

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-8100, ext. 6730

November 2, 2001

JOHN MEYER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD SUITE 219
ST PETERSBURG FL 33702

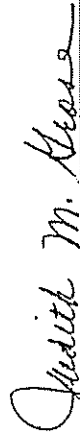
Re: Resolution No. R01-207 - Amending the Development Order for
Cross Creek (DRI #162)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on October 9, 2001.

We are providing this original for your files.

Sincerely,


Judith M. Grose,
Manager, BOCC Records

Attachment
Certified Mail #7000 0600 0029 5053 9114
cc: Board files (orig.)
Keith Bricklemeyer, Attorney at Law(orig. ltr.)
J Thomas Beck, Chief, DCA Bureau of State Planning(orig. ltr.)
Susan Fernandez, Senior Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Jim Glaros, Assistant Chief Deputy, Valuation, Property
Appraiser's Office
Beth Novak, County Attorney's Office

RESOLUTION NO. R01-20Z

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #162 DEVELOPMENT ORDER
FOR CROSS CREEK**

Upon motion of Commissioner Scott, seconded by Commissioner Hart, the following Resolution was adopted by a vote of 5 to 1 on this 9th day of October, 2001.

WHEREAS, on May 23, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0018) for the CROSS CREEK Development of Regional Impact (DRI) #162 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved the first amendment to the Cross Creek DRI Development Order extending the phasing and buildout dates for the project; and

WHEREAS, on March 10, 1993, the Board of the County Commissioners approved the second amendment to the Cross Creek DRI Development Order to revise the schedules for completion of the DRI and for groundwater and hydro period monitoring; and

WHEREAS, on January 11, 1994, the Board of County Commissioners approved the third amendment to the Cross Creek DRI Development Order to revise the commercial and residential allocations, provide for a park site, reduce right-of-way requirements, and revise the construction beginning and ending date for the Requirement Improvement; and

WHEREAS, on May 21, 1996, the Board of County Commissioners approved the fourth amendment to the Cross Creek DRI Development Order to amend Section IV.B.2.c. and the Master Development Plan related to the development of Corridor D; and

WHEREAS, on April 21, 1998, the Board of County Commissioners approved the fifth amendment to the Cross Creek DRI Development Order to amend Section IV.B.1.c.(1) to revise the phasing schedule and amend the dates in Section IV.A.6 and 7; and

WHEREAS, on August 11, 1998, the Board of County Commissioners approved the sixth amendment to the Cross Creek DRI Development Order to amend Section IV.B.1.c.(1) to increase the number of multi family residential units in Phase IIA from 669 to 672; to amend Section IV.B.1.c to delete Phase IIB and make the 50,000 square feet of Commercial a specifically approved part of Phase IIA; and to amend Section IV.B.2.d and the Master Development Plan related to Corridor C; and

WHEREAS, on August 8, 2000, the Board of County Commissioners approved the seventh amendment to the Cross Creek DRI Development Order to amend IV.B.1.c.(1) to reduce the single family residential units by 103 units, from 1775 to 1672 and to approve up to 14,500 square feet of office uses and up to 10,000 square feet of pre-school/child care uses on Parcel N; and

WHEREAS, on March 8, 2001, Cory Lake Isles, Inc. by its authorized agent Keith W. Bricklemeyer, filed the Eighth Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Cross Creek DRI (the "Eighth NOPC") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the revisions approved pursuant to the Eighth NOPC; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on October 9, 2001 to consider a request to amend the Development Order.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 9th DAY OF October, 2001, AS FOLLOWS:

1. That the following **Findings of Fact** are made:
 - a. A review of the impacts generated by this Eighth amendment to the Cross Creek Development Order has been conducted by Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs.
 - b. The proposed changes to the development plan for the Cross Creek Development do not create any new or additional regional impacts not previously reviewed.
 - c. The Findings of Fact and Conclusions of Law made in the Development Order are incorporated herein by reference.
 - d. The application for the Eighth NOPC, submitted on March 8, 2001, is incorporated herein by reference.
2. That the following **Conclusions of Law** are made:
 - a. This eighth amendment to the Cross Creek DRI Development Order constitutes a substantial deviation pursuant to Section 380.06(19), Florida Statutes, but no additional review is required.
 - b. The Cross Creek Development Order as amended hereby is consistent with the Future of Hillsborough County Comprehensive Plan.
 - c. Except as specifically amended hereby the Development Order is hereby reaffirmed in its entirety and remains in full force and effect.
 - d. Nothing herein shall limit or modify the rights approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.
3. Based on the above Findings of Fact and Conclusions of Law, the Cross Creek Development Order is hereby amended as follows:
 - a. The revised Map H (Revision Date August 8, 2001), attached hereto and incorporated herein as Exhibit "A", is hereby approved and section IV.B.1.c.(1) is hereby amended to increase permitted office uses on Parcel N from 14,500 to 90,000 square feet, subject to the matrix attached hereto and incorporated herein as Exhibit "B", and to the requirement that the resulting total traffic impacts do not exceed 2,534 trips (external ADT). The revised table of land use entitlements is as follows:

	Phase I Dec. 30, 2000	Phase IIA Dec. 30, 2005	Totals
Single Family Dwelling Units	1,347	325	1,672
Multi-Family Dwelling Units		672	672
Commercial		50,000 sq. ft.	50,000
Office		90,000 sq. ft.	90,000
Child Care		10,000 sq. ft.	10,000

4. The Developer's Certification, attached hereto and incorporated herein as Exhibit "C", affirms that a copy of the Eighth NOPC has been delivered to all persons as required by law.
5. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of October 9, 2001, as the same appeared of record in Minute Book 305 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 2nd day of November, 2001.

RICHARD AKE, CLERK

By: Jubene Gregory
Deputy Clerk

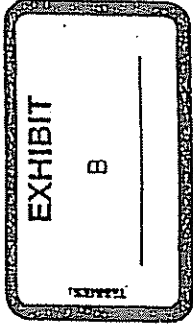


APPROVED BY COUNTY ATTORNEY
BY [Signature]
Approved As To Form And
Legal Sufficiency.

EXHIBIT “A”

MAP H-1 (REVISED)

**LOCATED IN ORIGINAL DEVELOPMENT
ORDER BOOK.**



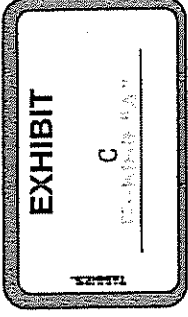
CROSS CREEK PARCEL 'N'

TRADE OFF MATRIX

<u>Land Use</u>	<u>Trip Rate (ADT)</u>	<u>Trade Off Matrix (1)</u>	
		<u>Single Tenant</u>	<u>Medical/Dental</u>
Single Tenant Offices	11.6	-	0.32
Medical/Dental Office	36.1	3.11	-

Driveway Volume Allowed - 3,729 ADT
External Volume Allowed - 2,543 ADT

(1) Example: 1 square foot of single tenant office equals 0.32 square feet of medical/dental office.

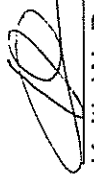


AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

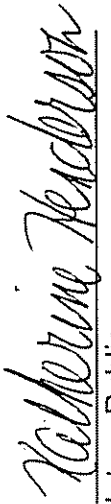
I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemeyer, as attorney for Cory Lake Isles, Inc., the applicant for the Cross Creek DRI Notice of Proposed Change #8, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Cory Lake Isles, Inc., filed its Notice of Proposed Change #8 for the Cross Creek DRI on March 8, 2001.
2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.



Keith W. Bricklemeyer
Attorney for Cory Lake Isles, Inc.

Sworn to and subscribed before me this 18th day of October, 2001.

(SEAL)


Katherine Henderson
Notary Public

My Commission Expires:

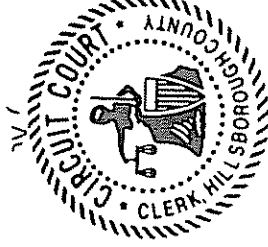


RESOLUTION NO. R00-160

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #162 DEVELOPMENT ORDER
FOR CROSS CREEK

of

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



#162

P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-8100

September 5, 2000

JOHN MEYER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD SUITE 219
ST PETERSBURG FL 33702

Re: Resolution No. R00-160 - Amending the Development Order for
Cross Creek (DRI #162)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on August 8, 2000.

We are providing this original for your files.

Sincerely,


Judith M. Grose
Senior Manager, BOCC Records

md

Attachment

Federal Express 805649477860

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs
Keith Bricklemeyer, Esq., Bricklemeyer Smolker & Bolves, P. A.
Susan Fernandez, Senior Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Beth Novak, County Attorney's Office

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 8TH DAY OF AUGUST, 2000, AS FOLLOWS:

1. That the following **Findings of Fact** are made:
 - a. A review of the impacts generated by this Seventh amendment to the Cross Creek Development Order has been conducted by Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs.
 - b. The proposed changes to the development schedule for the Cross Creek Development do not create any new or additional regional impacts.
 - c. The Findings of Fact and Conclusions of Law made in the Development Order are incorporated herein by reference.
 - d. The application for the Seventh NOPC, submitted on February 3, 2000, is incorporated herein by reference.
2. That the following **Conclusions of Law** are made:
 - a. This seventh amendment to the Cross Creek DRI Development Order does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.
 - b. The Cross Creek Development Order as amended hereby is consistent with the Future of Hillsborough County Comprehensive Plan.
 - c. Except as specifically amended hereby the Development Order is hereby reaffirmed in its entirety and remains in full force and effect.
 - d. Nothing herein shall limit or modify the rights approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.
3. Based on the above Findings of Fact and Conclusions of Law, the Cross Creek Development Order is **hereby amended as follows**:
 - a. The revised Map H attached hereto for approval and section IV.B.1.c.(1) is hereby amended to reduce single family residential units by 103 units, from 1775 to 1672 and to approve up to 14,500 square feet of office uses and up to 10,000 square feet of pre-school/child care uses as additional alternative uses to be located on Parcel N, provided the total traffic impacts for the parcel do not exceed 674 trips (external ADT).
4. The Developer's Certification, attached hereto as Exhibit "A", affirms that a copy of the Seventh NOPC has been delivered to all persons as required by law.
5. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of August 8, 2000, as the same appeared of record in Minute Book 291 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 5th day of September, 2000.

RICHARD AKE, CLERK

By: Mildred K. Dym
Deputy Clerk



APPROVED BY COUNTY ATTORNEY
BY: [Signature]
Approved As To Form And Legal
Sufficiency.

Exhibit "A"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for Cory Lake Isles, Inc., the applicant for the Cross Creek DRI Notice of Proposed Change #7, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Cory Lake Isles, Inc., filed its Notice of Proposed Change #7 for the Cross Creek DRI on February 3, 2000.

2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.



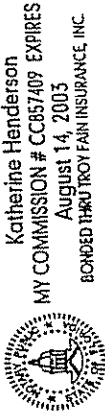
Keith W. Bricklemyer
Attorney for Cory Lake Isles, Inc.

Sworn to and subscribed before me this 20th day of August, 2000.

(SEAL)



Notary Public
My Commission Expires:



Revised

Map H - 1

**located in original
development order
book**

Richard Ake

Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd
PO Box 1110
Tampa, Florida 33601
Telephone 276-8100, ext. 6730

September 10, 1998

TIM BUTTS DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD, SUITE 219
ST. PETERSBURG, FL 33702

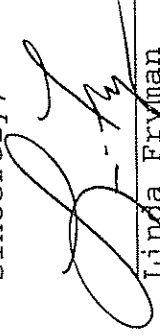
Re: Resolution No. R98-160 - Amending the Development Order for
APU Cross Creek, Inc. (DRI #162)

Dear Mr. Butts:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on August 11, 1998.

We are providing the original for your files.

Sincerely,


Linda Fryman
Senior Manager, BOCC Records

LF:SAB
Attachment
Federal Express AB #800148168395
cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs
Douglas Roland, Esq., Counsel for APU Cross Creek, Inc.
Susan Fernandez, Senior Assistant County Attorney
Kevin Mineer, Principal Planner, Planning & Growth Management
Beth Novak, County Attorney's Office

RESOLUTION NO. R98-0160

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #162 DEVELOPMENT ORDER
FOR CROSS CREEK

Upon motion of Commissioner Norman, seconded by Commissioner Turanchik, the following Resolution was adopted by a vote of 7 to 0 on this 11th day of August, 1998.

WHEREAS, on May 23, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0018) for the CROSS CREEK Development of Regional Impact (DRI) #162 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved the first amendment to the Cross Creek DRI Development Order extending the phasing and buildout dates for the project; and

WHEREAS, on March 10, 1993, the Board of the County Commissioners approved the second amendment to the Cross Creek DRI Development Order to revise the schedules for completion of the Regional Impact and for groundwater and hydroperiod monitoring; and

WHEREAS, on January 11, 1994, the Board of County Commissioners approved the third amendment to the Cross Creek DRI Development Order to revise the commercial and residential allocations, provide for a park site, reduce right-of-way requirements, and revise the construction beginning and ending date for the Requirement Improvement; and

WHEREAS, on May 21, 1996, the Board of County Commissioners approved the fourth amendment to the Cross Creek DRI Development Order to amend Section IV.B.2.c. and the Master Development Plan related to the development of Corridor D; and

WHEREAS, on April 21, 1998, the Board of County Commissioners approved the fifth amendment to the Cross Creek DRI Development Order to amend Section IV.B.1.c.(1) to revise the phasing schedule and amend the dates in Section IV.A.6 and 7; and

WHEREAS, on June 2, 1998, APU Cross Creek, Inc., by its authorized agent Keith W. Bricklemeyer, filed the Sixth Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Cross Creek DRI (the "Sixth NOPC") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the revisions approved pursuant to the Sixth NOPC; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on June 9, 1998 to consider a request to amend the Development Order.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 11th DAY OF AUGUST, 1998, AS FOLLOWS:

1. That the following Findings of Fact are made:
 - a. A review of the impacts generated by this Sixth amendment to the Cross Creek Development Order has been conducted by Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs.
 - b. The proposed changes to the development schedule for the Cross Creek Development do not create any new or additional regional impacts.
 - c. The Findings of Fact and Conclusions of Law made in the Development Order are incorporated herein by reference.
 - d. The application for the Sixth NOPC, submitted on June 2, 1998, is incorporated herein by reference.
2. That the following Conclusions of Law are made:
 - a. This sixth amendment to the Cross Creek DRI Development Order is presumed not to, and does not, constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.
 - b. The Cross Creek Development Order as amended hereby is consistent with the Future of Hillsborough County Comprehensive Plan.
 - c. Except as specifically amended hereby the Development Order is hereby reaffirmed in its entirety and remains in full force and effect.
 - d. Nothing herein shall limit or modify the rights approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.
3. Based on the above Findings of Fact and Conclusions of Law, the Cross Creek Development Order is hereby amended as follows:
 - a. Section IV.B.1.c.(1) is amended to increase the number of multi family residential units in Phase IIA from 669 to 672.
 - b. Section IV.B.1.c. is amended to delete Phase IIB and to make the 50,000 square feet of Commercial a specifically approved part of Phase IIA.
 - c. Section IV.B.2.d is deleted and replaced with the following:

The Developer shall reserve the right-of-way for the roadway segments described in condition IV.B.2.c. above, and shall reserve the right-of-way within the project boundaries not to exceed 60 feet in width for that certain East-West road running along the northern boundary of the site (described as Corridor C on Map H-1 of the Application for Development Approval) from the intersection of Corridor A eastward for the entire length of the elementary school site. The Developer shall cooperate with Hillsborough County with respect to the potential dedication of said reserved right-of-way within the project boundaries provided that any right-of-way dedication shall be credited pursuant to Section 380.06, Florida Statutes, and the Transportation Impact Fee Ordinances.

Incremental construction costs and right-of-way costs for Corridor D as described above, are eligible for applicable impact fee credits. Construction costs for Corridor A are eligible for applicable impact fee credits.

- d. Map H is revised to delete Corridor "C", except for the portion beginning at the intersection with Corridor "A" and extending the length of the school site to the east. A copy of Map H is attached hereto and incorporated herein by reference.
4. The Developer's Certification, attached hereto as Exhibit "A", affirms that a copy of the Sixth NOPC has been delivered to all persons as required by law.
5. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of August 11, 1998, as the same appeared of record in Minute Book 268 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 10th day of September, 1998.

RICHARD AKE, CLERK



By: _____

Deputy Clerk

APPROVED BY COUNTY ATTORNEY
BY: _____
Approved As To Form And
Legal Sufficiency.

Exhibit "A"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

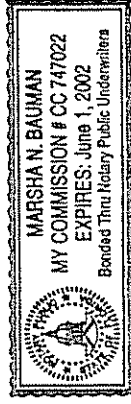
I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Douglas C. Roland, as attorney for APU Cross Creek, Inc., the applicant for the Cross Creek DRI Notice of Proposed Change #6, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. APU Cross Creek, Inc., filed its Notice of Proposed Change #6 for the Cross Creek DRI on June 2, 1998.
2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.


Douglas C. Roland
Attorney for APU Cross Creek, Inc.

Sworn to and subscribed before me this 10 day of 9, 1998.

(SEAL)




Notary Public
My Commission Expires:

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #162 DEVELOPMENT ORDER
FOR CROSS CREEK**

Upon motion of Commissioner Platt, seconded by Commissioner Hart, the following Resolution was adopted on this 21st day of April, 1998.

WHEREAS, on May 23, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0018) for the CROSS CREEK Development of Regional Impact (DRI) #162 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved the first amendment to the Cross Creek DRI Development Order extending the phasing and buildout dates for the project; and

WHEREAS, on March 10, 1993, the Board of the County Commissioners approved the second amendment to the Cross Creek DRI Development Order to revise the schedules for completion of the Regional Impact and for groundwater and hydroperiod monitoring; and

WHEREAS, on January 11, 1994, the Board of County Commissioners approved the third amendment to the Cross Creek DRI Development Order to revise the commercial and residential allocations, provide for a park site, reduce right-of-way requirements, and revise the construction beginning and ending date for the Requirement Improvement; and

WHEREAS, on May 21, 1996, the Board of County Commissioners approved the fourth amendment to the Cross Creek DRI Development Order to amend Section IV.B.2.c. and the Master Development Plan related to the development of Corridor D; and

WHEREAS, on January 9, 1998, APU Cross Creek, Inc., by its authorized agent Keith W. Bricklemeyer, filed the Fifth Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Cross Creek DRI (the "Fifth NOPC") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the revisions approved pursuant to the Fifth NOPC; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on March 24, 1998 to consider a request to amend the Development Order.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 21st DAY OF APRIL, 1998, AS FOLLOWS:

1. That the following Findings of Fact are made:
 - a. A review of the impacts generated by this fifth amendment to the Cross Creek Development Order has been conducted by Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs.

- b. The proposed changes to the development schedule for the Cross Creek Development do not create any new or additional regional impacts.
- c. The Findings of Fact and Conclusions of Law made in the Development Order are incorporated herein by reference.
- d. The application for the fifth NOPC, submitted on January 9, 1998, is incorporated herein by reference.

2. That the following Conclusions of Law are made:

- a. This fifth amendment to the Cross Creek DRI Development Order is presumed not to, and does not, constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.
- b. The Cross Creek Development Order as amended hereby is consistent with the Future of Hillsborough County Comprehensive Plan.
- c. Except as specifically amended hereby the Development Order is hereby reaffirmed in its entirety and remains in full force and effect.
- d. Nothing herein shall limit or modify the rights approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.

3. Based on the above Findings of Fact and Conclusions of Law, the Cross Creek Development Order is hereby amended as follows:

- a. The phasing schedule in Section IV.B.1.c.(1) is amended as follows:

Buildout Date	Commercial (Sq.Ft.)	Single Family Residential (Dwelling Units)	Multi-Family Residential (Dwelling Units)
Phase I (Dec. 30, 2000)		1,347	---
Phase IIA (Dec. 30, 2002)	-0-	428	669
Phase IIB (Dec. 30, 2005)	50,000	---	---
TOTALS	50,000	1,775	669

- b. The dates established in Sections IV.A.6 and 7 are amended to provide that the Development Order shall remain in effect for a period up to and including December 31, 2009, and the Development shall not be subject to downzoning or intensity reduction until December 31, 2009.
- 4. The Developer's Certification, attached hereto as Exhibit "A", affirms that a copy of the Fifth NOPC has been delivered to all persons as required by law.
- 5. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of April 21, 1998, as the same appeared of record in Minute Book 263 of the Public Records of Hillsborough County, Florida.

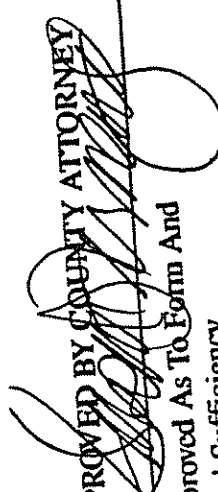
WITNESS my hand and official seal this 8th day of May, 1998.



RICHARD AKE, CLERK

By: 

Deputy Clerk

APPROVED BY COUNTY ATTORNEY
BY: 
Approved As To Form And
Legal Sufficiency.

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for APU Cross Creek, Inc., the applicant for the Cross Creek DRI Notice of Proposed Change #5, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. APU Cross Creek, Inc., filed its Notice of Proposed Change #5 for the Cross Creek DRI on January 9, 1998.
2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.



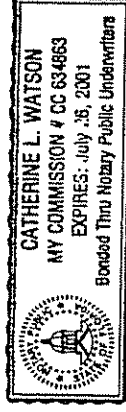
Keith W. Bricklemyer
Attorney for APU Cross Creek, Inc.

Sworn to and subscribed before me this 30th day of April, 1998.

(SEAL)



Notary Public
My Commission Expires:



Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-2029, ext. 6730

June 19, 1996

TIM BUTTS DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD, SUITE 219
ST. PETERSBURG, FL 33702

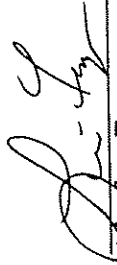
Re: Resolution No. R96-118 - Amending the Development Order for
APU Cross Creek (DRI #162)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
May 21, 1996.

We are providing this copy for your files.

Sincerely,


Linda Fryman
Senior Manager, BOCC Records

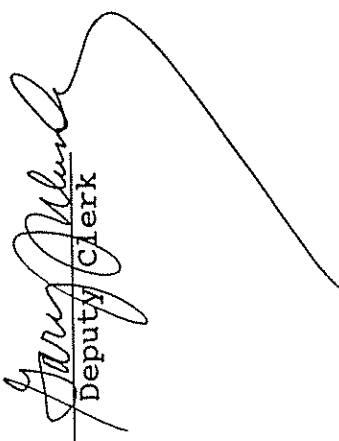
LF:ADF
Attachment
Certified Mail
cc: Board files (orig.)
J. Thomas Beck, Florida Department of Community Affairs
Keith W. Bricklemeyer, Esq.
Vincent Marchetti, Senior Assistant County Attorney
Gene Boles, Director, Planning and Development Management
Joe Egozcue, County Attorney's Office

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R96-118 Amending the Development Order for APU Cross Creek (DRI #162), approved by the Board in its regular meeting of May 21, 1996, as the same appears of record in MINUTE BOOK 240 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 19th day of June, 1996.

RICHARD AKE, CLERK

By: 
Deputy Clerk

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #162 DEVELOPMENT ORDER
FOR CROSS CREEK

Upon motion of Commissioner Berger, seconded by
Commissioner Hart, the following Resolution was adopted on this 21st
day of MAY, 1996., by a vote of 5 to 0.

WHEREAS, on May 23, 1989, the Board of County Commissioners approved a
Development Order (Resolution No. R89-0018) for the CROSS CREEK Development of
Regional Impact (DRI) #162 (the "Development Order") pursuant to the provisions of Section
380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved the first
amendment to the Cross Creek DRI Development Order extending the phasing and buildout dates
for the project; and

WHEREAS, on March 19, 1993, the Board of the County Commissioners approved the
second amendment to the Cross Creek DRI Development Order to revise the schedules for
completion of the Regional Impact and for groundwater and hydroperiod monitoring; and

WHEREAS, on January 11, 1994, the Board of County Commissioners approved the
third amendment to the Cross Creek DRI Development Order to revise the commercial and
residential allocations, provide for a park site, reduce right-of-way requirements, and revise the
construction beginning and ending date for the Requirement Improvement; and

WHEREAS, on March 12, 1996, APU Cross Creek, Inc., by its authorized agent Keith
W. Bricklemyer, filed the Fourth Notification of Proposed Change to a Previously Approved
Development of Regional Impact for the Cross Creek DRI (the "Fourth NOPC") in accordance
with Section 380.06(19), Florida Statutes; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order
be amended to reflect the revisions approved pursuant to the Fourth NOPC; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, public notice was given
that a public hearing would be held by the Board of County Commissioners on May 21, 1996
to consider a request to amend the Development Order; and

WHEREAS, APU Cross Creek, Inc., requires revisions to the development plan for the
project as described herein;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING,
DULY ASSEMBLED THIS 21st DAY OF MAY, 1996, AS FOLLOWS:

1. That the following Findings of Fact are made:

- a. A review of the impacts generated by this fourth amendment to the Cross
Creek Development Order has been conducted by Hillsborough County,
Tampa Bay Regional Planning Council and the Department of Community
Affairs.
- b. The proposed changes to the development plan for the Cross Creek
Development do not create any new or additional regional impacts.
- c. The Findings of Fact and Conclusions of Law made in the Development
Order are incorporated herein by reference.

