



#181

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS COHEN, AIA
Secretary

September 19, 2006

Ms. Angela Robyn Cole
Genesis Group
3910 N. US Highway 301
Suite 140
Tampa, Florida 33619

Re: TRI-COUNTY BUSINESS PARK; File Number AGM-08-2006-007

Dear Ms. Cole:

Enclosed is a copy of the executed agreement for TRI-COUNTY BUSINESS PARK. Please record this agreement or a notice of preliminary development agreement with the clerk of the circuit court pursuant to subparagraph 380.06(8)(a)10., Florida Statutes, and provide the Department with a copy of the recorded agreement within two weeks.

If you have any questions, please call Gerald Daniel in the Bureau of Local Planning at (850) 488-4925.

Sincerely,

D. Ray Eubanks
Community Program Administrator

DRE/dh

Enclosure

cc: Mr. John Meyer, Tampa Bay RPC (with enclosure)
Hillsborough County (with enclosure)

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781
Internet address: <http://www.dea.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

**ESSENTIALLY BUILT-OUT AGREEMENT FOR TRI-COUNTY BUSINESS
PARK DRI PURSUANT TO SECTION 380.032(3) AND
SECTION 380.06(15)(g)(3), FLORIDA STATUTES**

This Essentially Built-Out Agreement ("Agreement") is entered into by and between Race Track South LLC ("Race Track South"), a Florida corporation, Hillsborough County, Florida (the "County"), a political subdivision of the State of Florida, and the State of Florida, Department Of Community Affairs (the "Department"), subject to all other governmental approvals and solely at Race Track South's own risk.

WHEREAS, Race Track South is the owner and developer of those certain parcels of real property described in **Exhibit "A"**, attached hereto and incorporated herein by reference, (the "Race Track South Property"), which lands are located within the Tri-County Business Park Development of Regional Impact ("DRI"), a 366 acre (formerly 386 ac.) parcel of real property described in **Exhibit "B"**, attached hereto and incorporated herein by reference; and

WHEREAS, Hillsborough County is a political subdivision of the State of Florida; and

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

WHEREAS, pursuant to Subsection 380.032(3), F.S., the Department is authorized to enter into agreements as may be necessary to effectuate the provisions and purposes of Chapter 380, F.S.; and

WHEREAS, Section 380.06(15)(g)(3), F.S., provides for an agreement pursuant to Section 380.032, F.S., to govern an essentially built-out DRI; and

WHEREAS, Race Track South, the County and the Department desire to enter into this agreement pursuant to Sections 380.032(3) and 380.06(15)(g)(3), F.S.; and

WHEREAS, on December 12, 1989, the Board of County Commissioners approved a Development Order, Resolution No. 89-321, for the TRI-COUNTY BUSINESS PARK DRI NO. 181, pursuant to the provisions of Section 380.06, F.S.; and

WHEREAS, the Development Order was amended by the Board of County Commissioners on June 20, 1990 by Resolution 90-0131, on December 8, 1992 by Resolution 92-305, on August 30, 1994 by Resolution 94-0209, on July 14, 1998 by Resolution 98-140, on February 22, 2000 by Resolution 00-027, on August 22, 2000 by Resolution 00-199, on December 12, 2000 by Resolution 00-256 ; and

WHEREAS, the development that was approved within the DRI prior to the December 31, 2005 Build-out Date is described in **Exhibit "C"** attached hereto; and

WHEREAS, the development within the DRI that has been constructed to date is also described in **Exhibit "C"**, attached hereto and incorporated herein by reference; and

WHEREAS, the development approved prior to the December 31, 2005 Build-out Date, but not fully permitted and/or constructed, is also described in **Exhibit "C"**; and

WHEREAS, the Race Track South Property is two undeveloped parcels within the DRI, with an approximate size of 74.35 acres (the Town House parcel) and 2.91 acres (the Office Park parcel), and is designated for residential, industrial, office and/or commercial on Map "H" of the DRI; and

WHEREAS, Race Track South desires to complete permitting and construction of 164 town house residential units within the Town House parcel and complete permitting and construct 24,937 square feet of development on the Office Park parcel and delete approximately 1.1 million square feet of Industrial, Office, and Commercial Uses as indicated with **Exhibit "C"**; and

WHEREAS, in addition to the Race Track South Property, there are no other undeveloped parcels within the DRI; and

WHEREAS, in addition to the Race Track South Property, the owners of Repron Industries, an existing industrial facility, have indicated an interest in reserving 40,000 sq. ft. of office development for future development opportunities on the Repron Industries Property (legal description attached as part of **Exhibit A**); and

WHEREAS, all Tri-County Business Park DRI Development Order requirements for the contribution of funds, land, and public facilities expressly designated and used to mitigate impacts attributable to the development at the time of approval have been satisfied; and

WHEREAS, development within the DRI is substantially in compliance with the Development Order in that the impacts of the total development are less than or equal to the impacts of the approved development as described in the report attached hereto as **Exhibit "D"** and incorporated herein by reference.

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

1. Determination of Essentially Built-Out Status.

The parties agree that pursuant to Section 380.06(15)(g)(3), F.S., the Tri-County Business Park DRI is "essentially built-out" because (a) the development is in compliance with all applicable terms and conditions of the Tri-County Business Park DRI Development Order, and as of December 31, 2005, the build-out date for the DRI expired; and (b) the amount of development that remains to be built on the undeveloped parcels referenced above does not create the likelihood of any additional regional impacts not previously reviewed.

2. Development of Race Track South Property.

Race Track South agrees to eliminate 1.1 million square feet of non-residential development uses and agrees to be bound by concurrency for any remaining development to complete the permitting and construction of the remaining unbuilt entitlements on the Race Track South Property (with 40,000 sq. ft. of office uses allocated to the Reptron Industries property). Race Track South has established to the satisfaction of the County and the Department that the proposed completion of remaining entitlements may proceed under the Development Order without further review under Section 380.06, F.S., subject to all terms, conditions, requirements and limitations contained in this Agreement, the Hillsborough County Comprehensive Plan and the Land Development Code, including but not limited to concurrency. Any deviation in the development of the Race Track South Property or the Reptron Industries Property from permitting and construction of 164 town house residential units within the Town House parcel and permitting and construction of 24,937 square feet of development on the Office Park parcel (the two Race Track South Properties) and 40,000 sq. ft. of development within the Reptron Industries Property authorized in this paragraph shall require an amendment to this Agreement or further review under Chapter 380, F.S., as determined by the County and the Department. Hillsborough County may require site access management improvements under local Hillsborough County access management regulations which are directly related to site plan approval for the remaining entitlements.

3. Redevelopment of Developed Tracts.

The Department and the County agree that the redevelopment of any developed tracts (including the 40,000 sq. ft. of additional office sq. ft. reserved for Reptron Industries) within the DRI may occur without further DRI review provided that the proposed redevelopment is below any DRI threshold pursuant to Section 380.06, F.S., and Rule 28-24 of the Florida Administrative Code, but shall be subject to the Hillsborough County Comprehensive Plan and the Hillsborough County Land Development Code, including but not limited to concurrency. The appropriate methodology for any required traffic analysis shall be determined by the County.

4. Deletion of Conceptually Approved Entitlements.

All conceptually approved entitlements associated with any previous Phase II or Phase III of the DRI are hereby deleted from the Development Order in their entirety as of the effective date of this Agreement.

5. Annual Reports.

After the effective date of this Agreement, any annual reports which may be required for the DRI pursuant to Section 380.06(18), F.S., shall no longer be required.

6. Agreement Effectuates Chapter 380, Florida Statutes.

Race Track South asserts and warrants that all of the representations and statements made as set forth in this Agreement are true, accurate and complete. Based upon such representations and statements, the Department concludes that this Agreement is in the best interests of the State, is necessary and beneficial to the Department in its role as the state agency with the responsibility for the administration and enforcement of Chapter 380, F.S., and reasonably applies and effectuates the provisions and purposes of Chapter 380, F.S.

7. Default.

In the event of a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, the Department or the County may terminate this Agreement or file suit to enforce this Agreement as provided in Sections 380.06 and 380.11, F.S.

8. No Waiver.

Nothing in this Agreement shall constitute a waiver by any party of the right to appeal any development order pursuant to Section 380.07, F.S., except as acknowledged herein.

9. Further DRI Review.

Nothing contained herein shall exempt any proposed new development or redevelopment from complying with the state guidelines and standards used to determine whether a development must undergo DRI review pursuant to Section 380.06(2), F.S.

10. Effect of Agreement on Rights and Obligations of Parties.

This Agreement affects the rights and obligations of the parties under Chapter 380, F.S. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this Agreement. This Agreement shall not prohibit the regional planning agency from commenting on any regional issue. Any amendment to or modification of this Agreement shall not be effective unless contained in a writing signed by the parties.

11. School Capacity.

Policy C-36.6 of the Future Land Use Element of the Comprehensive Plan provides that the timing of new development should be coordinated with adequate school capacity as determined by the School District of Hillsborough County. Approval of the final Construction Plans for any portion of the residential development shall not occur

until documentation is provided from the School District of Hillsborough County indicating that either:

- a) Adequate capacity exists to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County; or
- b) Adequate school capacity is planned and funded to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County; or
- c) The applicant has provided adequate mitigation to offset inadequacies in school capacity, as identified/determined by the School District of Hillsborough County.

12. Master Plan.

The Master Plan (Map "H") of development for the Tri-County Business Park Property is attached hereto as **Exhibit "E"** and incorporated herein by reference.

13. Binding Effect of Agreement and Recording.

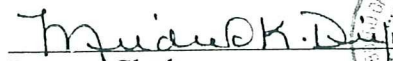
The terms and conditions of the Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. Race Track South shall ensure and provide that any successor in interest in and to any of its lands or parcels affected by this Agreement is bound by the terms of this Agreement. Race Track South shall record a Notice of Adoption of this Agreement in the Official Records of Hillsborough County, Florida, and shall provide the Department with a copy of the recorded notice, which shall be in substantially the form attached hereto as **Exhibit "F"** and incorporated herein by reference, including Official Record Book and Page numbers, within two (2) weeks of the date of execution of this Agreement.

14. Effective Date.

The effective date and date of execution of this Agreement shall be the date that the last party signs and acknowledges this Agreement. The term of this Agreement shall be 10 years from the effective date.

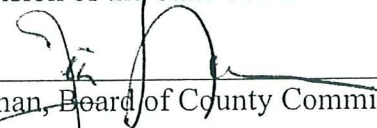
ATTEST:

Pat Frank, Clerk of Circuit Court

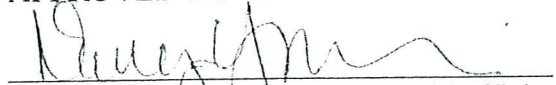

Deputy Clerk



HILLSBOROUGH COUNTY, a political
subdivision of the State of Florida

By: 
Chairman, Board of County Commissioners

APPROVED BY COUNTY ATTORNEY


Approved As To Form and Legal Sufficiency

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY FLORIDA
DOCUMENT NO. 06-1096

Approved As To Form and Legal Sufficiency

ATTEST:

[Signature]
Print Name: Christopher A. Succamore [Signature] Ross A. Puzzitiello, Race Track South LLC

[Signature]
Print Name: Penny Clark

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument is hereby acknowledged before me this 15 day of August, 2006, by Ross A. Puzzitiello. He is personally known to me or has produced N/A as identification.



