowledge that this Agreement relates solely to the Developer's rights to construct and maintain docks at Pointe Alexis North and all of the remaining terms and conditions of the Joint Stipulation, Amended Joint Stipulation, Final Judgment and Amended Final Judgment shall remain in full force and effect.

5. The Developer represents that its representatives and legal counsel have been duly authorized to execute this Agreement on behalf of the Developer.

6. The parties recognize that this Agreement resolves a disputed claim and neither party admits that the other party's claims are valid or in any way admits any liability for any damages of any nature.

FAIRFIELD COMMUNITIES, INC.

BY: J. Robert Ward
J. Robert Ward
Vice-President/General Manager

STATE OF FLORIDA)
COUNTY OF Pinellas)

I HEREBY CERTIFY that before me personally appeared J. ROBERT WARD as Vice-President/General Manager of Fairfield Communities, Inc. known to me to be the individual described in and who executed the foregoing Amended Settlement Agreement and he acknowledged to me that he executed said Agreement for the purposes therein expressed.

WITNESS my hand and seal in said County and State, on the 7th day of March, 1989.

Robert M. Alsdorf
NOTARY PUBLIC
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. JAN 30, 1990

ATTORNEY FOR FAIRFIELD COMMUNITIES, INC.

BY: Donald E. Scholl
Donald E. Scholl, Esquire
Scholl & Crow, PA
620 East Tarpon Avenue
Tarpon Springs, FL 34689



City of Tarpon Springs, Florida

Ms. Susan Cooper
Tampa Bay Regional Planning Council
9455 Koger Boulevard
Koger Executive Center
St. Petersburg, Florida 33702

March 16, 1989

RE: Pt. Alexis North, Development Order Amendment #2
(DRI #99)

Dear Susan,

Please find attached Resolution 89-13 and Revised Map H approved by the City of Tarpon Springs Board of Commissioners on March 7, 1989.

If you have any questions, please call me at Suncom 975-1211.

Sincerely,

Ronald F. Pianta, AICP
Planning and Zoning Director

RFP/bv

cc: Donald E. Scholl
File

Atts.

11
10000-



OFFICE OF CITY MANAGER

City of Tarpon Springs, Florida

March 20, 1985

Mr. William A. Ockunzzi
Executive Director
Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, Fla. 33702-2491

RE: DRI 399 - Harbour Watch/Riverside Landing - City of Tarpon Springs

Dear Sir:

I am transmitting with this correspondence the Resolution which amends the Development Order regarding the above project. This resolution was adopted by the Board of Commissioners of the City of Tarpon Springs on March 19, 1985.

Sincerely

CITY OF TARPON SPRINGS

Blaine P. LeCouris
City Manager

BPL/krh

xc: Planning

Handwritten note: #99, Harbour Watch, etc.

RESOLUTION 85- 32

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE EXISTING DEVELOPMENT ORDER FOR THE HARBOUR WATCH AND RIVERSIDE LANDING PROJECTS OWNED BY FAIRFIELD COMMUNITIES, INC., MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW THAT THE AMENDMENTS DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION AND PROVIDING FOR THE INCORPORATION OF THE BALANCE OF ALL OF THE REMAINING PROVISIONS OF THE DEVELOPMENT ORDER REMAINING IN EFFECT.

WHEREAS, on August 23, 1983, THE FLORIDA COMPANIES, now by merger known as FAIRFIELD COMMUNITIES, INC., ("Developer") filed an Application for Development Approval ("ADA") of Regional Impact with the City of Tarpon Springs ("City"), the Tampa Bay Regional Planning Council ("TBRPC"), the Florida Department of Community Affairs ("DCA") and other state, regional and local agencies, pursuant to the provisions of Section 380.06, Florida Statutes; known as DRI #99 Harbour Watch/Riverside Landing; and

WHEREAS, the City of Tarpon Springs by the adoption of Resolution 83-91 on December 14, 1983, approved the development which Resolution constituted a Development Order ("Order"); and

WHEREAS, the Order provided for the approval of previously submitted site plans and the Developer has now submitted amended site plans which require an amendment to the Order to make the Order consistent with the amended site plans for Harbour Watch and Riverside Landing; and

WHEREAS, the Board of Commissioners has been provided with copies of a Joint Application, Department of Army/Florida Department of Environmental Regulation For Activities in the Waters of the State of Florida, ("Application - Harbour Watch 12.9 Acre Wetland") for work involving the enhancement and maintenance of the 12.9 acre wetland; and

WHEREAS, the Board of Commissioners has received Council Comments and Recommendations from the Clearinghouse Review Committee of the Tampa Bay Regional Planning Council and

the findings of the Environmental Planner for the Tampa Bay Regional Planning Council concerning the work contemplated for the freshwater wetlands located on Harbour Watch; and

WHEREAS, the Board of Commissioners has been provided with copies of a Joint Application, Department of Army/Florida Department of Environmental Regulation For Activities in Waters of the State of Florida ("Application - Riverside Landing 2.57 Acre Mitigation") for purposes of mitigation of 2.57 acres on the Riverside Landing project; and

WHEREAS, the Board of Commissioners has reviewed and considered all of the these matters as well as the prior ADA, Development Order, and evidence submitted by each party and members of the general public and made findings of fact and conclusions of law concerning a determination of substantial deviation, now, therefore,

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, CITY OF TARPON SPRINGS, FLORIDA:

1. Introduction: That this Resolution shall constitute an amendment to the Development Order of the City previously issued in response to the ADA filed by the Developer for the development of Harbour Watch/Riverside Landing, a Development of Regional Impact and determination regarding a substantial deviation as defined under Florida Statutes 380.06.

2. Findings of Fact:

I. AMENDED SITE PLANS FOR RIVERSIDE LANDING AND HARBOUR WATCH

A. The Board of Commissioners has reviewed all of the facts relevant to a determination of substantial deviation relating to all matters concerning the amended site plans for Riverside Landing and Harbour Watch and in particular has reviewed these facts in accordance with the provisions of Florida Statute 380.06 and, specifically, Florida Statute 380.06 (17).

B. There is an overall decrease in the number of units permitted in the original Development Order by 103 units.

C. The Riverside Landing Development includes an increase of permitted units from 280 to 295, the density and product type of which is nearly identical to the configuration provided in the original site plan and does not involve any redistribution of density.