2. That the following Conclusions of Law are made:
 - a. This fourth amendment to the Cross Creek DRI Development Order does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.
 - b. The Cross Creek Development Order as amended hereby is consistent with the Future of Hillsborough County Comprehensive Plan.
 - c. Except as specifically amended hereby the Development Order is hereby reaffirmed in its entirety and remains in full force and effect.
 - d. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.
3. Based on the above Findings of Fact and Conclusions of Law, the Cross Creek Development Order is hereby amended as follows:
 - a. Section IV.B.2.c is amended as follows:

Except as otherwise provided herein, the applicant shall fully fund and construct the East-West Connector road (described as Corridor D on Map H-1 of the Application for Development Approval) along the south boundary of the project (four-lane from County Road 581 to the N-S Connector Road and two lane to the eastern property boundary), and the North-South Connector Road (described as Corridor A on Map H-1 of the Application), from the E-W Connector Road to the north project boundary. In addition, the Developer shall provide and dedicate to Hillsborough County the necessary right-of-way for all of Corridor D and Corridor A as shown on the Revised Map H-1 dated 3/21/96. The alignment of these roads shall be as generally shown on Revised Map H-1 dated 3/21/96. The exact alignment of said roads shall be submitted for review and approval by the County. The above roads may be constructed on an incremental basis as necessary to serve driveway connections to said roads for development areas which are under construction. The incremental construction of major roadway corridors in the project applies to both the length and the number of lanes required for each increment of development. The applicant shall convey to the County the right of way for Corridor D to the east boundary of Cross Creek upon or before the earlier of (i) the conveyance of Parcel N to a third party, or (ii) the issuance of the first building permit for Parcel N or for any commercial parcel. Notwithstanding anything to the contrary herein, the dedication and construction of that portion of Corridor D east of the loop road located between Parcels P and M shall be completed on or before the earlier of (i) the issuance of the first building permit for Parcel N, or (ii) the issuance of the first building permit for any commercial parcel. Upon the conveyance to the County by applicant of the right-of-way for said portion of Corridor D, the construction of Corridor D shall become the responsibility of either the owner of Parcel N or the

owner of any commercial parcel or their respective assigns.

- b. The Revised Map H-1 dated March 28, 1996 attached hereto as Exhibit "B" is hereby approved and substituted as the Master Development Plan for the Cross Creek DRI.

4. The Developer's Certification, attached hereto as Exhibit "C", affirms that a copy of the Fourth NOPC has been delivered to all persons as required by law.
5. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 370.06(15), Florida Statutes.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of May 21, 1996, as the same appeared of record in Minute Book 240 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 19th day of June, 1996.

RICHARD AKE, CLERK

APPROVED BY
BY [Signature]
Approved As To Form And
Legal Sufficiency.

By:

[Signature]
Deputy Clerk

6405 572

EXHIBIT "A"

The South 1/4 of Section 7, Township 27 South, Range 20 East, Hillsborough County, Florida, less right of way for State Road 581.

AND

The East 1/2, AND the East 1/2 of the Northwest 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the South 1/2 of the Southwest 1/4 of Section 8, Township 27 South, Range 20 East, Hillsborough County, Florida.

AND

The part of Section 12, Township 27 South, Range 19 East, Hillsborough County, Florida, lying east of State Road 581, being more particularly described as follows: Commence at the Southeast corner of Section 12, Township 27 South, Range 19 East, Hillsborough County, Florida, for a Point of Beginning; thence North 89 degrees 59'27" West, 173.06 feet along the south boundary of said Section 12 to a point on the east right of way line of State Road 581; thence 372.29 feet along said east right of way line of State Road 581, right of way line being an arc to the left having a radius of 1532.40 feet and a central angle of 13 degrees 55'11" (chord = 371.37 feet, chord bearing North 27 degrees 08'27" East) to a point on the east boundary of aforementioned Section 12; thence South 00 degrees 39'57" East, 330.63 feet along said east boundary of Section 12 to the Point of Beginning.

AND

The West 2561.25 feet of Section 9, Township 27 South, Range 20 East, Hillsborough County, Florida; described as follows:

Begin at the Southwest corner of said Section 9; thence along the south boundary of said Section 9, South 89 degrees 45'40" East, 2561.72 feet; thence along a line 2561.25 feet east of and parallel with the west boundary of said Section 9, North 0 degrees 51'56" West, 5304.05 feet to the North boundary of said Section 9; thence along said North boundary, North 89 degrees 58'52" West, 2561.53 feet to the Northwest corner of said Section 9; thence South 00 degrees 51'56" East, 5294.22 feet to the Point of Beginning.

SEE ATTACHED CONTINUATION SHEET. . .

34 - 0023

Exhibit "A"

6405 2c S73

LESS AND EXCEPT THAT PORTION THEREOF PLATTED AS CROSS CREEK UNIT
1 AS RECORDED IN PLAT BOOK 67, PAGE 16 OF THE PUBLIC RECORDS OF
HILLSBOROUGH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION THEREOF PLATTED AS CROSS CREEK UNIT
2 AS RECORDED IN PLAT BOOK 70, PAGE 23 OF THE PUBLIC RECORDS OF
HILLSBOROUGH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PORTION THEREOF

That part of Section 7, Township 27 South, Range 20 East,
Hillsborough County, Florida, being more particularly described
as follows:

From the Southwest corner of said Section 7, run thence South
89 degrees 45'34" East, 1656.74 feet along the South boundary
of said Section 7 to the Point of Beginning; thence North 20 degrees
15'39" East, 199.21 feet; thence South 69 degrees 44'21" East,
160.08 feet to a point of curvature; thence Southeasterly, 39.27
feet along the arc of a curve to the right having a radius of
25.00 feet and a central angle of 90 degrees 00'00" (chord bearing
South 24 degrees 44'21" East, 35.16 feet) to a point of tangency;
thence South 20 degrees 15'39" East, 105.77 feet to a point on
the aforesaid South boundary of Section 7; thence North 89 degrees
54'34" West, 196.99 feet along valid South boundary of Section 7
to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PORTION THEREOF:

A parcel of land lying in Section 8, Township 27 South, Range
20 East, Hillsborough County, Florida, being more particularly
described as follows:

From the Southwest corner of said Section 8, run thence along
the South boundary of said Section 8, South 89 degrees 52'47"
East, 3867.37 feet; thence North 00 degrees 07'13" East, 2212.52
feet to a point on a curve, said point also being the Point of
Beginning; thence 125.06 feet along the arc of a curve to the
left having a radius of 1160.00 feet and a central angle of 06
degrees 10'38" (chord bearing North 31 degrees 24'00" East, 125.00
feet) to a point; thence North 58 degrees 36'00" East, 126.68
feet; thence South 31 degrees 24'00" East, 125.00 feet; thence
South 58 degrees 36'00" West, 126.68 feet to the Point of Beginning.

94 - 00229

0405 574

Exhibit B

PERMITTED EXCEPTIONS

1. Mortgage dated 3/25/86 from Gulfstream Communities to Mellon Bank, N.A. recorded in the Public Records of Hillsborough County in OR Book 4774, page 1357.
2. Mitigation Agreement by and between the Environmental Protection Commission of Hillsborough County and Gulfstream Communities recorded in the Public Records of Hillsborough County in OR Book 5436, page 203.
3. Notice of Adoption of Preliminary Development Agreement of record in the Public Records of Hillsborough County in OR Book 5092, page 1511.
4. Development Agreement of record in the Public Records of Hillsborough County in OR Book 5756, page 791.
5. Notice of Adoption of Development Order of record in the Public Records of Hillsborough County in OR Book 5761, page 1575.
6. Notice of Adoption of Amendment to Preliminary Development Agreement of record in the Public Records of Hillsborough County in OR Book 5230, page 1259.
7. Notice of Modification to Adopted Development Order of record in the Public Records of Hillsborough County in OR Book 6042, page 1569.
8. Interlocal Agreement for Fire Protection of record in the Public Records of Hillsborough County in OR Book 5747, page 1823.
9. Ratification of the Dedication of Cross Creek Unit 1 of record in the Public Records of Hillsborough County in OR Book 5582, page 128.
10. Easements set forth on the plat of Cross Creek Unit 1 of record in the Public Records of Hillsborough County in Plat Book 67, page 16.
11. Easements set forth on the plat of Cross Creek Unit 2 of record in the Public Records of Hillsborough County in Plat Book 70, page 21.
12. Covenants, Conditions, Restrictions and Easements contained in instrument of record in Public Records of Hillsborough County in OR Book 5819, page 1876. Supplemental Declaration recorded in OR Book 6244, pages 845 of said Public Records.

94 - 0029

13. Agreement dated March 2, 1989, as amended January 1, 1990, March 1, 1990, August 1, 1990 and October 18, 1990 between Gulfstream Communities and Inland Homes, Inc.
14. Agreement dated December 1, 1988 between Gulfstream Communities and M/I Schottenstein Homes, Inc.
15. Agreement dated November 12, 1990 between Gulfstream Communities and U.S. Home Corp.
16. Unrecorded Lease dated February, 1991 between Gulfstream Communities and Diez Brothers Cattle and Feed.
17. Riparian and littoral rights, if any.
18. Title to the beds or bottoms of lakes, rivers or other bodies of water located on or within the land described are not insured.
19. Adverse ownership claims by the State of Florida or their successors and assigns, to those portions of the property described in Exhibit A herein that comprised or formerly comprised sovereignty lands (including without limitation submerged, filled, and artificially exposed lands) that (i) have not been previously conveyed or transferred by the state or its successors and assigns, or (ii) are legally excluded from prior state conveyances of other types of lands.
20. UCC-1 Financing Statement; from Inland Homes, Inc., a Florida corporation, debtor, to Inland/Cross Creek Associates, Ltd., a Florida limited partnership, secured party, filed on January 4, 1990 in OR Book 5872, page 803 in the Public Records of Hillsborough County.
21. Collateral Assignment of Leases, Rents and Contract Rights, by Inland Homes, Inc., a Florida corporation to Inland/Cross Creek Associates, Ltd., a Florida limited partnership, recorded in the Public Records of Hillsborough County in OR Book 5872, page 823.
22. Unrecorded Option Agreement given by Gulfstream Communities to Inland Homes, Inc., a Florida corporation, dated April 5, 1989.

94 - 0028

RECEIVED

MAR 28 1996

MAP H-1

(REVISED)

A PORTION OF THE COMPOSITE EXHIBIT "A" TO THE CROSS CREEK DEVELOPMENT ORDER

LAND USE ACREAGE DENSITY UNITS

SMGLE FAMILY 1-5 DU/AC 1775 DU

MULTI FAMILY 4-16 DU/AC 668 DU

RETENTION 98.40 AC

CONSERVATION 230.20 AC

PARKS 21.90 AC

COMMERCIAL 5.20 AC

COMMUNITY FACILITY 15.00 AC

ROAD ROW 58.00 AC

SCHOOL SITE 25.00 AC

TOTAL 1000.00 AC

* PROPOSED INFILTRATION WELLS

EXISTING WELLS

PRELIMINARY REZONEMENT AREA

CONSERVATION FOREST

CONSERVATION WATERSHED

PROPOSED RETENTION LAKES

PROPOSED ROAD ROW

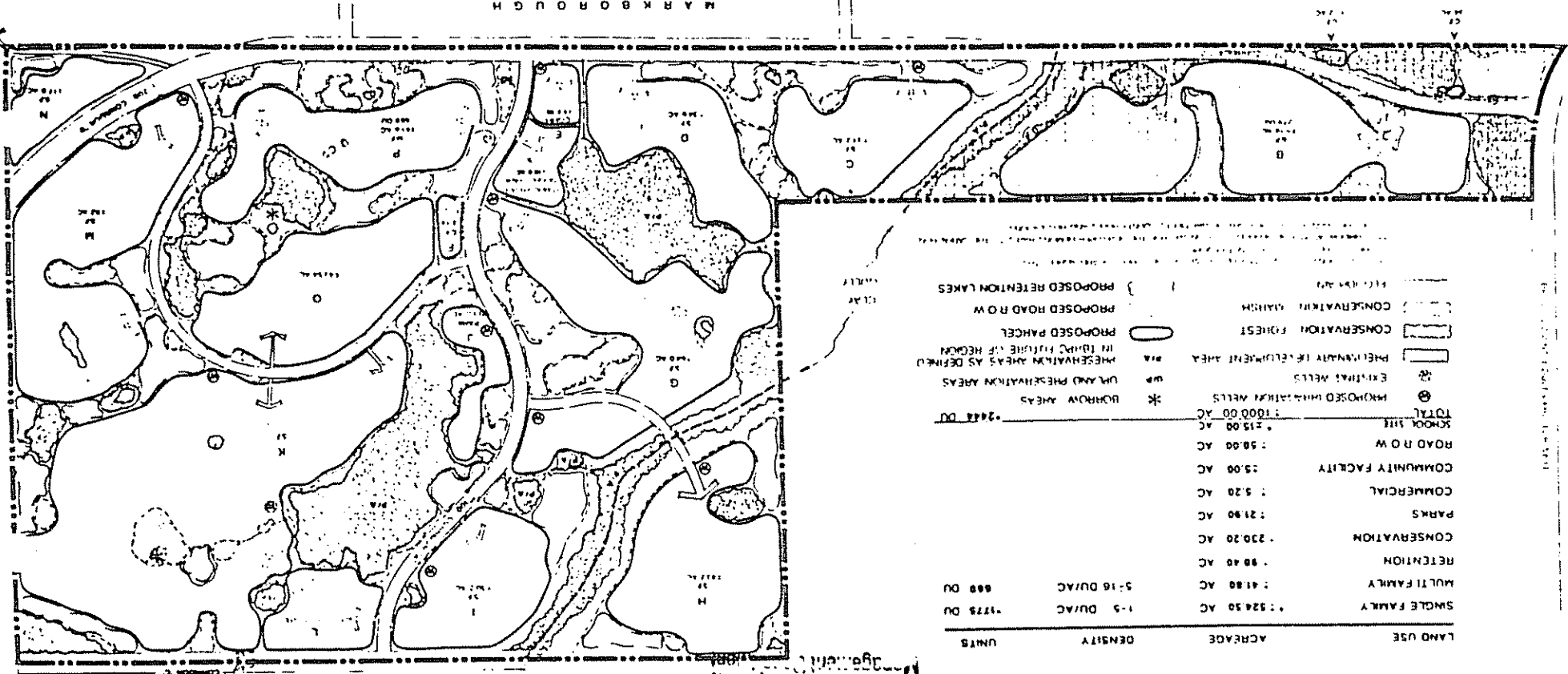
PROPOSED PARCEL

RESERVATION AREAS AS DEFINED IN FUTURE REGION

UR AND PRESERVATION AREAS

* BORROW AREAS

2448 DU



MASTER DEVELOPMENT PLAN

APU CROSS CREEK

GEE & JENSON



PLANNING & LAND DEVELOPMENT



EXHIBIT B

Exhibit C

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for APU Cross Creek, Inc., the applicant for the Cross Creek DRI Notice of Proposed Change #4, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. APU Cross Creek, Inc., filed its Notice of Proposed Change #4 for the Cross Creek DRI on March 12, 1996.
2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.



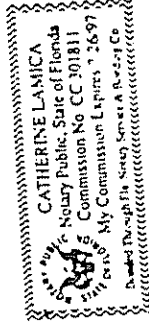
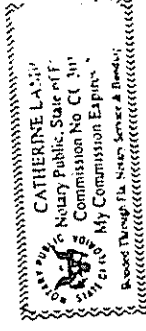
Keith W. Bricklemyer
Attorney for APU Cross Creek, Inc.

Sworn to and subscribed before me this 12TH day of March, 1996.

(SEAL)



Catherine Lamica
Notary Public
My Commission Expires:



RECEIVED

MAR 12 1996

By _____

RECEIVED

MAR 28 1996

MAP H

Revised
Corridor

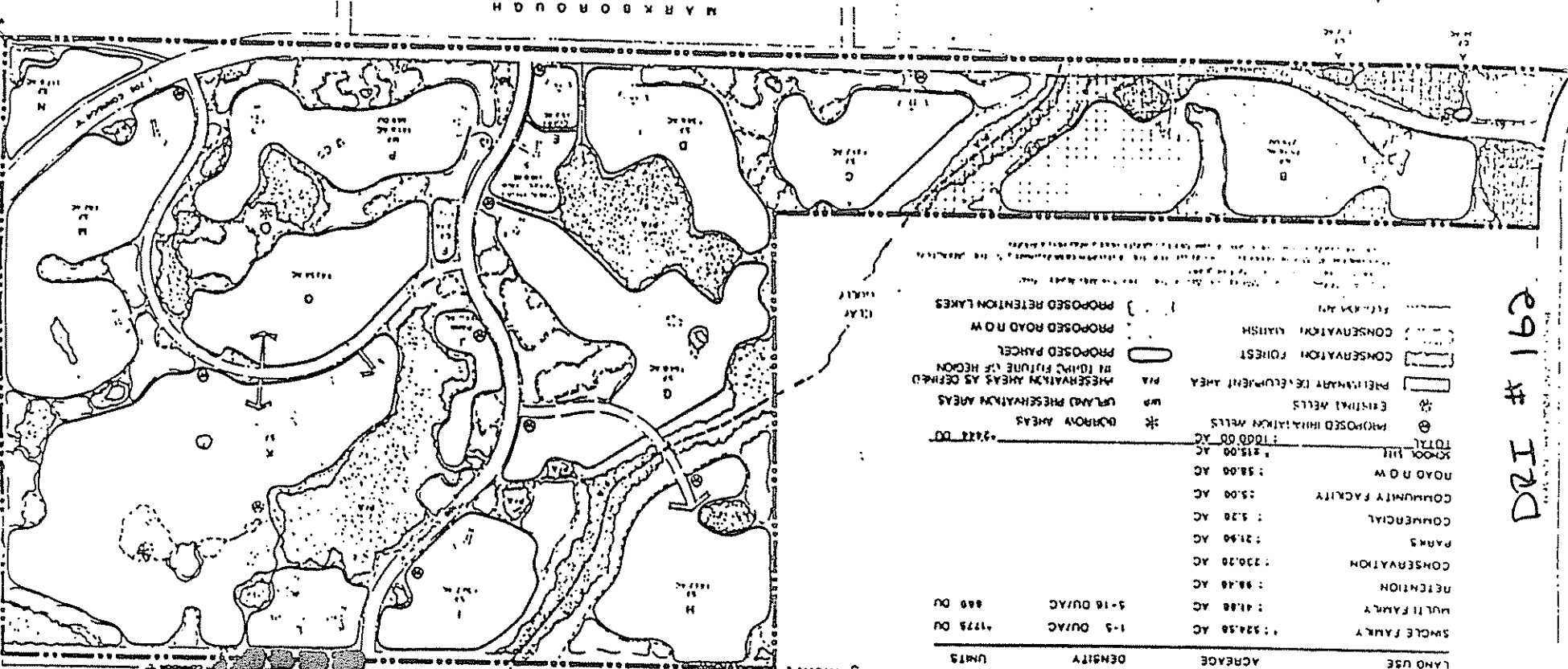
INVESTED
A PORTION OF THE CORRIDOR (L-100) IS
TO THE CROSS CREEK DEVELOPMENT ONLY

LAND USE ACREAGE DENSITY UNITS

SWOLE FAMILY 1,334.58 AC
MULTI-FAMILY 1,418.86 AC
RETENTION 1,88.48 AC
CONSERVATION 1,320.20 AC
PARKS 1,21.90 AC
COMMERCIAL 1,5.20 AC
COMMUNITY FACILITY 1,5.00 AC
ROAD ROW 1,38.00 AC
TOTAL 1,100.00 AC

* PROPOSED INITIATION AREAS
EXISTING WELLS
POTENTIAL DEVELOPMENT AREA
PRESERVATION AREAS AS DEFINED
IN FUTURE REGIONAL
PROPOSED PARCEL
PROPOSED ROAD ROW
PROPOSED RETENTION LAKES

CONSERVATION FOREST
CONSERVATION WATERSHED
STATIONARY
CLAY
PLANNING & DESIGN
HILLSBOROUGH COUNTY, FLORIDA



MASTER DEVELOPMENT PLAN

APU CROSS CREEK

GEE & JENSON



REGISTERED PROFESSIONAL ENGINEER
FLORIDA LICENSE NO. 12345



SCALE IN FEET
0 200 400 600 800 1000

291 # I20

Richard Ake

Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-8100, ext. 6730

May 8, 1998

TIM BUTTS DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD, SUITE 219
ST. PETERSBURG, FL 33702

Re: Resolution No. R98-090 - Amending the Development Order for
APU Cross Creek, Inc. (DRI #162)

Dear Mr. Butts:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on April 21, 1998.

We are providing this original for your files.

Sincerely,


Linda Fryman
Senior Manager, BOCC Records

LF:SAB
Attachment
Certified Mail
cc: Board files (orig.)
Keith Bricklemeyer, Esq. for APU Cross Creek, Inc.
J. Thomas Beck, Florida Department of Community Affairs
Susan Fernandez, Senior Assistant County Attorney
Gene Boles, Director, Planning & Growth Management
Beth Novak, County Attorney's Office

ORDINANCE NO. 90-86

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY ROBERT E. WOOLLEY/FLORIDA, INC. FOR NORTH PALMS VILLAGE, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on January 5, 1989, the City Council of the City of Tampa adopted Ordinance 89-10 approving the North Palms Village Development of Regional Impact (the "Development Order"); and

WHEREAS, on November 21, 1989, the Developer, Robert E. Woolley/Florida, Inc. filed a Notice of Proposed Change to a Previously Approved Development-of-Regional Impact, a copy of which is attached hereto and made a part hereof as Exhibit "A", proposing to extend the time periods for commencement of development, development phase build-out, and expiration of the Development Order; and

WHEREAS, the City Council has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by Robert E. Woolley/Florida, Inc. concerning the proposed extension of the time periods for commencement of development, development, phase build-out, and expiration of the Development Order; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes is authorized and empowered to consider Notices of Proposed Change to Previously Approved Developments of Regional Impact and to adopt and amend Development Orders concerning such developments; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Section 43A-302, City of Tampa Code have been satisfied; and

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

WHEREAS, the City Council has held a duly noticed public hearing on this proposed amendment to the Development Order and has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect approval of changes to the approved development which have been found not to constitute substantial deviations;

NOW, THEREFORE

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

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

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

Certified to be true
and correct copy

B. That the Developer proposes to extend the deadline for commencement of development, extend the date of each phase's buildout, and extend the expiration date of the Development Order.

C. That the development is consistent with all local land development regulation and the local comprehensive plan.

D. That the development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. That the development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

F. That a comprehensive review of the impacts generated by the Notice of Proposed Change has been conducted by the City and the Tampa Bay Regional Planning Council.

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

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

B. The review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens reveals that the impacts of the proposed change are adequately addressed pursuant to the requirements of Florida Statutes, Chapter 380 within the terms and conditions of this Ordinance.

C. That based on the foregoing, and pursuant to Chapter 380.06(19), Florida Statutes, the proposed changes are found not to be substantial deviations to the previously approved Development Order as amended.

Section 2. Subsection C and paragraph C.4. of Section 4 and Sections 7 and 8 of the Development Order are amended as follows:

C. Transportation Conditions. The following conditions are established for purposes of mitigating the impacts of this development on regional transportation facilities. Issuance of building permits by the City for the project shall require determination by the City of compliance with the conditions set forth herein. The mitigation measures set forth hereafter may be implemented singly or in combination; subject to City approval which shall not be unreasonably withheld, to mitigate the impacts of this development, or any phase or subphase, ~~if provided that pipeline must be elected prior to building construction of Phase I.~~ In addition to the mitigation measures set forth herein, Developer shall pay City of Tampa transportation impact fees, provided however that Developer shall receive credit against such impact fees for improvements constructed, right-of-way dedicated and/or cash contributed in accordance with law."

4. The Developer shall have the option of proceeding with the development of any phase or subphase of the project for which specific approval has been granted, under the conditions set forth in Sections C.4.a.-c. below, with respect to mitigating the project's transportation impacts. ~~The Developer shall notify the City and TBRPC of its election of any option hereunder prior to construction of each phase; provided that Adoption of this development order amendment shall~~

constitute the developer's election of pipelining, said election to be effective upon this development order amendment becoming non-appealable. election of pipelining must be made prior to building construction phases I. The mitigation measures set forth in 4a, below may be implemented singly or in combination subject to City approval which shall not be unreasonably withheld.

Section 7. Commencement of Development. That Development of the Project shall commence by June 30, 1991 ~~January 17, 1990~~, unless the time period for commencement is extended by the City. The projected dates of buildout for each Phase of the Project are extended to December 30, 1993 (Phase I), December 30, 1995 (Phase II), and December 30, 2000 (Phase III), respectively, unless the time for such buildout is extended by the City.

Section 8. Expiration of Development Order. That the original ~~this~~ Order shall remain in effect for a period of thirteen (13) years and three hundred and sixty-three (363) days ~~eleven (11) years~~ from the date upon which ~~this~~ the original Order becomes final and the appeal period has ended. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed. This Order may be extended by City Council on the finding of excusable delay in the proposed development activity.

Section 3. That this Ordinance ("Development Order Amendment") shall constitute an amendment to Ordinance No. 89-10 of the City Council. All provisions of the Development Order as amended, except as amended hereby shall be and remain in full force and effect and shall be considered conditions to this Development Order Amendment unless inconsistent with the terms and conditions of this Development Order Amendment, in which case the terms and conditions of this Development Order Amendment shall govern.

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

Section 5. That this Development Order Amendment shall be binding upon the Developer, assigns, and successors in interest.

Section 6. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order Amendment.

Section 7. That in the event that any portion or section of this Development Order Amendment is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order Amendment which shall remain in full force and effect.

Section 8. That the City Clerk is directed to send copies of this Development Order Amendment, within five (5) days of the effective date of this Ordinance, to the Developer, the Florida Department of Community Affairs (Bureau of Land and Water Management), and the Tampa Bay Regional Planning Council.

Section 9. That this Development Order Amendment shall be deemed rendered upon transmittal of the copies of this Development

Order Extension Amendment to the recipients specified in Florida Statutes, Chapter 380.

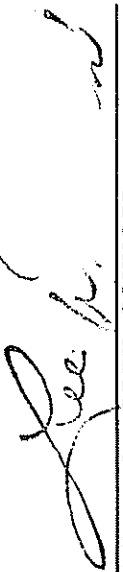
Section 10. That the Developer shall record a notice of adoption of this Development Order Amendment pursuant to Florida Statutes, Chapter 380.