Penny L. Clark
MY COMMISSION # DD213645 EXPIRES
August 18, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

[Signature]
NOTARY PUBLIC
My Commission Expires: 08-18-07

ATTEST:

DEPARTMENT OF COMMUNITY AFFAIRS

By: [Signature]

9/15/06

Secretary

Approved as to Form and Legal Sufficiency

[Signature]
Counsel
Department of Community Affairs.

TO RIGHT HAVING A RADIUS OF 2515.48 FT CHD BRG
N 37 DEG 03 MIN 46 SEC W 302.30 FT THN N 32 DEG 40
MIN 31 SEC W 123.49 FT THN ALG ARC OF CURVE TO
RIGHT HAVING A RADIUS OF 2516.48 FT CHD BRG N 30
DEG 19 MIN 23 SEC W 42.37 FT THN N 29 DEG 50 MIN
26 SEC W 217.16 FT THN ALG ARC OF CURVE TO RIGHT
HAVING A RADIUS OF 5699.58 FT CHD BRG N 27 DEG 11
MIN 54 SEC W 525.49 FT THN N 24 DEG 33 MIN 22 SEC
W 149.57 FT THN S 65 DEG 51 MIN 25 SEC W 8.62 FT
TO POB

Office Park parcel

COMM AT NW COR OF SEC 7 THN S 00 DEG 00 MIN 26 SEC
W ALG W BDRY 2000.26 FT N 54 DEG 39 MIN 29 SEC E
2174.36 FT S 24 DEG 08 MIN 35 SEC E 73.49 FT TO A
PT OF INTERS W/NLY R/W LINE OF REPTRON BV THN ALG
SAID R/W LINE N 66 DEG 51 MIN 25 SEC E 67.8 FT TO
PT OF CURVE TO RIGHT W/RAD OF 323.5 FT CB N 19 DEG
49 MIN 49 SEC W 57.35 FT TO A PT OF INTERS W/SLY
BDRY OF CITY OF ST PETERSBURG WATER EASEMENT THN
ALG SAID SLY BDRY N 54 DEG 39 MIN 29 SEC E 549.35
FT N 46 DEG 07 MIN 41 SEC E 398.88 FT S 89 DEG 07
MIN 34 SEC E 1390.03 FT S 00 DEG 50 MIN 23 SEC W
1207.06 FT TO POB S 00 DEG 50 MIN 23 SEC W 96.59
FT TO A PT OF INTERS W/NWLY R/W LINE OF RACE TRACK
RD THN ALG R/W LINE S 49 DEG 20 MIN 31 SEC W
262.06 FT N 40 DEG 39 MIN 23 SEC W 162 FT S 49 DEG
20 MIN 37 SEC W 145 FT S 40 DEG 39 MIN 23 SEC E
162 FT TO A PT OF INTERS W/NWLY R/W LINE OF RACE
TRACK RD THN ALG SAID R/W S 49 DEG 20 MIN 37 SEC W
201.8 FT N 40 DEG 39 MIN 28 SEC W 109.38 FT N 21
DEG 36 MIN 30 SEC E 86.25 FT N 49 DEG 20 MIN 32
SEC E 52.38 FT N 43 DEG 54 MIN 50 SEC E 50.5 FT
N 01 DEG 59 MIN 10 SEC W 40.05 FT N 49 DEG 20 MIN
28 SEC E 26.21 FT N 04 DEG 22 MIN 53 SEC E 309.87
FT N 20.49 FT E 60.91 FT N 00 DEG 52 MIN 26 SEC E
30.42 FT N 30 DEG 51 MIN 58 SEC E 36.18 FT TO A PT
OF CURVE TO THE RIGHT W/RAD OF 130 FT CB S 25 DEG
55 MIN 53 SEC E 132.9 FT S 00 DEG 20 MIN 51 SEC W
65.4 FT S 89 DEG 07 MIN 43 SEC E 247.95 FT TO POB
AND PARCEL DESC AS: COM AT NE COR OF SEC 7
N 00 DEG 51 MIN 24 SEC E 1047.66 FT N 89 DEG 01
MIN 21 SEC W 1470 FT S 00 DEG 51 MIN 27 SEC W
2322.8 FT FOR POB S 00 DEG 51 MIN 27 SEC W 5.03 FT
N 89 DEG 08 MIN 41 SEC W 247.4 FT N 00 DEG 19 MIN
53 SEC E 1.23 FT N 89 DEG 58 MIN 26 SEC E 247.45
FT TO POB

EXHIBIT "A"

Legal Description of Race Track South LLC parcels

The subject properties are legally described as follows:

Parcels of land lying in section 6 and 7, township 28 south, range 17 east, Hillsborough County, Florida, being more particularly described as follows:

Town house parcel

A PARCEL OF LAND IN SECTIONS 6 & 7 -28-17 DESC AS
COMM AT NW COR OF SEC 7-28-17 THN S 00 DEG 00 MIN
26 SEC W 2000.26 FT THN N 54 DEG 39 MIN 29 SEC E
1550 FT TO POB THN N 27 DEG 30 MIN 23 SEC W 940
FT THN N 61 DEG 22 MIN 48 SEC E 1035.77 FT THN ALG
ARC OF CURVE TO LEFT HAVING A RADIUS OF 725 FT
CHD BRG S 47 DEG 43 MIN 22 SEC E 167.88 FT THN ALG
ARC OF CURVE TO RIGHT HAVING A RADIUS OF 289.60
FT CHD BRG S 33 DEG 41 MIN 50 SEC E 204.49 FT THN
ALG ARC OF CURVE TO RIGHT HAVING A RADIUS OF
365 FT CHD BRG S 15 DEG 08 MIN 13 SEC W 344.51 FT
THN ALG ARC OF CURVE TO LEFT HAVING A RADIUS OF
373.50 FT CHD BRG S 09 DEG 14 MIN 33 SEC W 418.31
FT THN S 65 DEG 51 MIN 25 SEC W 17.80 FT THN N 24
DEG 08 MIN 35 SEC W 73.49 FT THN S 54 DEG 39 MIN
29 SEC W 624.36 FT TO POB AND COMM AT SW COR OF
SECTION 6-28-17 THN N 00 DEG 08 MIN 24 SEC W
1762.06 FT THN S 89 DEG 01 MIN 28 SEC E 3202.59 FT
THN S 00 DEG 58 MIN 43 SEC W 1101.49 FT TO POB THN
S 38 DEG 55 MIN 22 SEC W 950.99 FT THN S 46 DEG 07
MIN 41 SEC W 398.88 FT THN S 54 DEG 39 MIN 29 SEC
W 549.35 FT THN ALG ARC OF CURVE TO RIGHT HAVING A
RADIUS OF 323.50 FT CHD BRG N 14 DEG 16 MIN 34 SEC
E 313.88 FT THN ALG ARC OF CURVE TO LEFT HAVING
A RADIUS OF 415 CHD BRG N 15 DEG 08 MIN 13 SEC E
391.71 FT THN ALG ARC OF CURVE TO LEFT HAVING A
RADIUS OF 339.60 FT CHD BRG N 33 DEG 41 MIN 50 SEC
W 239.79 FT THN ALG ARC OF CURVE TO RIGHT HAVING
A RADIUS OF 675 FT CHD BRG N 48 DEG 11 MIN 32 SEC
W 145.30 FT THN N 61 DEG 22 MIN 48 SEC E 197.93 FT
THN N 72 DEG 08 MIN 17 SEC E 394.33 FT THN N 80
DEG 37 MIN 24 SEC E 857.19 FT TO POB AND COMM AT
NW COR OF SECTION 7-28-17 THN S 00 DEG 00 MIN 26
SEC W 2000.26 FT THN N 54 DEG 39 MIN 29 SEC E
2174.36 FT THN S 24 DEG 08 MIN 35 SEC E 73.49 FT
THN N 65 DEG 51 MIN 25 SEC E 67.80 FT TO POB THN
ALG ARC OF CURVE TO RIGHT HAVING A RADIUS OF
323.50 FT CHD BRG N 19 DEG 49 MIN 49 SEC W 57.35
FT THN N 54 DEG 39 MIN 29 SEC E 549.35 FT THN N 46
DEG 07 MIN 41 SEC E 398.88 FT THN S 89 DEG 07 MIN
34 SEC E 779.22 FT THN S 15 DEG 57 MIN 18 SEC W
2123.17 FT THN N 40 DEG 30 MIN 26 SEC W 44.91 FT
THN N 44 DEG 28 MIN 35 SEC W 245.59 FT THN N 40
DEG 30 MIN 26 SEC W 33.80 FT THN ALG ARC OF CURVE

Legal Description of Reptron parcel

The subject property is legally described as follows:

A Parcel of land lying in section 7, township 28 south, range 17 east, Hillsborough County, Florida, being more particularly described as follows:

Reptron

BEG AT MOST NLY COR OF LOT 1 TRI-COUNTY BUSINESS
PARK PHASE 3 PLAT BK 61 PG 31 RUN S 66 DEG 18 MIN
24 SEC W 577.84 FT THN S 23 DEG 41 MIN 38 SEC E
100 FT THN S 66 DEG 18 MIN 24 SEC W 450 FT THN
N 33 DEG 51 MIN 34 SEC E 372.78 FT THN N 23 DEG
41 MIN 36 SEC W 1257.92 FT THN N 52 DEG 46 MIN
22 SEC E 912.95 FT THN S 26 DEG E 73.49 FT THN
S 64 DEG W 5.68 FT THN S 26 DEG E 79.04 FT THN
N 63 DEG 35 MIN 13 SEC E 22.67 FT THN S 26 DEG
24 MIN 47 SEC E 71.12 FT TO PT OF CURVE THN ALG
AN ARC OF CURVE CONCAVE TO NE W/RADIUS OF 5759.58
FT ARC DIST OF 239.72 FT C/A 2 DEG 23 MIN 05 SEC
C/B S 27 DEG 36 MIN 20 SEC E 239.70 FT THN S 61
DEG 12 MIN 08 SEC W 21.14 FT THN S 28 DEG 59 MIN
52 SEC E 40.36 FT THN N 60 DEG 48 MIN 08 SEC E
21.14 FT TO PT OF CURVE CONCAVE NE W/RADIUS OF
5759.58 FT AN ARC OF 251.28 FT C/A 2 DEG 29 MIN
59 SEC C/B S 30 DEG 26 MIN 52 SEC E 251.26 FT THN
S 31 DEG 41 MIN 51 SEC E 217.16 FT TO PT OF CURVE
THN ALG AN ARC OF CURVE TO NE W/RADIUS OF 2576.48
FT AN ARC DIST OF 43.38 FT C/A OF 00 DEG 57 MIN
53 SEC C/B S 32 DEG 10 MIN 48 SEC E 43.38 FT THN
S 33 DEG 36 MIN 56 SEC E 126.49 FT TO PT OF CURVE
TO NE W/RADIUS OF 2577.48 FT ARC DIST OF 84.01 FT
C/A OF 01 DEG 52 MIN 03 SEC C/A S 36 DEG 24 MIN
31 SEC E 84.01 FT THN S 52 DEG 39 MIN 28 SEC W
26.70 FT THN S 25 DEG 59 MIN 40 SEC E 41.30 FT THN
N 64 DEG 00 MIN 05 SEC E 35.97 FT TO PT OF CURVE
TO NE W/RADIUS OF 2577.48 FT ARC DIST OF 141.70 FT
C/A OF 03 DEG 09 MIN C/B S 39 DEG 58 MIN 29 SEC E
141.69 FT THN S 48 DEG 27 MIN 01 SEC W 28.58 FT
THN S 26 DEG 00 MIN 14 SEC E 46.56 FT THN N 64 DEG
00 MIN 02 SEC E 43.18 FT THN S 42 DEG 21 MIN 51
SEC E 14 FT THN S 38 DEG 23 MIN 42 SEC E 245.59 FT
THN S 42 DEG 21 MIN 51 SEC E 190 FT THN S 47 DEG
38 MIN 09 SEC W 15 FT THN S 42 DEG 21 MIN 51 SEC E
35.98 FT THN S 47 DEG 27 MIN 10 SEC W 240.55 FT
THN S 45 DEG 32 MIN 37 SEC W 140.08 FT THN N 42
DEG 32 MIN 50 SEC W 504.05 FT TO POB

