

ORDINANCE NO. 89-38

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 McDILL COLUMBUS CORPORATION, FOR TOWER PROPERTY, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 14, 1987, McDILL COLUMBUS CORPORATION, (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, Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TBRPC"), and other appropriate agencies pursuant to the provisions of Section 380.06 F.S. (1987), as amended ("Chapter 380"), and Section 43A-300, City of Tampa Code; and

WHEREAS, the ADA proposes the development of TOWER PROPERTY, a 12.8-acre office and hotel development located in the southwest quadrant of the intersection of Bird Street, Florida Avenue and I-275, north of the Hillsborough River in the Sulphur Springs/Seminole Heights area of Tampa.

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 January 26, 1989, 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 TOWER PROPERTY, a DRI. The scope of development to be permitted pursuant to this Order includes the use,

Certified as true
and correct copy.

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.
- 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 TOWER PROPERTY, an office and hotel development located on a 12.8-acre site in the southwest quadrant of the intersection of Bird Street, Florida Avenue and I-275 north of the Hillsborough River in the Sulphur Springs/Seminole Heights area of Tampa.
- D. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05 F.S. (1987).
- E. That the proposed development is consistent with the adopted local land development regulations and the City's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163 F.S. (1987), and the goals and policies of the Comprehensive Regional Policy Plan and the State Comprehensive Plan.
- 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 which were submitted pursuant to Subsection 380.06(12), F.S. (1987).
- I. That this Order satisfies the provisions of Section 380.06(15) F.S. (1987).

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

Certified as true and correct copy.
--

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 Phases I and II proposed in the ADA are hereby specifically approved, subject to the following conditions, restrictions and limitations. Phase III is hereby conceptually approved, specific approval being subject only to the additional traffic analysis and regional transportation impact mitigation, if any, as set forth in this Order.

- A. Substantial Deviations. Further review, pursuant to Chapter 380, shall be required if a substantial deviation, as defined in Subsection 380.06(19) of Chapter 380 occurs. All changes to this Order and substantial deviation determinations shall be accomplished pursuant to Subsection 380.06(19) F.S. 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 an annual report on the DRI to the City, the TBRPC, the State Land Planning Agency, and other agencies as may be appropriate, on January 4, 1990, and on January 4th 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. 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;

Certified as true
and correct copy.

5. An assessment of the development's and local government's 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 together with any 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) F.S. (1987);
8. A copy of any notice of the adoption of this Order or the subsequent modification of this Order that is recorded by the Developer pursuant to Subsection 380.06(15)(f) F.S. (1987);
9. 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;
10. An assessment of the effectiveness of TSM measures as described in Section 4C.8., below;
11. Hourly traffic counts for 24-hour period taken at access points from the site to public rights-of-way, if and as required by the City, and utilizing generally accepted traffic engineering practices and procedures.
12. Identification of a change, if any, in local government jurisdiction for any portion of the development during the reporting year.

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 of Tampa approval, which shall not be unreasonably withheld, to mitigate the impacts of this development, or each phase(s) thereof on regional transportation facilities. However, see Section 4.C.6 which requires pipeline option to be elected prior to issuance of building permits for 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 applicable law.

1. In accordance with 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.

Certified as true
and correct copy.

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), actual (or committed for in a binding contractual form) construction by any public or private (specifically including the Developer) 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"; consistent with TBRPC policy on such placement within the State T.I.P.) or any combination of the foregoing.

3. The total development approved is:

PHASING SCHEDULE -- SPECIFIC/CONCEPTUAL APPROVAL

	Office (Sq. Ft.)	Hotel Rooms
Phase I (1989)*	400,000	275
Phase II (1992)*/***	400,000	---
Phase III (1997)**	400,000	---
TOTALS	1,200,000	275

*The years shown are estimates only and do not suggest that development will not occur at a faster or slower rate than shown.

**Phase III is conceptually approved, specific approval being subject only to the additional traffic analysis and regional transportation impact mitigation, if any. The final build-out year shown (1997) is an estimate only and does not suggest that development will not occur at a faster or slower rate than estimated, subject to applicable substantial deviation criteria for extension of build-out dates.

***Inasmuch as only Phases I and II are receiving specific approval, extension of the buildout of Phase II may subject the Developer to a substantial deviation determination, which determination would be subject to applicable substantial deviation criteria for extension of build-out dates.

4. A Transportation Improvements Plan ("Plan") and schedule for the TOWER PROPERTY area (as such Area is defined in Exhibit "D" appended hereto and thereby made a part hereof) shall be developed in cooperation with the City, FDOT, the TBRPC, the Tampa Urban Area MPO and developers in the TOWER PROPERTY area. The Plan shall consider all approved developments in the area including previously approved DRIs, and projected development. The Plan shall be commenced within the first year following issuance of this Order and shall be completed prior to any Phase III specific

Certified as true
and correct copy.

approvals. The Plan shall include but not be 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 TOWER PROPERTY 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. a study of mass transit as a viable alternative to alleviate roadway overburdening;
- f. 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
- g. proposals for implementing the above strategies, including identification of funding sources and mechanisms.

The Plan study shall be conducted consistent with generally accepted professional traffic planning and engineering practices and procedures. Standards and assumptions to be used in the TOWER PROPERTY Area shall be described in the study document. The Plan findings and recommendations may serve as a basis for the Developer or City to request amendments to this Order. The prior commencement of the I-275 Reconstruction Plan ("I-275 Plan") or the Tampa Comprehensive Plan ("Tampa 2010") update ("Update") have satisfied the Plan commencement requirements of this Subsection. Final adoption of either the Tampa 2010 or the I-275 Plan by the appropriate governmental units and/or agencies may satisfy the Plan completion requirements of this Subsection.