Section 11. That this Ordinance shall take effect immediately upon becoming a law.

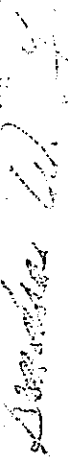
PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAR 22 1990.

ATTEST:


CITY CLERK


CHAIRMAN, CITY COUNCIL

APPROVED by me on MAR 23 1990



SANDRA W. FREEDMAN, MAYOR

PREPARED AND APPROVED BY:


PAMELA K. AKIN
CITY ATTORNEY

State of Florida)
County of Hillsborough)

This is to certify that the foregoing is a true and correct copy of Ordinance No 90-56 on file in my office.

Witness my hand and official seal this 26th day

Mar., 1990.


CITY CLERK.

W-LU/1186/018/EXHA
3/7/90

EXHIBIT "A"

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF RESOURCE MANAGEMENT
2740 Centerview Drive, Rhyme Building
Tallahassee, Florida 32399
(904) 488-4925

BRM-08-86

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

Subsection 380.06 (19) Florida Statutes (1987), requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning council, and the state land planning agency according to this form.

1. I, David Smolker, the undersigned authorized representative of Robert E. Woolley/Florida, Inc., hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.016(19), Florida Statutes. In support thereof, I submit the following information concerning the North Palms Village DRI development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

11-22-89

Date

(Signature)

2. Applicant: Robert E. Woolley/Florida, Inc.
4300 West Cypress Street
Suite 750
Tampa, Florida 33607
Telephone: (813) 870-2323
3. Authorized Agent: David Smolker, Esquire
Stearns Weaver Miller Weissler Alhadeff
& Sitterson, P.A.
Post Office Box 3299
Tampa, Florida 33601
Telephone: (813) 223-4800

EXHIBIT "A"

Certified to be true
and correct copy

4. Location:

The intersection of I-75 and CR 581 within the municipal boundaries of the City of Tampa, Hillsborough County, Florida.

5. Proposed Change:

The Developer proposes to:

- a. Extend the deadline for commencement of development from January 1, 1990 to December 30, 1992.
- b. Extend each phase's date of buildout by two (2) years three hundred sixty-three (363) days.
- c. Extend the date of expiration of the Development Order by two (2) years three hundred sixty-three (363) days.

6. Prior Changes, Modifications, Amendments or Substantial Deviation Determinations:

No prior changes, modifications, amendments or substantial deviation determinations have been previously made to the development which received DRI ADA approval by the City Council of the City of Tampa on January 5, 1988. There have been no change in local government jurisdiction for any portion of the Development since the ADA was approved on January 5, 1988.

7. Subsequent Acquisition of Property:

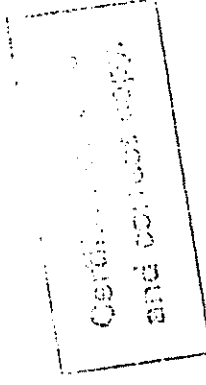
No property has been purchased or optioned within one-quarter 1/4 mile of the Development site since approval of the ADA on January 5, 1988.

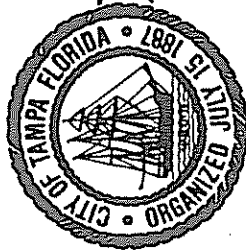
8. Other Changes Affecting Site Plan and Approved Development

No changes are proposed which would alter or affect the approved development site plan or otherwise alter the approved Development.

9. The specific proposed changes to the language of the previously approved development order are attached as Exhibit "A".

W-LU/1186/018/NOT
11/20/89





CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

January 10, 1989

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

Re: Petition No. DZ87-2
Petitioner: Robert E. Woolley
Ordinance No.: 89-10

Dear Sirs:

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

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

Sincerely,

Frances Henriquez

(Mrs.) Frances Henriquez
City Clerk

FH/ssm

CERTIFIED MAIL

cc: Susan Mihalik, Land Development Coordination

ORDINANCE NO. 89-10

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY ROBERT E. WOOLLEY/FLORIDA, INC., FOR NORTH PALMS VILLAGE, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 19, 1986, ROBERT E. WOOLLEY/FLORIDA, INC. (the "Developer") filed an Application for Development Approval (which together with later filed sufficiency responses, is hereafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with the City of Tampa (the "City"), Hillsborough County City-County Planning Commission, Hillsborough County Environmental Protection Commission, Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (1987), as amended ("Chapter 380"), and Section 43A-300, City of Tampa Code; and

WHEREAS, the ADA proposes the development of NORTH PALMS VILLAGE, a mixed-use commercial, office, hotel, and multi-family residential development located on a 124 acre site at the intersection of I-75 and C.R. 581 within the municipal boundaries of the City of Tampa, incorporated Hillsborough County; and

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

WHEREAS, the public notice requirements of Chapter 380, and Section 43A-302, City of Tampa Code have been satisfied; and

WHEREAS, the City Council has on December 22, 1988, held a duly noticed public hearing on the ADA and has heard and considered testimony and documents received thereon; and

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

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

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

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

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

- A. That the real property which is the subject of the ADA is legally described as set forth in Exhibit "B", attached hereto and by reference made a part hereof.

Certified as true
and correct copy.

- B. That the Developer submitted to the City an ADA which is attached hereto as a part of the composite Exhibit "A", and made a part hereof (including, but not limited to, commitments made by the Developer as set forth in Exhibit A-1 attached hereto), to the extent that it is not inconsistent with the terms and conditions of this Order.
- C. That the Developer proposes the development of NORTH PALMS VILLAGE, a mixed-use commercial, office, hotel, and multi-family residential development with a total site area of 124 acres, located at the intersection of I-75 and C.R. 581.
- D. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1988 Supp.).
- E. That the proposed development is consistent with the adopted local comprehensive plan and land development regulations.
- F. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.
- G. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.
- H. That this Order is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Section 380.06(15), Florida Statutes, (1988 Supp.).

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

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

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

- A. Substantial Deviations. Further review, pursuant to Chapter 380, shall be required if a substantial deviation, as defined in Section 380.06(19), Florida Statutes, (1988 Supp.) occurs. In addition to the criteria set forth in Section 380.06(19), Florida Statutes (1988 Supp.), a substantial deviation may occur by failure to comply with the conditions herein, failure to follow the commitments contained in Exhibit "A" (to the extent that such commitments are consistent

Certified as true
and correct copy.

with this Order), or by activities which are not commenced until after the expiration of the period of effectiveness of this Order. All changes to the Development Order and substantial deviation determinations shall be consistent with subsection 380.06(19) F.S. (1988 Supp.). The Developer shall be given due notice of, and an opportunity to be heard at any hearing to determine whether or not a proposed change to the development is a substantial deviation.

B. Annual Reports. The Developer shall submit annual reports on the DRI to the City, the TBRPC, the State Land Planning Agency, and other agencies as may be appropriate, on July 1, 1989, and on July 1st of each following year until such time as all terms and conditions of this Order are satisfied. The report shall be submitted on such forms as may from time to time be designated by the State. Such reports shall be submitted to the Director of HDC who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this Order and may issue further orders to insure compliance with the terms and conditions of this Order. The Developer shall be notified of any City Council hearing wherein such report is to be reviewed; provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms or conditions of this Order. The annual report shall contain the following information:

1. Changes in the plan of development, or representations contained in the ADA, or phasing for the reporting year and for the next year.
2. A summary comparison of development activity proposed and actually conducted for the reporting year;
3. Undeveloped tracts of land that have been sold to a separate entity or developer during the reporting year;
4. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year;
5. An assessment of the development's and local governments' compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;
6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
7. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.065(15) and (18), Florida Statutes (1988 Supp);
8. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(15)(f)(1), Florida Statutes (1987);

9. Hourly traffic counts for a 24-hour period taken at all established access points to public rights of way, as required by the City;
10. An indication of a change, if any, in local government jurisdiction for any portion of the development during the reporting year;
11. A list of significant local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;
12. An assessment of the effectiveness of TSM measures as described in Section C.7., below;
13. A map which designates areas to be preserved in accordance with Section F.1. below;

C. Transportation Conditions. The following conditions are established for purposes of mitigating impacts of this development on regional transportation facilities. Issuance of building permits by the City for the project shall require a determination by the City of compliance with the conditions set forth herein. The mitigation measures set forth hereafter may be implemented singly or in combination, subject to City approval which shall not be unreasonably withheld, to mitigate the impacts of this development, or any phase or subphase thereof on regional transportation facilities. The Developer shall notify the City and TBRPC of its election of any option hereunder prior to construction of each phase; provided that pipelining must be elected prior to building construction of Phase I. In addition to the mitigation measures set forth herein, Developer shall pay City of Tampa transportation impact fees, provided however that Developer shall receive credit against such impact fees for improvements constructed, right-of-way dedicated and/or cash contributed in accordance with law.

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

i. <u>Phase I-Specific Approval</u>	
Commercial	162,932 sq. ft.
Office	153,990 sq. ft.
Hotel	- 0 -
Multi-Family Residential	77 du's

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ii. <u>Phase II-Specific Approval</u>	
Commercial Office	81,466 sq. ft.
Hotel	91,010 sq. ft.
Multi-Family Residential	250 rooms
	310 du's

iii. <u>Phase III-Specific Approval</u>	
Commercial/Office/Hotel	162,932 sq. ft.
Office	370,930 sq. ft.
Hotel	250 rooms
Multi-Family Residential	297 du's

Land uses may be interchanged provided that such interchange shall be computed in accordance with the formula set forth in Exhibit "D".

4. The Developer shall have the option of proceeding with the development of any Phase or subphases of the project for which specific approval has been granted, under the conditions set forth in Sections C.4.a.-c. below, with respect to mitigating the project's transportation impacts. The Developer shall notify the City and TBRPC of its election of any option hereunder prior to construction of each phase; provided that election of pipelining must be made prior to building construction of Phase I. The mitigation measures set forth in 4.a.-c. below may be implemented singly or in combination subject to City approval which shall not be unreasonably withheld.

- a. Concurrency Option: It has been determined, based upon updated traffic counts, that an initial subphase referred to in Exhibit "C" as subphase I-A, and consisting of 40,244 square feet of retail commercial uses, 38,036 square feet of office uses, and 19 multi-family dwelling units, or other allowable mixes of use having the equivalent in terms of trip generation, may be constructed and occupied without consuming 5% or more of the peak hour LOS D peak capacity of any of the regionally significant roadways listed in Exhibit "C" and without the expected trips to be generated by construction of the initial subphase causing the roadways to operate below LOS D, peak hour.

- b. Staging: Under this option, funding commitments will be required for all regionally significant improvements necessary to accommodate the traffic impacts of a particular phase or subphase of development as listed in Exhibit "C" prior to the commencement of that particular phase or subphase of development. Due to this requirement of funding commitments, the Developer may elect to proceed on a subphasing basis under the square footage thresholds identified in Exhibit "C". For the purposes of this Order, the square footage thresholds in Exhibit "C" shall be computed with reference to building permits issued by the City. Prior to issuance of building permits beyond the square footage thresholds for subphase I-A, the improvements identified in Exhibit "C" as being associated with the square footage thresholds of the next succeeding subphase(s) for which

construction is sought must be the subject of funding commitments from responsible entities where those facilities are projected to operate below LOS D peak hour and the development would contribute five percent (5%) or more of the then existing LOS D peak hour capacity of the facility. Without funding commitments for these improvements, building permits shall not be issued where project construction (together with projected construction) would exceed the thresholds associated with improvements in Exhibit "C" for which there are no funding commitments. In the event of a stop order, a new Chapter 380 traffic analysis may be submitted to the City of Tampa, TBRPC, FDOT, and the MPO and shall include updated current traffic counts on all substantially affected regionally significant roadways, including, but not limited to those roadways listed on Exhibit "C" and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next portion of project development which the Developer is seeking to construct. Each updated traffic analysis shall serve to verify the findings of the traffic analysis done in the A.D.A. or shall indicate alternate transportation improvements which when implemented will maintain the substantially affected regionally significant roadways, including, but not limited to those roadways referenced in Exhibit "C" at Level of Service D peak hour. Both the traffic counts and the projections of traffic shall be prepared consistent with generally accepted traffic engineering practices and the methodology shall be determined at a traffic methodology meeting of all appropriate agencies. Alternatively, in the event of a stop order, and if permitted by the City at its sole discretion, Developer may attempt to demonstrate that the actual and projected traffic impacts of the project are such that development may proceed beyond the thresholds identified in Exhibit "C" while maintaining the above referenced levels of service on the substantially affected regionally significant roadway network. If Developer so demonstrates to the satisfaction of the City and TBRPC, then development may proceed to the extent that the above-referenced levels of service are maintained on the substantially affected regionally significant roadway network.

- c. Pipelining Option: Under this option, the Developer may elect under the circumstances set forth hereafter to either: (1) fund, design and construct intersection improvements to the intersection of C.R. 581 and Skipper Road consisting of a second southbound right turn lane, a second eastbound right turn lane, and traffic signal modifications (hereafter referred to as "Alternative A"); or, provided the City places the six-laning of a segment of C.R. 581 that includes the portion of C.R. 581 from the

main entrance to the North Palms Village project site to the I-75 Interchange on its 5-Year Transportation Capital Improvements Plan, (2) fund, design and construct C.R. 581 from a four-lane divided to a six-lane divided roadway from the main entrance to the North Palms Village project site to the I-75 Interchange (hereafter referred to as Alternative "B"); or (3) fund, design and construct one or more other improvements hereafter referred to as "Alternative C" in accordance with c.(3) below.

It is the intent of this option to permit the Developer to mitigate its development's impacts on the substantially affected regionally significant roadway network by adequately providing, in the manner set forth herein, for the public transportation facilities necessary to accommodate the traffic impacts of Phases I, II, and III of the development. The requirements set forth below have been determined to make adequate provision for, or to provide reasonable assurances of, the availability of the public transportation facilities necessary to accommodate the traffic impacts of Phases I, II, and III of the development. The requirements set forth below have further been determined to be consistent with City, TBRPC, DCA, FDOT and MPO policies and Rule 9J-2.0255, Florida Administrative Code.

For purposes of this Development Order, Developer's proportionate share of the costs of the transportation improvements necessary to accommodate the impacts of Phase I, II and III of the development, respectively, has been calculated as set forth in Exhibit "C-1" to be Three Hundred Forty Five Thousand Two Hundred and Twenty Eight Dollars and No Cents \$345,228.00 for Phases I, II and III (the "Proportionate Share Amount").

If the Pipelining Option is elected, Alternative A, Alternative B, or Alternative C shall be implemented subject to, and in accordance with, the terms and conditions set forth hereafter as follows:

(1) Alternative A: The Developer commits to fund, design and construct intersection improvements to the intersection of C.R. 581 and Skipper Road consisting of a second southbound right turn lane, a second eastbound right turn lane, and traffic signal modifications (the "Improvement"). The costs of designing and constructing Alternative A have been calculated to equal or exceed Developer's proportionate share of the costs of the transportation facilities necessary to accommodate the traffic impacts of Phases I, II and III of the development.

(2) Alternative B: In the event the City places on its 5-year Transportation Capital Improvements Plan, the six-laning of a segment of C.R. 581 that includes the

portion of C.R. 581 from the main entrance of the North Palms Village project site to the I-75 Interchange, the Developer, in lieu of Alternative A, may commit to fund, design and construct C.R. 581 from a four-lane divided to a six-lane divided roadway from the main entrance to the North Palms Village project site to the I-75 Interchange (the "Improvement"). The timing of the design and construction of the Improvement shall be consistent with the City's schedule for design and construction of the six-laning of the overall segment of C.R. 581 identified in the 5-year Transportation Capital Improvement Plan. The costs of the Improvement has been calculated to equal or exceed Developer's proportionate share of the costs of the transportation facilities necessary to accommodate the traffic impacts of Phases I, II and III of the development.

(3) Alternative C: In lieu of Alternatives A and B, the Developer may elect to fund, design and construct one or more of the transportation improvements set forth in Exhibit "C", or such other improvements as are concurred in by the City and TBRPC as constituting adequate pipeline mitigation for the development consistent with the rules and policies of TBRPC and DCA. Alternative C shall be implemented by development order amendment, the review and adoption of which shall not constitute a substantial deviation requiring further development-of-regional-impact review.

(4) Implementation of any pipelining alternative shall require that:

(i) The design shall be prepared in a manner normally used by the entity who will ultimately be responsible for the transportation improvements. The design shall be reviewed and approved, as appropriate, by FDOT, Hillsborough County, and the City, with final review and approval by the City prior to construction of such improvement;

(ii) Upon completion of the design, and approval by the appropriate responsible entity and the City, Developer or, where appropriate, the City shall secure all necessary permits. The City shall assist, where appropriate, the Developer in obtaining all permits, approvals, utility relocations, rights-of-way, and easements necessary to complete the improvement(s);

(iii) Upon completion of the design, and securing of necessary permits, rights-of-way and easements, Developer shall construct the improvement(s);

(iv) The design and construction shall be completed within 36 months of Developer's election of the pipelining option unless the time for completion is extended by the City with concurrence by TBRPC.

(v) If prior to commencement of construction of the improvement, it can be demonstrated that, for reasons beyond the Developer's control, it is impossible or impractical for Developer to complete the improvement, or that the costs of designing, and/or constructing the improvement being pipelined as mitigation for a particular phase(s) of the development exceeds Developer's total proportionate share amount for that particular subphase(s) or phase(s) of the development, Developer shall notify the City. The City shall expeditiously determine whether to make the additional funding commitments necessary to fully fund completion of the improvement. If the City elects to make the additional funding commitments, they shall enter into the appropriate agreements with Developer for completion of the improvement by the Developer using the remaining unexpended portion of Developer's proportionate share supplemented by the City's additional funding commitment. If the City determines not to make such funding commitment, or otherwise fails to secure such funding commitment, Developer may either: (1) complete the Improvements at its own expense; or (2) propose appropriate alternative roadway improvements, which, if concurred in by the entity having responsibility for the improvements, the City, and TBRPC pursuant to applicable laws, rules, and regulations, shall be pipelined pursuant to amendment of this Development Order, the review and adoption of which shall not constitute a substantial deviation requiring further development-of-regional-impact review. If the Developer has completed any portion of the improvement prior to notification of the City, the amount of money required to be pipelined to alternative roadway improvements shall be reduced by the reasonable costs of the portion of the improvement completed to the extent that the City and TBRPC determine that such portion actually provides a discrete, useable element of the design and/or construction of an improvement.

(5) Construction Damage. The Developer shall be responsible for reimbursing the responsible entity for repair, rehabilitation, and/or restoration of public roads damaged beyond normal wear and tear by construction equipment traveling to and from the Project to a condition the same or similar to that projected exclusive of the impact of such construction activities. The City's Transportation Division will perform detailed evaluations of street conditions immediately prior to, during, and immediately upon completion of construction. Damage to pavement beyond normal wear and tear which the City demonstrates is directly attributable to the project's construction activities will form the basis for determining Developer's proportionate share of pavement repair, restoration and/or rehabilitation costs attributable to damage

caused by the Project's construction activities.

5. Non-Performance. Notwithstanding the foregoing, in the event that the performance by the Developer or City of the commitments set forth in Sections C.4.a.-c. shall be interrupted or delayed by any occurrence, and not occasioned by its conduct, whether such occurrence be an act of God or the result of war, riot, or civil commotion, then it shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to ready the effects thereof.

6. Transit. In order to adequately mitigate the project's impacts on transit facilities and services, the following requirements shall be met:

- a. Access and internal road geometrics shall accommodate a 96" wide by forty (40) foot long advanced design coach.
- b. Prior to receipt of the first certificate of occupancy for Phase II of the development, the Developer shall provide a bus shelter and bus pullout bay to serve the commercial component of the project. The location of this shelter is to be agreed upon by the Hillsborough Area Rapid Transit Authority ("HART") and the Developer prior to final site plan approval. The shelter shall be located so as to be reasonably accessible via pedestrian walkways/crosswalks. Sufficient area, lighting and appropriate signage shall be provided at the shelter location.

Prior to receipt of a certificate of occupancy for the 400th multi-family dwelling unit, the Developer shall provide a bus shelter to serve the residential component of this site. The location of this shelter is to be agreed upon by HART and the Developer prior to site plan approval for the multi-family component of the Project.

- c. Prior to site plan approval of each phase the Developer and HART shall agree to placement of bus stops within the project. Prior to receipt of certificates of occupancy, the Developer shall install informational displays at each site.
- d. Maintenance of transit amenities shall be the responsibility of the property owner, unless specifically assumed by another responsible entity.
- e. The Developer shall provide handicapped parking facilities as close as possible to bus stops and shelters.

The Developer, in coordination with HART, will monitor transit usage on the site in order to establish compliance with transit rates estimated in the ADA and shall report the findings in the annual report.

7. TSM Plan. Within one (1) year from the issuance of the first certificate of occupancy, the

Developer shall prepare and submit to the City, TBRPC, TUATS, FDOT, and HART, a plan of Transportation Systems Management ("TSM") measures to be implemented for the project or portions thereof. The plan shall set forth objectives for the reduction of total peak hour trips being generated by project uses as estimated in the ADA, and shall set forth strategies for accomplishing those objectives, considering the following as a minimum:

- a. worker flex time;
- b. ride sharing;
- c. provision of transit facilities and programs to encourage transit ridership; and
- d. other appropriate trip diversion measures.

Each annual report for the project after the issuance of first certificates of occupancy for Phase II of the development shall include an assessment of the actual achievement of peak hour trip diversion as a result of these TSM measures.

8. North Tampa Transportation Study. The North Tampa Transportation Study, has been initiated for an area which includes the project. The Study will provide the opportunity for participation by the FDOT, TBRPC, Hillsborough County, and Pasco County, and has provided the opportunity for the participation of developers in the study area. The study includes, but is not limited to:

- a. an inventory of regionally significant roadways in the study area which identifies the existing, programmed, and/or proposed facilities for each roadway;
- b. an inventory of existing, approved, and projected development in the study area;
- c. estimates of future traffic on regionally significant roadways;
- d. an assessment of existing roadway operating conditions and an estimate of future operating conditions of regionally significant roadways;
- e. identification of goals, objectives, and strategies for maintaining or achieving desirable operating conditions on the regionally significant roadways, including specific proposals for reducing traffic demands on the roadway system and/or for increasing systems capacity through roadway improvement, new roadway construction, or operational techniques, as appropriate; and
- f. proposals for implementing the above strategies, including identification of funding sources and mechanisms.

The study is being conducted consistent with accepted professional traffic planning and engineering practices and methods. Standards and assumptions used in the study area are described

in the study document. The study findings and recommendations may serve as a basis for the Developer or City to request amendments to this Order.

9. Site Access. The City, in conjunction with Hillsborough County, has conducted a signal phasing study along C.R. 581 to determine the appropriate type and location of ingress and egress along C.R. 581 in the vicinity of the Project. The study indicates that full ingress and egress for the Project (i.e. left turns in southbound and left turns out westbound) along C.R. 581 can be safely and adequately provided at a location which aligns with the existing approved ingress and egress of the Tampa Technology Park development, as depicted on the site plan adopted as part of the approval of City of Tampa Rezoning Petition No. Z88-52.

10. Traffic Reanalysis. In the event that future roadways, site accesses or other improvements, to which traffic from this project has been assigned, are not built as assumed in the methodology used for this analysis, a new site specific analysis and traffic reassignment shall be required, as appropriate.

- D. Air Quality. The measures to reduce erosion, fugitive dust, and air emissions referenced on page 52 of the ADA shall be required.

- E. Hurricane Evacuation. The Developer shall discuss and coordinate with the appropriate public authorities, the feasibility of the use of proposed hotels or other project facilities for hurricane shelters. A report on these discussions shall be submitted in the first annual report following the issuance of the first Certificate of Occupancy.

- F. Preservation and Conservation Areas.

1. The centrally located hardwood habitats designated "other hardwoods" within the southern portion of the site and portions of two other habitats designated "other hardwoods" as depicted in Exhibit "E" shall be preserved pursuant to City of Tampa, and Hillsborough County Environmental Protection Commission wetland protection and landscaping rules and regulations.
2. The Developer's final PD site plan shall designate and map preservation and conservation areas as defined in TBRPC's Future of the Region, 10.1.2 and 10.1.3. and consistent with the ADA, except as permitted in an approved wetlands mitigation plan.
3. The Developer agrees to maintain (except as permitted in an approved wetlands mitigation plan) a building, grade finish, parking, and roadway setback of thirty (30) feet from wetlands, including the trees and understory located therein. Wetland mitigation shall be in-kind at a ratio of 1:1. This Section shall not be construed to prohibit the construction, operation, and maintenance of stormwater management systems within the applicable setbacks. Linear park and recreational facilities including pedestrian walkways, boardwalks, nature trails, bike paths,

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jogging or fitness trails, and par courses may be located within the thirty-foot wetland buffer, provided that an area equal to that occupied by such facilities is added to the buffer. All linear facilities located within wetland buffers shall be composed of permeable materials. Construction of stormwater management systems and linear park and recreational facilities shall require the approval of the City of Tampa Board of Review. Applications to the Board shall include concurrent submission for master drainage and individual drainage plans addressing the appropriate drainage facilities, including sumps, outfalls and easements.

4. Prior to site clearing or construction, all appropriate environmental permits and agreements will be obtained from the City, and all other governmental agencies having jurisdiction. Wetlands shall not be logged or timbered. Uplands may be logged or timbered provided appropriate permits are first obtained.
5. All lots shall be designed and platted such that parcel development and final buildout will not result in any encroachment into the wetland setback area.
6. The stormwater management system will be designed to maintain the viability of the isolated wetlands. Drainage outfall structures shall be located so as to minimize environmental impacts.
7. Unless permitted by governmental agencies having permitting jurisdiction, no dredging, filling or development activities shall occur within preservation or conservation areas.
8. All lake excavation shall occur from the inside of the lake outward.