EXHIBIT "B"

Legal Description of Tri-County Business Park

(see attached)

LEGAL DESCRIPTION

PART OF SECTION 6 AND 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, RUN THENCE $N01^{\circ}40'37''W$, 2679.75 FEET TO THE WEST $1/4$ CORNER OF SECTION 7; THENCE $N01^{\circ}52'36''W$, 680.26 FEET ALONG THE WEST BOUNDARY OF SECTION 7 TO THE POINT OF BEGINNING;

THENCE $N01^{\circ}52'36''W$, 1999.93 FEET ALONG THE WEST BOUNDARY OF SECTION 7, TO THE NORTHWEST CORNER OF SECTION 7; THENCE $N01^{\circ}32'10''W$, 196.99 FEET ALONG THE WEST BOUNDARY OF SECTION 6; THENCE $N02^{\circ}09'24''W$, 1565.75 FEET ALONG THE WEST BOUNDARY OF SECTION 6; THENCE $N89^{\circ}05'52''E$, 6474.85 FEET TO A POINT ON THE EAST BOUNDARY OF SECTION 6; THENCE $S01^{\circ}01'53''E$, 1313.54 FEET ALONG THE EAST BOUNDARY OF SECTION 6; THENCE $S00^{\circ}50'07''W$, 1470.01 FEET; THENCE $S01^{\circ}01'50''E$, 1035.95 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF RACE TRACK ROAD, ALSO KNOWN AS TAMPA SHORES-LAKE FERN ROAD; THENCE $S47^{\circ}27'10''W$, 261.69 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE $N42^{\circ}32'50''W$, 145.00 FEET ALONG THE NORTHEASTERLY BOUNDARY OF OUTPOST WELL SITE DESCRIBED IN O.R. 1350, PAGE 552; THENCE $S47^{\circ}27'10''W$, 145.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID OUTPOST WELL SITE; THENCE $S42^{\circ}32'50''E$, 145.00 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID OUTPOST WELL SITE TO A POINT ON THE SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF RACE TRACK ROAD; THENCE $S47^{\circ}27'10''W$, 1451.33 FEET ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE; THENCE $N42^{\circ}32'50''W$, 531.38 FEET TO A POINT ON THE NORTH LINE OF A 100 FOOT FLORIDA POWER EASEMENT AS RECORDED IN O.R. 3989, PAGE 715; THENCE $S66^{\circ}18'24''W$, 870.64 FEET ALONG SAID NORTH LINE TO THE EAST BOUNDARY OF TRI-COUNTY BUSINESS PARK - PHASE II AS RECORDED IN PLAT BOOK 55, PAGE 42 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE $N33^{\circ}51'34''E$, 106.39 FEET; ALONG THE EAST BOUNDARY OF SAID TRI-COUNTY BUSINESS PARK - PHASE II; THENCE $N23^{\circ}41'36''W$, 1257.92 FEET ALONG SAID EAST BOUNDARY; THENCE $S52^{\circ}46'22''W$, 1261.41 FEET ALONG THE NORTH BOUNDARY OF SAID TRI-COUNTY BUSINESS PARK - PHASE II TO THE POINT-OF-BEGINNING.

CONTAINS 386.15 ACRES MORE OR LESS.

THIS LEGAL DESCRIPTION IS BASED ON A SURVEY BY WATSON AND COMPANY, DATED MAY, 1981 AND REVISED APRIL 1, 1985.

LESS:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST $1/4$ OF SECTION 6, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 6, THENCE $N01^{\circ}01'53''W$, ALONG THE EAST BOUNDARY OF SAID SECTION 6, A DISTANCE OF 462.75 FEET TO THE POINT OF BEGINNING, THENCE LEAVING SAID BOUNDARY $S88^{\circ}58'07''W$, A DISTANCE OF 1470.01 FEET, THENCE $N01^{\circ}01'50''W$, A DISTANCE OF 588.01 FEET, THENCE $N89^{\circ}05'22''E$, A DISTANCE OF 1470.00 FEET TO THE EAST BOUNDARY OF SAID SECTION 6, THENCE ALONG SAID BOUNDARY $S01^{\circ}01'53''E$, A DISTANCE OF 584.91 FEET TO THE POINT OF BEGINNING,

CONTAINING A TOTAL OF 19.791 ACRES (862,100 SQUARE FEET) MORE OR LESS.

EXHIBIT "C"

Table 1 – Comparison of built and in permitting/construction

Currently Built	Units	Office Sq. Ft.	Industrial Sq. Ft.	Commercial Sq. Ft.
Single Family Detached	152			
Single Family Attached	120			
Office		5,063		
Industrial (Reptron)			156,871	-
Total Built 2005	272	5,063	156,871	-
Remaining to be built (currently in permitting)				
Single Family Detached	-			
Single Family Attached (currently in permitting)	164			
Office (currently in permitting)		24,937		
Industrial (Reptron)		40,000**		
Total In Permitting	164	24,937	-	-
<i>Grand Total</i>	<i>436</i>	<i>70,000</i>	<i>156,871</i>	<i>-</i>
Ultimate Total at Build Out	436	70,000	160,000	-
Difference from Current Approvals	(136)	30,000	1,140,000	50,000
Conversion	136		1,154,000	
Remaining sq. ft. proposed for elimination	-	30,000	1,054,000	50,000

** Reserved for Reptron Industries

Table 2- Comparison of Original Approvals, Current Approval, and Proposed Reduction in Entitlements

Originally Approved Project (December 12, 1989)	Residential Units	Office Sq. Ft.	Industrial Sq. Ft.	Commercial Sq. Ft.
Phase 1			900,000	50,000
Phase 2	-	100,000	1,725,000	25,000
Phase 3	-		900,000	
Sub Total	-	100,000	3,525,000	75,000
Minus School Parcel	-			
Total	-	100,000	3,525,000	75,000
Currently Approved Project (December 29, 2005)	Residential Units	Office	Industrial	Commercial
Phase 1A			150,000	
Phase 1B	226	100,000	150,000	
Phase 1C	145		1,000,000	50,000
Sub Total	371	100,000	1,300,000	50,000
Minus School Parcel	71			
Total	300	100,000	1,300,000	50,000
Reduction from original		-	(2,225,000)	(25,000)
Proposed EBO Entitlements Revised Land Use Schedule Project at Build Out	Residential Units	Office Sq. Ft.	Industrial Sq. Ft.	Commercial Sq. Ft.
Single Family Detached	152			
Single Family Attached	284			
Office		30,000		
Industrial (Reptron)		40,000**	156,871	-
Total	436	70,000	160,000	-
Currently Approved Project	436	100,000	1,214,000*	50,000
Remaining sq. ft. proposed for elimination	-	30,000	1,054,000	50,000

* A result of converting 86,000 sq. ft. of industrial into 136 units through the previously approved trade off mechanism

** Reserved for Reptron Industries

EXHIBIT "D"

DRI Compliance Report

See attached copy (original Annual Report previously prepared and submitted by URS Corporation Southern on January 7, 2005)

DRI ANNUAL REPORT

DRI #181 – TRI COUNTY BUSINESS PARK

HILLSBOROUGH COUNTY, FLORIDA

**PREPARED
FOR
WEST HAMPTON, LLC**

By

**URS CORPORATION SOUTHERN
January 7, 2005**

FORM RPM-BSP-ANNUAL REPORT-1

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
850/488-4925

DEVELOPMENT OF REGIONAL IMPACT
ANNUAL REPORT

Subsection 380.06(18), Florida Statutes, (F.S.) places the responsibility on the developer of an approved development of regional impact (DRI) for submitting an annual report to the local government, the regional planning agency, the Department of Community Affairs, and to all affected permit agencies, on the date specified in the development order. The failure of a developer to submit the report on the date specified in the development order may result in the temporary suspension of the development order by the local government until the annual report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. If you have any questions about this required report, call the DRI Planner at (904) 488-4925.

Send the original completed annual report to the designated local government official stated in the development order with one copy to each of the following:

- a) The regional planning agency of jurisdiction;
- b) All affected permitting agencies;
- c) Division of Community Planning
Bureau of Local Planning
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
850/488-4925

ANNUAL STATUS REPORT

Reporting Period: Dec 11, 2000 to Jan. 15, 2005
Month/Day/Year Month/Day/Year

Development: Tri-County Business Park – DRI #181
Name of DRI

Location: N/A, Hillsborough County
City County

Developer: Name: West Hampton, LLC, (Formerly Reptron Electronics, Inc.)
Company Name

Address: c/o Bayshore Broadway Developers, 221 Turner Street
Street Location

Clearwater, FL 33756
City, State, Zip

1. Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.

Note: If a response is to be more than one sentence, attach as Exhibit A a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items if applicable:

- a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;

There has been one change in the plan of development for this reporting period (See Exhibit A). None are anticipated for next year (2005).

- b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

An NOPC was filed during the reporting period as noted in Exhibit A. None are anticipated for the coming year (2005).

- c) Attach 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 Paragraph 380.06(15)(f), F.S.

Appendix A includes a copy of the last amendment to the Development Order (sixth amendment).

2. Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new DRI development order for the project? Provide a copy of the order adopted by the annexing local government.

No Change

3. Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.

This report includes an updated map H, revised Jan. 2001. See Appendix B.

4. Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.

See Exhibit C

5. Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps, which show the tracts involved.

As approved in the Sixth Amendment, 19.71 acres have been sold to Hillsborough County School District. In addition, in December 2000, Reptron Electronics, Inc., the developer of record, sold approximately 325.51 ac. to West Hampton, LLC and Race Track Road Land Trust Number 1, who in turn assumed the DRI entitlements and

obligations by formal agreement. Reptron retained responsibility and control of approximate 38 acres containing Reptron's existing facilities.

6. Describe any lands purchased or optioned adjacent to the original DRI site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

NONE

7. List any substantial local, state and federal permits, which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

See Exhibit D

8. Provide a list specifying each development order conditions and each developer commitment as contained in the ADA. State how and when each condition or commitment has been complied with during the annual report reporting period.

See Exhibit B

9. Provide any information that is specifically required by the development order to be included in the annual report.

The developer is required to conduct semiannual water quality monitoring of Double Branch Creek in accordance with Condition IV.C.7. The monitoring program has been initiated. If development activity does not occur during a given reporting period, no monitoring will be required.

10. Provide a statement certifying that all persons have sent copies of the annual report in conformance with Subsections 380.0(15) and (18), F.S.

All persons have been sent copies of this report in conformance with Section 380.06(15) and (18), F.S.

See Exhibit E

Person completing the questionnaire:

Thomas A. Muscarello, AICP

Title: Vice President, URS Corporation Southern

Representing: West Hampton, LLC

EXHIBIT A

Tri-County Business Park

Detailed response to DRI Annual Report Question 1. a)

On December 12, 1989, Hillsborough County granted a Development Order (Resolution No. R89-0321) to Tri-County Business Park, Ltd. For a three-phase, 386-acre, multi-use development to be located west of Race Track Road and north of SR 580 in northwestern Hillsborough County, adjacent to the Pinellas County line and the City of Oldsmar. The Phase I transportation analysis included the 935,000 square feet of light industrial/office/commercial space already constructed.