5. When Certificates of Occupancy have been issued for 400,000 square feet of office space (or the equivalent thereof in terms of trip generation pursuant to the trip equivalency table attached hereto as Exhibit "C", and incorporated herein by reference) an annual monitoring program to provide peak hour counts at the project entrance(s) shall be instituted to verify that the total projected number of external trips for

Certified as true
and correct copy.

the total development are not exceeded and that such counts are within the guidelines established for substantial deviations by increases in net external vehicle trips (15%). Counts will continue on an annual basis through build-out.

6. The Developer shall have the option of proceeding with the development of each Phase of the project for which specific approval has been granted, under the conditions set forth in Subsections C.6.a.-c. below, with respect to mitigating the project's transportation impacts, subject to any additional conditions, restrictions or limitations set forth herein. 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. Subject to that notification and election requirement for the pipeline option, the mitigation measures set forth in 6.a.-c. below may be implemented singly or in combination subject to City approval which shall not be unreasonably withheld.

a. Option 1 ("Staging").

(1) Any approval of Phase I of this development shall require funding commitments from responsible entities for the following roadway improvements. Without funding commitments for these improvements, construction permits shall not be issued for Phase I.

(a) The link improvements indicated in Table 1.

(b) The intersection improvements indicated in Table 2.

TABLE 1

Required Link Improvements for Phase I
of TOWER PROPERTY

Roadway Link	LOS W/Project Prior to Improvement	Project Traffic as % of LOS "D" (Existing Facility) Peak Hour Capacity	Required Improvement
I-275:			
Busch Boulevard to Fowler Avenue	F	8.7	Add thru lane NB

Certified as true
and correct copy.

TABLE 2

Required Intersection Improvements for Phase I
of TOWER PROPERTY

Intersection	LOS W/Project Prior to Improvement	Project Traffic as % of LOS "D" (Existing Facility) Peak Hour Capacity	Required Improvement
Bird Street at Drive 1 (east)	N/A	N/A	Add right-turn, thru and left- turn lanes NB; add thru lane EB.*
Bird Street at Drive 2 (west)	N/A	N/A	Add thru lane EB; add left- turn lane WB; add right, thru and left lanes NB.*
Waters Avenue at Florida Avenue	E	12.9	Add right-turn lane EB and right-turn lane NB.
Busch Boulevard at Florida Avenue	E	16.6	Add left-turn lane WB and right-turn lane SB.
Busch Boulevard at I-275 (east/side)	E	12.9	Signal phasing change.
Busch Boulevard at Nebraska Avenue	E	5.2	Add left-turn lane EB; right- and left-turn lanes WB; thru lanes NB and SB; and add left-turn lane SB.
Bird Street at Florida Avenue	E	21.6	Add left-turn lane SB and right-turn lane WB.

*These are considered to be "on-site" improvements; they are the responsibility of the developer to complete; they were not included in the calculation of fair share contribution(s).

Certified as true
and correct copy.

(2) Any approval of Phase II of this development shall require funding commitments from the responsible entities for the following roadway improvements. Without funding commitments for these improvements, construction permits shall not be issued for Phase II.

(a) The link improvements indicated in Table 3.

(b) The intersection improvements indicated in Table 4.

TABLE 3
Required Link Improvements Needed for Phase II
of TOWER PROPERTY

Intersection	LOS W/Project Prior to Improvement	Project Traffic as % of LOS "D" (Existing Facility) Peak Hour Capacity	Required Improvement
I-275 at Bird Street	F	41.1	Add southbound ramp lane.

TABLE 4

Required Intersection Improvements for Phase II
of TOWER PROPERTY

Intersection	LOS W/Project Prior to Improvement	Project Traffic as % of LOS "D" (Existing Facility) Peak Hour Capacity	Required Improvement
Bird Street at Florida Avenue	E	41.0	Add right-turn lane WB.
Waters Avenue at Florida Avenue	E	15.6	Add left-turn lane and thru lane NB.
Busch Boulevard at I-275 (east side)	E	23.3	Add EB left- turn lane.

Certified as true
and correct copy.

(3) Subject to the completion, review and approval by the City and TBRPC of a subphasing transportation analysis, together with any associated Order amendments, subphasing is permitted under Option 1. If Subphasing is elected by Developer, funding commitments will be required for all regionally significant improvements (as listed above in Tables 1-4) which are necessary to accommodate the traffic impacts of a particular subphase of development prior to the commencement of that particular Subphase of development. Prior to issuance of building permits beyond a particular phase (or subphase if a subphase analysis is submitted and approved) square footage threshold, the improvements identified as being associated with the next phase or subphase 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 phase or subphase square footage for which there are funding commitments.

b. Option 2 ("Monitoring").

(1) Alternatively, in the event of a stop order, pursuant to Option 1 above, 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 while maintaining the above referenced levels of service (LOS D, Peak Hour) 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. Further, Developer shall pay to City a mutually agreed upon amount of money with which City shall hire an independent, third-party traffic engineering consultant to conduct on the City's behalf all conferences, reviews and analyses necessary to reach a conclusion as to the validity of the Developer's traffic analysis and thus whether the incremental development should be approved. In the event that funding commitments for transportation improvements are only adequate to permit approval of a portion of

Certified as true
and correct copy.

the development, the capacity and loading of transportation facilities in the TOWER PROPERTY Area and studied in the ADA shall be limiting factors in any subsequent approvals.