G. Drainage.

1. Prior to the issuance of any building or grading permits, or submittal of plats or construction drawings, a Master Drainage Plan for the project shall be submitted to the City, EPC and SWFWMD for approval. Prior to the issuance of any building permits, detailed drainage plans for the appropriate sections of the Master Drainage System will be submitted to the City for approval.
2. To protect water quality, the project drainage plan shall include the following parameters:
 - a. the Developer or its successors and assigns shall implement a street cleaning program for parking and roadway areas within the project;
 - b. the drainage system shall be designed to provide filtration/assimilation treatment for the first "flush" of runoff generated from the site as required by Chapters 17-25, 40D-4 and 40D-40, Florida Administrative Code. The drainage system shall be designed so that the post-development peak flows for the 25-year, 24-hour storm shall not exceed pre-development peak flows for the 25-year, 24-hour storm;

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c. the proposed retention/detention wetland systems shall be designed, constructed, and maintained pursuant to applicable laws, rules and regulations of the City and of appropriate regulatory agencies; and

3. In the absence of the dedication to, and acceptance by the City of specific drainage facilities, the Developer, its successors or assigns, shall be the responsible entity for the maintenance of the on-site stormwater management systems.

4. Drainage design guidelines and/or development controls for construction activities shall be prepared by the Developer and reviewed by the City for use in an effort to control erosion during construction.

H. Wildlife. In the event that any species listed in Sections 39-27.03-.05, Florida Administrative Code are observed frequenting the site for nesting, feeding or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.

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

J. Energy.

1. The Developer will cooperate with the Tampa Electric Company, the supplier of electrical power to the project, during the development of a detailed site and landscaping plan to facilitate substation placement, easements, and rights of way relative to the development site.

2. The energy conservation measures referenced in the ADA on pages 138 and 139 are incorporated herein.

3. In addition to the use of landscaping as a means of energy conservation, the Developer or its successors and assigns shall:

a. encourage Individual Tenants to designate a member of their staffs as an energy officer for the facility in question to conduct energy audits, establish energy policies, and monitor energy use and conservation;

b. initiate programs to promote energy conservation by Individual Tenants, their employees, buyers, and suppliers;

c. encourage Individual Tenants to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to initiate recycling programs;

d. encourage the use of energy efficient cooling, heating, and lighting systems;

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- e. encourage Individual Tenants to install energy conservation features such as waste heat recovery or solar power systems where feasible;
- f. encourage Individual Tenants to use the most energy efficient technology economically feasible in the construction and operation of their facilities; and
- g. encourage Individual Tenants to use life-cycle costing in evaluating energy conservation effectiveness.

K. Solid Waste. The total daily generation of solid waste from the commencement of construction through build-out and operation of Phase I of the project as referenced in the ADA will be accepted by Hillsborough County or as otherwise directed by the City. Adequate assurances of solid waste collection and disposal capacity shall be provided prior to construction of Phase II and III of the Project. No solid waste shall be permanently stored or disposed of onsite.

L. Hazardous Substances.

1. The Developer shall provide to all NORTH PALMS VILLAGE businesses, information that hazardous wastes are to be stored or disposed of in accordance with applicable statutes and regulations regarding hazardous wastes and materials.
2. Small quantity generators of hazardous wastes as defined by applicable Federal and State regulations, shall obtain USEPA identification numbers.
3. Each annual report shall include a list of all on-site hazardous waste generators and handlers which have obtained EPA numbers, the types and quantities of wastes produced and stored and where such wastes are to be disposed of.
4. Large quantity generators of hazardous wastes, and manufacturers of hazardous substances, as defined by applicable Federal and State regulations shall be prohibited within NORTH PALMS VILLAGE.
5. The Developer, through restrictive lease agreements or covenants, shall provide for prohibition against transport and disposal by tenants and purchasers of any hazardous waste in a manner inconsistent with applicable laws, rules, and regulations.
6. Any NORTH PALMS VILLAGE tenants that generate hazardous waste shall re-evaluate their waste streams to determine whether the quantity of waste can be reduced, or if other raw materials can be substituted in the process that may render the waste non-hazardous. Such re-evaluations shall be reported in each annual report for the development on a schedule outlined in the Development Order.
7. Underground storage of hazardous wastes onsite shall be prohibited.

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M. Wastewater. Wastewater service to the project will be supplied by the City, as described in the Department of Sanitary Sewers' letter November 18, 1986, at the standard charges for wastewater service. The Developer shall be responsible for the pre-treatment necessary to ensure that all wastewater flows from the project to the wastewater system meet domestic wastewater characteristics. Connection fees, grants-in-aid-of-construction for offsite improvements to the wastewater system necessitated by this development shall be assumed by the Developer, its successors or assigns, when assessed by the City, as project plans near finalization, all in accordance with established City policies and regulations. Any extension or expansion of transmission or distribution facilities necessary to serve the project shall be the Developer's responsibility.

N. Water Supply.

1. The total daily water requirements from the commencement of construction through the build-out of the project as referenced in the ADA will be supplied by the City at the standard charges for water service as described in the Water Department's letter dated November 7, 1986. Connection fees, installation charges, and if applicable, grants-in-aid-of construction for off-site improvements to the water system necessitated by this development shall be assumed by the Developer, its successors or assigns, when assessed by the City as project plans near final, all in accordance with established City policies and regulations. With the exception of the pipelines from the City wellsite to the water treatment plant, as described below, the extension or expansion of transmission or distribution systems necessary to serve the project shall be the responsibility of the Developer. The Developer shall reserve a potable water wellsite, together with any necessary water main easements, to be mutually agreed upon by Developer and the City, of a size not to exceed 2 mgd and at a location on the property in proximity to the Morris Bridge treatment plant. The City shall be responsible for constructing said well and any necessary appurtenances, including pipelines from the wellsite to the water treatment plant.
2. The Developer shall develop a plan for the use of non-potable water for landscape and open space irrigation, including stormwater usage and pumping from shallow wells not requiring consumptive use permits.
3. The Developer, its successors or assign, shall be responsible for installation, maintenance, and operation of any non-potable on-site wells.
4. Water saving methods and fixtures shall be incorporated into the project's design and construction guidelines to the extent mandated by Section 533.14, Florida Statutes (1987).
5. Fire flows, sufficient numbers of fire hydrants, and properly sized water mains shall be provided to the development in accordance with City laws, rules, and regulations. Except for construction of the City's wellsite and any necessary appurtenances needed as part of the wellsite as

provided in N.1. above, the Developer shall be responsible for the costs of any water distribution facilities necessary to ensure adequate fire protection to the Project.

6. Internal water distribution facilities not located within public rights-of-way or public easements shall be maintained by the Developer, owner, or its successors or assigns.

7. A twenty (20) foot building setback shall be maintained from the property lines of the Morris Bridge Water Treatment Plant site.

8. No individual private wells requiring consumptive use permits shall be permitted without approval from the City of Tampa Water Department.

0. Parks and Recreation.

1. The Developer shall make adequate provision for the parks and recreational facilities necessary to accommodate the impacts of the Project either by payment of a \$109.00 per multi-family residential unit fee at the time of the issuance of certificate of occupancy for such residential unit; or by providing .008 acres per multi-family unit of private or public park and recreational open space and/or facilities on-site; or by a combination of thereof providing equal or greater mitigation of park and recreational impacts. By making the adequate provision set forth herein, the Developer shall be deemed to have fully and completely mitigated the impacts of the Project on public park and recreational facilities and services.

2. The following criteria shall be used to determine whether park and recreational open space and/or facilities provided on-site shall be credited against the park and recreation mitigation requirements set forth in 0.1 above:

- a. The land must be useable upland, open to the public at no charge, and posted at a visible location with a sign similar to those normally used by the City Parks Department stating "Public Park."
- b. Swampland, wetland setback areas, conservation and preservation areas, fully enclosed areas, retention/detention ponds and lakes, golf courses, and sidewalks shall not be creditable.
- c. Asphalt or concrete bike paths, including those located in streets, exhibiting a picture of a bike every 1,000 linear feet shall be creditable if the bike path is a minimum of 8 feet in width.
- d. Nature trails, including boardwalks of at least fifteen feet in width located in wetlands or wetland buffers shall be creditable provided that the trail is open to the public, free of charge, and contains a minimum of one interpretive sign per 100 linear feet.

e. Jogging, fitness trails, or par courses with stations posted with signage shall be creditable.

f. The costs of providing on-site public park and recreational facilities shall be creditable to the extent such costs are commensurate with the costs the City would reasonably expect to incur in providing the same or similar facilities.

P. Schools. The Developer shall make adequate provision for the public school facilities and services necessary to accommodate the impacts of the Project by payment of a Thirty-Two Dollars and Sixty Cents (\$32.60) per multi-family residential unit fee payable at the time of issuance of the certificate of occupancy for such residential unit. By making the adequate provision set forth herein, the Developer shall be deemed to have fully and completely mitigated the impacts of the Project on public school facilities and services.

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

R. Maintenance of Open Space. The Developer, its successors or assigns, shall be the responsible entities for the maintenance of all open space areas of the project site including park and recreational areas. Specifically, the Developer or its successors and assigns, shall maintain open space in the project's common areas. Individual Tenants shall maintain open space systems on their respective sites.

S. Effect of Approval. Specific approval for the Phases I, II and III development as requested in the ADA subject to the conditions contained in this Order is hereby granted.

T. Credits Against Local Impact Fees and Exactions. To the extent that the Developer, or its successors, or assigns are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer, or its successors or assigns are also subject by City ordinance to impact fees or exactions to meet the same needs, the City shall establish and implement a procedure for crediting, and shall credit that development order exaction or fee toward the impact fee or exaction imposed by City ordinance for the same need in accordance with such procedures. If the City imposes or increases an impact fee or exaction by ordinance after issuance of this Development Order, the Developer, its successors or assigns may petition the City, and the City shall modify the affected provisions of this development order to give the Developer, or its successors or assigns credit for any contribution of land for a public facility, or construction, expansion or contribution of funds for land acquisition or construction or expansion of a public facility, or a portion thereof, required by the Development Order toward an impact fee or exaction for the same need. This section does not apply to internal, on-site facilities required by local regulations or to any off-site facilities to the extent such facilities are

necessary to provide safe and adequate services to the development.

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

Section 6. Terms. That the term "Developer" as used in this Order is deemed to mean Robert E. Woolley/Florida, Inc., W/S Joint Venture Partnership, the owner of the project property, its successors, or assigns and that the term "Individual Tenants" is deemed to mean those entities which purchase or lease land in the project and/or build buildings in the project (e.g., the Developer may also be an Individual Tenant), and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, Individual Tenants, and any subsequently created condominiums or merchants' association.

Section 7. Commencement of Development. That Development of the Project shall commence by January 1, 1990, unless the time period for commencement is extended by the City.

Section 8. Expiration of Development Order. That this Order shall remain in effect for a period of eleven (11) years from the date upon which this Order becomes final and the appeal period has ended. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed, if approved. This Order may be extended by City Council on the finding of excusable delay in any proposed development activity.

Section 9. Downzoning/Intensity Reduction. That prior to eight (8) years from the date upon which this Order becomes final and the appeal period has ended, the City may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that:

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

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

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development regulations which decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order. The inclusion of this Section 8 is not to be construed as evidencing any present foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes (1988 Supp.). A change in the land use plan category applicable to the North Palms Village project which authorizes the intensities and densities of use approved herein shall not constitute a "down-zone".

Section 10. Resubmittal as Areawide DRI. Notwithstanding this Order, the Developer, at its sole option, may resubmit this

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project for review and approval under any Area Wide Application for Development Approval, pursuant to Florida Statutes, Subsection 380.06(25), as amended, if such application encompasses the development site. Any impacts assessed and satisfied pursuant to this Order shall be considered and credited to the Developer's obligations under any such Area Wide Development Order.

Section 11. Effect of Development Order on Successors and Assigns. That this Order shall be binding upon the Developer, its assigns, or successors-in-interest.

Section 12. Compliance with Local Land Development Regulations. All development undertaken pursuant to this Order shall be in accordance with all applicable local codes, and ordinances in effect at the time of permitting; provided, however, that this section shall not be construed as waiver of Developer's rights at law or equity which may vest in conjunction with the adoption of, or pursuant to, this Development Order. Additionally, the Developer has elected to be bound by the rules adopted pursuant to chapters 403 and 373, Florida Statutes, in effect at the time of adoption of this Development Order. Accordingly, all applications for permits pursuant to those chapters and which are necessary for, and consistent with, the development authorized by this Development Order shall be subject to the rules adopted pursuant to chapters 403 and 373, Florida Statutes, in effect at the time of issuance of this Development Order.

Section 13. Responsibility for Monitoring. That the Director of HDC is responsible for insuring compliance with this Order and the receipt of the Developer's contributions required in Section C.4.e. above. Monitoring shall be accomplished by review of the Annual Report, Building Permits, Certificates of Occupancy, Plats, if applicable, and by on-site observations.

Section 14. Reference to Governmental Agencies. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Order.

Section 15. Directions to Clerk. That this City Clerk is hereby directed to send certified copies of this Order, within five (5) days of the effective date of this Ordinance, to the Developer, the Florida Department of Community Affairs, and the TBRPC.

Section 16. Rendering of Development Order. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 17. Recordation of Notice of Adoption. That the Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380 and shall furnish the City Clerk a copy of the recorded notice.

Section 18. Effective Date. That this Ordinance shall take effect immediately upon becoming a law, and a copy hereof shall be posted on the bulletin board in the hall of the first floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

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

JAN 05 1989

Lee S. Suncand
CHAIRMAN, CITY COUNCIL

ATTEST:

Frances Henriquez

CITY CLERK

APPROVED by me on JAN 06 1989

Sandra W. Freeman
MAYOR

Prepared and Approved by:

Lina R. Guino
CITY ATTORNEY

state of Florida)
County of Hillsborough)

This is to certify that the foregoing is a
true and correct copy of Ordinance # 89-10
on file in my office.

Witness my hand and official seal this 10th day

of Jan., 1989. FRANCES HENRIQUEZ, CITY CLERK

By [Signature]
CITY CLERK.

DRI #160

NORTH PALMS VILLAGE

DEVELOPER COMMITMENTS

The following are developer commitments set forth in the Application for Development Approval (ADA) and Sufficiency Responses which shall be honored by the developer, except as they may be superceded by specific terms of the Development Order.

General Project Description

1. North Palms Village will not contain any warehousing and light industrial activities. (SRI, 26)*
2. The Master Development Plan will be modified to eliminate the southern ingress/egress located adjacent to the Morris Bridge Water Treatment Plant. (SRII)

ENVIRONMENTAL AND NATURAL RESOURCES

Land

1. Measures will be taken to minimize construction-induced erosion, including staked hay bale barriers, siltation screens, and water truck spraying, sedimentation ponds, berms and quick sodding. (ADA, 52)

Water

1. A ground water monitoring program will be implemented should any future tenant generate industrial or hazardous waste. (ADA, 56; SRI, 3)
2. Surface water will be treated in the designated detention areas and interconnected grass swale systems. (ADA, 57)
3. The existing clay confining beds will remain intact and prevent direct recharge of the Floridan aquifer. (ADA, 57)

Wetlands

1. All appropriate permits will be obtained from the Army Corps of Engineers, if required. (ADA, 13)
2. All appropriate permits will be obtained from the Florida Department of Environmental Regulation, if required. (ADA, 13)

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3. The stormwater runoff treatment system will employ grease baffles and sumps prior to and in conjunction with the treatment afforded by the natural wetlands. (ADA, 61)
4. A continuous cordon of survey ribbon will be placed around each wetland in order to call out to contractors the location of the wetland. Rows of continuous staked hay bales will be placed parallel to the toe of the fill slope for each of the five roadway-related encroachments. (ADA, 62)
5. Other than five minor road-related encroachments and direct discharges of stormwater, all of the tracts of wetlands will be preserved in their existing states. (ADA, 72)
6. The few detention ponds constructed away from existing wetlands will be designed to have positive outfall to existing wetlands. (SRI, 15)
7. Buffer zones around wetlands and mitigation areas will be provided in accordance with applicable regulations. (SRI, 16)
8. Several techniques, including quick sodding, hay bales in staked rows, and turbidity screens, will be used to prevent construction activity from degrading the natural wetlands, buffer zones and mitigation areas. (SRI, 16)
9. Control structures will be designed to prevent further water elevations and/or hydroperiod changes to any of the tract's wetlands. (SRI, 16)
10. The elevation of each drainage control structure will be engineered in a manner that mimics and maintains the rainy season normal pool and normal high water elevations while allowing the water level to fluctuate between them. (SRI, 17)
11. The borrow pit will be filled with construction grade fill. (SRI, 41)
12. The proposed detention ponds and existing wetlands will be hydraulically equalized and will jointly serve to treat stormwater runoff. (SRI, 15)
13. Detention ponds will occur within some of the buffer areas and will serve to buffer much of the existing wetlands. (SRI, 16)
14. Understory and overstory strata will be left intact in the site's wetlands except in areas of roadway encroachment. (SRI, 17)

Floodplain

Areas west of the SWFWMD levee do not presently experience localized flooding and will not in the future since present flow patterns and water levels will be maintained. (SRI, 42)

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Vegetation and Wildlife

1. Development will be in compliance with all applicable tree removal, site clearing, and landscape ordinances. (SRU, 32)
2. Upland habitat tracts will be provided around the existing wetlands in accordance with environmental/landscaping regulations. (SRU, 42)
3. Large portions of the pine flatwoods and oak hammock communities occur immediately adjacent to existing wetlands and will be maintained as required by landscape regulations. (SRU, 17)
4. Nearly all of the centrally located "other hardwoods" in the southern half of the site will be preserved. Portions of two other "other hardwoods" areas will be preserved as required by landscaping/environmental regulations. Approximately one half of the total acreage of this community type will be preserved as wetlands and wetland buffers. (SRU, 33)

PUBLIC FACILITIES

Economy

1. An annual ad valorem tax yield of \$2,418,620 will be generated by the project. (ADA, 86)

Wastewater Management

1. All wastewater flows generated by this project will be domestic. No industrial effluent or special wastewater characteristics are anticipated to be generated. (ADA, 114)
2. No septic tanks will be utilized within the project. (ADA, 116)

Drainage

1. Treatment of stormwater runoff will be provided on-site.
 - Approximately 41.2 acres of the total site will serve as preservation and stormwater detention areas. (SRU, 30)
 - Discharge from the detention areas will be controlled by a system of stormwater controls. The outlet control structures will be designed to limit the 25-year peak rate of discharge from the post-development rate, unless a greater discharge is permitted. They will also be designed with the capability of safely discharging the peak runoff from the 100-year storm event.
 - A filtration system will be used in conjunction with the outlet control structures, consisting of wet-bottom ponds, biological assimilation and existing wetlands.

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- Mitigation for wetlands will be provided only for the previously identified areas where conservation is not feasible. (ADA, 120)
 - Swale sections will be utilized to convey stormwater runoff wherever feasible, and storm sewer systems will be used to collect and convey stormwater runoff in parking and roadway areas. (ADA, 121)
2. The water outlet control structures within the detention areas will be designed to intercept the runoff from an inch of rainfall as required by 17-25, FAC. (ADA, 123)
 3. The drainage system will be operated and maintained by the owner or its successors or assigns. (ADA, 124)
 4. On-site flows will enter the site by way of existing culverts or sheet flow. The flows will be conveyed to wetland and/or retention ponds in conjunction with on-site retention ponds in conjunction with on-site developed runoff. The combined flows will be accommodated by an extensive inter-connection system of ponds for first-flush filtration. The discharge rate at the levee culverts will not exceed the pre-developed 25-year, 24-hour storm. (SRI, 51)
 5. The normal hydroperiods of the wetlands will be maintained by placing the outlet structure, if any, above the predetermined required water level. Or, it will be maintained by allowing the greater volume of developed runoff to be collected in the wetlands and filtered out by natural percolation. (SRI, 51)
 6. Compensating storage volumes and mitigated wetlands will be incorporated into the Master Drainage Plan of the proposed development. The existing characteristics of upstream flows will be maintained and allowed passage through the development without hindrance to its natural flow path. Existing conveyance points and discharge rates will be maintained. (SRI, 8)
 7. All stormwater conveyance systems for right-of-way runoff will be designed to handle the discharge from a 5-year storm event. (SRI, 7)

Water Supply

1. No special water quality characteristics are anticipated to be required for this development. (ADA, 127)
2. Projected water demands are based on the use of water conservation fixtures, including restricted orifice flow shower head and low volume water closets throughout the development. (ADA, 127; SRI, 51)
3. The distribution system which will provide water to the development will be designed to provide 2,000 gallons per minute (gpm) fire flow at 20 psi residual pressure during maximum hour demand period for the

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water supply system. (ADA, 127)

4. Maintenance of internal water distribution facilities not located within proposed public rights-of-way or easements will be the responsibility of the developer or owner or successors in interest. (ADA, 129)
5. The developer will be required to meet applicable codes pertaining to building construction to accomplish adequate water pressure and flows for fire fighting. (ADA, 130)

Solid Waste

1. No hazardous solid waste is anticipated to be generated by this industrial development. (ADA, 132)
2. There will be no on-site waste disposal. (ADA, 134)
3. If at a future time hazardous wastes are produced on the site, the developer will advise tenants of State statutes regarding hazardous materials. He will encourage adherence to all applicable regulations. (SRI, 22)

Energy

1. Tenants and property owners will be provided letters from the property manager identifying the need for energy conservation measures. (ADA, 139)

Recreation and Open Space

1. Some 41.2 acres will remain as open space, including stormwater detention, wetland preservation area, and mitigation/open space. These areas will be preserved or created to maintain and enhance the environmental quality of the site. (ADA, 147; SRI, 30)
2. North Palms Village will work in cooperation with SWFWMD to preserve and enhance recreation opportunities provided in the SWFWMD-owned 17,000 acre tract along Trout Creek. (ADA, 147)
3. Any recreation facilities provided for the residents of the multi-family housing will be maintained by the owners and their agents. (ADA, 149)

Police

1. On-site security personnel will be employed. A separate contingent of security personnel will be assigned to each individual land use. (ADA, 152)

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Fire

1. Fire protection capabilities will be designed into the proposed water distribution system, capable of pumping 2,000 gpm during peak use periods. (ADA, 155)
 2. Access road and internal road geometrics shall accommodate a 40-foot long, 8-foot wide bus. Right-turn radii if not less than 25 feet or roadways/driveways not less than 24 feet in width will be provided where transit service is desired. (ADA, 206)

Shelters and pull-out bays along the transit routes within the site will also be provided and included in the site plan. Accessibility to the shelters will be provided by on-site sidewalks. Appropriate signing and lighting will be provided by the developer at shelters. (ADA, 206)
 3. HART personnel will be part of the review process.
 - Developer proposes to provide handicapped parking facilities as close as possible to bus stops or shelters.
 - Developer in conjunction with HART will monitor transit usage on site as part of the monitoring process required of all DRI's.
 - Through its impact fees, developer will contribute funds for transit subsidization.
 - Developer plans to provide sidewalks between multi-family and commercial sections and between commercial and office sections of the project. (ADA, 206-207)
- SRI = First Sufficiency Response, dated October 30, 1987
- SRII = Second Sufficiency Response, dated January 19, 1988
- ADA = Application for Development Approval

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LEGAL DESCRIPTION

A parcel of land lying in Southwest 1/4 of Section 13, and North 1/2 of Section 23 and the North 1/2 of Section 24, Township 27 South, Range 19 East, Hillsborough County, Florida and lying Southeast of State Road No. 581 being more particularly described as follows:

Begin at the Southeast corner of the North 1/2 of said Section 23; thence North 89 degrees 31' 13" West along the South boundary of said North 1/2 of Section 23, a distance of 2186.22 feet to the Southeasterly right-of-way boundary of said State Road No. 581; thence North 41 degrees 45' 28" East, along said Southeasterly right-of-way boundary 5955.96 feet; thence South 07 degrees 52' 55" East, 806.16 feet; thence South 27 degrees 19' 16" West, 2648.67 feet; thence South 00 degrees 11' 19" East, 1315.60 feet to the Southerly boundary of said North 1/2 of Section 24; thence North 89 degrees 28' 42" West along said Southerly boundary, 679.56 feet to the POINT OF BEGINNING.

Said parcel contains 144.54 Acres more or less.

The above parcel of land is subject to a drainage easement described as follows:

COMMENCE at the Southwest corner of said Section 13; thence South 89 degrees 50' 26" East along the Southerly boundary of said Section 13 a distance of 133.72 feet to the Southeasterly right-of-way boundary of State Road No. 581; thence North 41 degrees 45' 28" East along said boundary, 649.12 feet for a POINT OF BEGINNING; thence continue North 41 degrees 45' 28" East along Southeasterly boundary, 46.61 feet; thence South 17 degrees 21' 32" East, 161.96 feet; thence South 72 degrees 38' 28" West, 40.00 feet; thence North 17 degrees 21' 32" West, 138.04 feet to the POINT OF BEGINNING.

LESS

DESCRIPTION: (Part of Proposed Ramp "A")

That part of the North 1/2 of Section 23, Township 27 South, Range 19 East, less that part lying within 100 feet each side of the survey line for State Road S-581, Section 10590.

Lying within the following described boundaries, to-wit:

BEGIN on the South boundary of the North 1/2 of Section 23, Township 27 South, Range 19 East, at a point 1,125.66 feet, North 89 degrees 31' 13" West of the Southeast corner of the North 1/2 of said Section 23; thence run North 01 degrees 49' 37" West, 72.90 feet; thence North 01 degrees 59' 14" East, 701.33 feet to the beginning of a curve concave to the Easterly, having a radius of 1,051.92 feet; thence run Northerly 688.11 feet on said curve through a central angle of 37 degrees 28' 48" to the end of said

curve; thence North 39 degrees 28' 02" East, 408.50 feet; thence North 41 degrees 45' 28" East, 298.05 feet; thence North 48 degrees 14' 32" West, 38.00 feet to a point on the South boundary of the existing right-of-way of State Road S-581; thence South 41 degrees 45' 28" West along the South boundary of said right-of-way for 2,627.56 feet; thence South 89 degrees 31' 13" East, 1,058.92 feet to the POINT OF BEGINNING.