The Development Order has been amended six times, the latest occurring on December 12, 2000 (Resolution R00-295). Table 1, below, is a summary of the six amendments that have been approved. Based on research by URS it appears that all but the last or sixth amendment have been reported in prior annual reports. Accordingly, only the sixth amendment is included in the Appendix of this report. However, an updated map, Map H (AR) has been included to show the parcelization of the property and current development status.

Table 1

SUMMARY OF DEVELOPMENT ORDER AND AMENDMENTS

- **Original Development Order – Resolution No. R89-0321 – December 12, 1989**
As stated above.
- **First Amendment – Resolution R90-0131 – June 20, 1990**
Revised certain conditions and adopted a stipulated settlement agreement to resolve appeal issues.
- **Second Amendment – Resolution R92-0305 – December 8, 1992**
Extended commencement and buildout dates for all three phases to 2002, 2007, and 2012, respectively, and extended the expiration and downzoning dates to November 1, 2012.
- **Third Amendment – Resolution R94-0209 – August 30, 1994**
Created 250,000 sq. ft. light industrial sub-phase.
- **Fourth Amendment – Resolution R98-140 – July 14, 1998**
Deletes Phases II and III, creates a second subphase including 250,000 sq. ft. of light industrial and 100,000 sq. ft. of office, and establishes December 31 2005 as the buildout date for Phase I. (creates single phase project)
- **Fifth Amendment – Resolution R00-026 – February 22, 2000**
Merged all phases and subphases into one Phase subject to the previously approved buildout date of December 31, 2005, leaving a single phase comprised of 1,400,000 sq. ft. of light industrial uses, 100,000 sq. ft. of office uses, 50,000

sq. ft. of commercial use and 300 residential units. Also included approval of a trips based "Tradeoff Matrix".

- **Sixth Amendment – Resolution R00-256 – December 12, 2000**

Provided for 19.79 acres to be removed from the DRI and transferred to Hillsborough County School District for use as a school site. This amendment also eliminated 71 residential units. Certified original of this amendment was transmitted to the Tampa Bay Regional Planning Council in January, 2001. See Appendix A.

EXHIBIT B

A 150,000 square foot manufacturing facility was previously constructed on-site. The project has complied with DRI Development Order Conditions as follow:

A. PHASING SCHEDULE

The project build-out year has been extended to December 31, 2005.

B. TRANSPORATATION

Existing development on-site was constructed pursuant to a Development Order sub-phase approval granted by the Board of County Commissioners on August 25, 1994.

C. ENVIRONMENT AND NATURAL RESOURCES

Air Quality

The project is in compliance with air quality considerations in the Development Order.

Land

The project is in compliance with soil erosion and soil limitation considerations.

Water Quality and Drainage

Elevations for habitable structures have been constructed at or above the 100-year floodplain elevation.

The project is in compliance for design and review of the Stormwater management plan.

A surface water quality sampling monitoring program is being conducted by the Developer. Because no construction has taken place since the last monitoring event, no sampling is currently required.

Wetlands

The initial sub-phase project was designed and permitted in conformance with the wetland criteria specified in the Development Order. Monitoring of the wetland mitigation area continues in accordance with permit conditions.

Vegetation and Wildlife

No protected species were observed on-site during the monitoring period.

Representative tracts of native vegetative communities have been preserved on-site.

D. ECONOMY

The Development Order conditions under this section do not require compliance until the commencement of Phase II of the project.

E. WASTEWATER

Wastewater Management

No problems have been reported with on-site sewer lines.

Water Supply

Water conservation practices, consistent with the Development Order have been undertaken.

Solid Waste

Hillsborough County will provide solid waste disposal services.

Energy

The project is proceeding in compliance with Development Order considerations.

Open Space

The developer will maintain open space areas.

Police, fire and EMS

Fire sprinkler systems are being installed consistent with the Development Order.

F. HAZARDOUS WASTES

The developer will provide information to businesses as applicable. Currently, Reptron Electronics (the Developer) is the only business within the DRI.

Exhibit C
Question 4

LAND USE TYPE	PROPOSED THIS PERIOD	BUILT THIS PERIOD	MEASURE	TOTAL PROPOSED TO DATE	TOTAL BUILT TO DATE	MEASURE
Industrial	0	0	Sq. Ft.	1,300,000	150,000	Sq. Ft.
Commercial	0	0	Sq. Ft.	50,000	0	Sq. Ft.
Office	0	0	Sq. Ft.	100,000	0	Sq. Ft.
Residential	272	272	D.U.	605*	272	D.U.
Other development activity conducted						

* Residential dwelling units increased through use of the "Trade Off Matrix" approved in D.O. Amendment 5. Total is now 605 D.U.'s per Hillsborough County General Development Plan Nov. 30, 2000.

EXHIBIT D

Parcel 1

Total Area: 150.24AC

Constructed: 152 single-family units

Permits Received

Hillsborough Co. – Site Plan/Const. Plans

SWFWMD – Stormwater/Wetlands

USACOE – Wetlands

HCEPC – Wetlands

FL DEP – Wetlands/Water Quality

Parcel 1A

Total Area: 43.90

Constructed: 120 single-family attached units

Permits Received

Hillsborough Co. – Site Plan/Const. Plans

SWFWMD – Stormwater/Wetlands

USACOE – Wetlands

HCEPC – Wetlands

FL DEP – Wetlands/Water Quality

Parcel 1A1

Total Area: 19.92

Constructed: + AC Stormwater pond and + 5 AC of upland preservation to serve the adjacent school board Site and the Parcel 1A site (above)

Permits Received

Hillsborough Co. – Site Plan/Const. Plans

SWFWMD – Stormwater/Wetlands

HCEPC – Wetlands

Parcel 2A

Total Area: 19.81

Constructed: Nothing – currently under permitting process – for 164 townhomes

Permits Applied for/Pending

Hillsborough Co. – (Pre-Plat)

HCEPC (Wetland Impact Approval)

Parcel 2B

Total Area: 1.37 AC

Constructed: Feeder road (Reptron Boulevard) for access to Parcels 1, 2A, and 2C

Parcel 2C

Total Area: 17.09AC

Constructed: Nothing – currently under permitting process

Permits Applied for/Pending

Hillsborough Co. – (Pre-Plat)

HCEPC (Wetland Impact Approval)

Parcel 3

Total Area: 38.81 AC

Constructed: Constructed: Nothing – currently under permitting process

Permits Applied for/Pending

Hillsborough Co. – (Pre-Plat)

HCEPC (Wetland Impact Approval)

Parcel 3A

Total Area: 34.19 AC

Constructed: Nothing finished yet – 12,000 SF office space fully permitted

Phase 1: Fully permitted (under construction)

Phase 2: 10,000 + SF office w/submittals to: HC County, SWFWMD and EPC

EXHIBIT E

Copies of the annual report have been submitted to the following:

Mr. John Healy
Hillsborough County Planning & Growth Management
601 E. Kennedy Boulevard, 20th Floor
Tampa, Florida 33601

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

Ms. Valerie Hubbard
Florida Department of Community Affairs
Bureau of State Planning
2555 Shumard Oaks Boulevard
Tallahassee, Florida 32399-2100

APPENDIX A

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

January 11, 2001

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

Re: Resolution No. R00-256 - Amending the Development Order for
Tri-County Business Park (DRI #181)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on December 12, 2000.

We are providing this original for your files.

Sincerely,


Judith M. Grose
Manager, BOCC Records

md

Attachment

Federal Express AB#805649480466

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs

Georgianne Ratliff, AICP, Wilson Miller, Inc.

Susan Fernandez, Senior Assistant County Attorney

John Healy, Senior Planner, Planning & Growth Management

Beth Novak, County Attorney's Office

Resolution No. R00-256

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING DRI #181 DEVELOPMENT ORDER FOR THE TRI-COUNTY BUSINESS PARK DEVELOPMENT OF REGIONAL IMPACT AS PREVIOUSLY AMENDED BY RESOLUTION NOS. R90-131, 92-0305, 94-0209, 98-140, 00-026, 00-027 AND 00-199; APPROVING THE REMOVAL OF 71 SINGLE FAMILY UNITS AND APPROXIMATELY 19.8 ACRES FROM THE DRI FOR DEVELOPMENT AS A SCHOOL USE; PROVIDING FINDINGS OF FACT; AND PROVIDING AN EFFECTIVE DATE.

Upon motion of Commissioner Hart, seconded by Commissioner Norman, the following Resolution was adopted on this 12th day of December, 2000, by a vote of 7 to 0, Commissioner(s) _____ voting "no".

WHEREAS, on December 12, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0321) for the Tri-County Business Park Development of Regional Impact (DRI #181) (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes (1989); and

WHEREAS, Hillsborough County Resolution No. R90-0131 was adopted by the Board of County Commissioners on June 20, 1990, to amend the Development Order in accordance with a stipulated Settlement Agreement dated April 3, 1990, between Tampa Bay Regional Planning Council and Rutenberg Industrial Corporation; and

WHEREAS, in 1992, the Developer filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notification of Change proposed an extension of the development commencement date, phasing schedule, development order expiration date and date until which the project would not be subject to down zoning or intensity reductions; and

WHEREAS, on December 8, 1992, the Board of County Commissioners approved the Notification of Change (Resolution No. R92-0305) and extended the described dates by six (6) years, eleven (11) months; and

WHEREAS, on June 22, 1994, the Developer filed a second Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the second Notification of Proposed Change requested approval for a development subphase of 150,000 square feet of light industrial uses in accordance with Section IV.B.3.ii(a) of the Development Order and the elimination of a one-acre conservation wetland and the provision of mitigation for the same within the DRI; and

WHEREAS, on August 19, 1994, the Developer filed an Addendum to the second Notification and requested an increase of one hundred thousand (100,000) square feet of light industrial uses for the subphase; and

WHEREAS, on August 30, 1994, the Board of County Commissioners approved development of the specific subphase and elimination of the one-acre wetland (Resolution No. 94-0209); and

WHEREAS, on November 3, 1997, the Developer filed a third Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the third Notification of Proposed Change requested deletion of Phases II and III, approval of the contraction of the boundaries of the DRI, approval of a second subphase of Phase I comprised of 250,000 square feet of light industrial uses, 100,000 square feet of office uses, a development term extending until December 31, 2005, and certain amendments to the Development Order to achieve consistency between conditions of approval; and

WHEREAS, In 1998, the Developer revised the Notification of Proposed Change to only request approval of a second subphase comprising 250,000 square feet of light industrial uses and 100,000 square feet of office uses, a development term extending until December 31, 2005, and certain amendments to the Development Order to achieve consistency between conditions of approval; and

WHEREAS, on July 14, 1998, the Board of County Commissions conducted a public hearing and adopted the described changes in accordance with the revised Notification of Proposed Change and Development Order, as Resolution No. R98-140; and

WHEREAS, the Board of County Commissioners continued the public hearing to consider the remaining issues described in the original version of the third Notification of Proposed Change; and

WHEREAS, the Developer further revised the third Notification of Proposed Change to eliminate the proposed deletion of property, merge Phase I, II and III into one Phase (including previously approved subphases) subject to the previously approved build out date of December 31, 2005, leaving a single phase comprised of 1,400,000 square feet of light industrial uses, 100,000 square feet of office uses, 50,000 square feet of commercial uses, of which 1,050,000 square feet would be allocated to the northern 210 acres of development, and 300 residential units (with a specific subphase approval request for 155 single family units), which would be allocated to the northern 210 acres of development as an alternative to the 1,050,000 square feet of Industrial/office/commercial entitlements; and