D. The amended Harbour Watch site plan shows an overall reduction in units of 118 from the original 690 permitted units. The approved site plan for Harbour Watch allowed 600 4-story midrise units and 90 2-story townhouses above parking while the amended site plan calls for 360 midrise units, 121 townhouse flats, and 91 patio homes. The amended site plan locates the 360 midrise units in 6-story buildings which are located on the westerly portion of this site, while the approved site plan locates approximately 400 midrise units in 4-story buildings in the same area. The amended plan is consistent with the previous plan and its location of higher density product on the western portion of the site. The redistribution of density is insignificant and a non-contributing factor to any regional impact except for the reduction of number of units and density which makes an equivalent reduction in any regional impact.

E. The amount of open space was compared for both the amended and approved site plans using the methodology as was utilized in the approved site plans which resulted in the following findings:

	<u>PROPOSED</u>	<u>APPROVED</u>
Harbour Watch		
Total Site Area	90.2 acres	90.2 acres
Impervious Surface	21.2 acres	20.4 acres
Open Area	69.0 acres	69.8 acres
Riverside Landing		
Total Site Area	90.5 acres	90.5 acres
Impervious Surface	23.4 acres	23.6 acres
Open Area	67.1 acres	66.9 acres

In the Harbour Watch calculations, the Approved as well as the Proposed site plans impervious surface acreage figures do not include pools, recreational buildings and tennis courts.

F. The facts presented under the amended site plans demonstrate changes consistent with the criteria set forth under Florida Statute 380.06(17)(b) which shall be presumed not to be a substantial deviation requiring further review.

G. The setbacks provided under the original Development Order are consistent with and are being adopted and followed under the amended site plans.

H. The development sought under the amended site plans does not create a reasonable likelihood of additional adverse regional impact or any other regional impact created by the changes in the amended site plans not previously reviewed by the regional planning agency.

I. The proposed changes under the amended site plans do not constitute a substantial deviation as defined under Florida Statute 380.06(17).

J. The concerns of the City Staff as outlined in the correspondence of Blaine P. LeCouris, City Manager, dated March 11, 1985, have been fully and satisfactorily addressed by the correspondence of the Developer's Counsel, Donald E. Scholl, dated March 13, 1985, which items of correspondence are incorporated by reference in this Resolution.

II. AMENDMENT TO DEVELOPMENT ORDER TO PERMIT WORK PROPOSED UNDER APPLICATION - HARBOUR WATCH 12.9 ACRE WETLAND

A. Under the Order, the ADA which was incorporated provided that no dredging activity was contemplated within the 12.9 acre wetland located on the Harbour Watch site and that such freshwater wetland was to remain a preservation area. The Developer agrees that this freshwater wetland will remain a preservation area consistent

with the terms of the Development Order and ADA. The Board of Commissioners has reviewed the Application - Harbour Watch 12.9 Acre Wetland and has reviewed the methodology and nature of the work proposed by the developer within this wetland. The Board of Commissioners has received and reviewed the July 23, 1984, communication from the Tampa Bay Regional Planning Council, has examined the facts, and has been informed by the independent analysis of the Tampa Bay Regional Planning Council that the work proposed will improve the water quality within the freshwater wetland, result in a more balanced and stable wetland ecosystem than what presently exists and avert the continuing deterioration of this wetland area if such work is not completed. The work proposed is found to be in the nature of maintenance and enhancement work of this wetland area and the protection of the water quality from degrading is consistent with the over-all intent of the ADA and Order. The Developer has agreed under the Application - Harbour Watch 12.9 Acre Wetland to comply with the methodology approved by the Tampa Bay Regional Planning Council and to comply with the Council Comments and Recommendations as set forth by the Clearinghouse Review Committee of the Tampa Bay Regional Planning Council adopted on January 7, 1985.

The Board of Commissioners having considered all the evidence, including the immediate and long-term effects of the work proposed on this 12.9 acre wetland finds that amending the Development Order to allow the work sought to be performed by the Developer under the methodology and conditions prescribed would not constitute a substantial deviation under Florida Statute 380.06 (17).

III. AMENDMENT TO DEVELOPMENT ORDER TO PERMIT WORK PROPOSED UNDER APPLICATION - RIVERSIDE LANDING 2.57 ACRE MITIGATION

A. The approved site plan as well as the amended site plan for Riverside Landing would require the Developer to mitigate certain areas claimed by the Department

of Environmental Regulation and the Army Corps of Engineers to be within their jurisdiction. The Board of Commissioners has examined the application for the permit from the DER/COE to release jurisdiction of certain claimed wetlands which are primarily comprised of depressional areas created by the abandoned golf course which was previously located on the site all as contained under the Application - Riverside Landing 2.57 Acre Mitigation and has reviewed the mitigation areas and finds that this mitigation process is consistent with the Development Order and the ADA. It is further found that all wetland areas to be preserved as provided in the Order and ADA are being protected by the Developer under the permit sought. The work proposed under the mitigation is consistent with the language and intent of the Order and ADA and does not constitute a substantial deviation under Florida Statutes 380.06 (17).

3. Conclusions of Law: The Board of Commissioners having made the above findings of fact, reaches the following conclusions of law:

A. That an amendment to the Development Order to reflect the amended site plans, which amended site plans are hereby incorporated as part of this order, is consistent with the intent of the Order and ADA and that the development proposed under the amended site plans does not constitute a substantial deviation as defined under Florida Statutes 380.06 (17).

B. That the work proposed by the Developer under the Application - Harbour Watch 12.9 Acre Wetland, which Application is hereby incorporated as part of this Order, on the 12.9 acre wetland does not constitute a substantial deviation under Florida Statutes 380.06 (17) and constitutes maintenance and enhancement of this freshwater wetland and is consistent with the intent of the Order and ADA to protect the quality of this wetland. The conditions, as stated in the Application, shall be conditions of this Development Order. The freshwater wetland will remain a preservation area as provided under the ADA and Order.

C. The work proposed by the Developer under Application - Riverside Landing 2.57 Acres Mitigation, which Application is hereby incorporated as part of this Order, is consistent with the existing Development Order and ADA and does not constitute a substantial deviation under Florida Statute 380.06 (17).

4. Amendments:

A. That, having made the above findings of fact and drawn the above conclusions of law, the "Order" is hereby amended to allow the Developer to conduct development as set out under the amended site plans, perform the work proposed under the Application - Harbour Watch 12.9 Acre Wetland, under the conditions set forth in said application and the conditions set forth by the Tampa Bay Regional Planning Council and under the conditions prescribed by the Council Comments and Recommendations of the Clearinghouse Review Committee of the Tampa Bay Regional Planning Council dated January 7, 1985, and further that the work proposed under the Application - Riverside Landing 2.57 Acre Mitigation be allowed on the Riverside Landing site under the terms and conditions stated in the application.