Containing 16.421 acres more or less.

AND LESS

DESCRIPTION: (Part of Proposed Frontage Road "A")

The North 1/2 of Section 23, Township 27 South, Range 19 East, less that part lying within 100 feet each side of the survey line for State Road S-581.

Lying within the following described boundaries, to-wit:

BEGIN on the South boundary of the North 1/2 of Section 23; Township 27 South, Range 19 East, at a point 1,045.60 feet North 89 degrees 31' 13" West of the Southeast corner of the North 1/2 of said Section 23; thence run North 89 degrees 31' 13" West 80.06 feet; thence North 01 degrees 49' 37" West, 72.90 feet; thence North 01 degrees 59' 14" East 701.33 feet to the beginning of a curve concave to the Easterly, having a radius of 1051.92 feet; thence run Northerly 688.11 feet on said curve through a central angle of 37 degrees 28' 48" to the end of said curve; thence North 39 degrees 28' 02" East, 408.50 feet; thence North 41 degrees 45' 28" East, 298.05 feet; thence North 48 degrees 14' 32" West, 38.00 feet to a point on the South boundary of the existing right-of-way of State Road S-581; thence North 41 degrees 45' 28" East along the South boundary of said-right-of-way for 90.00 feet; thence South 48 degrees 14' 32" East, 3.00 feet to the beginning of a curve concave to the Westerly, having a radius of 115.00 feet; thence run Southerly 180.64 feet on said curve through a central angle of 90 degrees 00' 00" to the end of said curve; thence South 41 degrees 45' 28" West, 214.99 feet to the beginning of a curve concave to the Southeasterly and having a radius of 2,824.79 feet; thence Southerly 112.92 feet along said curve through a central angle of 02 degrees 17' 26" to the end of said curve; thence South 39 degrees 28' 02" West, 350.44 feet to the beginning of a curve concave to the Easterly, having a radius of 971.92 feet; thence Southerly 635.78 feet on said curve through a central angle of 37 degrees 28' 48" to the end of said curve; thence South 01 degrees 59' 14" West, 698.67 feet; thence South 01 degrees 49' 37" East, 73.47 feet to the POINT OF BEGINNING.

Containing 4.109 acres more or less.

EXHIBIT C

SQUARE FOOTAGE THRESHOLDS FOR REGIONALLY SIGNIFICANT

IMPROVEMENTS

<u>IMPROVEMENT</u>	<u>SUBPHASE</u>	<u>DEVELOPMENT</u>
CR 581: Side Rd. to NPV Entr. 2LU to 4LD	I-A	C-40,244 SF O-38,036 SF MF-19DU
CR 581: I-75 to Tampa Palms 2 LU to 4LD	I-A	C-40,244 SF O-38,036 SF MF-19DU
CR 581: NPV Entr. to I-75 4LD to 6LD	I-B	C-60,244 SF O-57,130 SF MF-29DU
CR 581: E/W Art. to Side Rd. 2LU to 4LD	I-C	C-107,689 SF O-101,787 SF MF-51DU
CR 581: Co. Line Rd. to E/W Art 2LU to 4LD	I-D	C-131,812 SF O-124,578 SF MF-62DU
CR 581: Side Rd. to NPV Entr. 4LD to 6LD	I-E	C-152,142 SF O-143,827 SF MF-72DU
I-75 at CR 581: Add WB-to-SB Loop Ramp	II-A	C-183,144 SF O-176,560 SF MF-154DU H-62RM
CR 581: E/W Art. to Side Rd. 4LD to 6LD	II-B	C-194,962 SF O-189,757 SF MF-199DU H-98RM
CR 581: Side Road to NPV Entr. 6LD to 8LD - AND -	II-C	C-196,184 SF O-191,122 SF MF-203DU H-102RM
CR 581: NPV Entr. to I-75 6LD to 8LD		

Certified as true
and correct copy.

EXHIBIT C-1

D.C.A. FAIRSHARE COSTS PER PHASE

Phase I: No Improvements Necessary
Phase I Total Fairshare - \$0

Phase II: No Improvements Necessary

Phase II Total Fairshare - \$0

Phase III:

<u>SEGMENT/INTERSECTION</u>	<u>DCA %</u>	<u>TOTAL COST</u>	<u>FAIR SHARE COST</u>
CR581: I-75 to Tampa Palms (2LU to 4LD)	6.36%	\$1,967,372	\$125,064
CR581 at Skipper Road (Add 2nd SB right turn lane) (Add 2nd EB right turn lane)	52.70%	417,768	<u>220,164</u>

Phase III Total Fairshare - \$345,228

Certified as true
and correct copy.

102b

<u>IMPROVEMENT</u>	<u>SUBPHASE</u>	<u>DEVELOPMENT</u>
CR 581: I-75 to Tampa Palms 4LD to 6LD	II-D	C-211,832 SF O-208,596 SF MF-263DU H-150RM
I-75 at CR 581: Add 2nd Lane to Loop Ramp Add 2nd Aux. Lane SB from NPV Entr. to Loop Ramp	II-E	C-213,218 SF O-210,143 SF MF-268DU H-154RM
CR 581: Tampa Palms to Skipper 4LD to 6LD	II-F	C-218,189 SF O-215,695 SF MF-287DU H-170RM
CR 581: E/W Art. to Side Rd. 6LD to 8LD	II-G	C-221,205 SF O-219,062 SF MF-299DU H-179RM
I-75: CR 581 to Fletcher 4LF to 6LF	III-A	C-244,432 SF O-245,000 SF MF-630DU H-454RM
CR 581: I-75 to Tampa Palms 6LD to 8LD	III-B	C-263,658 SF O-288,770 SF MF-422DU H-280RM
CR 581: at Skipper Add 2nd SB Right Turn Lane Add 2nd EB Right Turn Lane	III-C	C-268,383 SF O-299,527 SF MF-431DU H-287RM
Skipper at Livingston Add WB Right Turn Lane Add 2nd SB Left Turn Lane Add 2nd EB Left Turn Lane	III-D	C-272,945 SF O-309,913 SF MF-439DU H-294RM
CR 581: at County Line Road Add 2nd NB Left Turn Lane	III-D	C-289,727 SF O-348,119 SF MF-470DU H-320RM

Certified as true
and correct copy.

<u>IMPROVEMENT</u>	<u>SUBPHASE</u>	<u>DEVELOPMENT</u>
CR 581: Tampa Palms to Skipper 6LD to 8LD	III-F	C-303,088 SF O-378,535 SF MF-494DU H-340RM
I-75: Fletcher to Fowler 4LF to 6LF	III-G	C-377,547 SF O-548,050 SF MF-630DU H-454RM
CR 581: County Line Rd. to E/W Art. 4LD to 6LD	III-H	C-384,065 SF O-562,887 SF MF-642DU H-464RM

Certified as true
and correct copy.

EXHIBIT D

INTERCHANGE OF LAND USE FORMULA - P.M. PEAK HOUR^{1/}

Conversion Between Commercial and Office:

$$1.489 (X)/1,000 = 3.18 (Y)/1000$$

Conversion Between Commercial and Hotel:

$$0.588 (Z) = 3.18 (Y)/1000$$

Conversion Between Commercial and Multi-Family:

$$0.504 (W) = 3.18 (Y)/1000$$

Conversion Between Office and Hotel:

$$1.489 (Y)/1000 = 0.588 (Z)$$

Conversion Between Office and Multi-Family:

$$1.489 (Y)/1000 = 0.504 (W)$$

Conversion Between Multi-Family and Hotel:

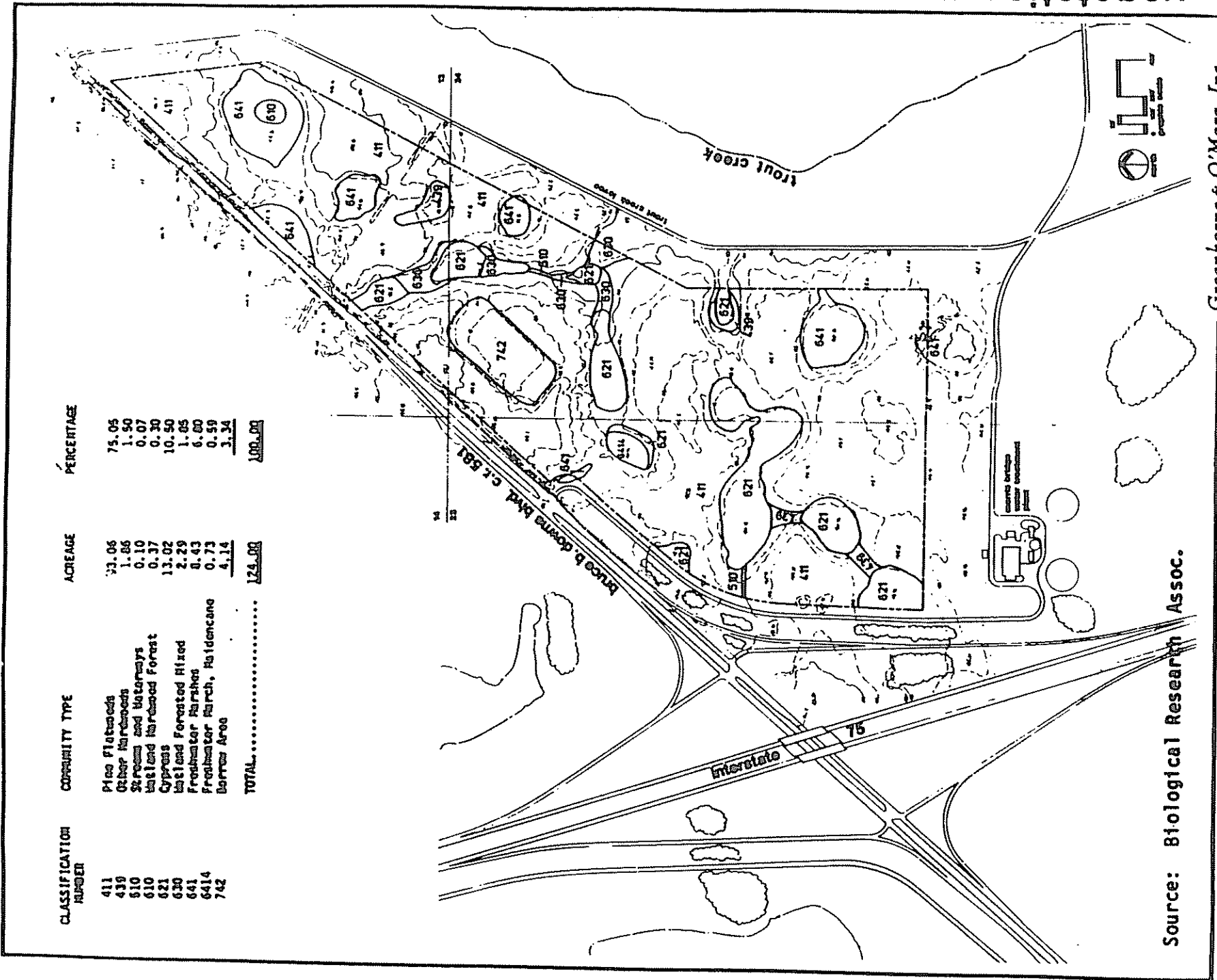
$$0.504 (W) = 0.588 (Z)$$

W = Dwelling Units
X = Square Feet of Office
Y = Square Feet of Commercial
Z = Hotel Rooms

DS26h(5)
10/20/88

^{1/} The intent of the Interchange of Land Use formula is to permit increments of individual approved land use within a particular phase, subphase, or combinations thereof to be converted to other increments of individual approved land uses having the equivalent in terms of traffic trip generation; provided that the project totals for any one land use as set forth in C.3 of this Development Order shall not be exceeded as result of such conversions. Additionally, the acreages dedicated to and locations of individual approved land uses as depicted on the site plan adopted pursuant to the City's approval of City of Tampa Rezoning Petition No. Z88-52 may be changed and reconfigured to meet market conditions subject to Section 226(g) of Chapter 43-A of Code of Laws and Ordinances of the City of Tampa.

Certified as true
and correct copy.



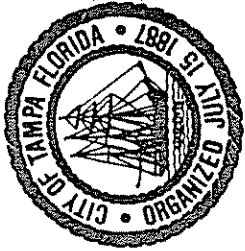
North Palms Village

Robert E. Woolley, Inc.

f

Certified as true
and correct copy.

EXHIBIT "E"



CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

September 20, 1994

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

RE: Petition No. DZ89-93
Ordinance No. 94-176

Dear Sir:

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

If further information is needed, please contact the office of Land Development Coordination,
(813) 223-8405.

Sincerely,

(Mrs.) Janett S. Martin
City Clerk

JM/gg

Enclosure: Ordinance No. 94-176

CERTIFIED MAIL

cc: Land Development Coordination

161

EXHIBIT A IN ORIGINAL D.O. BOOK



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

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
Room # 214-F
P.O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

February 9, 1994

SUZANNE COOPER DRI COORDINATOR
TAMPA BAY REGIONAL PLANNING COUNCIL
9455 KOGER BOULEVARD SUITE 219
ST PETERSBURG FL 33702

Re: Resolution No. R94-0012 - Amending the Development Order for
Cross Creek (DRI #162)

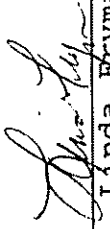
Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was
adopted by the Hillsborough County Board of County Commissioners on
January 11, 1994.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: 
Linda Fryman
Manager, BOCC Records

LF:ADF
Attachments
Certified Mail

cc: Board files (orig.)
Thomas Beck, Florida Department of Community Affairs (orig.)
Cross Creek c/o Keith W. Bricklemeyer, Esquire
Honigman, Miller, Schwartz & Cohn (orig.)
Jeanie Hanna, Assistant County Attorney (orig.)
Gene Boles, Director, Planning and Development Management

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R94-0012 Amending the Development Order for Cross Creek (DRI #162), approved by the Board in its regular meeting of January 11, 1994, as the same appears of record in MINUTE BOOK 212 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 9th day of February, 1994.

RICHARD AKE, CLERK

By: *Richard Ake*
Deputy Clerk

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #162 DEVELOPMENT ORDER
FOR CROSS CREEK**

Upon motion of Commissioner Jim Norman, seconded by Commissioner P. Busansky, the following Resolution was adopted on this 11th day of Jan., 1994.

WHEREAS, on May 23, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0118) for the CROSS CREEK Development of Regional Impact (DRI) #162 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved the first amendment to the Cross Creek DRI Development Order extending the phasing and buildout dates for the project; and

WHEREAS, on March 10, 1993, the Board of County Commissioners approved the second amendment to the Cross Creek DRI Development Order to revise the schedules for completion of the Regional Improvement and for groundwater monitoring and hydroperiod monitoring; and

WHEREAS, on November 3, 1993, APU Cross Creek, Inc., by its authorized agent Keith W. Bricklemeyer, filed the Third Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Cross Creek DRI (the "Third NOPC") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the revisions approved pursuant to the Second NOPC; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on January 11, 1994, to consider a request to amend the Development Order; and

WHEREAS, APU Cross Creek, Inc. requires revisions to the development plan for the project as described herein;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 11TH DAY OF JANUARY, 1994, AS FOLLOWS:

1. That the following Findings of Fact are made:
 - a. A review of the impacts generated by this third amendment to the Cross Creek Development Order has been conducted by Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs.
 - b. The proposed changes to the development plan for the Cross Creek Development do not create any new or additional regional impacts.
 - c. The Findings of Fact and Conclusions of Law made in the Development Order are incorporated herein by reference.

2. That the following Conclusions of Law are made:

- a. This third amendment to the Cross Creek DRI Development Order does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.
 - b. The Cross Creek Development Order as amended hereby is consistent with the Future of Hillsborough County Comprehensive Plan.
 - c. Except as specifically amended hereby the Development Order is hereby reaffirmed in its entirety and remains in full force and effect.
 - d. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.
3. Based on the above Findings of Fact and Conclusions of Law, the Cross Creek Development Order is hereby amended as follows:

- a. Section IV.B.1.c is amended as follows:

<u>Years</u>	<u>Commercial (Sq. Ft.)</u>	<u>Single Family Residential (Dwelling Units)</u>	<u>Multi-Family Residential (Dwelling Units)</u>
Phase I (Dec. 15, 1996)	---	1347	---
Phase II A (Dec. 15, 1998)	---	428	669
Phase II B (Dec. 31, 1998)	<u>50,000</u>	---	---
TOTALS	50,000	1775*	669

*Parcel L is proposed as a school site. If not required by the School Board, Parcel L may be developed for approximately 120 additional single-family units pursuant to PD-MU Zoning 89-45, as amended.

- b. Section IV.B.1.c.(10) is amended to provide that construction of the Required Improvement must commence by April 1, 1994 and that said construction must be completed by October 1, 1994.
- c. Section IV.B.2.c is amended to add the following sentence.

The right-of-way requirements for Corridor A shall not exceed 100 feet in width, and may be reduced to 80 feet in width provided the Developer demonstrates to the satisfaction of the County that the right-of-way meets County rules and regulations. The width of said right-of-way shall be adequate to accommodate the required laneage as determined necessary by Hillsborough County rules and regulations in effect at the time said right of way is platted.

- d. Section IV.B.2.d is amended as follows:

The Developer shall reserve the right-of-way for the roadway segments described in condition IV.B.2.c above, and shall reserve the right-of-way within the project boundaries east of the centerline of Clay Gully not to exceed 60 feet in width for that certain East-West road running along the northern boundary of the site (described as Corridor C on Map H-1 of the Application for Development Approval). The Developer shall cooperate with Hillsborough County with respect to the potential dedication of said reserved rights-of-way within the project boundaries provided that any right-

of-way dedication shall be credited pursuant to Section 380.06, Florida Statutes and the Transportation Impact Fee Ordinances.

Incremental construction costs and right-of-way costs for Corridor D as described above, are eligible for applicable impact fee credits. Construction costs for Corridor A are eligible for applicable impact fee credits.

- e. The Revised Map H-1 dated November 3, 1993, attached hereto as Exhibit "B", as modified hereby is approved and substituted as the Master Development Plan for the Cross Creek DRI.
4. The Developer's Certification, attached hereto as Exhibit "A", affirms that a copy of the Third NOPC has been delivered to all persons as required by law.
5. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 370.06(15), Florida Statutes.

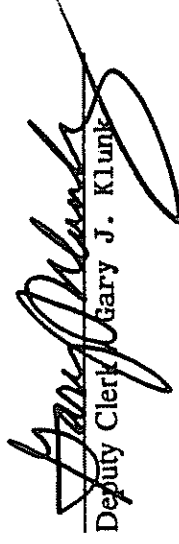
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of county Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of January 11, 1994, as the same appears of record in Minute Book 212 of the Public Records of Hillsborough County, Florida.

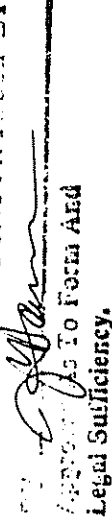
WITNESS my hand and official seal this 9th day of February, 1994.

RICHARD AKE, CLERK

By:


Deputy Clerk Gary J. Klunk

APPROVED BY COUNTY ATTORNEY

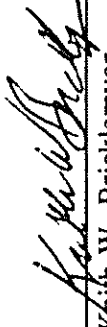

Approved As To Form And
Legal Sufficiency.

AFFIDAVIT

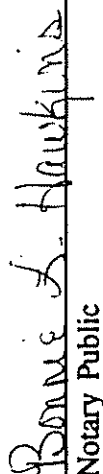
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

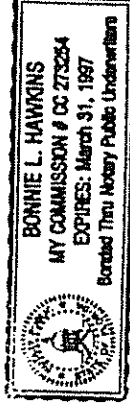
I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for APU Cross Creek, Inc., the applicant for the Cross Creek DRI Notice of Proposed Change #3, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. APU Cross Creek, Inc. filed its Notice of Proposed Change #3 for the Cross Creek DRI on November 3, 1993.
2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.


Keith W. Bricklemyer
Attorney for APU Cross Creek, Inc.

Sworn to and subscribed before me this 21st day of January, 1994.

(SEAL)

Notary Public
My Commission Expires:



Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
Room # 214-F
P.O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

April 7, 1992

Suzanne Cooper, DRI Coordinator
Tampa Bay Regional Planning Council
9455 Koger Boulevard
Suite 219
St. Petersburg, FL 33702

Re: Resolution No. R92-0054 - Amending Development Order for
Cross Creek (DRI #162)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on March 10, 1992.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

Mailed April 9, 1992
Received April 13, 1992

BY: *Linda Fryman*
Linda Fryman
Manager, BOCC Records

LF:ADF
Attachment
Certified Mail
cc: Board files (1 orig.)
J. Thomas Beck, Florida Department of Community Affairs
Keith W. Bricklemeyer, Esquire
Jeanie E. Hanna, Assistant County Attorney
Gene Boles, Director, Planning and Development Management

An Affirmative Action - Equal Opportunity Employer

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of
Hillsborough County, Florida, do hereby certify that the
above and foregoing is a true and correct copy of _____
Resolution No. R92-0054 Amending Development Order for Cross
Creek (DRI #162)

adopted by the Board in _____ its regular meeting _____ of
_____ March 10 _____, 19 92 _____, as the same appears of
record in MINUTE BOOK _____ 190 _____ of the Public Records of
Hillsborough County, Florida.

WITNESS my hand and official seal this 7th _____ day
of _____ April _____, 19 92 _____.

RICHARD AKE, CLERK

BY: *Richard Ake*
Deputy Clerk

Resolution No. R92-0054

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI # 162 DEVELOPMENT ORDER
FOR CROSS CREEK

Upon motion of Commissioner James Selvey, seconded by Commissioner Phyllis Busansky, the following Resolution was adopted on this 10th day of March, 1992.

WHEREAS, on May 23, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0118) for the CROSS CREEK Development of Regional Impact (DRI) #162 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on January 23, 1990, the Board of County Commissioners approved the first amendment to the Cross Creek DRI Development Order extending the phasing and buildout dates for the project; and

WHEREAS, the new owner of the majority of the undeveloped property in Cross Creek is APU Cross Creek, Inc.; and

WHEREAS, on November 22, 1991, APU Cross Creek, Inc., by its authorized agent Keith W. Bricklemeyer, filed the Second Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Cross Creek DRI (the "Second NOPC") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the revisions approved pursuant to the Second NOPC; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners on March 10, 1992, to consider a request to amend the Development Order; and

WHEREAS, the Developer previously selected transportation mitigation Option 3, the Pipeline Option, pursuant to Sections IV.B.1.c. and g of the Development Order; and

WHEREAS, the Pipeline Option requires the Developer to design and construct improvements at the intersection of Fletcher Avenue and Bruce B. Downs Boulevard (C.R. 581) (the "Required Improvement"); and

WHEREAS, the Developer has commenced the design of the Required Improvement; and

WHEREAS, APU Cross Creek, Inc. intends to complete the Required Improvement, but requires revisions to the schedule approved in the Development Order.

WHEREAS, APU Cross Creek, Inc. also requires revisions to the schedule approved in the Development Order for groundwater monitoring and hydroperiod monitoring; and

(Revised 04/01/92)

RECEIVED

Planning & Development
Management Department

APR 06 1992

A.M. 7 18 9 10 11 12 1 2 3 4 5 6 P.M.

A

WHEREAS, the Florida Game and Fresh Water Fish Commission has approved a gopher tortoise mitigation plan for the project; and

WHEREAS, the development of Cross Creek and other properties in the area has been significantly delayed by the ongoing economic recession, thereby also delaying the projected impacts of these properties on public facilities and services; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING, DULY ASSEMBLED THIS 10th DAY OF March, 1992, AS FOLLOWS:

1. That the following Findings of Fact are made:

- a. A review of the impacts generated by this second amendment to the Cross Creek Development Order has been conducted by Hillsborough County, Tampa Bay Regional Planning Council and the Department of Community Affairs.
- b. The new owner of the majority of the undeveloped land in Cross Creek is APU Cross Creek, Inc.
- c. The Florida Game and Fresh Water Fish Commission has approved a gopher tortoise mitigation plan for Cross Creek, and compliance with said plan will satisfy the gopher tortoise mitigation requirements for the project.
- d. The design of the Required Improvement is under way, but APU Cross Creek, Inc. has requested a revision to the schedule for completing this improvement.
- e. The Findings of Fact and Conclusions of Law made in the Development Order are incorporated herein by reference.

2. That the following Conclusions of Law are made:

- a. This second amendment to the Cross Creek DRI Development Order does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.
- b. The Cross Creek Development Order as amended hereby is consistent with the Future of Hillsborough County Comprehensive Plan.
- c. Except as specifically amended hereby the Development Order is hereby reaffirmed in its entirety and remains in full force and effect.
- d. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.

3. Based on the above Findings of Fact and Conclusions of Law, the Cross Creek Development Order is hereby amended as follows:

(Revised 04/01/92)

a. Section I.F. is amended to identify the authorized agent of Cross Creek as:

Keith W. Bricklemeyer, Esq.
Honigman Miller Schwartz and Cohn
777 South Harbour Island Blvd.
Suite 350
Tampa, Florida 33602

b. Section III.K. is amended to specify that the annual report for Cross Creek is due on June 5 of each year.

c. Section IV.B.1.c.(10) is amended to provide the following schedule for the Required Improvement:

- (1) Complete design by June 1, 1992;
- (2) Commence construction by January 1, 1993;
- (3) Complete construction by July 1, 1993.

d. Section IV.B.2.c. is amended to add the following:

"c." . . . A second access to Parcel C from Cross Creek Boulevard shall be permitted provided it is located at least 660 feet from the nearest access roads intersecting Cross Creek Boulevard to both the east and west.

e. Section IV.E.3. is amended to provide that the first groundwater quality monitoring report must be submitted by January 15, 1992.

f. Section IV.F.4. is amended to provide that the first hydroperiod monitoring report must be submitted by January 15, 1992.

g. Section IV.F.11 is amended to provide that compliance with the Florida Game and Freshwater Fish Commission Permit HIL-1 dated October 4, 1991, satisfies the gopher tortoise mitigation requirement for the Cross Creek DRI.

h. Section IV.N. is amended to add paragraph 3 as follows:

"3. Residential Support uses, including but not limited to churches and related facilities such as schools, church related multi-purpose buildings, parking and residence hall facilities, shall also be permitted uses on Parcel C provided such uses comply with the requirements of Section 11.13(n) of the Zoning Code.