(2) "Concurrency" Development with No Improvements. It has been determined, based upon updated traffic counts, that initial development consisting of 275 hotel rooms (or their office trip generation equivalency as set forth in Exhibit "C") together with 69,942 square feet of office space may be constructed and occupied. This development may occur without consuming 5% or more of the peak hour LOS D peak capacity of any of the non-committed regionally significant roadways and without the expected trips to be generated by construction of this development causing the roadways to operate below LOS D, peak hour. Notwithstanding the above, this development is considered part of Phase I and does not obviate the need for the election, if any, of an Option 3 (Pipelining) mitigation prior to building permit approvals (as required by Section 4.C.6 - first paragraph).

c. Option 3 ("Pipelining").

(1) It is the intent of this option to permit the Developer to mitigate its development impacts on the substantially affected regionally significant roadway network by adequately providing, in the manner set forth below, for the public transportation facilities necessary to accommodate the traffic impacts of Phases I and II 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 and II 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.

(2) Under this option, the Developer, using Developer's proportionate share amount calculated pursuant to Rule 9J-2.0255, Florida Administrative Code (1987), as interpreted in accordance with TBRPC, DCA and the City policies regarding pipeline mitigation of transportation impacts, may elect under the circumstances set forth hereafter to either:

- (a) fund, design and construct link and intersection improvements from Florida Avenue at the north side of the bridge crossing the Hillsborough River, northward through the intersection of

Certified as true and correct copy.
--

Florida Avenue and Bird Street (hereinafter referred to as "Alternative A"; see Exhibits "D" and "E") or

(b) fund, design and construct one or more of the other improvements set forth in Exhibit "D" as pipeline mitigation for the development (hereafter referred to as "Alternative B"). However, should Developer choose such Alternative B, it will follow the procedures set forth in Section 4.C.6.c.(5)(d)(2).

(3) In order to choose Alternative A or Alternative B, the Developer must obtain the required permits necessary for construction from the appropriate government agencies. Without all necessary permits, acceptable alternative pipeline improvements must be chosen.

(4) For purposes of this Order, Developer's proportionate share of the costs of the transportation improvements necessary to accommodate the impacts of Phases I and II of the development have been calculated to be \$1,096,425. If the developer-proposed access to Florida Avenue from the western site boundary were to be approved by the appropriate agencies, so as to allow for construction and operation, then, in that event, the Developer's proportionate share of the costs of transportation improvements necessary to accommodate the impacts of Phases I and II of the development has been calculated to be \$1,093,075. The estimated costs of such improvement(s) must meet or exceed the dollar amounts cited above.

(5) Implementation of pipelining shall require that:

(a) The design of the Pipeline Segment shall be prepared in a manner normally used by the entity which will ultimately be responsible for the transportation improvements. The design shall be reviewed and approved, as appropriate, by FDOT and the City prior to construction of such improvement. The design shall be completed within ten (10) months (exclusive of government review time) after the date on which the Developer advises the City, in writing, of its election of the Option 3 pipeline transportation mitigation option.

(b) Upon completion of the design, and approval by the FDOT and the City, Developer shall immediately apply for and diligently pursue issuance of all necessary permits within twelve (12) months of the date of the last such approvals. The City shall assist the Developer, when appropriate, in

Certified as true
and correct copy.

obtaining all permits, approvals, utility relocations, rights-of-way, and easements necessary to complete the pipeline improvement.

(c) Upon completion of the design, and securing of necessary permits, rights-of-way and easements, Developer shall construct the pipeline improvement within twelve (12) months from the date of commencement of construction.

(d) 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 phases(s) of the development exceeds Developer's total proportionate share amount, Developer shall notify the City. The City shall expeditiously determine whether to make additional funding commitments necessary to fully fund completion of the improvement. If the City elects to make the additional funding commitments, it shall enter into the appropriate agreements with the 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 (included on Exhibit "D", or otherwise), which, if concurred with 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 alternatively ^{the City 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.

(e) Notwithstanding the foregoing, in the event that the performance by the Developer or the City of the commitments set forth herein shall be interrupted or delayed by an occurrence, and not occasioned by conduct of either, whether such occurrence be a natural disaster or the result of war, riot, or civil commotion, or otherwise, then it shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

7. Any development of Phase III shall be subject to further Chapter 380.06 transportation impact analysis, determination of the proportionate share amount, and identification of a mitigation project, all in accordance with then-applicable, lawful mitigation techniques. This Order shall then be amended to include the necessary improvements, if any, and appropriate conditions.

8. Transportation Systems Management.

- a. Developer shall notify the City, in writing, when it has requested building permit approvals, which development, when certified for occupancy, shall, in combination with development previously approved, equal or exceed 400,000 square feet of office space (or the equivalent thereof in terms of trip generation; see Exhibit "C"). Upon the actual issuance of certificates of occupancy for 400,000 square feet of office space (or equivalent thereof in terms of trip generation; see Exhibit "C"), the Developer shall prepare and submit to the City, TBRPC, the Tampa Urban Area Metropolitan Planning Organization ("MPO"), FDOT, and HART, a Transportation Systems Management ("TSM") Program which will divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the ADA. The TSM Program shall be developed in cooperation with FDOT, the Tampa Urban Area MPO, HART, and TBRPC. The TSM Program 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.

Certified as true
and correct copy.

- b. The Developer and HART shall work together to provide attractive transit service to the development. The Developer shall provide bus information and schedules, bus shelters and pull-out bays in accordance with the commitments in the ADA. The Developer shall work with HART officials as to the location of such shelters and pull-out bays and they shall be placed in accordance with generally-accepted traffic/transit engineering practices and procedures. At commercial site plan review, there will be a review and approval by HART for convenient pedestrian/handicapped access between buildings and bus stops. Final approval of the location and design of all such amenities shall not be unreasonably withheld by City officials.