B. Any portion of the Development Order not otherwise amended by this Resolution shall remain in full force and effect.

C. This Amendment to the Development Order shall become effective upon adoption by the Board of Commissioners for the City of Tarpon Springs in accordance with Section 380.06, Florida Statutes.

D. Upon adoption of this Amendment to the Development Order, it shall be transmitted by the City to the Tampa Bay Regional Planning Council, the Developer and the State Land Planning Agency.

E. This Amended Order shall be binding upon the Developer, and its assigns, or successors in interest.

F. In the event that any portion or section of this Amended Order is determined to be invalid, illegal or unconstitutional by a Court of competent jurisdiction, appropriate commission or other governmental agency, such decision shall in no manner affect the remaining portions or sections of this Order which shall remain in full force and effect.

PASSED AND ADOPTED this 19th of March, 1985.

Bill Lane
BILL LANE, MAYOR - COMMISSIONER

Anita E. Protos
ANITA E. PROTOS, COMMISSIONER

Charles Roberts
CHARLES ROBERTS, COMMISSIONER

Don R. Dohrman
DON R. DOHRMAN, COMMISSIONER

Thomas M. Koulianos
THOMAS M. KOULIANOS, COMMISSIONER

ATTEST:

Kathy M. Alesafis
KATHY M. ALESAFIS, CITY CLERK

APPROVED AS TO FORM:

Herbert Elliott
HERBERT ELLIOTT, CITY ATTORNEY

MOTION BY: COMMISSIONER Roberts

SECOND BY: COMMISSIONER Protos

VOTE ON MOTION:

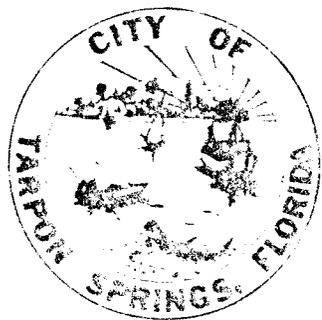
COMMISSIONER DOHRMAN	<u>Yes</u>
COMMISSIONER PROTOS	<u>Yes</u>
COMMISSIONER KOULIANOS	<u>No</u>
COMMISSIONER ROBERTS	<u>Yes</u>
MAYOR LANE	<u>Yes</u>

CITY OF SPRINGFIELD
FLORIDA

I hereby certify that the above and foregoing is a true and correct copy of the original as the same appears in the files of the City Clerk of the City of Springfield, Florida.

Witness my hand and the seal of the City of Springfield, Florida, this 19th day of March, A.D. 1985.

CITY CLERK
Kathy M. Alesafis



City of Tarpon Springs, Florida

101 SOUTH PINELLAS AVENUE
POST OFFICE BOX 1575
TARPON SPRINGS, FLORIDA 34286-1575
(813) 938-3711

Kathy M. Alesafis
CITY CLERK

December 15, 1983

Ms. Sheila Benz
DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Dear Ms. Benz:

Enclosed is a copy of Resolution 83-91 issuing a Development Order for the Harbour Watch and Riverside Landing Projects, owned by the Florida Companies.

This Resolution was adopted by the Board of Commissioners of the City of Tarpon Springs on December 14, 1983.

Very truly yours,

Kathy M. Alesafis
Mrs. Kathy M. Alesafis
CITY CLERK

Enclosure

*Mrs. Benz
99*

RESOLUTION 83-91

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, ISSUING A DEVELOPMENT ORDER FOR THE HARBOUR WATCH AND RIVERSIDE LANDING PROJECTS, OWNED BY THE FLORIDA COMPANIES, MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW, PROVIDING FOR CONDITIONS FOR THE DEVELOPMENT OF SUCH PROJECTS, PROVIDING FOR MONITORING THEREOF BY THE CITY, PROVIDING FOR ANNUAL REPORTS AND PROVIDING FOR THE TERMS UNDER WHICH THIS RESOLUTION SHALL BECOME EFFECTIVE.

WHEREAS, on August 23, 1983, The Florida Companies, ("Developer") filed an Application for Development Approval ("ADA") of Regional Impact with the City of Tarpon Springs ("City"), the Tampa Bay Regional Planning Council ("TBRPC"), the Florida Department of Community Affairs ("DCA") and other state, regional and local agencies, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the ADA proposes the development of residential developments known as Harbour Watch and Riverside Landing, each containing approximately ninety (90) acres; and

WHEREAS, the Board of City Commissioners as governing body of local government having jurisdiction pursuant to Section 380.06 Florida Statutes is authorized and empowered to consider applications for development approval for developments of regional impact; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, have been complied with; and

WHEREAS, the Board of City Commissioners has received and considered the report and recommendation of the TBRPC; and

WHEREAS, the Board of City Commissioners has on December 14, 1983, held a duly noticed public hearing on the ADA and has heard and considered testimony and documents received thereon; and

WHEREAS, this Development Order, when adopted will constitute a land development regulation applicable to the property; and

WHEREAS, the Board of City Commissioners has reviewed and considered 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 RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE CITY OF TARPON SPRINGS, FLORIDA:

Section 1. Introduction - That this Resolution shall constitute the Development Order ("Order") of the City issued in response to the ADA filed by the Developer for development of Harbour Watch/Riverside Landing, a development of regional impact. The scope of development to be permitted pursuant to this Order shall be as hereinafter set forth.

Section 2. Findings of Fact -

- A. The Developer proposes the development of two tracts of land approximately ninety (90) acres each in the northwest portion of the City of Tarpon Springs.
- B. The real property which is the subject of the ADA is legally described as set forth in Exhibit "A" attached hereto and by reference made a part hereof.
- C. The proposed development is not an area of critical state concern as designated in Section 380.05, Florida Statutes.
- D. This development will yield positive economic impacts to the City of Tarpon Springs and Pinellas County, in the form of construction expenditures, employment opportunities and ad valorem taxes.
- E. The development will not unreasonably interfere with the achievement of the objectives of any adopted state land development plans applicable to the area.
- F. A comprehensive review of the impacts generated by the development has been conducted by the City and the TBRPC.
- G. The development is consistent with the report and recommendations of the TBRPC.
- H. The City has established land development regulations, including zoning, site plan review and subdivision regulations and, pursuant to these land development regulations, has the necessary and adequate authority

to monitor, administer, and enforce the provisions of this Order.

- I. The ADA is consistent with the present zoning and land use for the property and the site plans which have been considered and approved by the City for this entire development.
- J. The Developer's rights with regard to the property described in Exhibit A are more fully set forth in a Joint Stipulation of Settlement and Final Judgment recorded in O.R. Book 5407, Pages 1959-1971 and O.R. Book 5407, Pages 1972-1973, respectively, of the Public Records of Pinellas County, Florida.