4. The Developer's Certification, attached hereto as Exhibit A, affirms that a copy of the Second NOPC has been delivered to all persons as required by law.

5. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 370.06(15), Florida Statutes.

6. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules, and this Resolution shall become effective upon such rendition in accordance with Section 380.06, Florida Statutes.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of March 10, 1992, as the same appears of record in Minute Book 190 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 7th day
of April, 1992.

RICHARD AKE, CLERK

By: Linda Lynna
Deputy Clerk

(Revised 4/01/92)

APPROVED BY COUNTY ATTORNEY

BY [Signature]
Approved As To Form And
Legal Sufficiency.

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Keith W. Bricklemyer, as attorney for APU Cross Creek, Inc., the applicant for the Cross Creek DRI Notice of Proposed Change #2, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. APU Cross Creek, Inc. filed its Notice of Proposed Change #2 for the Cross Creek DRI on November 22, 1991.
2. The aforementioned application was filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), and the Tampa Bay Regional Planning Council ("TBRPC") as required by law.

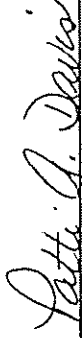


Keith W. Bricklemyer

Attorney for APU Cross Creek, Inc.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 6th day of April, 1992, by Keith W. Bricklemyer, Attorney for APU Cross Creek, Inc. He is personally known to me and did take an oath.



(Signature)

Patti J. Davis

(Print Type or Stamp Name of Signatory)

Notary Public

(Title or Rank of Signatory)

(Serial Number, if any)

My Commission Expires:
NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: Feb. 24, 1995.
BONDED THRU NOTARY PUBLIC UNDERWRITERS

(Revised 04/01/92)

EXHIBIT A

T70140

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



CERTIFIED MAIL

June 28, 1989

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

Attn: Julia Greene
Executive Director

Re: DRI #162 - Cross Creek Development

Dear Ms. Greene:

Enclosed please find a copy of page 5 from the Joint Participation Agreement, which was Exhibit "B" to the subject Cross Creek DRI #162. This page was inadvertently omitted from Resolution R89-0118 which we sent to you on June 2, 1989.

We apologize for any inconvenience this may have caused you.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick
Edna L. Fitzpatrick
Director, BOCC Records

ELF/lt

Enclosure

cc: Linda Hallis

Clerk to Board of
County Commissioners
Room # 214-H
P. O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

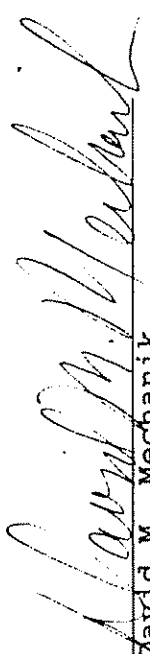
Exhibit "2"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths, and take acknowledgments, personally appeared David M. Mechanik, as attorney for Gulfstream Communities, the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes for the Cross Creek DRI #162 ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Gulfstream Communities filed the Notice of Change on December 14, 1989.
2. The Notice of Change was filed with all persons as required by law.


David M. Mechanik
Attorney for Gulfstream
Communities

Sworn to and subscribed before me this ____ day of January, 1990.

Notary Public

(Notarial Seal)

My Commission Expires:
NOTARY PUBLIC, State of Florida
My Commission Expires Feb. 7, 1993

4. The Developer's Certification, attached hereto as Exhibit 2, affirms that a copy of the Notice of Change has been delivered to all persons as required by law.

5. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

6. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

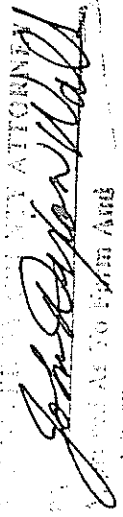
7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of January 23, 1990, as the same appears of record in Minute Book 164 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 29th day of January, 1990.


JOHN P. TAYLOR, COUNTY ATTORNEY
NOTED AS TO FORM AND
LEGAL SUFFICIENCY.

RICHARD AKE, CLERK

By: Judith M. Nichols
Deputy Clerk

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



CERTIFIED MAIL

Clerk to Board of
County Commissioners
Room # 214-H
P. O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

June 5, 1989

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

Attn: Julia Greene
Executive Director

Re: Resolution No. R89-0118 - DRI #162 Development Order -
Cross Creek

Dear Ms. Greene:

Enclosed please find an executed copy of the referenced resolution, with attachments, adopted by the Hillsborough County Board of County Commissioners on May 23, 1989.

We are providing this copy for your official files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick
Edna L. Fitzpatrick
Director, BOCC Records

cc: Board files (orig.)
Florida Department of Community Affairs
David M. Mechanik, Esq.
John Wall, Assistant County Attorney
Steve Luce, Community Planner II, Planning & Zoning

Enclosure

ELF/lt

Received 6/2/89
RAC

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of
Hillsborough County, Florida, do hereby certify that the
above and foregoing is a true and correct copy of _____
Resolution No. R90-0025 Amending DRI #162 Development
Order - Cross Creek

_____ of
adopted by the Board in its regular meeting _____ of
January 23, 1990, as the same appears of
record in MINUTE BOOK 164 of the Public Records of
Hillsborough County, Florida.

WITNESS my hand and official seal this 30th
day of January, 1990.

RICHARD AKE, CLERK

By: Murle Iris Bishop
Deputy Clerk

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
Room # 214-H
P.O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

January 30, 1990

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

Attn: Suzanne Cooper
DRI Coordinator

Re: Resolution No. R90-0025 Amending DRI #162 Development
Order - Cross Creek

Dear Ms. Cooper:

Enclosed please find an executed certified copy of the
referenced resolution, adopted by the Hillsborough County
Board of County Commissioners on January 23, 1990.

We are providing this certified copy for your official
files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick /m.
Edna L. Fitzpatrick
Director, BOCC Records

ELF:LT

cc: Board files (orig.)
Gordon J. Schiff, Attorney for Cross Creek
John Dixon Wall, Assistant County Attorney

Enclosure

RECEIVED
FEB 2 1990

Tampa Bay Regional
Planning Council

mailed 1/31/90

Resolution No. R 90-0025

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI # 162 DEVELOPMENT ORDER
FOR A NEW COMMUNITY, NOW KNOWN AS CROSS CREEK

Upon motion of Commissioner Colson, seconded by Commissioner Padgett, the following Resolution was adopted on this 23rd day of January, 1990.

WHEREAS, on May 23, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0118) for the CROSS CREEK Development of Regional Impact (DRI) #162 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 14, 1989, Gulfstream Communities filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, for the CROSS CREEK DRI ("Notice of Change") in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notice of Change proposed an extension of the dates of buildout of development of Phase I and Phase IIA, each by less than three (3) years, as more particularly stated in the Notice of Change; and

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

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

1. The following findings of fact are made:

- a. Gulfstream Communities submitted to Hillsborough County the Notice of Change, which is attached hereto as Exhibit 1 and incorporated herein, which requested an extension of the dates of buildout of development of Phase I and Phase IIA, each by two (2) years, eleven (11) months and fifteen (15) days (the "Proposed Change").
- b. In accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes and is not subject to a public hearing pursuant to Subparagraph 380.06(19)(f)3., Florida Statutes or a determination pursuant to Subparagraph 380.06(19)(f)5., Florida Statutes.
- c. All statutory procedures have been adhered to.
- d. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

2. The Development Order is hereby amended to extend the dates of buildout of development of Phase I and Phase IIA, each by a period of two (2) years, eleven (11) months and fifteen (15) days.

3. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.

Exhibit 1

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

(An Extension of Project Phase and Buildout Dates
by Less Than Three Years)

Subsection 380.06 (19), Florida Statutes (1985), requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning council, and the state land planning agency according to this form.

1. I, David M. Mechanik, the undersigned authorized representative of Gulfstream Communities, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06 (19), Florida Statutes (1985). In support thereof, I submit the following information concerning the Cross Creek development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the Board of County Commissioners of Hillsborough County, to the Tampa Bay Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

12/14/89
(Date)

David M. Mechanik
(Signature)

2. Applicant (name, address, phone).

Gulfstream Communities
9126 Rockrose Drive
Tampa, FL 33647
Ms. Susan G. Peterson, Project Manager
3. Authorized Agent (name, address, phone).

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

Mr. David M. Mechanik
Macfarlane, Ferguson, Allison & Kelly
Post Office Box 1531
Tampa, Florida 33601
Phone: (813) 229-4945

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

Sections 7, 8 and 9, Township 27 South, Range 20 East, and Section 12, Township 27 South, Range 19 East in unincorporated Hillsborough County, Florida.
5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, buildout date, Development Order conditions and requirements, or to the representations contained in either the Development Order or the Application for Development Approval (ADA).

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

This application does not propose a change which involves the master site plan map. The proposed change consists solely of a request for an extension of the project's dates of buildout of Phase I and Phase IIA each by a period of two (2) years, eleven (11) months, and fifteen (15) days.

6. Complete the following table for all land use types approved in the development. If no change is proposed or has occurred, please indicate no change.

As the presently proposed change relates solely to an extension of the project's dates of buildout of Phase I and Phase IIA each by a period less than three (3) years, a response to the questions asked in the Substantial Deviation Chart is not applicable to this requested change.

A brief description of the history and current conditions of the project is provided here to assist in the review of this Notice of Proposed Change.

In December of 1987, Gulfstream Communities filed an Application for Development Approval (ADA) for an approximate 1,000-acre site in north-west Hillsborough County, Florida, on the east side of Bruce B. Downs Boulevard, north of Interstate 75. The Cross Creek project was a Development of Regional Impact (DRI) pursuant to the provisions of Section 380.06, Florida Statutes.

Following agency review and comments, and public hearings before both the Zoning Hearing Master and the Board of County Commissioners, a Development Order for the Cross Creek project was approved on May 23, 1989 (Resolution Number R89-01118).

The development is proposed to remain consistent with the land uses and development totals set forth in the Development Order.

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

There have been no modifications or amendments to the originally approved DRI Development Order, nor has there been a change in local government jurisdiction.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI Development Order. Identify such land, its size, and intended use on a project master site plan or other map.

No additional lands have been purchased or optioned within 1/4 mile of the original DRI site.

SUBSTANTIAL DEVIATION DETERMINATION

If the proposed change to the previously approved DRI or Development Order condition does not meet or exceed any of the criteria listed in the DRI Development Order or in Subsection 380.06(19)(b), Florida Statutes, then the local government having jurisdiction over the development must hold a public hearing and make a determination as to whether such proposed changes constitute a substantial deviation and will cause the development to be subject to further development-of-regional-impact review. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, the local government must issue an amendment to the Development Order incorporating the approved change and conditions of approval relating to the change, subject to the appeal provisions of Subsection 380.06(19)(f), F.S., and Section 380.07, F.S.

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

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

No changes to the master site plan are proposed.

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

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

The Development Order should be modified to reflect an extension of the project's dates of buildout of Phase I and Phase IIA each by a period of two (2) years, eleven (11) months and fifteen (15) days (see attached proposed resolution for precise language).

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

Not applicable.

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

Not applicable.

d. A proposed amended Development Order termination date that reasonably reflects the time required to complete the development;

Not applicable.

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

Not applicable.

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

Not applicable.

If the proposed change meets or exceeds substantial deviation criteria listed in the DRI Development Order, or in the criteria listed in Subsection 380.06(19)(b), F.S., then the proposed change is a substantial deviation and shall be subject to further DRI review without the necessity for a determination by the local government.

The proposed change is not a substantial deviation as expressly noted in Subsection 380.06(19)(c)2., Florida Statutes, which addresses extensions of a development of regional impact's date of buildout, or any phase thereof, by less than three (3) years.

Resolution No. R89-0118
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #162 DEVELOPMENT ORDER FOR
A NEW COMMUNITY, NOW KNOWN AS CROSS CREEK

Upon motion by Commissioner Padgett, seconded
by Commissioner Colson, the following Resolution was
adopted by a vote of 4 to 2 Commissioner(s)
Iorio and Platt voting "No".

WHEREAS, on December 30, 1987, Gulfstream Communities filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a MULTI-USE PROJECT on approximately ONE THOUSAND ACRES, located in NORTHWEST Hillsborough County, hereinafter referred to as "CROSS CREEK" or the "Development", and

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; and

WHEREAS, the Board of County Commissioners as the governing body of the 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 satisfied; and

WHEREAS, the Zoning Hearing Master appointed pursuant to the Zoning Code of Hillsborough County (Ordinance 85-10), has reviewed the Application for Development Approval and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Hillsborough County has on May 23, 1989, held a duly noticed public hearing on said Application for Development Approval and has heard and considered testimony and other documents and evidence; and

WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council; and

WHEREAS, the Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens, County and City agencies as well as the review and report of the Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 23rd DAY OF May, 1989, AS FOLLOWS:

I. FINDINGS OF FACT

A. Gulfstream Communities, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an Application for Development Approval ("ADA"), Sufficiency Responses and Revised Map H which are attached hereto and marked

Handwritten: printed 5/16/89

Composite Exhibit "A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval, Sufficiency Responses and other exhibits duly submitted and recorded.

B. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit "A".

C. The proposed development is not in an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

D. All development will occur in accordance with the Development Order and Application.

E. A comprehensive review of the impact generated by the Development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission ("HCCCPC"), and the Tampa Bay Regional Planning Council ("TBRPC") and other affected agencies.

F. The authorized agent of CROSS CREEK is Susan Peterson, 550 North Reo Street, Suite 300, Tampa, Florida 33609.

II. CONCLUSIONS OF LAW

A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Composite Exhibit "A", the reports, recommendations and testimony heard and considered by the Zoning Hearing Master, it is concluded that:

1. The Development will not unreasonably interfere with the achievement of the objectives of the Adopted Land Development Plan applicable to the area.
2. The Development is consistent with local land development regulations and is consistent with the local government comprehensive plan adopted pursuant to the Hillsborough County Local Government Comprehensive Planning Act, Chapter 75-390, Laws of Florida, as amended, and state and regional comprehensive plans.
3. The Development is consistent with the report and recommendation of the TBRPC.

B. In considering whether the Development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in Section 380.06 and more specifically, subsection 380.06(14), Florida Statutes.

C. The review by Hillsborough County, the HCCCPC, the TBRPC, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the Application.

D. The Application is approved subject to all terms and conditions of this Development Order.

E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as "Low Density Residential" and "Suburban Residential".

III. GENERAL PROVISIONS

A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for the CROSS CREEK Development of Regional Impact.

B. The legal description set forth in Composite Exhibit "A" is hereby incorporated into and by reference made a part of this Development Order.

C. All provisions contained within Composite Exhibit "A" shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.

D. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.

E. This Development Order shall be binding upon the Developer and its heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.

F. In the event that any portion or section of this Development 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 Development Order which shall remain in full force and effect.

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at CROSS CREEK, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Subsection 380.06(19)(b), Florida Statutes, or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other type of regional impact not previously reviewed by Hillsborough County and the TBRPC shall result in further Development of Regional Impact ("DRI") review pursuant to Section 380.06, Florida Statutes.

J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this

Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may issue a notice of such noncompliance to the Developer, or the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Subsection 380.06(18), Florida Statutes, as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWN-07-85, as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioner's hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and
2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the Annual Report; and
3. A statement listing all Applications for Incremental Review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the Annual Report; and
4. A statement setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Development Order; and
5. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.

L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1987).

N. The Developer has elected, pursuant to Subsection 380.06(5)(c), Florida Statutes, to be bound by the provisions of Chapters 403 and 373 in effect at the time that this Development

Order is issued. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), Florida Statutes, affect the determination as to which laws, rules or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in this Development Order to the contrary.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

1. Except as provided in paragraph B.1.c., below (Option 3), the development of the project shall proceed in accordance with the following proposed phasing schedule:

<u>Years</u>	<u>Commercial[‡] (Sq.Ft.)</u>	<u>Single Family Residential (Dwelling Units)</u>	<u>Multi-Family Residential (Dwelling Units)</u>
Phase I (1988-93)	160,000	928	669
Phase II (1993-98)	-0-	1,423	480
TOTALS	160,000	2,351	1,149

2. For purposes of this Order, a phase shall be considered complete upon issuance of the last Certificate of Occupancy for the phase. Development of Phases may occur anywhere on the site, provided on-site infrastructure is available to serve the portion(s) of the site being developed.

3. If the Developer elects to amend the proposed phasing schedule, it shall submit said amendments to the County for review and approval, as required by Subsection 380.06(19), Florida Statutes, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Order are otherwise fully complied with.

4. Excess infrastructure capacity constructed to serve Phase I and that will potentially serve Phase II shall be at the Developer's risk and shall not operate to relieve the Developer from conditions which must be complied with prior to commencement of Phase II.

5. The physical development of CROSS CREEK shall begin within one (1) year of the effective date of this Development Order.

6. This Development Order shall remain in effect for a period up to and including December 31, 2003.

7. The Development shall not be subject to down-zoning, or intensity reduction until December 31, 2003, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to

*-----

When square footage totals are referred to in this Development Order, said term shall mean "square feet of gross leaseable area." (Calculations for impacts of commercial uses were based upon amount of gross leaseable area. Gross floor area of commercial uses approved in this Development Order shall not exceed 168,000 sq. ft.)

be essential to the public health, safety, or welfare.

B. Transportation

1. The Developer at its option, shall select one of the following alternatives to mitigate the Development's transportation impacts.

a. Option 1

(1) Prior to approval of Phase I of the Development, acquire funding commitments from responsible entities for the roadway improvements indicated in Table 1 and Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(2) Prior to approval of Phase II of the Development, acquire funding commitments from responsible entities for the roadway improvements indicated in Table 3 and Table 4. Without funding commitments for these improvements, construction permits shall not be issued for Phase II.

(3) As used in this Option 1, "funding commitment" shall mean that the responsible entity has provided for the construction of a roadway improvement in its 5 year capital improvement program.

TABLE 1

Required Link Improvements for CROSS CREEK Based on 5 Percent of
LOS D Peak-Hour Service Volumes

Road	Segment	Total Traffic LOS Prior to Improvement	Project Traffic As % of LOS "D" (Existing Facility) Peak Hour Service Volume	Required Improvement
<u>PHASE I (1993)</u>				
CR 581	Project Site to Side Road.	F	81.9	Construct improvements to provide 6-lane Divided Arterial
CR 581	Side Road to I-75	F	71.6	Construct improvements to provide 4-Lane Divided Arterial (under construction)
CR 581	I-75 to Skipper Ave.	F	30.8	Construct improvements to provide 6-Lane Divided Arterial*
CR 581	Skipper Ave. to Fletcher Avenue	F	7.3	Construct improvements to provide 8-Lane Divided Arterial
Bearss Avenue/ Skipper Avenue	Nebraska Avenue to I-275	E	11.5	Construct improvements to provide 6-Lane Divided Arterial
I-275	Fletcher Ave. to Fowler Avenue	F	7.4	Construct improvements to provide 6-Lane Freeway
I-275	Fowler Ave. to Busch Boulevard	F	9.2	Construct improvements to provide 6-Lane Freeway

* Level of Service, project impacts and proportionate share
contribution based on the existing 2 lane roadway at time of
assessment.

I-275	Busch Blvd. to Sligh Avenue	F	5.5	Construct improvements to provide 8-lane Freeway
E-W Connector	CR 581 to N-S Connector	--	N/A*	Construct 4-lane Divided Arterial

*-----
N/A indicates that the developer is fully responsible for
the improvement.

TABLE 2

Required Intersection Improvements for CROSS CREEK Based on 5 Percent of LOS D Peak-Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improvement	Project Traffic As % of LOS "D" (Existing Facility) Peak Hour Service Volume	Required Improvement
<u>Phase I (1993)</u>			
E-W Connector at West Project Entrance Drive	--	N/A*	Construct one left-turn lane and right- turn lane SB. Construct left- turn lane EB.
E-W Connector at N-S Connector (Main Project Entrance Drive)	--	N/A*	Construct one left-turn lane, one through lane and one right-turn lane SB. Construct left-turn lane EB and right- turn lane WB. Signalize when warranted by MUTCD.
E-W Connector at N-S Connector (East Project Entrance Drive)	--	N/A*	Construct one left-turn lane and right- turn lane SB. Construct left- turn lane EB.
Fletcher Avenue at CR 581	F	7.7	Construct right-turn lane NB and second left-turn lane WB.
Bearss Avenue at Nebraska Avenue	F	5.4	Construct right-turn lane EB and WB. Construct second left- turn lane WB.

* -----
N/A indicates that the developer is fully responsible for
the improvement.

Bearss Avenue at I-275 Ramps	F	9.9	Construct second right- turn lane NB. Construct left- turn lane EB and second left-turn lane WB.
CR 581 at I-75 Ramps	F	19.7	Construct left- turn lane NB and SB. Signalize when warranted by MUTCD.
CR 581 at E-W Connector	--	N/A*	Construct left- turn lane SB. Construct additional left-turn lane WB. Construct free flow right-turn lane NB. Construct right-turn lane WB. Signalize when warranted by MUTCD. (Due to existing improvements at this location, only the second WB left-turn lane remains to be con- structed.)
CR 581 at Side Road	--	N/A*	Construct one left-turn lane and right-turn lane NB, SB, EB and WB.

*-----
N/A indicates that the developer is fully responsible for
the improvement.

TABLE 3

Required Link Improvements for CROSS CREEK Based on 5 Percent of
LOS D Peak Hour Service Volumes

Road	Segment	Total Traffic LOS Prior to Improvement	Project Traffic AS % of LOS "D" (Existing Facility) Peak Hour Service Volume	Required Improvement
<u>Phase II (1998)</u>				
CR 581	SR 54 to N-S Connector	F	6.4	Construct improvements to provide a 4-Lane Divided Arterial
CR 581	N-S Connector to County Line Road	F	10.1	Construct improvements to provide a 4-Lane Divided Arterial
CR 581	County Line Road to Project Site	F	11.3	Construct improvements to provide a 4-Lane Divided Arterial
CR 581	Project Site to Side Road	F	100.0	Construct improvements to provide an 8-Lane Divided * Arterial
CR 581	Side Road to I-75	F	85.2	Construct improvements to provide an 8-Lane Divided Arterial*

*-----
Level of Service, project impacts and proportionate share
contribution based on the existing 2-lane roadway.

CR 581	I-75 to Skipper Road	E	56.0	Construct improvements to provide an 8-lane Divided * Arterial
Bearss Avenue/Skipper Avenue	CR 581 to Nebraska Avenue	F	24.6	Construct improvements to provide an 8-lane Divided Arterial
Fletcher Avenue	CR 581 to 22nd Avenue	F	9.4	Construct improvements to provide a 6-lane Divided Arterial
Fletcher Avenue	22nd Street to Nebraska Avenue	F	6.5	Construct improvements to provide a 6-lane Divided Arterial
Fowler Avenue	CR 581 to Nebraska Avenue	F	9.4	Construct improvements to provide a 6-lane Divided Arterial
I-275	Bearss Avenue to Fletcher Avenue	E	12.8	Construct improvements to provide a 6-lane Freeway
I-275	Fowler Avenue to Busch Boulevard	F	16.0	Construct improvements to provide an 8-lane Freeway
I-275	Sligh Avenue to Hillsborough Avenue	F	9.2	Construct improvements to provide an 8-lane Freeway
I-275	Hillsborough Avenue to Buffalo Avenue	F	5.6	Construct improvements to provide an 8-lane Freeway
E-W Connector	CR 581 to N-S Connector	--	N/A**	Construct 6-lane Divided Arterial

*-----
 * Level of Service, project impacts and proportionate share contribution based on the existing 2-lane roadway.

**
 N/A indicates that the developer is fully responsible for the improvement.

N-S Connector to Property Boundary	E-W Connector to Property Boundary	--	N/A**	Construct 2-Lane Arterial
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 ** N/A indicates that the developer is fully responsible for the improvement.

TABLE 4

Required Intersection Improvements for CROSS CREEK Based on 5 Percent of LOS D Peak Hour Service Volumes

Intersection	Total Traffic LOS Prior to Improvement	Project Traffic As % of LOS "D" (Existing Facility) Peak Hour Service Volume	Required Improvement
<u>Phase II (1998)</u>			
E-W Connector at N-S Connector (Main Project Entrance Drive)	--	N/A*	Construct second left-turn lane EB.
Fletcher Avenue at CR 581	F	15.4	Construct fourth through lane and second right-turn lane EB and WB.
Fowler Avenue at CR 581	F	6.7	Construct a grade- separated intersection.

SOURCE FOR TABLES 1 - 4: Hunter/ R S & H, Inc., 1988

*-----
N/A indicates that the developer is fully responsible for the improvement.

b. Option 2

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of the Development, the capacity and loading of transportation facilities in the north Hillsborough County transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the developer shall generate and provide Hillsborough County, MPO, the FDOT and the TBRPC pursuant to the provisions of Section 380.06, F.S., with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next portion for which the developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in this report as Option 1) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory Level of Service D at peak hour. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval other than Option 1 or Option 3 approval, the County or its designee shall ensure in written findings of fact that the above roadways are operating at or above Level of Service D at peak hour, (C peak rural), and that the expected trips to be generated by such approval would not cause the roadways to operate below Level of Service D at peak hour (C peak rural). The Development Order shall be amended to address the subphase approval.

c. Option 3

(1) If this Option 3 is selected, the development of the project shall proceed in accordance with the following phasing schedule:

Years	Commercial * (Sq.Ft.)	Single Family Residential (Dwelling Units)	Multi-Family Residential (Dwelling Units)
Phase I (1988-93) <i>amended to be 96</i>	100,000	928	669
Phase IIA (1993-95) <i>amended to be 98</i>	-0-	1,072	131
Phase IIB (1995-98)	60,000	351	349
TOTALS	160,000	2,351	1,149

(2) Specific development approval is accorded to Phase I and Phase IIA, subject to the conditions contained herein.