9. The Developer shall be responsible for repairing, rehabilitating and/or restoring public roads, or portions thereof immediately adjacent to the site, which the City can reasonably demonstrate have been damaged beyond expected normal wear and tear as a direct result of construction equipment traveling to and from the site. Such roads shall be brought only to a condition which is the same as or similar to that of the public rights-of-way immediately adjacent or in the immediate vicinity of the site which have not been so damaged. The Transportation Division will perform detailed evaluations of street conditions prior to, during and upon completion of construction. The pavement condition indices determined by these evaluations will form the basis for determining proportionate share of street rehabilitation costs that are determined to be caused by the development's construction activities.

10. Site Access and Site Access Control.

- a. If all appropriate agencies approve, the westernmost access point onto Bird Street shall be signalized, at Developer's expense, prior to the issuance of building permits for Phase I development.
- b. Prior to the issuance of the first building permit for Phase II development, the Developer shall submit a transportation analysis to the City for approval (which approval shall not be unreasonably withheld), which analysis shall serve to verify:
- (i) the safe operation of the Bird Street access point.
 - (ii) whether the easternmost access point onto Bird Street warrants signalization.

Continued on true
and correct copy.

- c. The Developer shall receive approval of FDOT and the City of Tampa Transportation Division, prior to approval of any commercial site plan utilizing an access point from the site onto Florida Avenue. This provision is not intended to influence the ultimate decision by the approving agency for such access point(s) at Florida Avenue.

D. Hurricane Evacuation and Floodplain Management.

1. The Developer shall promote awareness of, and shall cooperate with, local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer shall prepare a plan in coordination with local emergency management officials to ensure the safe and orderly evacuation of hotel guests and those employees who, for security or administrative reasons, are on the premises after an evacuation order is issued by (a) ordering all buildings closed for the duration of a hurricane evacuation order; (b) informing all employees of evacuation routes out of the flood-prone area and measures to be followed in the event of same; and (c) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report submitted after occupancy of any portion of the project, and shall be subject to review and approval in accordance with applicable law.

2. There shall be no loss of hydrologic storage capacity within the 25-year floodplain.

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

E. Preservation and Conservation.

1. Developer shall preserve representative tracts of the live oak community listed on page 18-1 of the ADA in a manner which will ensure their continued natural function and value.

2. The Developer's final TOWER PROPERTY Master Site Plan shall designate and map conservation areas as defined in TBRPC's Future of the Region, 10.1.2.

3. In order to protect the natural values of conserved wetland areas, the following shall be required, at minimum:

- a. No hydroperiod alteration shall be permitted in conservation areas as identified on the Site Plan.
- b. No wetland impacts shall be permitted.

Certified as true and correct copy.
--

4. The soil conservation measures referenced on Page 14-4 of the ADA and the measures to reduce erosion, fugitive dust and air emissions referenced on Page 13-11 of the ADA shall be implemented.

5. Parks Department Conditions:

- a. Developer will commit to 30' wetland setbacks for all stormwater facilities (except outfall piping shown on previously submitted commercial site plans), structures and grade finishing (except fill from the top of the bank elevation $\pm$ six inches, and only when such fill does not create vegetation endangerment). Notwithstanding the above, bank stabilization, erosion control and erosion control devices, removal of pre-existing development materials (e.g. asphalt) and similar activities/structures will be allowed within the 30' wetland setback area, subject to all applicable permitting and approvals.
- b. Should the Developer build a riverwalk/boardwalk, and should such a private project riverwalk ultimately become the only non-public river walkway portion between Lowry Park and Sulphur Springs Park, then, in that event, Developer shall work with the City to allow safe public access to such riverwalk. Such access to the riverwalk shall not necessarily mandate access to the development site itself from such riverwalk. The purpose of this provision is to ensure that the public will be able to move along a continuous "pathway" between the two parks.
- c. Notwithstanding these provisions, greater setbacks, if any, as reflected on the associated, approved PD zoning shall be observed by the Developer.

F. Drainage.

1. Prior to the issuance of any building permits, the Developer shall submit the Final Drainage Plan for the project to the City, FDER and TBRPC for review and to the City and SWFWMD for approval.
2. The Final Drainage Plan shall include the following parameters:
 - a. The proposed stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, FAC, and 40D-4, Rules of SWFWMD. Treatment shall be provided by biological filtration, if feasible.
 - b. Best Management Practices for reducing water quality impacts, as recommended by the City and SWFWMD shall be implemented including a street cleaning program for parking and roadway areas within the development.

City of Fort Worth
STANDARD CITY

c.

In order to protect water quality in the Hillsborough River, there shall be no degradation of water quality standards by stormwater exiting the site. Therefore, it is appropriate that the Developer provide for a semiannual surface water quality monitoring program, to be instituted before ground breaking takes place and to continue through project buildout only. If no construction on the site has taken place between the date of the last monitoring and the date the next monitoring is due, then Developer is not required to monitor for that period. This provision is specifically predicated on the most recent monitoring report not indicating a degradation of water quality standards by stormwater exiting the site. If the most recent monitoring report had indicated such a degradation, then the Developer shall provide a monitoring report, whether or not construction had taken place since the last monitoring. Notwithstanding the above, the Developer shall provide the recipients of monitoring reports, notice that no construction has taken place and therefore no reports (for that period) will be forthcoming. Any construction during any subsequent monitoring period shall retrigger the requirement for monitoring and the timely submittal of a monitoring report (through project buildout). Any violation of Chapter 17-3, FAC, shall require corrective measures as set forth by FDER. The following shall apply:

(1) Sampling locations shall be determined in cooperation with the City and SWFWMD.