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

- A. That these proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in this proceeding, the Developer is authorized to conduct development as described herein, subject to the review procedures, requirements, conditions, restrictions and limitations set forth herein.
- B. That review by the City reveals that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Order.
- C. The development will not unreasonably interfere with the achievement of the objectives of any adopted State Land Development Plan applicable to this area and the development is consistent with local land development regulations.

Section 4. Conditions - 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

review procedures, requirements, conditions, restrictions and limitations, and to the provisions of the ADA which are expressly incorporated into this Development Order.

A. ENVIRONMENTAL CONDITIONS

The Developers shall undertake the following measures to protect the sensitive environmental nature of the project site and to discourage encroachment of development into environmentally sensitive preservation and conservation areas:

1. a. Mangrove and tidal marsh shoreline shall remain unchanged and construction set-backs from the mean high water line of up to 100 feet, and a buffer of native vegetation around wetlands and lakes be provided, as referenced in the ADA. Setbacks shall be as provided in Map H of the ADA and shall not be less than 35 feet nor more than 100 feet from the mean high water line.
 - b. Preservation of the wetland communities referenced on page 16.4 of the ADA as well as the establishment of a construction setback line of 100 feet or more for all Harbour Watch Gulf of Mexico shorelines and a vegetation buffer of native vegetation around wetlands and lakes be provided. Setbacks shall be as provided in Map H of the ADA and shall not be less than 35 feet nor more than 100 feet from the mean high water line.
 - c. Maintenance of the natural hydroperiods of all wetland communities including littoral zones to insure their health and preservation as referenced in the ADA shall be provided with no direct discharge into existing natural wetlands and pond areas;
 - d. Acre-for-acre replanting/restoring of wetland areas in the event of reduced coverage as a result of this development as well as the tree preservation program referenced in the ADA;
 - e. Prior to construction activities, delineation of preservation areas by such means as fencing or tagging.
2. To assure the Tampa Bay Regional Planning Council and City of Tarpon Springs that development will not infringe upon or degrade the natural integrity of the preservation and conservation areas, this development shall require that the final development shall be according to the plan in the ADA which designates and maps the preservation and conservation areas in accordance with the Council's adopted growth policy, Future of the Region, (Sections 2.701 Preservation and 2.702 Conservation).
 3. The developer shall institute a program to monitor water quality at the on-site sampling sites referenced on the maps attached to this order and marked Exhibits B and C, on a quarterly basis during construction and for a period of one year after project build-out. Sampling results shall be submitted to the City of Tarpon Springs and TBRPC annually as part of the annual report. Monitoring parameters shall include those referenced by the applicant on page 15.10 of the

ADA, as well as the ShannonWeaver Indices, evaluation of temperature, salinity and PH and Dissolved Oxygen with Diurnal variation.

Further, any approval of this development shall require that the water quality monitoring program reports shall be reviewed to determine the impact of development on surrounding preservation/conservation areas. If monitoring data indicates any violation of state water standards, including related negative impacts on regionally significant conservation/-preservation areas, as defined in Future of the Region before additional building permits are issued, TBRPC and the applicant shall develop and design mitigation criteria to assure water quality standards will be maintained and regional resources protected. To avoid unnecessary duplication, information provided as part of the City of Tarpon Springs site plan approval may be submitted to TBRPC. Development information to be provided to TBRPC for any necessary additional incremental review shall include:

- a. Map of the location and size of proposed buildings, roadways, open space areas and preservation areas.
- b. Provide the density (dwelling units/acre) proposed within the increment to be developed.
- c. Map the location and provide results of soil borings.
- d. Provide updated results of ongoing water quality monitoring programs as required in this Order.
- e. Provide the following drainage information:
 1. Map the location and size of major drainage channels/structures and the entity responsible for maintenance of the drainage facilities and retention/detention areas.
 2. Map the location of retention/detention ponds.
 3. Provide the typical pre-and post-construction stormwater quality and flows.
 4. Provide the method of stormwater management and quality of stormwater runoff discharged into surface waters and/or surrounding area.
 5. Provide the typical treatment of the wetlands and detention/retention ponds.
 6. Extent of buffer zones of existing native vegetation around all wetland habitats and lakes.
4. The developer shall be responsible for replanting and restoring wetland vegetation in the event of reduced coverage as a result of this development.
5. The developer shall implement the wind and water erosion controls as referenced in the ADA for each increment of development.
6. If any rare or endangered plants or animal nesting areas are found on-site, a procedure for preserving them shall be implemented by the developer as provided

in the ADA. The preservation and relocation measures referenced in the ADA shall also be instituted for the protection of rare, endangered and threatened plant species.

7. Soil test borings shall be conducted and provided by the developer to the City as required by the ordinances of the City prior to the building permit approval for any residential structure.

B. TRANSPORTATION

There are two options for off-site transportation improvements to be provided by the developer. The first option requires funding commitments for the necessary improvements. The second option, which must be exercised by the developer no later than six months prior to seeking building permits for the last 230 units, authorizes a revised traffic analysis of regionally significant roadways prior to the approval of any of the last 230 permits for dwelling units for either Harbour Watch or Riverside Landing, with subsequent approvals conditioned to the maintenance of an adequate Level of Service (LOS C daily, D at peak hours). These options are outlined as follows:

Option 1

Funding commitments from the responsible entities for improvement to the following roadway is a requirement of this Development Order. Unless commitments for this improvement are obtained, construction permits shall not be issued for any of the remaining 230 units for either development.

- A. Tarpon Avenue, between U.S. 19 A and U.S. 19 shall be four laned. Harbour Watch/Riverside Landing shall contribute between 5.0 and 6.2 percent of the Level of Service C, D peak hour, traffic at build-out. The Developer shall have the option to assume financial responsibility for a proportionate share of the cost of construction of this improvement, which share shall not exceed 5.0 to 6.2 percent. Upon obtaining the funding commitment required by this option or payment by Developer of its' proportionate share of the cost to construct the improvement, the Developer may proceed to develop the last 230 dwelling units of Harbour Watch or Riverside Landing.
- B. The developer shall provide on-site roadway improvements and construct bus turnouts and shelters to promote mass transit usage.