WHEREAS, on September 9, 1998, U.S. Home Corporation, as the owner of a 19.79-acre parcel in the DRI located at the northwest corner of Nine Eagles Drive and Rack Track Road, commonly referred to as parcel 32 of the DRI, filed a fourth Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the fourth Notification of Proposed Change requested approval of the conversion of 100,000 square feet of light industrial use allocated to Parcel 32 to a residential use allowing development of 71 single family units within Parcel 32, a specific subphase of Phase I therefore, and certain amendments to achieve consistency between conditions of approval; and

WHEREAS, the third Notification of Proposed Change was further revised to create three (3) subphases of Phase I of the DRI; and

WHEREAS, on February 22, 2000, the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the revised third Notification of Proposed Change and Development Order, as Resolution No. R00-026; and

WHEREAS, on February 22, 2000, the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the fourth Notification of Proposed Change and the Development Order, as Resolution No. R00-027; and

WHEREAS, on May 19, 2000, Reptron Electronics, Inc., as the owner/applicant for the Tri-County Business Park DRI, filed a fifth Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the fifth Notification of Proposed Change requested to expand the trade-off matrix to include single-family, multi-family and "placed residents" for adult care facility to the range of specifically permitted uses within the southern 154 acres (Southern Parcel) and to transfer 40,000 square feet of light industrial uses from the northern 210 acres to the Southern Parcel; and

WHEREAS, on August 22, 2000, the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the fifth Notification of Proposed Change and the Development Order, as Resolution No. R00-199; and

WHEREAS, on August 2, 2000, the School District of Hillsborough County, as the owner of a 19.79-acre parcel in the DRI located at the northwest corner of Nine Eagles Drive and Race Track Road, commonly referred to as Parcel 32 of the DRI, filed a sixth Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the sixth Notification of Proposed Change requested approval for deletion of approximately 20 acres (commonly referred to as Parcel 32) from the DRI and removal of the 71 single family units approved within this parcel in order to develop as a school use.

WHEREAS, on December 12, 2000, the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the sixth Notification of Proposed Change and Development Order; and

NOW THEREFORE, be it resolved by the Board of County Commissioners of Hillsborough County, Florida, at their regular meeting assembled this 12th day of December, 2000.

SECTION I: INTRODUCTION

This Resolution shall constitute an amendment to the Tri-County Business Park Development Order.

SECTION II: FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The School District of Hillsborough County submitted to Hillsborough County, Florida, the Notification of Proposed Change which requested approval of the conversion of 71 single-family units allocated to Parcel 32 to a school use and deletion of Parcel 32 from the DRI. A new Map H reflecting the changes and dated September 12, 2000, and received on September 28, 2000, is hereby incorporated as Exhibit A.

- B. A comprehensive review of the impacts generated by the proposed amendment, together with all previous amendments, has been conducted by Hillsborough County and the Department of Community Affairs, State of Florida ("DCA").
- C. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original project set forth in the Application for Development Approval.
- D. Development in accordance with the proposed amendments will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- E. The proposed amendment is consistent with the land development regulations and the Comprehensive Plan of the County.
- F. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order.
- The proposed amendments, therefore, do not constitute a "substantial deviation" from the Tri-County Business Park Development Order, pursuant to Section 380.06, Florida Statutes.
- G. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and the owner of Parcel 32 are authorized to approve/conduct development as described herein.
- H. The review by the County and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

I. The Board of County Commissioners hereby approved the specific subphase and amendments described herein. This Resolution shall, upon rendition, constitute final County action on the requested subphase and accompanying amendments.

SECTION III: SPECIFIC REVISIONS TO THE DEVELOPMENT ORDER

Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Development Order be amended as follows:

- A. Pursuant to Section IV.B.3.ii(a) of the Development Order, the removal of 71 single-family units and removal of the 19.79-acre parcel identified as Tract B/Parcel 32 is reflected in a new Map H dated September 12, 2000, and attached hereto as Exhibit A.
- B. The legal description for the Tri-County Business Park Development of Regional Impact is herein revised to reflect the removal of Parcel 32 from the DRI as set forth in Exhibit B.

SECTION IV: GENERAL PROVISIONS

- A. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.
- B. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes. This Resolution shall be deemed rendered upon transmittal of copies hereof to the Department of Community Affairs and other required agencies.
- C. 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 remain in full force and effect.

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

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

F. Nothing herein shall limit or modify the rights of the Developer approved by the Development Order or the protection afforded by Section 163.3167(8), 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 true and correct copy of a Resolution adopted by the Board at its regular meeting December 12, 2000, as the same appears of record in Minute Book 295 of the Public Records of Hillsborough County, Florida, 2000.

Witness my hand and official seal this 11th day of January, 2001.

By: Mildred K. Dillm
Clerk of the Circuit Court (Deputy)

Approved as to form and correctness

By: [Signature]
Senior Assistant County Attorney



MAP H

Located in the Original Development Order Book

LEGAL DESCRIPTION

PART OF SECTION 6 AND 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, RUN THENCE N01°40'37"W, 2679.75 FEET TO THE WEST 1/4 CORNER OF SECTION 7; THENCE N01°52'36"W, 680.26 FEET ALONG THE WEST BOUNDARY OF SECTION 7 TO THE POINT OF BEGINNING;

THENCE N01°52'36"W, 1999.93 FEET ALONG THE WEST BOUNDARY OF SECTION 7, TO THE NORTHWEST CORNER OF SECTION 7; THENCE N01°32'10"W, 196.99 FEET ALONG THE WEST BOUNDARY OF SECTION 6; THENCE N02°09'24"W, 1565.75 FEET ALONG THE WEST BOUNDARY OF SECTION 6; THENCE N89°05'52"E, 5474.05 FEET TO A POINT ON THE EAST BOUNDARY OF SECTION 6; THENCE S01°01'53"E, 1313.54 FEET ALONG THE EAST BOUNDARY OF SECTION 6; THENCE S00°50'07"W, 1470.01 FEET; THENCE S01°01'50"E, 1035.95 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF RACE TRACK ROAD, ALSO KNOWN AS TAMPA SHORES-LAKE FERN ROAD; THENCE S47°27'10"W, 261.69 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE N42°32'50"W, 145.00 FEET ALONG THE NORTHEASTERLY BOUNDARY OF OUTPOST WELL SITE DESCRIBED IN D.R. 1350, PAGE 552; THENCE S47°27'10"W, 145.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID OUTPOST WELL SITE; THENCE S42°32'50"E, 145.00 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID OUTPOST WELL SITE TO A POINT ON THE SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF RACE TRACK ROAD; THENCE S47°27'10"W,

1451.33 FEET ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE; THENCE N42°32'50"W, 531.38 FEET TO A POINT ON THE NORTH LINE OF A 100 FOOT FLORIDA POWER EASEMENT AS RECORDED IN D.R. 3989, PAGE 715; THENCE S66°18'24"W, 870.54 FEET ALONG SAID NORTH LINE TO THE EAST BOUNDARY OF TRI-COUNTY BUSINESS PARK - PHASE II AS RECORDED IN PLAT BOOK 55, PAGE 42 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE N33°51'34"E, 106.39 FEET; ALONG THE EAST BOUNDARY OF SAID TRI-COUNTY BUSINESS PARK - PHASE II; THENCE N23°41'36"W, 1257.92 FEET ALONG SAID EAST BOUNDARY; THENCE S52°46'22"W, 1261.41 FEET ALONG THE NORTH BOUNDARY OF SAID TRI-COUNTY BUSINESS PARK - PHASE II TO THE POINT-OF-BEGINNING.

CONTAINS 306.16 ACRES MORE OR LESS.

THIS LEGAL DESCRIPTION IS BASED ON A SURVEY BY WATSON AND COMPANY, DATED MAY, 1981 AND REVISED APRIL 1, 1985.

LESS:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 6, THENCE N01°01'53"W, ALONG THE EAST BOUNDARY OF SAID SECTION 6, A DISTANCE OF 462.75 FEET TO THE POINT OF BEGINNING, THENCE LEAVING SAID BOUNDARY S88°50'07"W, A DISTANCE OF 1470.01 FEET, THENCE N01°01'50"W, A DISTANCE OF 588.01 FEET, THENCE N89°05'22"E, A DISTANCE OF 1470.00 FEET TO THE EAST BOUNDARY OF SAID SECTION 6, THENCE ALONG SAID BOUNDARY S01°01'53"E, A DISTANCE OF 584.91 FEET TO THE POINT OF BEGINNING,

CONTAINING A TOTAL OF 19.791 ACRES (862,100 SQUARE FEET) MORE OR LESS.

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



P.O. Box 1110
Tampa, Florida 33601
Telephone (813) 276-6100

September 8, 2000

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

Re: Resolution No. R00-199 - Amending the Development Order for
TRI-County Business Park (DRI #181)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on August 22, 2000.

We are providing this original for your files.

Sincerely,


Judith M. Grose
Senior Manager, BOCC Records

md

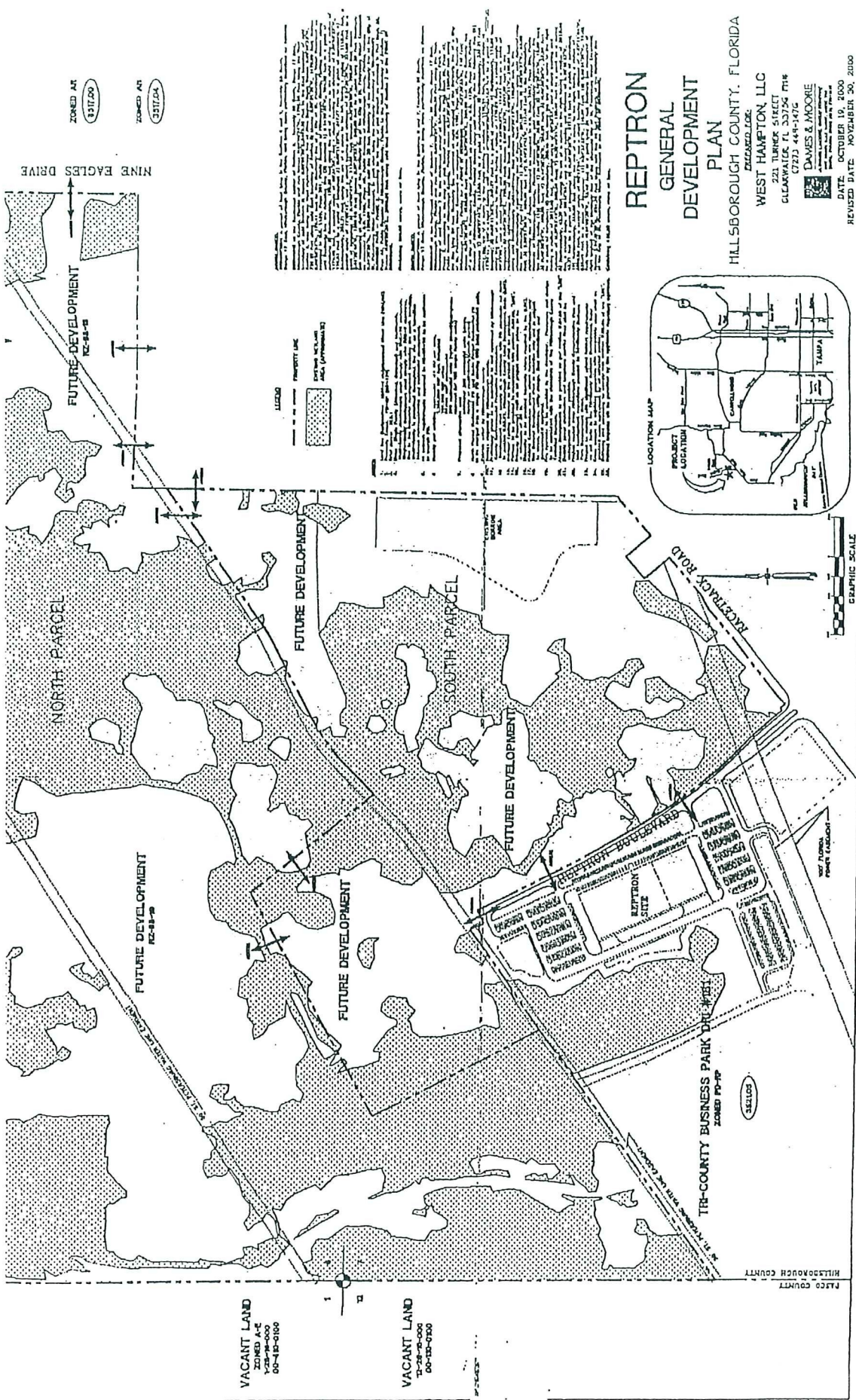
Attachment

Certified Mail P220536176

cc: Board files (orig.)