(2) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.

(3) The monitoring results shall be submitted to the City and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to the City and SWFWMD immediately and all construction within the subbasin(s) where the violation is noted shall cease until the violation is corrected; or if the specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

u.

Water from the site (either stormwater runoff or water used in cleaning parking garages or other vehicular access areas) shall not be directly discharged into the Hillsborough River. Environmentally sound

Certified true copy
and correct copy.

cleaning procedures, including wet vacuuming and biodegradable solvents, shall be used to clean vehicular parking and access surfaces.

- e. 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.

G. 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.

H. Historical and Archaeological Sites.

1. 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.
2. Inasmuch as the Developer acknowledges that the Sulphur Springs water tower is a local landmark and that it has been strongly recommended for preservation and rehabilitation and, inasmuch as it is the Developer's stated intent to preserve the Tower, any plans for the rehabilitation, alteration or demolition of the Sulphur Springs tower shall be forwarded to the City (including appropriate City agencies), City of Tampa Architectural Review Commission staff, TBRPC and the State Preservation Officer for review and comment at least one month prior to the implementation of the plans. It is understood by the Developer that, as a specific condition of this Order, any plans for the demolition of the tower can be approved only if it were demonstrated through structural analysis that it is not feasible to preserve and rehabilitate this structure. No activity of any nature whatsoever on the Tower shall take place during this review period, except in the case of emergency or threat to human life. Approval of such plans shall be as required by law.

I. Energy.

1. As indicated by letter dated November 13, 1987 (page 25-3 of the ADA) Tampa Electric Company ("TECO") will supply electrical power to the project. Developer will cooperate with TECO 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 25-2 and 25-4 are incorporated herein.

Certified as true
and correct.

3. The following energy conservation measures shall be utilized as economically feasible.
 - a. Energy policies, energy-use monitoring and energy conservation shall be established for TOWER PROPERTY.
 - b. Programs shall be instituted to promote energy conservation by employees, buyers, and suppliers.
 - c. Programs shall be instituted to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to initiate recycling programs.
 - d. The elimination of advertising requiring lighting after business hours shall be encouraged.
 - e. Innovative energy alternatives such as solar energy, resource recovery, waste heat recovery and cogeneration shall be employed if economically feasible.
 - f. Total energy systems on large facilities shall be installed when cost effective.
4. A report on the implementation of, and participation in, these and other energy programs shall be included in each annual report.

J. Solid Waste. By letter dated November 25, 1987, the City Sanitation Department informed the Developer that during the construction phase, the contractor will be required to dispose of construction materials utilizing the contractor's own vehicles or a licensed hauler. In the November 25, 1987 letter, the City Sanitation Department stated that it has the capability of collecting and disposing of the solid waste generated by the project. No solid waste shall be permanently stored or disposed of onsite.

K. Wastewater.

1. By letter dated September 20, 1988, the City Department of Sanitary Sewers indicated its willingness and ability to supply wastewater service to the project at its standard charges for such services. Prior to commencement of construction, Developer shall provide the Department of Sanitary Sewers adequate assurance that no permanent structures of any kind shall be constructed within the Department of Sanitary Sewers existing sewer easement across the TOWER PROPERTY. Developer shall be responsible for any damage to the Department of Sanitary Sewers 42" sewer line in the easement area during the construction phase.
2. 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

Certified as true
and correct copy.

- N. Maintenance of Open Space and Recreation Areas. The Developer, its successors or assigns, shall be the responsible entities for the maintenance of all open space areas of the project site including recreation areas.
- O. Effect of Approval. Specific approval for the Phases I and II development as requested in the ADA subject to the conditions contained in this Order is hereby granted. Conceptual approval only for Phase III is hereby granted.
- P. Credits Against Local Impacts 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 the 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 Order, the Developer, its successors or assigns may petition the City, and the City shall modify the affected provisions of this 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 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.
- Q. Economy.
1. The Developer shall encourage the promotion of entries and small and minority-owned business start ups, as practicable. Project businesses shall utilize non-discriminatory employment programs. The Developer shall incorporate the program's effect into the annual reports following issuance of the first certificates of occupancy for project businesses.
 2. The Developer shall encourage TOWER PROPERTY employers to institute programs to provide child care facilities at the place of employment or as a cooperative effort with businesses, as practicable. The Developer shall incorporate a report on child care programs utilized by project business employees into the annual reports following issuance of the first certificates of occupancy for project businesses.

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

Certified as true and correct copy.
--

Section 6. That the term "Developer" as used in this Order is deemed to mean McDill Columbus Corporation, the owner of the TOWER PROPERTY, its successors, or assigns and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, any subsequently created condominiums or merchants' association. For purposes of this Order, the authorized agent(s) for the Developer are: Michael Bronson, Vice President, McDill Columbus Corporation, 2700 North MacDill Avenue, Suite 115, Tampa, Florida 33607, or Kenneth E. Graves, Esquire, Honigman Miller Schwartz and Cohn, 777 South Harbour Island Boulevard, Suite 350, Tampa, Florida 33602.

Section 7. That Development of the Project shall commence by January 1, 1993 unless the time period for commencement is extended by the City.

Section 8. That this Order shall remain in effect for a period of thirteen (13) 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. That prior to thirteen (13) 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 (including land use plan amendments and rezonings).