(3) In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. The pipeline option may be pursued to accommodate Phase I and Phase IIA

*-----
When square footage totals are referred to in this Development Order, said term shall mean "square feet of gross leaseable area." (Calculations for impacts of commercial uses were based upon amount of gross leaseable area. Gross floor area of commercial uses approved in this Development Order shall not exceed 168,000 sq. ft.)

transportation impacts (the development totals for Phase IIA being calculated based on the pipeline calculations submitted as part of Composite Exhibit "A"). The pipeline proportionate share calculation for Phase I and Phase IIA, in accordance with current adopted methods, procedures and policies of Hillsborough County, TBRPC, Florida Department of Community Affairs ("DCA") and FDOT, has been determined to be Two Million Six Hundred Eighteen Thousand Three Hundred Twenty Seven Dollars and No Cents (\$2,618,327.00) ("Pipeline Proportionate Share Amount"). Prior to development beyond Phase IIA, a determination shall be made by Hillsborough County and coordinated by the County in writing with the other appropriate agencies whether or not a pipeline option for mitigation for the remainder of the project is permissible. If so, the Development Order shall be amended to identify a pipeline project(s) and proportionate share amount which will mitigate the remainder of the Development. If a pipeline option is not determined to be appropriate, transportation mitigation for the remainder of the Development shall be determined in accordance with other applicable rules of Hillsborough County, TBRPC and DCA. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of Phase I and Phase IIA on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of major public facilities, and its consistency with Hillsborough County, TBRPC and DCA policies regarding pipelining transportation impacts.

(4) The Developer shall partially fund the construction of an improvement on Fowler Avenue in the amount of Two Million Dollars and no cents (\$2,000,000.00) in accordance with the Joint Participation Agreement ("JPA") between the Developer and the State of Florida Department of Transportation ("FDOT"), attached hereto as Exhibit "B". The improvement to Fowler Avenue contemplates the widening of Fowler Avenue from 4 to 6 lanes, the description of said improvement and the scope thereof being specifically described in the JPA. (Hereinafter the roadway improvement described in the JPA shall be referred to as the "Fowler Avenue Project" and the Developer's contribution under the JPA shall be referred to as the "Fowler Avenue Project Contribution".)

The status of the Fowler Avenue Project shall be assessed in the Annual Report required under paragraph III.K. of this Development Order. If the Fowler Avenue Project is not being constructed as scheduled then, in accordance with Rule 9J-2.0255(7)(a)1.b., F.A.C., further issuance of building permits shall cease upon completion of Phase IIA (Phase I, combined with Phase IIA being a "stage", as that term is defined in Rule 9J-2.0255, F.A.C.).

In the event that the JPA is terminated for failure of the Developer to post the letter of credit or other form of security as required under the JPA, development shall immediately cease and such event shall be subject to a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. Termination of the JPA for any other reasons shall be subject to the requirements of Rule 9J-2.0255(7)(a)1.b., F.A.C.

(5) The Developer shall design and construct an improvement at the intersection of Fletcher Avenue/Bruce B. Downs Boulevard (C.R. 581) consisting of a second westbound left turn lane, and northbound (previously constructed), eastbound and westbound right turn lanes (hereinafter referred to as the "Required Improvement"). The Required Improvement shall be designed to adopted Hillsborough County standards and where applicable, State of Florida Department of Transportation standards.

Hillsborough County shall provide the necessary right-of-way for the Required Improvement, where said right-of-way is owned by Hillsborough County. The Developer shall provide any additional right of way needed for the Required Improvement, provided that the County shall within applicable legal limitations and at no cost to the County, assist the Developer in acquiring additional right-of-way needed for the Required Improvement, including without limitation, providing assistance through its powers of eminent domain.

(6) The Developer shall provide signalization at C.R. 581 and I-75 when warranted and approved by FDOT and Hillsborough County (hereinafter referred to as the "Signal Improvement"). Developer agrees to install this improvement no later than six (6) months after FDOT and Hillsborough County issue final authorization to install said signalization at C.R. 581 and I-75.

(7) The Hillsborough County Road Network impact fee in accordance with Ordinances 86-4 as amended by 87-19 and as amended by 89-4 and as amended by 89-6, (Roadway Improvements) and 85-24E as amended by 86-5 and 87-17 and as amended by 89-3, (Right-of-Way) is approximately Three Million Three Hundred Thirty Thousand Seven Hundred Fifty-Three Dollars and No Cents (\$3,330,753.00) for Phase I and Phase IIA of CROSS CREEK, based on external daily trips. (Hereinafter said Ordinances shall be together referred to as the "Transportation Impact Fee Ordinances".) The "Proportionate Share" contribution by the Developer for Phase I and Phase IIA in accordance with Section 380.06, Florida Statutes, as calculated by Hillsborough County, FDOT and TBRPC is approximately Two Million Six Hundred Eighteen Thousand Three Hundred Twenty Seven Dollars and No Cents (\$2,618,327.00).

(8) The cost of the Required Improvement is approximately Five Hundred Twenty Two Thousand Dollars and no cents (\$522,000.00), which amount includes design, right-of-way acquisition, construction and construction inspection; the cost of the Signal Improvement is approximately One Hundred Thousand Dollars and no cents (\$100,000.00), which amount includes design and installation, which sums, together with the Fowler Avenue Project Contribution provides for a total payment by the Developer in an amount which exceeds the Pipeline Proportionate Share Amount.

(9) Buildings within CROSS CREEK shall be subject to the Transportation Impact Fee Ordinances, as they may be amended from time to time, provided however that all costs and expenses borne by the Developer for right of way, design, construction and construction inspection of the Required Improvement, the Signal Improvement and the Fowler Avenue Project Contribution ("Developer Pipeline Expenses") shall be applied toward and be a credit against impact fees imposed thereunder. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of, or to apply for credits under, the Transportation Impact Fee Ordinances or the impact fees assessed thereunder. In the event that Developer Pipeline Expenses exceed applicable impact fees under this condition, such excess shall be applied toward and be a credit against then applicable transportation impact assessments (including impact fees) for Phase IIB.

(10) The Developer shall commence design of the Required Improvement no later than six (6) months from the date of final approval of the Development Order subject to no appeals and shall commence construction of same no later than eighteen (18) months from the date of final approval of the Development Order subject to no appeals. Construction of the Required Improvement shall be completed within twenty-four (24) months from the date of final approval of the Development Order subject to no appeals; and

(11) Upon approval of this Development Order, the Developer may construct and occupy Phase I and Phase IIA, provided however that no building permits shall be issued beyond building permits for 1,600 single family dwelling units (or the equivalent thereof in terms of trip generation) until completion of the Required Improvement. Upon completion of the Required Improvement, the Developer may construct and occupy the remainder of Phase I and Phase IIA.

(12) The Developer agrees to use due diligence within the time frames set forth above, to design and construct the Required Improvement.

(13) If the Required Improvement has not been constructed within the above stated period, no further building permits shall be issued. After concurrence from TBRPC, the County shall either require the Developer to immediately complete the Required Improvement or may require the Developer to provide the County a bond or Letter of Credit in the full amount of the cost of the uncompleted portion of the Required Improvement. The County shall determine the reasonable amount of the Letter of Credit required from the Developer. The County shall draw down on the Bond or on the Letter of Credit for completion of the Required Improvement and shall complete the Required Improvement as expeditiously as possible, but in any event within two years after the posting of the above stated bond or letter of credit.

(14) The Developer shall design and construct the Required Improvement regardless of cost. Any change to the Required Improvement, schedule or transportation assessment obligations agreed to by the County and other review agencies shall be accomplished through an amendment to the Development Order.

(15) In the event that the performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed by war, riot, civil commotion or natural disaster then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Development Order shall be interrupted or delayed in connection with acquisition of necessary right-of-way or governmental approvals for the construction of the Required Improvement and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to Hillsborough County and TBRPC for their review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof, provided, however, in no event shall such extension exceed three (3) months. Any requested extensions beyond such three (3) month period may only be accomplished by an amendment to this Development Order in accordance with the provisions of Section 380.06 (19), Florida Statutes.

2. General Transportation Conditions.

a. When Certificates of Occupancy have been issued for 1600 single family residential units (or the equivalent thereof in terms of trip generation) an annual monitoring program to provide peak-hour traffic counts at the project entrance shall be instituted to verify that the projected number of external trips for the Development are not exceeded. Counts shall continue on an annual basis through build-out. This information shall be supplied in the required Annual Report. If an annual report is not submitted within 30 days of its due date, or if the Annual Report indicates that the total trips exceed projected counts by more than 15 percent, Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and may amend the

Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

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

b. As committed in the Sufficiency Response dated April 26, 1988, the Developer shall provide transit amenities on-site at Cross Creek in accordance with HART's 30 December 1987 letter to the consultant for the Developer in the transportation appendix of the Sufficiency Response.

c. The applicant shall fully fund and construct the East-West Connector Road (described as Corridor D on Map H-1 of the Application) along the south boundary of the project (four-lane from C.R. 581 to the N-S Connector Road and two lane to the eastern property boundary), and the North-South Connector Road (described as Corridor A on Map H-1 of the Application), from the E-W Connector Road to the north project boundary. In addition, the Developer shall provide and dedicate to Hillsborough County the necessary right-of-way for the above-described roadway segments. The alignment of these roads shall be as generally shown on Revised Map H. The exact alignment of said roads shall be submitted for review and approval by the County. The above roads may be constructed on an incremental basis so as to serve development areas which are under construction; provided that said roads shall be completed and dedicated prior to the commencement of Phase IIB.

d. The Developer shall also reserve right-of-way for the roadway segments described in condition IV.B.2.d., above, in a width which is adequate to accommodate the required laneage as indicated in the North Tampa Transportation Study (NTTS) and shall reserve right-of-way within the project boundaries for that certain East-West road running along the northern boundary of the site (described as Corridor C on Map H-1 of the Application) in a width which is adequate to accommodate the required laneage as indicated in the NTTS. The Developer shall cooperate with Hillsborough County with respect to the potential dedication of said reserved right-of-way within the project boundaries provided that any right-of-way dedication shall be credited pursuant to Section 380.06, Florida Statutes and the Transportation Impact Fee Ordinances.

e. The applicant, or its assigns, shall prepare and implement a Transportation Systems Management (TSM) program upon issuance of Certificates of Occupancy for 1600 single family residential units (or the equivalent thereof on terms of trip generation) which will divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the Application. The plan shall be reviewed by Hillsborough County, Hillsborough Area Regional Transit ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("Tampa Urban Area MPO"), Florida Department of Transportation ("FDOT") and TBRPC.

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

If the Annual Report indicates that the total trip diversions are not being met, Hillsborough County shall

conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and amend the Development Order to change TSM objectives and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

In addition, this TSM program shall be developed in cooperation with Hillsborough County, FDOT, the Tampa Urban Area MPO, HART and TBRPC. This program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ridesharing by public and private sector employees.

OBJECTIVES:

- Increase urban area peak automobile occupancy rates by 10 percent by 1995 through expanded ridesharing efforts.
- Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 1995."

f. All internal roads shall be designed in accordance with Hillsborough County Standards, where applicable.

g. The Developer shall, within thirty (30) days of the date of final approval of this Development Order, subject to no appeals, notify the County, TBRPC and DCA of its election of Option 1, 2 or 3 under this Developer Order.

h. The Developer shall, immediately upon commencement of construction of the Development, notify the County, TBRPC and DCA of the date of such commencement.

C. Air Quality

1. Based on the results of the Cross Creek air quality study, the following improvements shall be required to mitigate the projected exceedances of air quality standards:

- Construction of a westbound left-turn lane and exclusive northbound right-turn lane (previously constructed) at the intersection of Fletcher Avenue and CR 581 by the completion of Phase I (1993).
- Construction of an eastbound through lane (previously constructed) and exclusive right-turn lane, and a westbound through lane (previously constructed) and exclusive right-turn lane at the intersection of Fletcher Avenue and CR 581 by the completion of Phase II (1998).
- Signalization of the CR 581/I-75 interchange ramps (east and west side) by the completion of Phase II (1998).

If any of the above required improvements are deleted or changed in configuration, a revised air quality analysis shall be conducted for each affected facility to evaluate potential air quality impacts and mitigation measures shall be implemented as required by DER and the Hillsborough County Environmental Protection Commission (EPC), and in such event, Hillsborough County hereby reserves the right to require mitigation measures to alleviate any potential impacts of the project on ambient air quality.

2. The applicant and its assigns shall be required, to employ the fugitive dust emission abatement procedures

referenced in the Application.

D. Soils/Wind and Water Erosion

1. The soil conservation measures referenced in the Application (ADA page 14.6) and the measures to reduce erosion, fugitive dust and air emissions referenced in the Application (ADA page 13.2), at minimum, shall be implemented.
2. The methods identified in the Application (ADA page 14.4) to overcome problems associated with particular soil types, shall be implemented, as appropriate.

E. Stormwater Management and Water Quality

1. Prior to the issuance of any permits for construction, the Drainage Plan for the portion(s) to be constructed shall be submitted to DER and TBRPC for review and to Hillsborough County and SWFWMD for approval. The following parameters shall be included in the Drainage Plan:
 - a. The stormwater management system shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, F.A.C., and 40D-4, Rules of SWFWMD. Treatment shall be provided by biological filtration, wherever feasible.
 - b. Best Management Practices for reducing water quality impacts, as recommended by Hillsborough County and SWFWMD in accordance with the applicable regulations of these agencies, shall be implemented, including a street cleaning program for parking and roadway areas within the Development.
2. In order to protect water quality in the Hillsborough River (a source of potable water for the City of Tampa) and its watershed, there shall be no degradation of adopted water quality standards by the Development's stormwater exiting the site. The Developer shall implement a semiannual surface water quality monitoring program, to be instituted before any construction activity beyond existing development takes place in each sub-basin of the project and to continue through build out of Development within each sub-basin, at minimum. If more stringent water quality monitoring is required by SWFWMD or Florida Department of Environmental Regulation ("DER") in applicable permits, the conditions of the permit shall supercede this requirement. Any violation of Chapter 17-3, F.A.C., determined to be caused by the Development shall require corrective measures as set forth by DER. The following shall apply:
 - a. Sampling locations shall be determined in cooperation with Hillsborough County, DER, SWFWMD and TBRPC and shall include the Clay Gulley (tributary of the Hillsborough River) north point of inflow and south point of outflow on the project site.
 - b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/DER Quality Control Standards and Requirements.
 - c. The monitoring results shall be submitted to Hillsborough County, DER and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met by the Developer, or its assigns, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected. TBRPC shall receive the results of the analyses with the annual reports.

d. Monitoring shall be conducted semi-annually for one year, during May and September, following issuance of the Development Order and following construction of 25 percent, 50 percent, 75 percent and 100 percent of the proposed unit build-out. Monitoring parameters shall include the following, at minimum:

- o Total phosphorus
- o Total nitrogen
- o Orthophosphate P
- o Organic N
- o Ammonia N
- o Chlorophyll-a
- o Dissolved oxygen
- o Lead
- o Zinc
- o Copper
- o Biological oxygen demand (5-day)
- o Oil and grease
- o T coliforms
- o F coliforms
- o pH
- o Specific conductivity

3. In order to protect the water quality of groundwater in and around the Morris Bridge Wellfield, a groundwater quality monitoring program shall be instituted within three (3) months of the issuance of this Development Order subject to no appeals and shall be continued periodically through development construction and for five (5) years following build-out. Any violation of Chapter 17-3, F.A.C., determined to be caused by this Development shall require corrective measures as set forth by DER. The following shall apply:

- a. Sampling locations, parameters and frequencies shall be determined in cooperation with Hillsborough County, DER, SWFWMD and TBRPC.
- b. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/DER Quality Control Standards and Requirements.
- c. The monitoring results shall be submitted to Hillsborough County, DER and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County and DER immediately and corrective measures, as set forth by DER, shall be implemented. TBRPC shall receive the results of the analyses with the annual reports.

4. No discharges to groundwater, pursuant to Chapter 17-4.245, F.A.C., shall be permitted on site.

5. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County.

6. All drainage easements necessary to accommodate any and all of the impacts of the Development shall be donated by the Developer to the County as required and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents must be fully executed prior to the issuance of Certificates of Occupancy for those areas where easements are required.

7. Elevations for all habitable structures shall be at or above the base flood elevation.

8. All encroachments into the 100-year floodplain

shall require that loss of hydrologic storage capacity is compensated on-site in accordance with the requirements of Hillsborough County and SWFWMD.

9. There shall be no impervious surfaces constructed within the 25-year floodplain except minimal, properly permitted and mitigated intrusions for necessary roadways or easements.

10. There shall be no loss of hydrologic storage capacity within the 25-year floodplain. No habitable structures shall be allowed in the designated 25-year flood plain unless provisions are made to compensate for reduction in natural storage area caused by the Development. Finish floor elevations for all habitable structures shall be at or above the 100-year flood elevation.

11. All drainage facilities within the confines of this project necessary for the proper functioning of this project are to be improved by the Developer, where necessary.

12. Except as otherwise permitted by the County Stormwater Management Department, all major drainage outfalls are to be designed to convey the 50 year conveyance with a foot of freeboard without increasing high waters off site.

13. Stormwater detention/retention pond design requirements for the Development shall be as listed below unless otherwise approved by the Hillsborough County Environmental Protection Commission and the Hillsborough County Engineering Review Manager:

- a. The side slopes shall be no greater than 4:1.
- b. The banks shall be completely vegetated to the design low water elevation.
- c. The sides and the bottom of each pond shall not be constructed of impervious material.

F. Wetlands/Vegetation and Wildlife/Open Space

1. Any activity interfering with the integrity of the wetlands, such as clearing, excavating, draining or filling, without written authorization from the Director of the Environmental Protection Commission or his designated agent, pursuant to Section 17 of the Hillsborough County Environmental Protection Act and of Chapter 1-11, Rules of the Environmental Protection Commission shall be prohibited.

2. The portions of the CROSS CREEK site which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, are designated on Revised Map H attached as part of Composite Exhibit "A".

3. In order to protect the natural values of preserved/conserved wetland areas, prior to construction plan approval for each construction increment or phase, the applicant shall submit a copy of the SWFWMD plan submittal to TBRPC for review and to DER (if required), Hillsborough County and SWFWMD for approval. The plan shall address, but not be limited to, wetlands to be preserved, proposed wetland/lake alterations, control of exotic species, mitigation of lost wetlands, control of on-site water quality, and methods for wetlands restoration/enhancement.

4. No hydroperiod alteration except for wetland restoration/enhancement shall be permitted in preservation areas as identified on revised Map H of the Application submitted to TBRPC and Hillsborough County. Natural annual hydroperiods, normal pool elevations and seasonal high water elevations shall

be substantially maintained. Hydroperiod monitoring shall be required semiannually in selected preserved wetlands beginning immediately and continuing for three years following build-out of the sub-basin surrounding each wetland monitored. The monitoring sites shall be selected in cooperation with Hillsborough County, SWFWMD, DER and TBRPC. Should preservation areas be stressed due to project development activities, development activity causing such stressed condition shall cease until remedial measures have been taken to correct the hydroperiod imbalance. Such measures could include limitations on impervious surface, enlargement of natural buffer areas and increased upland retention of stormwater. The results of the monitoring shall be provided in each annual report.

5. The applicant shall provide a natural buffer zone around all preservation areas to provide an upland transition into the wetland areas and to protect the natural systems from development impact. Alterations to buffer areas are permissible, if in accordance with the Hillsborough County Landscape Ordinance 87-2. No dredging, filling or development activities will be allowed within the preservation areas other than those addressed in the Application. During construction, hay bales or other erosion prevention control devices must be stacked along the setback lines around each wetland to prevent soil erosion into the wetlands.

6. All losses of conservation/preservation areas shall require 1:1 in-kind wetland replacement. Mitigation for conservation/preservation area losses shall be implemented prior to or concurrent with the wetlands being disturbed.

7. Existing wetlands which are permitted to be altered or eliminated should be used as donor material for revegetation of mitigation areas, where feasible.

8. All mitigation areas and littoral shelves shall be monitored quarterly for one (1) year and semi-annually for the next three (3) years. Monitoring results shall be provided in each Annual Report. Monitoring shall include species diversity composition, spreading and exotic species encroachment. Additional planting shall be required to maintain an eighty-five percent (85%) survival/cover of planted species at the end of three (3) years.

9. In the event that any species listed in Sections 39-27.003-.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission ("FGFWFC").

10. Representative tracts of all major upland vegetative communities, listed on pages 18.1 and 18.2 of the Application, shall be preserved on-site in a manner which will ensure their continued natural function and value. These tracts should be located contiguously in order to maximize their natural value. The areas to be preserved are shown on Revised Map H.

11. To mitigate the loss of gopher tortoise habitat resulting from this Development, the Developer will locate and purchase an off-site mitigation area within the jurisdiction of the TBRPC. This off-site mitigation area shall be between 25 and 50 acres in size and shall be established in accordance with the FGFWFC publication entitled: Ecology and Habitat Protection Needs of Gopher Tortoise (Gopherus Polyphemus) Populations Found on Lands Slated for Large-Scale Development in Florida (December 1987). The off-site mitigation area proposed by the Developer in accordance with this condition shall be submitted to FGFWFC, TBRPC and Hillsborough County for review and to FGFWFC for approval. The Developer shall furnish to the County and TBRPC copies of any permits obtained from FGFWFC. In the event that an off-site mitigation area meeting the above cited FGFWFC criteria cannot be obtained within one (1) year of the issuance of the

Development Order, subject to no appeals, the Developer, at its option, will either set aside habitat on-site in accordance with those criteria or relocate the gopher tortoises to an off-site location approved by FGFWFC.

12. The Developer shall be responsible for maintaining all recreation and open space areas within the project site other than those for which Hillsborough County has assumed maintenance responsibilities.

13. The estimated 225 acres of environmentally sensitive areas shall be preserved/conserved as committed in the Application.

14. The Applicant shall provide a bike path/pedestrian system throughout CROSS CREEK.

15. The Developer shall comply with the Hillsborough County Park Site Improvement Program (Ordinances 85-23 and 85-25E, as amended by 86-13 and 87-13). The park impact fees for Cross Creek pursuant to said ordinances are approximately One Million One Hundred Sixty Eight Thousand Nine Hundred Twenty Dollars and No Cents Dollars (\$1,168,920.00).

16. The CROSS CREEK development private park (11 acres) and recreational facilities shall be accessible to the elderly, handicapped and economically disadvantaged, and shall be held inviolate against diversion to other uses.

G. Public Facilities

1. Prior to or simultaneous with construction plan or site plan approval for all or a portion of the Development, the Developer shall stipulate to the satisfaction of Hillsborough County, in accordance with applicable regulations, the manner by which the Developer will participate in the provision or expansion of internal water supply (if applicable), supply lines, and facilities to service CROSS CREEK. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for the building construction which is the subject of the building permit.

2. The City of Tampa shall provide water and sanitary sewer service to CROSS CREEK. The Developer, or its assigns, shall be responsible for maintenance of all on-site water and wastewater facilities unless dedicated to the City of Tampa.

3. Prior to or simultaneous with construction plan or site plan approval for all or a portion of the Development, the Developer shall ensure the provision of adequate fire hydrants (in number and appropriate location), fire flows and water pressure to serve each building for which fire protection is required in accordance with applicable regulations. The installation of a sprinkler system, fire hydrants or fire plan shall be options to ensure the provision of acceptable fire flows. No building permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve such building is available.

4. Any proposed utilization of on-site wastewater treatment facilities shall require a substantial deviation determination by the local government with DER and TBRPC allowed sufficient review time.

5. Prior to issuance of Building Permits, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, water, wastewater, electricity, fire, emergency medical services and police capabilities and facilities are available for the building(s) that are the subject of such Building Permits.

6. Concurrent with issuance of the first Certificate of Occupancy, the Developer shall use non-potable water, if available, for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall submit a plan to Hillsborough County and TBRPC for using non-potable water for irrigation in the first Annual Report following issuance of the first Certificate of Occupancy. Applicable Hillsborough County regulations and procedures may be adequate to meet this requirement. CROSS CREEK development shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or similar nonpotable uses.

7. Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Subsection 553.14, Florida Statutes, (1987) and native vegetation shall be used in landscaping to the greatest extent possible.

8. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.

9. The Developer shall be responsible for maintenance and operation of any on-site wells. There shall be no utilization or construction of any on-site wells as a source of potable water unless approved by Hillsborough County and appropriate reviewing agencies. The location of on-site wells, if any, shall be depicted on Revised Map H.

10. Septic tanks shall not be permitted for use on-site.

11. CROSS CREEK sewer lines shall be monitored for leaks and ruptures once every three (3) years until such time as said lines are dedicated to the City of Tampa. The entity(ies) to carry out the monitoring shall be the developer, or its assigns. Faulty lines shall be replaced as quickly as possible.

12. The Developer shall provide to all CROSS CREEK businesses information that:

- a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas; and
- b. Describes construction requirements for hazardous waste holding areas; and
- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

H. Energy Conservation

1. All CROSS CREEK tenants, businesses and residents shall be encouraged to do the following:

- a. The establishment of energy policies, energy use monitoring and energy conservation, using a qualified energy use analyst;
- b. The institution of programs to promote energy conservation by employees, buyers, suppliers and the public;
- c. The institution of programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and the use of energy efficient cooling, heating and lighting systems;
- d. The institution and utilization of recycling programs;

e. The employment of innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration;

f. The installation of total energy systems on large facilities, when cost effective;

g. Use of the most energy efficient technology economically feasible in the construction and operation of the project's facilities;

h. Use of landscaping and retention of existing vegetation as a means for energy conservation;

i. Obtain energy audits provided by energy companies or other qualified agencies;

j. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

k. Use landscaping and building orientation to reduce heat gain, where feasible, for all Cross Creek construction.

l. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate; and

m. Utilize energy efficient packaging and/or recyclable materials.