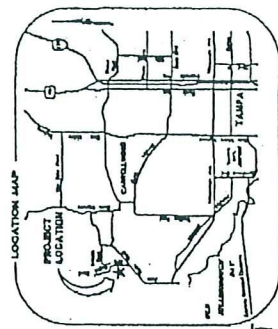
J. Thomas Beck, Florida Department of Community Affairs
Richard E. Davis, Esquire
Susan J. Fernandez, Senior Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Beth Novak, County Attorney's Office

APPENDIX B



REPTRON GENERAL DEVELOPMENT PLAN

HILLSBOROUGH COUNTY, FLORIDA
 PREPARED FOR:
 WEST HAMPTON, LLC
 221 TURNER STREET
 CLEARWATER, FL 33754 PTH
 (727) 444-1476
 DAVES & MOORE
 10000 N. BOULEVARD, SUITE 200
 TAMPA, FL 33634
 DATE: OCTOBER 19, 2000
 REVISED DATE: NOVEMBER 30, 2000



VACANT LAND
 ZONED A-1
 12-22-90-000
 00-43-0100

VACANT LAND
 ZONED A-1
 12-22-90-000
 00-43-0100

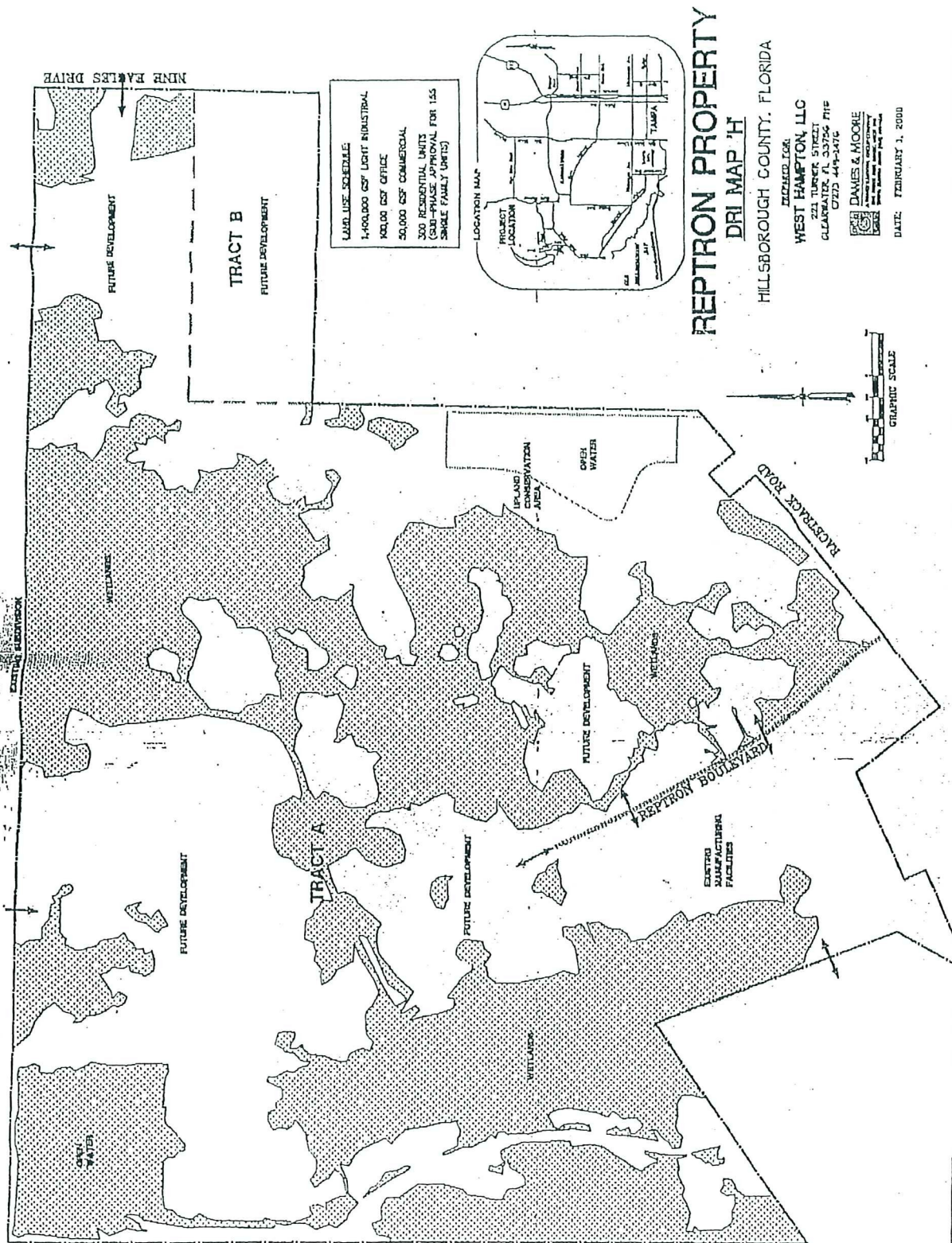
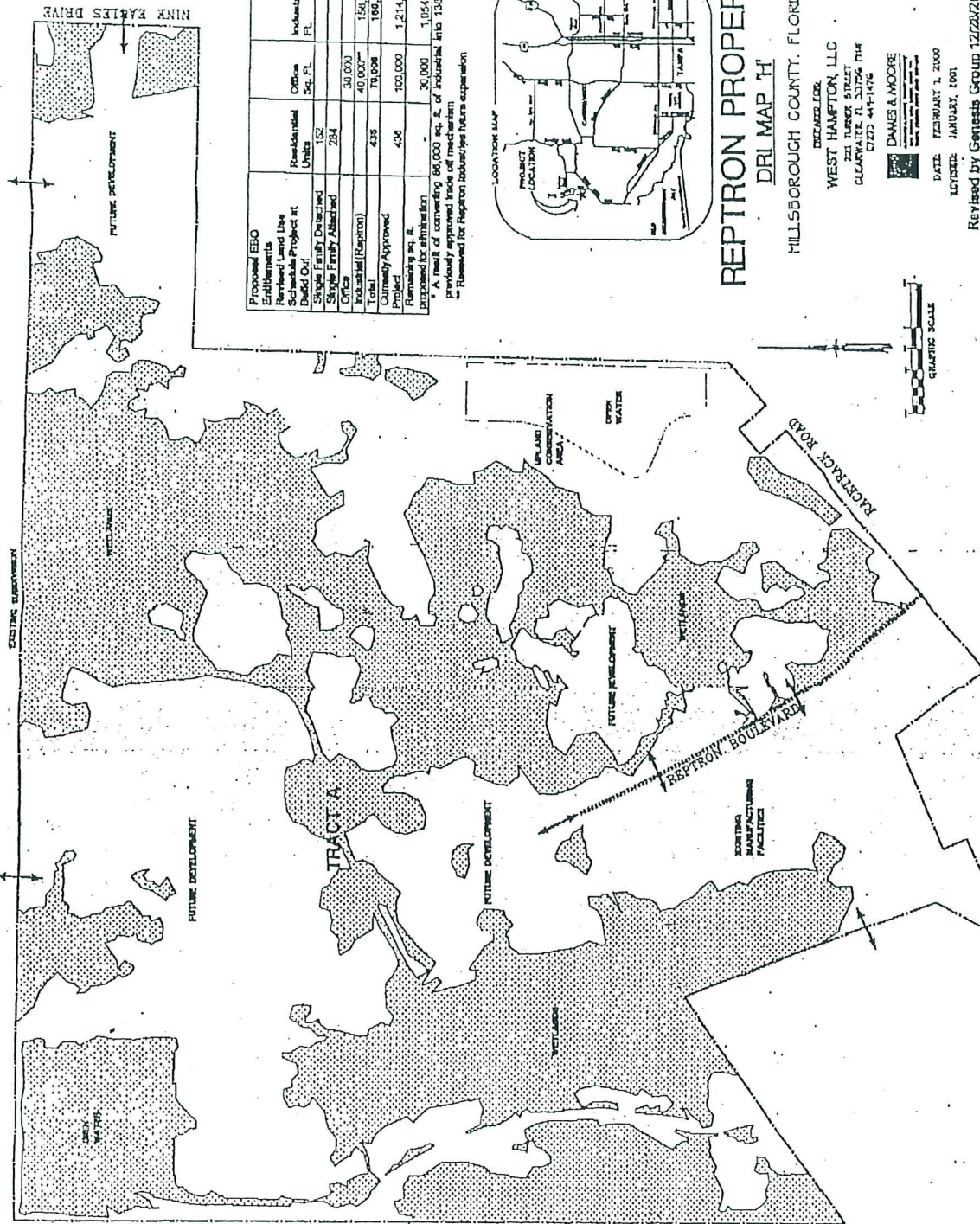


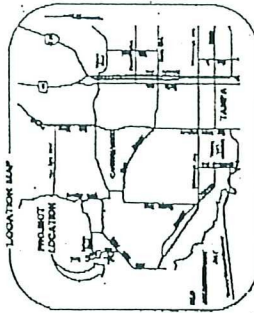
EXHIBIT "E"

Revised Map H



Proposed EBO Facilities Residential Land Use Schedule Project at Build Out	Residential Units	Office Sq. Ft.	Industrial Sq. Ft.	Commercial Sq. Ft.
Single Family Attached	162			
Office	294	30,000		
Industrial (Repton)		40,000	150,000	
Total	456	70,000	150,000	
Currently Approved Project	456	100,000	1,214,000	50,000
Remaining sq. ft. Proposed for development		30,000	1,054,000	50,000

* A result of converting 80,000 sq. ft. of industrial into 150 units through the
previously approved land use mechanism
is proposed for Repton industrial future expansion



REPTRON PROPERTY DRI MAP 'H'

HILLSBOROUGH COUNTY, FLORIDA

DEVELOPER:
WEST HAMPTON, LLC
221 TURKEY STREET
CLEARWATER, FL 33754-7116
C7223 449-1476

DANES & MOORE

DATE: FEBRUARY 1, 2000
REVISED: JANUARY, 2001

Revised by Genesis Group 12/28/2005



EXHIBIT "F"

Notice of Essentially Built-Out DRI Agreement Pursuant to 380.032(3) and 380.06(15)(G)(3), Florida Statutes

PLEASE TAKE NOTICE that a Section 380.032(3), F.S., Agreement covering the property more particularly described on Exhibit "A" attached hereto was entered into _____, 2006 pursuant to Sections 380.032(3) and 380.06(15)(g)(3), F.S., among the Florida Department of Community Affairs, Hillsborough County, Florida and Race Track South Development Corporation. The Agreement may be examined at the office of the Department of Community Affairs, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850) 488-4925.