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 9 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 F.S. (1988). A rezoning to OP-1 or to a developer-initiated PD in substantial accordance with such PD request, in order to achieve zoning conformance, shall not be considered a downzoning for purposes of this section.

Section 10. Notwithstanding this Order, the Developer, at its sole option, may resubmit this project for review and approval under any Area Wide Application for rezoning, as amended, pursuant to F.S., Subsection 380.06(25) F.S. (1987), 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.

Certified as true
and correct copy.

Section 11. That this Order shall be binding upon the Developer, its assigns, or successors-in-interest.

Section 12. All development undertaken pursuant to this Order shall be in accordance with all applicable local codes, ordinances in effect at the time of permitting, and other laws, except as otherwise specifically provided herein. Additionally, the Developer has elected to be bound by the rules adopted pursuant to chapters 403 and 373 F.S., 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 F.S., in effect at the time of issuance of this Development Order.

Section 13. 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.6.c above. Monitoring shall be accomplished by review of the Annual Report, building permits, certificates of occupancy, and by on-site observations.

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

Section 17. 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. 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

FEB 09 1989

Chairman
CHAIRMAN, CITY COUNCIL

APPROVED by me on FEB 14 1989

ATTEST:

Frances Manning

CITY CLERK

Sanford W. Freeman
MAYOR (Florida)
County of Hillsborough)

Prepared and Approved by:

CITY ATTORNEY

This is to certify that the foregoing is a true and correct copy of Ordinance #89-38 on file in my office. *excluding Exhibit "A"*

Witness my hand and official seal this 15th day

of Feb. 1989
Frances Manning
CITY CLERK

COMPOSITE EXHIBIT A

(THE OFFICIAL ADA, SUFFICIENCY
RESPONSES AND OTHER SUPPORTING
DOCUMENTS WHICH WERE FORWARDED TO
ALL REVIEWING AGENCIES ARE
MAINTAINED IN THE OFFICIAL RECORDS
OF THE CITY CLERK, 3RD FLOOR, CITY
HALL, TAMPA, FLORIDA, 33602.)

Certified as true
and correct copy.

DRI #173

TOWER PROPERTIES

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. Parking will be provided for each development component to meet or exceed applicable requirements of the City of Tampa. (ADA, p.12-5)

ENVIRONMENTAL AND NATURAL RESOURCESAir

2. Parking areas will be designed with sufficient ingress and egress points to prevent excessive queuing....(ADA, p. 13-11)

Land

3. Common construction principles will be used to overcome limitations. Some of these measures will be: design of proper side slopes for ponds to improve stability; sod placement and soil stabilizers on embankments to help stabilize the soil and retard erosion; removal and replacement of unsuitable soils under road and pavement areas; and filling areas to proper grade and compaction. (ADA, pp. 14-1&4)

Water Quality

4. During construction, best management practices [BMP] will be used to prevent temporary water quality impacts. These practices will include the use of hay bales and other sediment barriers positioned along the upland portion of the river bank to prevent erosion and turbid runoff into the Hillsborough River. Following completion of earthwork, barren areas will be vegetated with grass and/or landscape plants for increased sediment stabilization. (ADA p. 15-5)
5. Geotechnical studies will be conducted on-site prior to final design of any on-site features which might penetrate the confining layer. (SR, p. 15)

Certified as true
and correct copy.

6. The existing on-site well will be closed per Southwest Florida Management District guidelines for well closure. (SR, p. 17)
7. To prevent impacts to surface water during construction, best management practices will be used. These practices will include the placement of hay bales or silk screens at the limits of construction, and vegetating barren areas upon the completion of the earthwork. (SR, p. 17)
8. In the future, the stormwater runoff from site into the Hillsborough River will be of higher quality than the current stormwater runoff. (SR, p. 80)

Wetlands

9. The integrity of the wetland areas will be protected primarily by preventing erosion from adjoining uplands during construction activities. Hay bales and sediment barriers will be placed along the top of the bank to provide the necessary erosion protection. If needed, physical barriers (e.g., 2' x 4' wood barricade) will be employed to prevent machinery or construction debris from being placed in proximity to the wetland area. (ADA, p. 16-3)
10. Any future amenity uses of the waterfront area which would require agency permit approvals will be designed utilizing appropriate planning techniques to avoid disturbance of vegetation and disruption of the associated aquatic resources. (ADA, p. 16-4)
11. Detention ponds will be located in the upland area outside of the identified conservation area....(SR, p. 18)
12. As stated in the original ADA-DRI, no alterations or disturbances to the existing wetlands will occur due to the fact that they occur adjacent to the Hillsborough River, which is to be preserved in its existing state. (SR, p. 85)

Floodplains

13. The minimum floor elevations of all buildings will be above the designated flood elevation. (ADA, p. 17-1)
14. The compensation for any fill placed within the 100-year floodplain will be achieved by an equal or greater volume of cut. The location and volume of the cut will be designed so that the net effect of the tower site development will have no impact to the floodplain. The design will assure that there will be no net encroachment into the 100-year floodplain and the project will not adversely affect water levels on adjacent lands or alter conveyance of the water course. (SR, p. 22)

15. The applicant will cooperate with the City of Tampa, Hillsborough County and any other agencies in aiding the safety of Tower Property guests and employees in the event that a hurricane evacuation order is issued. (SR, p. 22)
16. The applicant will consider a plan for the orderly evacuation of buildings after an evacuation order is issued. Cooperative measures include (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) having information available for employees and guests of evacuation routes out of the flood prone area and measures to be followed in the event of same; and (3) attempting to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. (SR, p. 23)