2. A report on the status of implementation of the energy conservation measures referenced on pages 25.5 and 25.9 of the ADA and other such measures shall be included in each Annual Report.

3. Cross Creek should work with or designate an energy officer to establish energy policies, monitor energy use and encourage conservation for project businesses.

K. Education

1. A 15-acre elementary school site shall be provided to the Hillsborough County School Board, either in Tract I or Tract L as shown on the General Site Plan (submitted with the subject PD-MU Rezoning Application). Appropriate credits shall be given pursuant to the Hillsborough County Impact Fee Ordinance.

2. The Developer shall incorporate input from the Hillsborough County School Board into the planning for the proposed school sites and shall provide sidewalks as requested by the School Board in a manner consistent with the Hillsborough County Impact Fee Ordinance.

L. Equal Opportunity/Economy

1. The Developer shall encourage the promotion of entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities within the Development. A report on equal opportunity employment programs utilized by project business and the program's effect should be incorporated into the Annual Reports following issuance of the first Certificates of Occupancy for project businesses.

2. The Developer shall encourage all contractors and subcontractors to involve minority groups in the development of the project. All office and commercial establishment areas shall be available to all, on a fair and impartial basis.

3. The Developer shall encourage employers in CROSS CREEK to institute programs to provide child care facilities at

the place of employment or as a cooperative effort with other businesses. A report on child care programs utilized by project business employees shall be incorporated into the Annual Report following issuance of the first Certificates of Occupancy for project businesses.

4. Any approval of Phase I and Phase IIA of this Development shall stipulate that excess infrastructure capacity constructed to serve latter phases of the Development shall be at the Developer's risk and shall not vest latter phase development rights.

M. Historical or Archaeological Resources

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

N. Housing

1. CROSS CREEK shall encourage the development of some living units (with a varying number of bedrooms) as accessible units for the handicapped.

2. The applicant shall promote equal housing opportunity for minorities, the handicapped and families with children.

O. General

1. All of the Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer Commitments" shall be honored, except as they may be superseded by specific terms of the Development Order.

2. Any change to the project which departs significantly from the parameters set forth in the phasing schedule set forth in this Development Order shall require a substantial deviation determination, pursuant to Subsection 380.06(19), Florida Statutes.

3. All outstanding amounts for initial review by TBRPC shall be paid within 15 days of billing.

4. Payment for any future activities of the TBRPC with regard to this Development including, but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the developer in accordance with the DRI Fee Schedule.

5. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its Board Review/ZHM Recommendations meeting of May 23, 1989 as same appears of record in Minute Book 156 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this
2nd day of June , 1989.

RICHARD AKE, CLERK

By: Edna G. Fitzpatrick
Deputy Clerk

APPROVED BY COUNTY ATTORNEY
BY John Edgar Hall
JUL 1 1989
CLERK OF THE COUNTY

COMPOSITE EXHIBIT "A"
TO CROSS CREEK DEVELOPMENT ORDER
APPLICATION FOR DEVELOPMENT APPROVAL,
SUFFICIENCY RESPONSES,
PROPORTIONATE SHARE CALCULATIONS
AND REVISED MAP H-1 (also referred to as Revised Map H)

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared David M. Mechanik, as attorney for Gulfstream Communities, the applicant/owner of the Cross Creek DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Gulfstream Communities filed its application for development approval for Cross Creek on December 30, 1987. The first sufficiency response was filed on April 26, 1988. The second sufficiency response was filed on September 19, 1988.
2. The aforementioned documents were filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TBRPC") and those other governmental agencies described in the distribution list attached to this Affidavit as Exhibit 1.
3. Proportionate Share calculations for Phase I and IIA were filed with Hillsborough County, the State of Florida Department of Transportation ("FDOT"), TBRPC and DCA.
4. Revised Map H-1, referred to in the Development Order as Revised Map H, was filed with Hillsborough County, TBRPC and DCA.

Sworn to and subscribed before me this 31st day of May, 1989.

(Notarial Seal)


Notary Public

My commission expires:

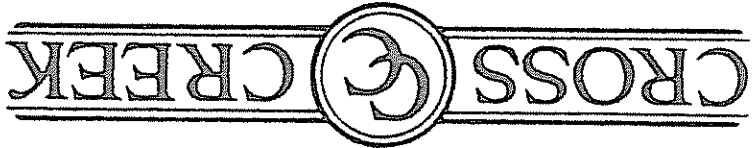
NOTARY PUBLIC, State of Florida
My Commission Expires Feb. 7, 1993

Exhibit 1

DRI APPLICATION TRANSMITTAL LIST

Applicable Local Government	SUBMITTAL REQUIREMENT As established by local procedures
Ms. Sheila Benz Tampa Bay Regional Planning Council 9455 Koger Boulevard, Suite 219 St. Petersburg, Florida 33702	10 copies ADA
Mr. Richard Adair Florida Department of Transportation 4950 West Kennedy Boulevard Suite 404 Tampa, Florida 33609	1 copy ADA
Mr. Howard Glassman Florida Department of Transportation Mail Station 28 605 Suwannee Street Tallahassee, Florida 32301	1 copy ADA
Ms. Marianne G. Korosy, DRI Coordinator Dept. of Environmental Regulation 7601 Highway 301 North Tampa, Florida 33610	2 copies ADA
Mr. George W. Percy State Historic Preservation Office Chief, Bureau of Historic Preservation Division of Archives, History & Records Mgt. Department of State The Capitol Tallahassee, Florida 32301	Response to Question 19-A of ADA Legal Description
Mr. Mike Allen Office of Environmental Services Florida Game and Fresh Water Fish Commission 620 South Meridian Tallahassee, Florida 32301	1 copy ADA
Mr. Steve Minnis Planning Department Southwest Florida Water Management District 2379 Broad Street Brooksville, Florida 33512-9712	4 copies ADA

Mr. Bill Howell Bureau of Biological & Interpretive Serv. Department of Natural Resources 3900 Commonwealth Boulevard, Room 508 Tallahassee, Florida 32303	2 copies ADA
Mr. Dennis Harmon, Chief Bureau of Economic Analysis Florida Department of Commerce 406 Fletcher Building Tallahassee, Florida 32301-8132	1 copy ADA
Mr. James Murley, Chief, Attn: Mr. Ed Lehman Department of Community Affairs Division of Local Resource Mgt. 2571 Executive Center Circle, E. Tallahassee, Florida 32301	1 copy ADA
Mr. A. J. Salem Planning Division U.S. Army Corps of Engineers P.O. Box 4970 Jacksonville, Florida 32232-0019	1 copy ADA
Mr. Connor Davis Marine Fisheries Commission 2562 Executive Center Circle, E. Suite 211 Tallahassee, Florida 32301	1 copy ADA
Mr. Gene Heath, General Manager West Coast Regional Water Supply Authority 2535 Landmark Drive, Suite 211 Clearwater, Florida 33519	1 copy ADA
Mr. William Saalman, III U.S. Department of Agriculture Soil Conservation Service 5539 State Road 579 Seffner, Florida 33584	1 copy ADA
Ms. Shirley Gersholtwitz Hillsborough County Department of Development Coordination 800 East Twiggs Street Tampa, Florida 33602	18 copies ADA



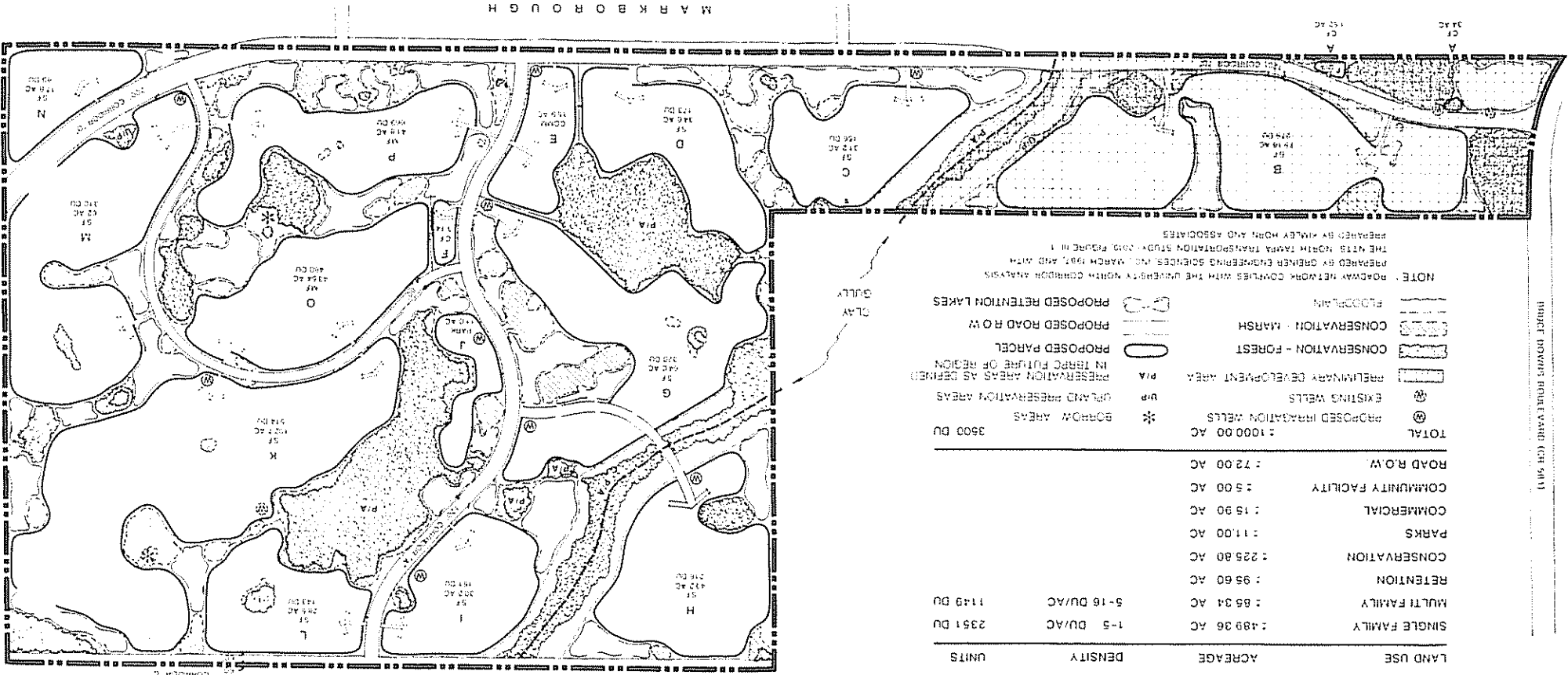
A RESIDENTIAL DEVELOPMENT BY
GULFSTREAM COMMUNITIES
TAMPA, FLORIDA

MAP H-1

REVISED:
A PORTION OF THE COMPOSITE EXHIBIT A,
TO THE CROSS CREEK DEVELOPMENT CENTER

LAND USE	ACREAGE	DENSITY	UNITS
SINGLE FAMILY	: 489.06 AC	1-5 DU/AC	2351 DU
MULTI FAMILY	: 85.34 AC	5-16 DU/AC	1149 DU
RETENTION	: 95.60 AC		
CONSERVATION	: 225.80 AC		
PARKS	: 11.00 AC		
COMMERCIAL	: 15.90 AC		
COMMUNITY FACILITY	: 5.00 AC		
ROAD R.O.W	: 72.00 AC		
TOTAL	: 1000.00 AC		3500 DU
PROPOSED IRRIGATION WELLS			
EXISTING WELLS			
PRESUMEDLY DEVELOPMENT AREA			
P/A PRESERVATION AREAS AS DEFINED IN TARP FUTURE OF REGION			
PROPOSED PARCEL			
PROPOSED ROAD ROW			
PROPOSED RETENTION LAKES			
FLOODPLAIN			

NOTE: ROADWAY NETWORK COMPLETES WITH THE UNIVERSITY NORTH CORRIDOR ANALYSIS PREPARED BY GREINER ENGINEERING SCIENCES AND MARCH 1991, AND WITH THE NITS NORTH TAMPA TRANSPORTATION STUDY 2005, FIGURE 11.1 PREPARED BY KIMLEY HORN AND ASSOCIATES



MASTER DEVELOPMENT PLAN

PLAN PREPARED BY: GULFSTREAM LAND AND DEVELOPMENT DEPARTMENT OF PLANNING AND DESIGN

GEE & JENSON



ENGINEERS ARCHITECTS PLANNERS

DATE: 01/01/01
DRAWN: JGD
CHECKED: JGD
APPROVED: JGD

SCALE IN FEET
0 200 400 800 1200 1600



NORTH

86-215

Exhibit "B"
to Cross Creek Development Order

JOINT PARTICIPATION AGREEMENT

This Agreement, made and entered into this 23 day of May, 1989 by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, hereinafter referred to as the "Department", and GULFSTREAM COMMUNITIES, a Florida partnership, hereinafter referred to as "Gulfstream".

W I T N E S S E T H:

WHEREAS, Gulfstream is the owner of a development known as Cross Creek (formerly known as "A New Community") which is currently undergoing development of regional impact (DRI) review (which development is designated DRI #162, and which shall hereafter be referred to as "Cross Creek"); and

WHEREAS, transportation impacts of Cross Creek are proposed to be mitigated, in part, by the contribution by Gulfstream to the Department of the amount of Two Million Dollars and No Cents (\$2,000,000.00) towards construction costs for the widening of Fowler Avenue in Hillsborough County, Florida from four (4) to six (6) lanes from Nebraska Avenue to 30th Street, which road construction project is currently scheduled for construction in fiscal year 1995/1996 (the Department's fiscal year being July 1 to June 30); and is more fully described on Exhibit 1 attached hereto (hereinafter, the road construction project described on attached Exhibit 1 shall be referred to as the "Project"); and

WHEREAS, Gulfstream's contribution toward construction of the Project will enable the Department to construct a portion of the Project during fiscal year 1992/1993 and the balance of the Project during fiscal year 1993/1994; and

WHEREAS, the Project is one of the highest priority roadway improvements needed in Hillsborough County; and

WHEREAS, both parties and Hillsborough County wish to facilitate the earlier construction of the Project; and

WHEREAS, Gulfstream's contribution toward construction of the Project will make available Department funds, which otherwise would have been utilized for the Project, for other roadway projects in unincorporated Hillsborough County during fiscal year 1995/1996; and

WHEREAS, the roadway link which is proposed to be improved under the Project is substantially impacted by Cross Creek; and

NOW THEREFORE, for and in consideration of the mutual covenants herein set forth, the parties hereto agree as follows:

1. The purpose of this Agreement is to provide for the advance construction of the widening of Fowler Avenue in Hillsborough County from four (4) to six (6) lanes from Nebraska Avenue to 30th Street, the limits of which are more specifically described on Exhibit 1 attached hereto (hereinafter, the road construction project described on Exhibit 1 shall be referred to as the "Project"), and to facilitate Gulfstream's contribution of Two Million Dollars and No Cents (\$2,000,000.00) toward the construction of the Project. Exhibit 1 describes the Project in two segments, "Segment 1" being that portion of the Project from 22nd Street to 30th Street and "Segment 2" being that portion of the Project from Nebraska Avenue to 22nd Street.

2. Gulfstream shall provide funds in the amount of Two Million Dollars and No Cents (\$2,000,000.00) toward the construction of the Project, ("Project Sum") in accordance with the provisions of paragraph 5, below. The Department, under the terms set forth herein, shall provide the balance of the participating funds for the design, right-of-way acquisition, construction costs exceeding Gulfstream's \$2,000,000.00 contribution, and construction engineering inspection of the Project.

3. Upon the posting of the letter of credit or other form of security as set forth in paragraph 5 below, the Department shall prepare construction plans for the Project. Following completion of design, the Department shall expeditiously commence right-of-way acquisition, if right-of-way is needed, and

following such right-of-way acquisition, the Department shall expeditiously commence construction of the Project which construction schedule is more specifically described in paragraph 4, below.

4. The Department agrees to commence construction of Segment 1 of the Project during fiscal year 1992/1993 and to commence construction of Segment 2 of the Project during fiscal year 1993/1994. Based on the Department's current estimates, it is anticipated that Segment 1 shall be completed within eighteen (18) months of the Notice to Proceed on such segment and Segment 2 shall be completed within eighteen (18) months of the Notice to Proceed on such segment; provided, however, that in the event that the performance by the Department of commitments set forth herein shall be interrupted or delayed by war, riot, civil commotion, strike or in its acquisition of necessary permits, then the Department shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

5. Within 30 days after approval of the Cross Creek DRI Development Order, subject to no appeals, Gulfstream shall post an irrevocable letter of credit securing payment of the Project Sum in full at a later date ("Letter of Credit"). Until the Project Sum is paid to the Department, Gulfstream shall renew the Letter of Credit annually, on a date which is at least forty-five (45) days prior to the designated date of expiration of the Letter of Credit. The Letter of Credit shall state that Gulfstream's failure to timely renew the Letter of Credit shall be an event under which the Department can draw on the Letter of Credit for payment of the Project Sum in full. In the event of Gulfstream's failure to timely renew the Letter of Credit, the Department shall draw on the Letter of Credit to obtain the Project Sum and shall construct Segment 1 of the Project under the schedule set forth in paragraph 4, above. On April 1, 1992, Gulfstream shall deposit with the Department the sum of Two Million Dollars and No Cents (\$2,000,000.00). Upon the full

payment of the Project Sum, Gulfstream shall be released from all of its obligations hereunder and under the letter of credit or other form of security. Should Gulfstream fail to post the Letter of Credit in accordance with this paragraph, this Agreement shall terminate, termination being the Department's sole remedy for Gulfstream's failure to post the Letter of Credit. The Department shall immediately notify Hillsborough County, the Tampa Bay Regional Planning Council and the State of Florida Department of Community Affairs in the event of such termination.

6. The Department shall acquire all necessary permits, utility adjustments and rights-of-way for the Project.

7. The Department shall be responsible for the construction engineering inspection, administration and coordination of work with utilities and/or their contractors on the Project.

8. The parties recognize and accept the funding restriction set forth in Section 339.135(8)(a), Florida Statutes (1988), which may affect the Department's obligations hereunder:

(a) The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the comptroller of the department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of \$25,000 and which have a term for a period of more than 1 year.

The above notwithstanding, in the event that total funding for the Project is not budgeted as available for construction in fiscal year 1993/1994, the provisions of Section 339.135(8)(a) shall not operate to nullify this Agreement, and the Department shall utilize the Project Sum to construct Segment 1 of the

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of
Hillsborough County, Florida, do hereby certify that the
above and foregoing is a true and correct copy of page 5
of the Exhibit "B" (Joint Participation Agreement) to the

Cross Creek Development Order Resolution No. R89-0118, DRI

#162

adopted by the Board in its regular meeting _____ of

May 23, 1989, as the same appears of
record in MINUTE BOOK 156 of the Public Records of
Hillsborough County, Florida.

WITNESS my hand and official seal this 28th
day of June, 1989.

RICHARD AKE, CLERK

By: Edna J. Fitzpatrick
Deputy Clerk

Project under the time frame set forth in this Agreement, the Project Sum being an amount sufficient to cover the cost of construction of Segment 1 in 1992/1993 dollars.

9. Any notice or other document which either party is required to give or deliver to the other shall be given in writing and served either personally or given by prepaid certified mail, return receipt requested, or by any delivery service from which a receipt may be obtained, and addressed to the following:

Gulfstream Communities: Ms. Susan Peterson
550 N. Reo Street
Suite 300
Tampa, Florida 33609

Copy to:

David M. Mechanik
Macfarlane, Ferguson, Allison
& Kelly
215 Madison Street
Post Office Box 1531
Tampa, Florida 33601

Department:

Florida Department of
Transportation
4950 West Kennedy Boulevard
Suite 500
Tampa, Florida 33609
Attn: Mr. James Kennedy

10. This Agreement shall commence on the date above written and remain in effect until cancellation, or completion and final acceptance of the Project. Any amendment to or modification of this Agreement shall be in writing and signed by the parties and shall not be effective unless the Development Order for Cross Creek is amended to reflect said amendment or modification.

11. This Agreement shall be binding upon and inure to the benefit of the parties and their successors and assigns; provided, however, that no such assignment shall be effected until prior written consent thereof shall have been given by the Department, which consent shall not be withheld if such proposed assignee demonstrates to the Department that it will provide such financial assurances as are necessary to fulfill Gulfstream's obligations under this Agreement.

12. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

IN WITNESS WHEREOF, the parties hereto have executed and affixed their official seals to this Agreement on the day and year first above written.

WITNESSES:

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: *James C. Charnock*
District Secretary
District Seven

ATTEST: *Martha A. Miller*

[Signature]
Minette L. [Signature]
As to the Department

Approved as to form and legal
sufficiency

Catherine E. Spicella
District Seven Attorney

WITNESSES:

GULFSTREAM COMMUNITIES

Marion Flannery
[Signature]
As to Gulfstream

BY: *Joseph P. Canterbury, Jr.*
Name:
Title:

EXHIBIT 1
to Joint Participation Agreement
Fowler Avenue Project
(FDOT Job #10290-1519/
FDOT Work Program #7113570)

Segment One (1) - Fowler Avenue from 22nd Street to 30th Street

The improvement of Fowler Avenue from an existing 4-lane facility to a 6-lane urban typical section, including stormwater treatment and attenuation, traffic signal modifications, pavement markings, signage and maintenance of traffic plans.

Segment Two (2) - Fowler Avenue from Nebraska Avenue to 22nd Street

The improvement of Fowler Avenue from an existing 4-lane facility to a 6-lane urban typical section, including stormwater treatment and attenuation, traffic signal modifications, railroad crossing signal and protective devices modifications, pavement markings, signage and maintenance of traffic plans.

from all of its obligations hereunder and under the letter of credit or other form of security. Should RDP fail to post the Letter of Credit in accordance with this paragraph, this Agreement shall terminate, termination being the Department's sole remedy for RDP's failure to post the Letter of Credit. The Department shall immediately notify the City of Tampa, the Tampa Bay Regional Planning Council and the State of Florida Department of Community Affairs in the event of such termination.

6. The Department shall acquire all necessary permits, and utility adjustments for the Project.

7. The Department shall be responsible for the construction engineering inspection, administration and coordination of work with utilities and/or their contractors on the Project.

8. The parties recognize and accept the funding restriction set forth in Section 339.135(8)(a), Florida Statutes (1988), which may affect the Department's obligations hereunder:

(a) The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the comptroller of the department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of \$25,000 and which have a term for a period of more than 1 year.

The above notwithstanding, in the event that total funding for the Project is not budgeted as available for construction in fiscal years 1991/1992 and 1992/1993, the provisions of Section 339.135(8)(a) shall not operate to nullify this Agreement, and the Department shall utilize the Project Sum to construct Segment 1 of the Project under the time frame set forth in this Agreement, the Project sum being an amount sufficient to cover the total costs

including those identified in paragraph 7, above of construction of Segment 1 in 1992/1993 dollars.

9. Any notice or other document which either party is required to give or deliver to the other shall be given in writing and served either personally or given by prepaid certified mail, return receipt requested, or by any delivery service from which a receipt may be obtained, and addressed to the following:

RDP Associates No. One Ltd. Gerard Corbino
VRS Realty Services-Florida, Inc.
7650 W. Courtney Campbell
Suite 1100
Tampa, Florida 33607-1432

Copy to:

Richard E. Davis, Esq.
Holland & Knight
P.O. Box 1288
Tampa, Florida 33601

Department:

Florida Department of
Transportation
4950 W. Kennedy Boulevard
Suite 500
Tampa, Florida 33609
Attn: Mr. James Kennedy

10. This Agreement shall commence on the date above written and remain in effect until cancellation, or completion and final acceptance of the Project. Any amendment to or modification of this Agreement shall be in writing and signed by the parties and shall not be effective unless the Development Order for University Center Research and Development Park is amended to reflect said amendment or modification.

11. This Agreement shall be binding upon and inure to the benefit of the parties and their successors and assigns; provided, however, that no such assignment shall be effected until prior written consent thereof shall have been given by the Department, which consent shall not be withheld if such proposed assignee demonstrates to the Department that it will provide the letter of credit in accordance with all the terms and conditions of this Agreement.

12. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

IN WITNESS WHEREOF, the parties hereto have executed and affixed their official seals to this Agreement on the day and year first above written.

WITNESSES:

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

Mavis Fleming
Richard E. Adair
As to the Department

BY: James C. Kirsosky
District Secretary
District Seven

ATTEST: Martha A. Miller

Approved as to form and
legal sufficiency

Frank Peter Chaus, II
District Seven Attorney

WITNESSES:

RDP ASSOCIATES NO. ONE LTD.
BY RDP ASSOCIATES NO ONE, INC. AS GENERAL PARTNER

Quinn B. Austin

BY: Gerard Corbino
Name: Gerard Corbino
Title: Vice President

Karla S. Chase
As to RDP Associates
No. One Ltd.

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EXHIBIT 1

TO JOINT PARTICIPATION AGREEMENT

Fowler Avenue Project: Widening of Fowler Avenue
from four (4) to six (6) lanes from
Nebraska Avenue to 50th Street
(FDOT Work Program #7113570, 7113948, and 7113832)

Segment One (1) - Fowler Avenue from 15th Street to 22nd

The improvement shall consist of the addition of one east
bound lane and one west bound lane.

Segment Two (2) - Fowler Avenue from Nebraska to 15th Street and
from 22nd Street to 50th Street.

The improvement shall consist of the addition of one east
bound lane and one west bound lane.

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