WITNESSES

Cynthia L. Swenson
R. J. Clark

Ross A. Puzzitiello
Ross A. Puzzitiello, Race Track South, LLC

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

The foregoing instrument is hereby acknowledged before me this 15th day of August, 2006, by Ross A. Puzzitiello. He is personally known to me or has produced N/A as identification.

R. J. Clark
NOTARY PUBLIC



Penny L. Clark
MY COMMISSION # DD213645 EXPIRES
August 18, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

My Commission Expires 8/18/07

ATTEST:

DEPARTMENT OF COMMUNITY AFFAIRS

By: K. Melene Conway *KC*
9/15/06 Secretary

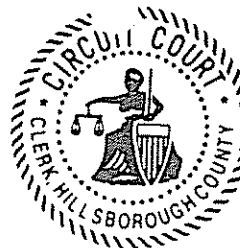
Approved as to Form and Legal Sufficiency

D. W. Jones

Counsel

Department of Community Affairs

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

January 11, 2001

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

Re: Resolution No. R00-256 - Amending the Development Order for
Tri-County Business Park (DRI #181)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on December 12, 2000.

We are providing this original for your files.

Sincerely,


Judith M. Grose
Manager, BOCC Records

md

Attachment

Federal Express AB#805649480466

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs

Georgianne Ratliff, AICP, Wilson Miller, Inc.

Susan Fernandez, Senior Assistant County Attorney

John Healy, Senior Planner, Planning & Growth Management

Beth Novak, County Attorney's Office

Resolution No. R00-256

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING DRI #181 DEVELOPMENT ORDER FOR THE TRI-COUNTY BUSINESS PARK DEVELOPMENT OF REGIONAL IMPACT AS PREVIOUSLY AMENDED BY RESOLUTION NOS. R90-131, 92-0305, 94-0209, 98-140, 00-026, 00-027 AND 00-199; APPROVING THE REMOVAL OF 71 SINGLE FAMILY UNITS AND APPROXIMATELY 19.8 ACRES FROM THE DRI FOR DEVELOPMENT AS A SCHOOL USE; PROVIDING FINDINGS OF FACT; AND PROVIDING AN EFFECTIVE DATE.

Upon motion of Commissioner Hart, seconded by Commissioner Norman, the following Resolution was adopted on this 12th day of December, 2000, by a vote of 7 to 0, Commissioner(s) _____ voting "no".

WHEREAS, on December 12, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0321) for the Tri-County Business Park Development of Regional Impact (DRI #181) (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes (1989); and

WHEREAS, Hillsborough County Resolution No. R90-0131 was adopted by the Board of County Commissioners on June 20, 1990, to amend the Development Order in accordance with a stipulated Settlement Agreement dated April 3, 1990, between Tampa Bay Regional Planning Council and Rutenberg Industrial Corporation; and

WHEREAS, in 1992, the Developer filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notification of Change proposed an extension of the development commencement date, phasing schedule, development order expiration date and date until which the project would not be subject to down zoning or intensity reductions; and

WHEREAS, on December 8, 1992, the Board of County Commissioners approved the Notification of Change (Resolution No. R92-0305) and extended the described dates by six (6) years, eleven (11) months; and

WHEREAS, on June 22, 1994, the Developer filed a second Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the second Notification of Proposed Change requested approval for a development subphase of 150,000 square feet of light industrial uses in accordance with Section IV.B.3.ii(a) of the Development Order and the elimination of a one-acre conservation wetland and the provision of mitigation for the same within the DRI; and

WHEREAS, on August 19, 1994, the Developer filed an Addendum to the second Notification and requested an increase of one hundred thousand (100,000) square feet of light industrial uses for the subphase; and

WHEREAS, on August 30, 1994, the Board of County Commissioners approved development of the specific subphase and elimination of the one-acre wetland (Resolution No. 94-0209); and

WHEREAS, on November 3, 1997, the Developer filed a third Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the third Notification of Proposed Change requested deletion of Phases II and III, approval of the contraction of the boundaries of the DRI, approval of a second subphase of Phase I comprised of 250,000 square feet of light industrial uses, 100,000 square feet of office uses, a development term extending until December 31, 2005, and certain amendments to the Development Order to achieve consistency between conditions of approval; and

WHEREAS, in 1998, the Developer revised the Notification of Proposed Change to only request approval of a second subphase comprising 250,000 square feet of light industrial uses and 100,000 square feet of office uses, a development term extending until December 31, 2005, and certain amendments to the Development Order to achieve consistency between conditions of approval; and

WHEREAS, on July 14, 1998, the Board of County Commissions conducted a public hearing and adopted the described changes in accordance with the revised Notification of Proposed Change and Development Order, as Resolution No. R98-140; and

WHEREAS, the Board of County Commissioners continued the public hearing to consider the remaining issues described in the original version of the third Notification of Proposed Change; and

WHEREAS, the Developer further revised the third Notification of Proposed Change to eliminate the proposed deletion of property, merge Phase I, II and III into one Phase (including previously approved subphases) subject to the previously approved build out date of December 31, 2005, leaving a single phase comprised of 1,400,000 square feet of light industrial uses, 100,000 square feet of office uses, 50,000 square feet of commercial uses, of which 1,050,000 square feet would be allocated to the northern 210 acres of development, and 300 residential units (with a specific subphase approval request for 155 single family units), which would be allocated to the northern 210 acres of development as an alternative to the 1,050,000 square feet of industrial/office/commercial entitlements; and

WHEREAS, on September 9, 1998, U.S. Home Corporation, as the owner of a 19.79-acre parcel in the DRI located at the northwest corner of Nine Eagles Drive and Rack Track Road, commonly referred to as parcel 32 of the DRI, filed a fourth Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the fourth Notification of Proposed Change requested approval of the conversion of 100,000 square feet of light industrial use allocated to Parcel 32 to a residential use allowing development of 71 single family units within Parcel 32, a specific subphase of Phase I therefore, and certain amendments to achieve consistency between conditions of approval; and

WHEREAS, the third Notification of Proposed Change was further revised to create three (3) subphases of Phase I of the DRI; and

WHEREAS, on February 22, 2000, the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the revised third Notification of Proposed Change and Development Order, as Resolution No. R00-026; and

WHEREAS, on February 22, 2000, the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the fourth Notification of Proposed Change and the Development Order, as Resolution No. R00-027; and

WHEREAS, on May 19, 2000, Reptron Electronics, Inc., as the owner/applicant for the Tri-County Business Park DRI, filed a fifth Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the fifth Notification of Proposed Change requested to expand the trade-off matrix to include single-family, multi-family and "placed residents" for adult care facility to the range of specifically permitted uses within the southern 154 acres (Southern Parcel) and to transfer 40,000 square feet of light industrial uses from the northern 210 acres to the Southern Parcel; and

WHEREAS, on August 22, 2000, the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the fifth Notification of Proposed Change and the Development Order, as Resolution No. R00-199; and

WHEREAS, on August 2, 2000, the School District of Hillsborough County, as the owner of a 19.79-acre parcel in the DRI located at the northwest corner of Nine Eagles Drive and Race Track Road, commonly referred to as Parcel 32 of the DRI, filed a sixth Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the sixth Notification of Proposed Change requested approval for deletion of approximately 20 acres (commonly referred to as Parcel 32) from the DRI and removal of the 71 single family units approved within this parcel in order to develop as a school use.

WHEREAS, on December 12, 2000, the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the sixth Notification of Proposed Change and Development Order; and

NOW THEREFORE, be it resolved by the Board of County Commissioners of Hillsborough County, Florida, at their regular meeting assembled this 12th day of December, 2000.

SECTION I: INTRODUCTION

This Resolution shall constitute an amendment to the Tri-County Business Park Development Order.

SECTION II: FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The School District of Hillsborough County submitted to Hillsborough County, Florida, the Notification of Proposed Change which requested approval of the conversion of 71 single-family units allocated to Parcel 32 to a school use and deletion of Parcel 32 from the DRI. A new Map H reflecting the changes and dated September 12, 2000, and received on September 28, 2000, is hereby incorporated as Exhibit A.

B. A comprehensive review of the impacts generated by the proposed amendment, together with all previous amendments, has been conducted by Hillsborough County and the Department of Community Affairs, State of Florida ("DCA").

C. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original project set forth in the Application for Development Approval.

D. Development in accordance with the proposed amendments will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. The proposed amendment is consistent with the land development regulations and the Comprehensive Plan of the County.

F. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Tri-County Business Park Development Order, pursuant to Section 380.06, Florida Statutes.

G. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and the owner of Parcel 32 are authorized to approve/conduct development as described herein.

H. The review by the County and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

I. The Board of County Commissioners hereby approved the specific subphase and amendments described herein. This Resolution shall, upon rendition, constitute final County action on the requested subphase and accompanying amendments.

SECTION III: SPECIFIC REVISIONS TO THE DEVELOPMENT ORDER

Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Development Order be amended as follows:

- A. Pursuant to Section IV.B.3.ii(a) of the Development Order, the removal of 71 single-family units and removal of the 19.79-acre parcel identified as Tract B/Parcel 32 is reflected in a new Map H dated September 12, 2000, and attached hereto as Exhibit A.
- B. The legal description for the Tri-County Business Park Development of Regional Impact is herein revised to reflect the removal of Parcel 32 from the DRI as set forth in Exhibit B.

SECTION IV: GENERAL PROVISIONS

- A. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.
- B. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes. This Resolution shall be deemed rendered upon transmittal of copies hereof to the Department of Community Affairs and other required agencies.
- C. 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 remain in full force and effect.

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

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

F. Nothing herein shall limit or modify the rights of the Developer approved by the Development Order or the protection afforded by Section 163.3167(8), 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 true and correct copy of a Resolution adopted by the Board at its regular meeting December 12, 2000, as the same appears of record in Minute Book 295 of the Public Records of Hillsborough County, Florida, 2000.

Witness my hand and official seal this 11th day of January, 2001.