Vegetation and Wildlife

17. Areas identified in Exhibit 18-1 as cypress (621) and freshwater marsh (641) meet Sec. 10.1.2 of the Future of the Region and therefore will be designated as conservation areas. (SR, p. 24)
18.the existing live oak area will also be designated as a conservation area. (SR, p. 24)
19. It has been stated in the original ADA-DRI submittal that the riverfront area of vegetation will not be altered from its natural condition and that native plants and vegetation will be incorporated into the projects final design and landscaping plans. (SR, p. 68)

Historical and Archaeological Sites

20. The historically significant feature component of the site, the Sulphur Springs water tower, will in no way be adversely affected by the development of the Tower Property. (ADA, p. 19-2)
21. Any activity, rehabilitation or alteration of the Tower, and construction in vicinity of the Tower will be submitted to the appropriate agencies for review and comment. (SR, p. 25)
22. Should any archaeological or historical resources be located during construction, the ultimate disposition of such resources would be determined in cooperation with the Florida Department of State, Division of Historical Resources)and the City of Tampa. (SR, p. 25)

PUBLIC FACILITIES

Wastewater Management

23. Septic tanks will not be used as a form of wastewater treatment for this development. (ADA, p. 21-2)

Drainage

24. The major points of outfall for the proposed stormwater management system will be consistent with the outfall locations for the natural site. (ADA, p. 22-7)
25. Maintenance of major drainage facilities within the site will be the responsibility of the developer and/or his assigns. (ADA, p. 22-8)

Water Supply

26. Service lines on property will be maintained by the building owner. (ADA, p. 23-3)
27. No potable water will be used for irrigation. (SR, p. 36)
28. Groundwater will not be used as a source of non-potable water for Tower Property. (SR, p. 37)

Solid Waste

29. No solid waste will be disposed of on-site. (ADA, p. 24-1)

Energy

30. The applicant will meet with TEOO personnel to discuss a suitable site for an electric substation as referenced in the letter from TEOO. (SR, p. 39)

Recreation and Open Space

31. Open space will be maintained by the developers or successors in interest. (ADA, p. 27-2)
32. Passive recreational areas will be provided for in the project site as an amenity for the employees and guests of the Tower Property. (SR, p. 40)
33. Approximately 2.74 acres, or 21.4 percent of the total site will be open or green space. (SR, p. 68)

Office Parks

34. No warehousing or light industrial activity will be contained in the Tower Property. (SR, p. 60)

LEGAL DESCRIPTION

DESCRIPTION (from Chicago Title Insurance Company Status of Title Report Number 4-11354 dated 1/28/85):

A tract in Section 25, Township 28 South, Range 18 East, beginning on the South line of Bird Street 710 feet East from the East line of Florida Avenue, and running East along Bird Street 540.1 feet, South 200 feet, West parallel with Bird Street 415.1 feet, North 35 21' West 214.7 feet, and North 25 feet to the beginning.

A tract in Section 25, Township 28 South, Range 18 East, beginning at the intersection of the East line of Florida Avenue with the South line of Bird Street, and running South along Florida Avenue 200 feet, East parallel with Bird Street 485 feet, North 35 21'E. 215.6 feet more or less, North 25 feet, and West on the South line of Bird Street 610 feet to the beginning.

A tract in Section 25, Township 28 South, Range 18 East, beginning on the East line of Florida Avenue 308.4 feet South of the South line of Bird Street, and running East parallel with Bird Street 225 feet, South 193.6 feet to the river, Northwesterly along the river to the East line of Florida Avenue, and North 130.7 feet to the beginning.

A tract in Section 25, Township 28 South, Range 18 East, beginning on the West line of Central Avenue 240 feet South of the South line of Bird Street, and running West 150 feet, South 450.7 feet to the river, Easterly along the river to Central Avenue, and North to the beginning.

A tract in Section 25, Township 28 South, Range 18 East, beginning on the South line of Bird Street, 610 feet East of the East line of Florida Avenue, and running South 25 feet, South 35 21' West 215.6 feet, West parallel with Bird Street 260 feet, South 302 feet to the river, Southeasterly along the river to a point 150 feet West of the West line of Central Avenue, North 450.7 feet, East 150 feet to Central Avenue, North 40 feet, West 415.1 feet, North 35 21' West 214.7 feet, North 25 feet to Bird Street and West 100 feet to the beginning.

A tract in Section 25, Township 28 South, Range 18 East, beginning on the East line of Florida Avenue 200 feet South of the South line of Bird Street, and running South 108.4 feet, East 225 feet, North 108.4 feet, and West 225 feet to the beginning.

Less and except from there the following described lands:

Road Right of Way as described in Deed Book 719, page 290.

Road Right of Way as described in Deed Book 1109, page 462.

Road Right of Way as described in Deed Book 1567, page 13.

Road Right of Way and Limited Access Rights of all Rights of egress, ingress, light, air and view taken under Circuit Court Case #48719-L.