Option 2

Prior to the approval of any of the last 230 building permits for any units for either Harbour Watch or Riverside Landing, the developer may provide projections of traffic volumes that will result after the completion of the currently approved project construction plus the traffic of the next portion of the project for which the developer is seeking approval. The updated traffic analysis shall serve to verify the findings of the original DRI traffic analysis (referenced in this report as Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadway referenced in Option 1 at a satisfactory Level of Service, daily Level of

Service C, D at peak hours. In the event that the revised traffic analysis shall demonstrate that Harbour Watch/Riverside Landing contributes traffic which is less than 5.0% of LOS C, D peak hour, on the roadway described, or less than any greater standard or percent as may be established by the TBRPC at a future date, the Developer shall be allowed to proceed with development of the last 230 dwelling units for either development without making any of the funding commitments required under either of these options. Both the traffic counts and the projection of traffic volume shall be prepared in accordance with the ADA analysis, generally accepted traffic engineering practices and be validated by an appropriate transportation planning agency. Prior to any specific approval beyond original approval, the City or its designee shall insure in written findings of fact that the above roadway is operating at or above an average daily Level of Service C, D at peak hours and that the expected trips to be generated by such approval would not cause the roadway to operate below an average daily Level of Service C, D at peak hours. Such transportation analysis and written findings of fact shall also be included in the developer's annual report. The Developer shall have the option to assume financial responsibility for a proportionate share of the cost of preparing a traffic plan that may include alternatives to the improvement referenced in Option 1 and the costs for construction of the improvement required by Option 1 in a manner mutually acceptable to the City of Tarpon Springs and the applicant and which shall allow the applicant to proceed with the development of the project. Any alternative improvement identified and approved as part of the traffic plan shall result in the maintenance of Level of Service C, D at peak hour, for the roadway referenced in Option 1.

The developer shall provide on-site roadway improvements and construct bus turnouts and shelters to promote mass transit usage.

C. PUBLIC FACILITIES AND SERVICES

1. The City shall provide wastewater treatment and disposal to this development and shall verify that sufficient treatment/disposal capacity is available prior to issuing building permits for each phase of the development.
2. On-site wastewater treatment and disposal facilities will be prohibited as referenced in the ADA. There shall be no discharge of wastewater on-site.
3. The City shall provide potable water to this development and shall verify that adequate supply/capacity exists to meet demand prior to issuing building permits for each phase of the development.
4. The City shall be responsible for the disposal of solid waste utilizing the Pinellas County Resource Recovery System (Refuse to Energy Plant) and the Pinellas County Landfill, if necessary, as identified in the ADA. The City shall verify that sufficient capacity exists prior to issuing building permits for each phase of the development.
5. The City shall provide for adequate fire protection for this entire development. The Developer shall not, however, be exempt from future ordinances imposing a pro rata fee for special firefighting equipment for

structures greater than two stories in height, so long as such ordinances impose fees which are generally applicable to all other similarly situated structures or developers throughout the City.

6. Florida Power Corporation shall provide electrical service to this development as provided in the ADA.
7. Energy conservation features shall be instituted as referenced in the ADA and energy management provided by each condominium association as referenced in the ADA which shall include energy audits, energy use and conservation monitoring and the formulation of overall energy goals and objectives.
8. The developer or other responsible designated entities shall maintain all recreation and open space areas of the development.

D. PUBLIC SAFETY/DISASTER PREPAREDNESS

1. All title transfers of property within the Harbour Watch/Riverside Landing development shall be accompanied by a HAZARD disclosure statement that Harbour Watch/Riverside Landing is within a hurricane hazard area that will be subject to an evacuation order in the event of a potential hurricane landfall in the Tampa Bay Region.
2. All title transfers for property within the Harbour Watch/Riverside Landing development shall be accompanied by a hazard disclosure statement that this area is subject to property damage from freshwater flooding from the 100-year storm.
3. All first floor elevations be above the 100-year flood plain.

E. ARCHAEOLOGICAL SITE

1. Archaeological site 8PA116 shall be preserved as referenced in the ADA in a manner which assures that the site is not disturbed and will be accessible for future study. Any actions taken to provide for or as a result of future study shall be subject to approval by the State Division of Archives, History and Records Management.
2. Any additional historical or archaeological resources discovered shall be reported to the Florida Division of Archives, History and Records Management and that the disposition of such resources be as determined by the Division of Archives and the City of Tarpon Springs.

GENERAL PROVISIONS

- A. This development is approved for the residential units for which final site plans have been submitted and previously approved by the City.
- B. The City Manager of the City of Tarpon Springs shall be responsible for monitoring all terms and conditions of this Order. For purposes of this condition, the City Manager may rely upon or utilize information supplied by

any City of Tarpon Springs department or agency having particular responsibility over the area or subject involved. The City Manager shall report to the Board of City Commissioners any findings of deviation from the terms and conditions of this Order. The City Manager shall issue a notice of such non-compliance to the Developer and if the deviation is not corrected within a reasonable amount of time shall recommend that the Board of City Commissioners conduct a hearing to consider such deviations and to make a determination whether the deviation is substantial pursuant to Section 380.06(17) of the Florida Statutes.

C. The Developer shall submit an annual report as provided in Section 380.06, Florida Statutes, on the DRI to the City, the TBRPC, and the State Land Planning Agency 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 for review by the City Commission to insure compliance with the terms and conditions of this Order. The Developer shall be notified of any City Commission hearing wherein such report is to be reviewed. Each 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 report.
3. A statement listing anticipated applications for

development approvals or 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 setting forth the name(s) and address of any assignee or successor in interest to the Developer in its capacity as developer of Harbour Watch/Riverside Landing or any portion thereof.
 5. The water sampling results and analysis as required herein.
 6. A statement that all persons have received copies of the annual report, as required under Section 380.06(16), Florida Statutes.
- D. This Order shall become effective upon adoption by the Board of City Commissioners for the City of Tarpon Springs in accordance with Section 380.06, Florida Statutes.
- E. Upon adoption this Order shall be transmitted by the City to the TBRPC, the Developer and the State Land Planning Agency.
- F. This Order shall be binding upon the Developer, and its assigns, or successors in interest.
- G. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Order which shall remain in full force and effect.
- H. The Developer shall record a notice of adoption of this Order as required pursuant to Section 380.06(14)(d), Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

PASSED AND ADOPTED this 14th day of December

1983.