All being more particularly described as follows:

BEGINNING at the intersection of the East right-of-way line of FLORIDA AVENUE (Deed Book 719, Page 290) with the South right-of-way line of BIRD STREET (Deed Book 1109, Page 462), run thence S.89°32'06"E., 640.23 feet, along said South right-of-way line of BIRD STREET, to the beginning of intersection right-of-way line for STATE ROAD 93 (INTERSTATE 275); thence S.82°16'55"E., 277.22 feet, along said intersection right-of-way line (Limited Access); thence S.20°11'47"E., 451.73 feet, along the Westerly right-of-way line (Limited Access) of said STATE ROAD 93 (INTERSTATE 275); thence S.10°15'29"E., 235 feet, more or less, along the Westerly right-of-way line (Limited Access) for STATE ROAD 93 (INTERSTATE 275), to the waters of the HILLSBOROUGH RIVER; thence Northwesterly, 1159 feet, more or less, along the waters of the HILLSBOROUGH RIVER, to the East right-of-way line of FLORIDA AVENUE (Deed Book 719, Page 290); thence N.00°46'54"E., 433 feet, more or less, along said East right-of-way line, to the POINT OF BEGINNING; being part of Government Lot 2, Section 25, Township 28 South, Range 18 East, Hillsborough County, Florida.

Containing approximately 558,300 square feet or 12.82 acres.

Certified as true
and correct copy.

EXHIBIT C

TOWER PROPERTY DRI

EXHIBIT C

TRIP EQUIVALENCY TABLE (For PHASE I use)*

(ALLOWABLE NUMBER OF HOTEL ROOMS AND OFFICE SQUARE FEET)

<u>Hotel Rooms</u>	<u>Office Square Feet</u>
0	412,000
1-10	411,600
11-20	411,100
21-30	410,700
31-40	410,300
41-50	409,800
51-60	409,400
61-70	408,900
71-80	408,500
81-90	408,100
91-100	407,600
101-110	407,200
111-120	406,800
121-130	406,300
131-140	405,900
141-150	405,500
151-160	405,000
162-170	404,600
171-180	404,100
181-190	403,700
191-200	403,300
201-210	402,800
211-220	402,400
221-230	402,000
231-240	401,500
241-250	401,100
251-260	400,700
261-270	400,200
271-275	400,000

*This trip equivalency table when applied in accordance with this Order represents the total maximum development for Phase I.

Certified as true
and correct copy.

TOWER PROPERTY DRI

PIPELINING CANDIDATES

<u>Location</u>	<u>Improvements</u>
FLORIDA AVENUE (HILLSBOROUGH RIVER TO WATERS AVENUE):	ADD LANE(S)
FLORIDA AVENUE/BIRD AVENUE INTERSECTION:	INTERSECTION IMPROVEMENTS
FLORIDA AVENUE/WATERS AVENUE INTERSECTION:	INTERSECTION IMPROVEMENTS
FLORIDA AVENUE/BUSCH BOULEVARD INTERSECTION:	INTERSECTION IMPROVEMENTS
BUSCH BOULEVARD/I-275 INTERSECTION:	INTERSECTION IMPROVEMENTS
BUSCH BOULEVARD/NEBRASKA AVENUE:	INTERSECTION IMPROVEMENTS

Certified as true
and correct copy.



9455 Koger Boulevard
St. Petersburg, FL 33702-2491
(813) 577-5151/Tampa 224-9380
Suncom 586-3217

**tampa bay
regional
planning
council**

EXHIBIT E

December 9, 1988

Ms. Nanette Hall, P.E.
Transportation Division
City Hall Plaza, 4E
306 E. Jackson Street
Tampa, Florida 33602

Officers
Chairman
Mayor Robert G. Prior
Vice Chairman
Councilman Thomas W. Vann
Secretary/Treasurer
Commissioner George Greer
Executive Director
Julia E. Greene

Re: DRI #173 - Tower Property, Pipeline Option of Transportation
Impact Mitigation

Dear Ms. Hall:

At your request, the staff of the Tampa Bay Regional Planning Council has reviewed the pipeline proposal by the developer of the above-referenced project. The developer proposed to utilize the proportionate share calculated for pipeline mitigation of the project's Phase I and II transportation impact for the improvement of Florida Avenue from the Hillsborough River to Waters Avenue. The specific improvements to be performed have apparently not yet been identified.

This link was not identified in the ADA or in the Council's DRI Final Report as requiring improvement based on the impacts of this project. Improvements are identified as needed for Phases II and III at the Florida Avenue/Waters Avenue intersection, however.

Pursuant to Council policy 19.8.14, Future of the Region (F.R.), the choice of a pipeline project which has not been identified in the Council's DRI Final Report is acceptable, if such an alternative is technically acceptable to TBRPC, the local government, and other affected agencies.

The other criterion of significance is Council policy 19.8.14.3, F.R., which requires that the pipeline contribution shall be equal to or exceed an amount calculated pursuant to the DCA transportation policy rule. The amount to be spent on the proposed improvement has not yet been verified as equal to or exceeding the proportionate share amount calculated pursuant to TBRPC and DCA rules.

If the improvement, when specifically identified, is acceptable to the FDOT and the City of Tampa, meets the criteria of Council policy (attached), and can be constructed within an acceptable time frame, then the TBRPC staff agrees that an improvement of

Certified as true
and correct copy.

Florida Avenue between the Hillsborough River and Waters Avenue is acceptable for mitigating this DRI's impacts on the regional roadway network.

Please call if we can be of further assistance.

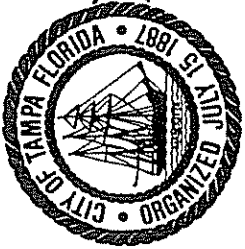
Sincerely,


Sheila Benz
Director of Planning

SB:STC:kb

cc: ~~Mike Benson~~
Richard Doyle
Ken Graves
Susan Johnson
Rick Adair
Tom Beck

Certified as true
and correct copy.



CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

February 15, 1989

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

Re: Petition No. DZ87-218
Petitioner: McDill-Columbus Corporation
Ordinance No.: 89-38

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 COPY

cc: Susan Mihalik, Land Development Coordination

Enclosures