George C. Tsourakis
GEORGE C. TSOURAKIS, MAYOR-COMMISSIONER

Don R. Dohrman
DON R. DOHRMAN, COMMISSIONER

Anita E. Protos
ANITA E. PROTOS, COMMISSIONER

Norman T. Hill
NORMAN T. HILL, COMMISSIONER

MARY MOSLEY, COMMISSIONER

ATTEST:

Kathy M. Alesafis
KATHY M. ALESAFIS, CITY CLERK

APPROVED AS TO FORM:

Herbert Elliott
HERBERT ELLIOTT, CITY ATTORNEY

MOTION BY: COMMISSIONER HILL

SECOND BY: COMMISSIONER PROTOS

VOTE ON MOTION:

COMMISSIONER DOHRMAN	<u>Yes</u>
COMMISSIONER PROTOS	<u>Yes</u>
COMMISSIONER HILL	<u>Yes</u>
COMMISSIONER MOSLEY	<u>No</u>
MAYOR TSOURAKIS	<u>Yes</u>

HARBOUR WATCH. -- LEGAL DESCRIPTION

That certain piece, parcel, or tract of land lying in and being part of Section 3 and Section 4, Township 27 South, Range 15 East, Tarpon Springs, Pinellas County, Florida, also being part of Tampa and Tarpon Springs Land Company Subdivision, as recorded in Plat Book H1, page 116, of the public records of Pinellas (formerly Hillsborough) County, Florida, and being more particularly described as follows:

Beginning at the Northwest corner of Lot 156, Sunset Hills Country Club, as recorded in Plat Book 17, pages 27 thru 33, of the public records of Pinellas County, Florida; thence South $16^{\circ}27'30.8''$ West, by and along the Westerly boundary of said Lot 156, a distance of 65.90 feet to the north riparian line of "red area" referred to in section 10 (d) of Agreement between Chicago Trust Company and Roy K. Thomas as Trustees and Edgar J. Phillips, dated August 15, 1925, and identified by initials of Nathan William MacChesney; thence South $85^{\circ}41'45.8''$ West, by and along said line a distance of 9.98 feet to the mean high water line of a salt marsh; thence Westerly and Southerly by and along said mean high water line, to the intersection of said mean high water line with the mean high water line of the Gulf of Mexico; thence Northerly, Northwesterly, Westerly, by and along said mean high water line to the intersection of said mean high water line with the mean high water line of the Anclote River; thence Northeasterly, Easterly, and Southeasterly, by and along said mean high water line to the intersection of said mean high water line with the Northwesterly boundary of Lot 145, Sunset Hills Country Club, as recorded in Plat Book 17, pages 27 thru 33, of the public records of Pinellas County, Florida; thence South $32^{\circ}08'48.2''$ West, by and along said boundary a distance of 201.26 feet to the center-line of Riverside Drive, an 80.0 foot right-of-way, said point also being a point on a curve bearing North $32^{\circ}08'48.2''$ East from the radius point of said curve; thence Northwesterly, around and along a curve to the left, said curve having a radius of 800.00 feet and a delta of $32^{\circ}10'17.4''$, a distance of 449.20 feet to a point of tangency; thence South $89^{\circ}58'30.8''$ West, by and along aforementioned center-line a distance of 277.26 feet to the West boundary of aforementioned Sunset Hills Country Club; thence South $00^{\circ}01'29.2''$ East, by and along said West boundary a distance of 40.00 feet to the Northwest corner of aforementioned Lot 156, and the point of beginning. Containing 90.151 acres, more or less.

THE ABOVE DESCRIBED PROPERTY INCLUDES THE FOLLOWING DESCRIBED PROPERTY:

Lots F, G, otherwise described as that Parcel of Land bounded by Lots F and H on the East and the Gulf of Mexico on the South, West and North and Lot H in Section 4, Township 27 South, Range 15 East, of Property of Tampa & Tarpon Springs Land Co., according to plat thereof recorded in Plat Book 1, page 116, public records of Hillsborough County, Florida, of which Pinellas County was formerly a part; AND

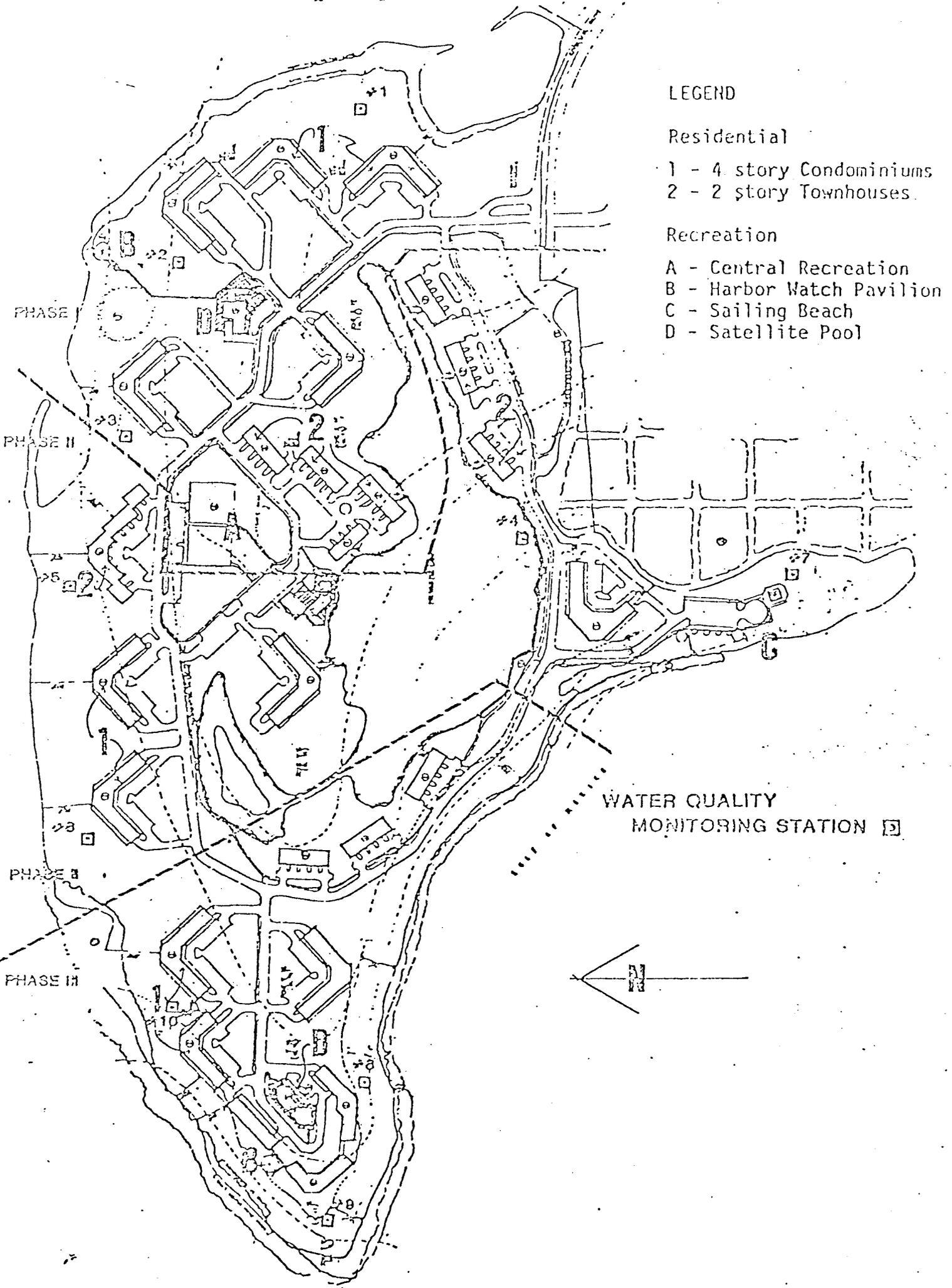
Lots A, B, C, D, E, I, J, K, L, M, N, O, P, Q, and R in Section 3, Township 27 South, Range 15 East of Property of Tampa & Tarpon Springs Land Co., according to plat thereof recorded in Plat Book 1, page 116, public records of Hillsborough County, Florida, of which Pinellas County was formerly a part, LESS THAT PART OF SAID LOTS O, P and Q which lies in Sunset Hills Country Club Subdivision, according to plat thereof recorded in Plat Book 17, pages 27 to 33 inclusive, Pinellas County Records. ALSO that certain unnumbered triangular tract West of Tract R and South of Tract J of Tampa & Tarpon Springs Land Company's Subdivision, of Section 3, Township 27 South, Range 15 East, according to the plat thereof of said Tampa & Tarpon Springs Land Company's Subdivision, according to plat thereof recorded in Plat Book 1, page 116, public records of Pinellas County, Florida.

EXHIBIT A

RIVERSIDE LANDING PUD

LOTS 43, 44, 45, 55, 100, 101, 102, 122 AND A PART OF LOT 170, SUNSET HILLS COUNTRY CLUB SUBDIVISION, AS RECORDED IN PLAT BOOK 17, PAGES 27 THRU 33, ALSO, LOTS 37, 31, 32, TURF AND SURF ESTATES, AS RECORDED IN PLAT BOOK 51, PAGE 27, OF THE PUBLIC RECORDS OF THE CITY OF TARPON SPRINGS, COUNTY OF PINELLAS, FLORIDA, SAID PROPERTY LOCATED IN SECTIONS 3 AND 10, TOWNSHIP 27 S, RANGE 15 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 27 S, RANGE 15 EAST, THENCE N. 89°34'24"W., ALONG THE SOUTH LINE OF SAID SECTION 3, 1319.56 FEET TO THE POINT OF BEGINNING: THENCE CONTINUE N. 89°34'24"W., ALONG SAID SOUTH LINE 170.11 FEET TO A POINT ON THE EAST SIDE OF LAKE AVOCA, (SUNSET HILLS COUNTRY CLUB SUBDIVISION) (THENCE ALONG THE BOUNDARY OF SAID LAKE AVOCA THE FOLLOWING COURSES AND DISTANCES) N. 16°25'59"E., 400.16 FEET; THENCE N. 44°09'01"W., 450.0 FEET; THENCE S. 45°50'59"W., 450.0 FEET; THENCE N. 89°34'24"W., 300.11 FEET; THENCE S. 18°54'36"W., 410.52 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3, THENCE N. 89°34'24"W., ALONG SAID SOUTH LINE OF SECTION 3, 714.67 FEET TO A POINT ON THE WEST LINE OF LOT 170, (THENCE ALONG THE WEST LINE OF LOT 170 THE FOLLOWING COURSES AND DISTANCES) N. 18°15'15"E., 235.76 FEET; THENCE N. 12°14'10"W., 208.47 FEET; THENCE N. 40°37'29"E., 149.74 FEET; THENCE N. 23°47'13"E., 247.14 FEET; THENCE N. 13°12'25"E., 252.83 FEET; THENCE N. 5°21'12"E., 220.30 FEET; THENCE N. 15°47'07"W., 99.37 FEET; THENCE N. 18°58'35"E., 113.67 FEET; THENCE N. 6°10'10"W., 296.90 FEET TO A FOUND CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF SEA BREEZE ISLAND AS RECORDED IN PLAT BOOK 28, PAGE 67; THENCE N. 30°21'11"W., ALONG THE EAST LINE OF SAID SEA BREEZE ISLAND, 227.59 FEET, AND TO A POINT ON THE CENTER LINE OF SEA BREEZE DRIVE; THENCE N. 82°20'44"E., ALONG SAID CENTER LINE, 556.72 FEET TO A POINT; THENCE N. 58°55'07"E., 505.80 FEET TO A POINT ON THE WEST LINE OF LOT 110 OF SAID SUNSET HILLS COUNTRY CLUB SUBDIVISION AND A POINT ON A CURVE; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 1010.00 FEET, A DELTA OF 00°30'17", A DISTANCE OF 8.90 FEET, THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 590.0 FEET, A DELTA OF 2°42'56", A DISTANCE OF 27.96 FEET AND TO THE NORTHWEST CORNER OF LOT 108; THENCE CONTINUE ALONG SAID CURVE HAVING A RADIUS OF 590.0 FEET, A DELTA OF 21°52'36", A DISTANCE OF 225.27 FEET TO THE SOUTHEAST CORNER OF LOT 104; THENCE N. 35°20'52"E., ALONG THE SOUTHEAST LINE OF LOT 104, 150.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 440.0 FEET, A DELTA OF 21°29'09", A DISTANCE OF 165.00 FEET; THENCE S. 13°51'43"W., 368.50 FEET; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 208.50 FEET, A DELTA OF 2°15'19"; A DISTANCE OF 31.82 FEET; THENCE S. 78°30'46"E., 286.12 FEET; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 891.50 FEET, A DELTA OF 17°33'37", A DISTANCE OF 273.23 FEET; THENCE N. 50°46'01"E., 368.50 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF RIVERSIDE DRIVE; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 1260.0 FEET, A DELTA OF 10°18'23", A DISTANCE OF 226.65 FEET; THENCE SOUTHEASTERLY ALONG A CURVE, HAVING A RADIUS OF 360.0 FEET, A DELTA OF 28°25'00", A DISTANCE OF 178.55 FEET; THENCE S. 00°30'36"E., 817.43 FEET, THENCE LEAVING SAID RIVERSIDE DRIVE, S. 89°29'20"W., 109.98 FEET; THENCE S. 00°42'16"E., 179.91 FEET; THENCE S. 26°40'50"E., 22.20 FEET; THENCE N. 74°20'14"W., 61.55 FEET; THENCE S. 15°52'02"W., 227.05 FEET; THENCE S. 70°39'51"E., 91.16 FEET; THENCE S. 70°44'01"E., 39.80 FEET; THENCE S. 00°38'11"E., 54.97 FEET, THENCE S. 10°36'56"E., 69.05 FEET; THENCE S. 10°36'56"E., 217.37 FEET; THENCE S. 18°53'19"E., 160.71 FEET, AND TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HOLIDAY DRIVE; (THENCE SOUTHWESTERLY ALONG THE NORTH AND WEST RIGHT-OF-WAY LINE OF HOLIDAY DRIVE THE FOLLOWING COURSES AND DISTANCES), THENCE S. 00°32'55"E., 208.40 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.0 FEET, A DELTA OF 53°06'56", A DISTANCE OF 92.70 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 150.0 FEET, A DELTA OF 50°05'07", A DISTANCE OF 131.12 FEET; THENCE N. 89°40'00"W., 103.05 FEET; THENCE N. 00°28'40"W., 142.51 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 140.00 FEET, A DELTA OF 51°59'45", A DISTANCE OF 127.05 FEET; THENCE N. 37°29'32"E., 10.00 FEET; THENCE NORTHWESTERLY ALONG A CURVE, HAVING A RADIUS OF 150.00 FEET, A DELTA OF 37°03'59", A DISTANCE OF 97.04 FEET; THENCE N. 89°34'37"W., 28.43 FEET; THENCE N. 00°30'35"W., 15.0 FEET; THENCE N. 89°34'27"W., 150.00 FEET; THENCE S. 00°30'35"E., 149.87 FEET; THENCE N. 89°45'31"W., 100.00 FEET; THENCE N. 00°30'35"W., 150.00 FEET, (TO THE NORTHWEST CORNER OF LOT 32, OF HERETOFORE MENTIONED TURF AND SURF ESTATES); THENCE N. 00°30'35"W., 436.15 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 3, AND THE POINT OF BEGINNING CONTAINING 4,073,025.21 SQUARE FEET OR 93.504 ACRES MORE OR LESS, SUBJECT TO ANY ENCUMBRANCES OF RECORD.

DRI #99 HARBOUR WATCH
 Water Quality Monitoring Station Locations



LEGEND

Residential

- 1 - 4 story Condominiums
- 2 - 2 story Townhouses

Recreation

- A - Central Recreation
- B - Harbor Watch Pavilion
- C - Sailing Beach
- D - Satellite Pool

Exhibit B

DRI #99 RIVERSIDE LANDL.S
Water Quality Monitoring Station Locations

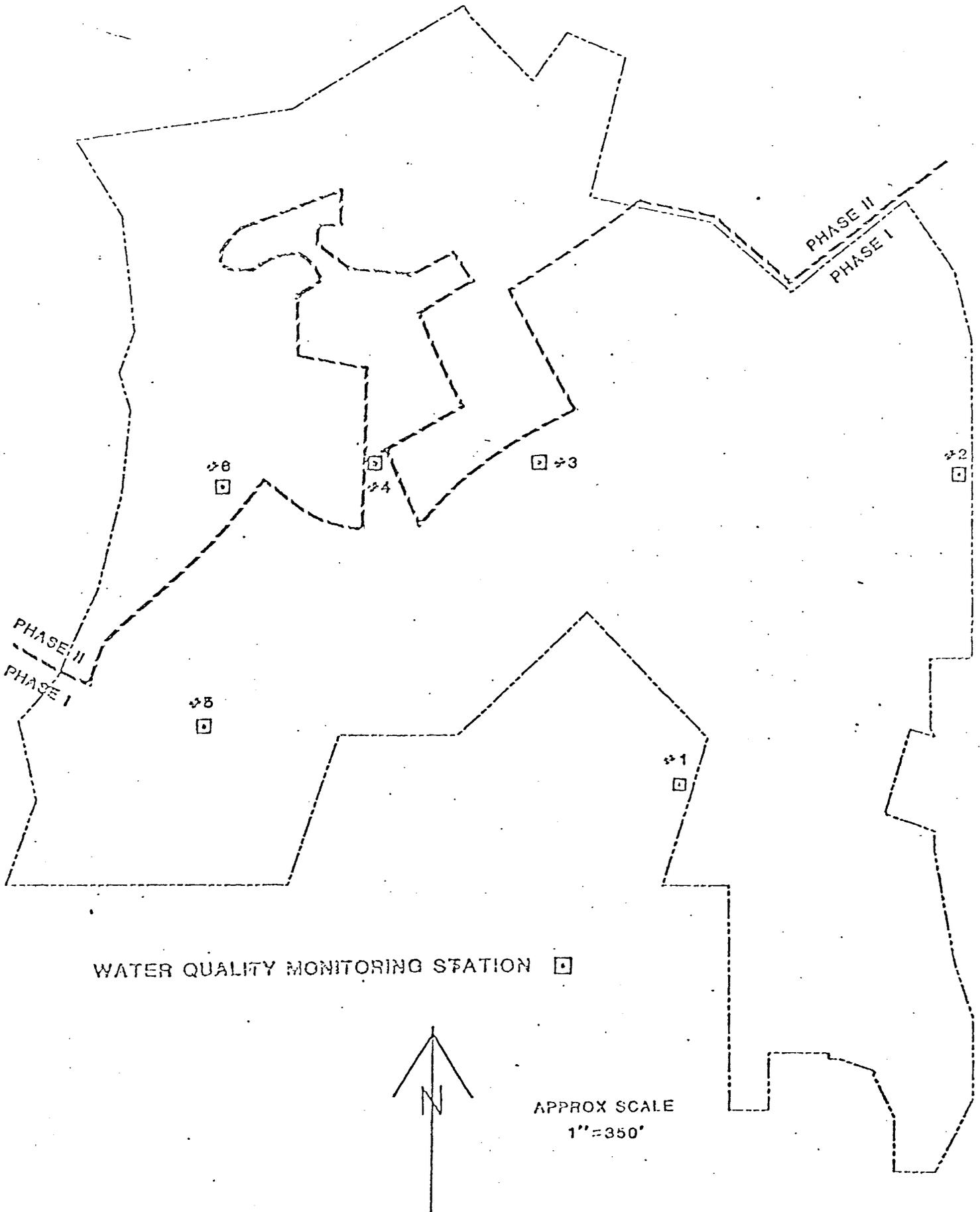


Exhibit C