By: Mildred K. Dillon
Clerk of the Circuit Court (Deputy)

Approved as to form and correctness

By: [Signature]
Senior Assistant County Attorney



MAP H

Located in the Original Development Order Book

EXHIBIT B

LEGAL DESCRIPTION

PART OF SECTION 6 AND 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, RUN THENCE $N01^{\circ}40'37''W$, 2679.75 FEET TO THE WEST $1/4$ CORNER OF SECTION 7; THENCE $N01^{\circ}52'36''W$, 680.26 FEET ALONG THE WEST BOUNDARY OF SECTION 7 TO THE POINT OF BEGINNING;

THENCE $N01^{\circ}52'36''W$, 1999.93 FEET ALONG THE WEST BOUNDARY OF SECTION 7, TO THE NORTHWEST CORNER OF SECTION 7; THENCE $N01^{\circ}32'10''W$, 196.99 FEET ALONG THE WEST BOUNDARY OF SECTION 6; THENCE $N02^{\circ}09'24''W$, 1565.76 FEET ALONG THE WEST BOUNDARY OF SECTION 6; THENCE $N89^{\circ}05'52''E$, 5474.05 FEET TO A POINT ON THE EAST BOUNDARY OF SECTION 6; THENCE $S01^{\circ}01'53''E$, 1313.54 FEET ALONG THE EAST BOUNDARY OF SECTION 6; THENCE $S00^{\circ}50'07''W$, 1470.01 FEET; THENCE $S01^{\circ}01'50''E$, 1035.95 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF RACE TRACK ROAD, ALSO KNOWN AS TAMPA SHORES-LAKE FERN ROAD; THENCE $S47^{\circ}27'10''W$, 261.69 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE $N42^{\circ}32'50''W$, 145.00 FEET ALONG THE NORTHEASTERLY BOUNDARY OF OUTPOST WELL SITE DESCRIBED IN O.R. 1350, PAGE 552; THENCE $S47^{\circ}27'10''W$, 145.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID OUTPOST WELL SITE; THENCE $S42^{\circ}32'50''E$, 145.00 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID OUTPOST WELL SITE TO A POINT ON THE SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF RACE TRACK ROAD; THENCE $S47^{\circ}27'10''W$,

1451.33 FEET ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE; THENCE $N42^{\circ}32'50''W$, 531.38 FEET TO A POINT ON THE NORTH LINE OF A 100 FOOT FLORIDA POWER EASEMENT AS RECORDED IN O.R. 3909, PAGE 715; THENCE $S66^{\circ}18'24''W$, 870.54 FEET ALONG SAID NORTH LINE TO THE EAST BOUNDARY OF TRI-COUNTY BUSINESS PARK - PHASE II AS RECORDED IN PLAT BOOK 55, PAGE 42 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE $N33^{\circ}51'34''E$, 106.39 FEET; ALONG THE EAST BOUNDARY OF SAID TRI-COUNTY BUSINESS PARK - PHASE II; THENCE $N23^{\circ}41'36''W$, 1257.92 FEET ALONG SAID EAST BOUNDARY; THENCE $S52^{\circ}46'22''W$, 1261.41 FEET ALONG THE NORTH BOUNDARY OF SAID TRI-COUNTY BUSINESS PARK - PHASE II TO THE POINT-OF-BEGINNING.

CONTAINS 386.15 ACRES MORE OR LESS.

THIS LEGAL DESCRIPTION IS BASED ON A SURVEY BY WATSON AND COMPANY, DATED MAY, 1981 AND REVISED APRIL 1, 1985.

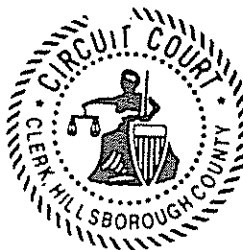
LESS:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST $1/4$ OF SECTION 6, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 6, THENCE $N01^{\circ}01'53''W$, ALONG THE EAST BOUNDARY OF SAID SECTION 6, A DISTANCE OF 462.75 FEET TO THE POINT OF BEGINNING, THENCE LEAVING SAID BOUNDARY $S88^{\circ}58'07''W$, A DISTANCE OF 1470.01 FEET, THENCE $N01^{\circ}01'50''W$, A DISTANCE OF 588.01 FEET, THENCE $N89^{\circ}05'22''E$, A DISTANCE OF 1470.00 FEET TO THE EAST BOUNDARY OF SAID SECTION 6, THENCE ALONG SAID BOUNDARY $S01^{\circ}01'53''E$, A DISTANCE OF 584.91 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 19.791 ACRES (862,100 SQUARE FEET) MORE OR LESS.

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

September 8, 2000

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

Re: Resolution No. R00-199 - Amending the Development Order for
TRI-County Business Park (DRI #181)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on August 22, 2000.

We are providing this original for your files.

Sincerely,


Judith M. Grose
Senior Manager, BOCC Records

md

Attachment

Certified Mail P220536176

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs

Richard E. Davis, Esquire

Susan J. Fernandez, Senior Assistant County Attorney

John Healy, Senior Planner, Planning & Growth Management

Beth Novak, County Attorney's Office

Resolution No. R00-199

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY,
FLORIDA AMENDING DRI #181 DEVELOPMENT
ORDER FOR THE TRI-COUNTY BUSINESS PARK
DEVELOPMENT OF REGIONAL IMPACT AS
PREVIOUSLY AMENDED BY RESOLUTION NOS.
R90-131, 92-0305, 94-0209, 98-140, 00-0026 AND
00-0027 APPROVING THE ADDITION OF RESIDENTIAL
USES; A TRANSPORTATION EQUIVALENCY MATRIX;
PROVIDING FINDINGS OF FACT; AND PROVIDING AN
EFFECTIVE DATE**

Upon motion by Commissioner Scott and seconded by Commissioner Wacksman
, the following resolution was adopted on this 22 day of August , 2000, by a vote of 5
to 0 Commissioner(s) _____, voting "no".

WHEREAS, on December 12, 1989, the Board of County Commissioners
approved a Development Order (Resolution No. R89-0321) for the Tri-County Business
Park Development of Regional Impact (DRI #181) (the "Development Order") pursuant
to the provisions of Section 380.06, Florida Statutes (1989); and

WHEREAS, Hillsborough County Resolution No. R90-0131 was adopted by the
Board of County Commissioners on June 20, 1990, to amend the Development Order
in accordance with a stipulated Settlement Agreement dated April 3, 1990 between
Tampa Bay Regional Planning Council and Rutenberg Industrial Corporation; and

WHEREAS, in 1992, the Developer filed a Notification of a Proposed Change to Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes (1989); and

WHEREAS, the Notification of Change proposed an extension of the development commencement date, phasing schedule, development order expiration date and date until which the project would not be subject to downzoning or intensity reductions; and

WHEREAS, on December 8, 1992, the Board of County Commissioners approved the Notification of Change (Hillsborough County No. R92-0305) and extended the described dates by six (6) years, eleven (11) months; and

WHEREAS, on the 22nd day of June, 1994, the Developer filed a second Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, this Notification of Proposed Change requested approval for a development subphase of one hundred and fifty thousand (150,000) square feet of light industrial uses in accordance with Section IV, B, 3, ii (a) of the Development Order and

the elimination of a one acre conservation wetland and the provision of mitigation for the same within the DRI;

WHEREAS, on August 19, 1994, the Developer filed an Addendum to the Notification and requested an increase of one hundred thousand (100,000) square feet of light industrial uses for the subphase; and

WHEREAS, on the 25th day of August, 1994, the Board of County Commissioners approved development of the specific subphase and elimination of the one-acre wetland;

WHEREAS, on November 3, 1997 the Developer filed a third Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06 (19) Florida Statutes; and;

WHEREAS, the Notification of Proposed Change requested deletion of Phases II and III; requested approval of the contraction of the boundaries of the DRI; approval of a second subphase comprised of two hundred fifty thousand (250,000) square feet light industrial uses and one hundred thousand (100,000) square feet of office uses; requests approval of an extension for development of Phase I until December 31, 2005;

and approval of certain amendments to the development order to achieve consistency between conditions of approval.

WHEREAS, in 1998 the Developer revised the Notification of the Proposed Change to only request approval of a second Subphase comprising two hundred fifty thousand (250,000) square feet of light industrial uses, one hundred thousand (100,000) square feet of office uses, a development term extending until December 31, 2005; and certain amendments to the development order to achieve consistency between conditions of approval.

WHEREAS, on July 14 1998, the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the Notification of Proposed Change and Development Order.

WHEREAS, the Board continued the Public Hearing to consider the remaining issues described in the Notice.

WHEREAS, the Developer revised the Notice to eliminate the proposed deletion of property; and merge Phases I, II and III into one Phase (including previously approved subphases), subject to the previously approved buildout date of December 31, 2005, leaving a single phase comprised of one million four hundred thousand (1,400,000) square feet of light industrial uses, one hundred thousand (100,000) square

feet of offices uses, fifty thousand (50,000) square feet of commercial uses, of which one million fifty thousand (1,050,000) square feet shall be allocated to the North 210 acres of the development, and three hundred (300) residential units (with a specific subphase approval request for one hundred fifty five (155) single family units), which would be allocated to the North 210 acres of the development as an alternative to the 1,050,000 square feet of industrial/office/commercial entitlements.

WHEREAS, in a concurrent Notice, the Developer proposed to convert 100,000 square feet of light industrial uses identified for Parcel 32 to 71 residential units with a specific development term extending to December 31, 2005.

WHEREAS, on February 8, 2000 and February 22, 2000 the Board of County Commissioners conducted a Public Hearing and adopted the described changes in accordance with the revised Notification of Proposed Change and Development Order.

WHEREAS, the Developer now seeks to identify alternative residential use for the South Parcel identified on Map H as Exhibit C. The South Parcel is currently approved for three hundred thousand (300,000) square feet of light industrial uses and one hundred thousand (100,000) square feet of office uses. The Developer proposed a trade-off matrix based on trip generation which would permit conversion of one hundred fifty thousand (150,000) square feet of light industrial uses and sixty thousand (60,000) square feet of offices to residential uses and/or adult care center. The proposed

transportation trade-off matrix is attached as Exhibit 3 in the Notification. The potential conversion of uses would not apply to one hundred fifty thousand (150,000) square feet of existing light industrial uses and forty thousand (40,000) square feet of offices uses currently approved for the South Parcel.

WHEREAS, Resolutions 00-0026 and 00-0027 identified one million fifty thousand (1,050,000) square feet of light industrial, office and commercial uses for the North parcel identified on Map H, attached as Exhibit C. The Developer also seeks to transfer forty thousand (40,000) square feet of light industrial uses to the South Parcel, as a potential use. The Developer understands that a sub-phase analysis must be prepared pursuant to Section IV, B, 3, ii (a) of the Development Order prior to actual development of the identified forty thousand (40,000) square feet of light industrial uses.

WHEREAS, on 22 day of August, 2000, the Board of County Commissioners conducted a public hearing to consider adoption of the described changes in accordance with the Notice of Proposed Change.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Hillsborough County, Florida, at their regular meeting assembled this 22 day of August, 2000.

SECTION I: INTRODUCTION

This resolution shall constitute an amendment to the Tri-County Business Park Development Order.

SECTION II: FINDINGS OF FACT AND CONCLUSIONS ON LAW

A. The Developer now seeks to identify an alternative residential use for the South Parcel identified on Map H as Exhibit C. The South Parcel is currently approved for three hundred thousand (300,000) square feet of light industrial uses and one hundred thousand (100,000) offices uses. The Developer proposes a trade-off matrix based on trip generation which would permit conversion of one hundred fifty thousand (150,000) square feet of light industrial uses and sixty thousand (60,000) square feet of office uses to residential uses and/or adult care center. The proposed transportation trade-off matrix is attached as Exhibit 3. The potential conversion of uses would not apply to one hundred fifty thousand (150,000) square feet of existing light industrial uses and forty thousand (40,000) square feet of offices uses currently approved for the South Parcel. Also, Resolutions 00-0026 and 00-0027 identified one million fifty thousand (1,050,000) square feet of light industrial, office and commercial uses for the North parcel identified on Map H, attached as Exhibit C. The Developer also seeks to transfer forty thousand (40,000) square feet of light industrial uses to the

South Parcel, as a potential use. The Developer understands that a sub-phase analysis must be prepared pursuant to Section IV, B, 3, ii (a) of the Development Order prior to actual development of the identified forty thousand (40,000) square feet of light industrial uses.

B. A comprehensive review of the impacts generated by the proposed amendments, together with all previous amendments, has been conducted by Hillsborough County and the Department of Community Affairs, State of Florida ("DCA").

C. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original project set forth in the Application for Development Approval.

D. Development in accordance with the proposed amendments will not reasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. The proposed amendments are consistent with the land development regulations and the Comprehensive Plan of the County.

F. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Tri-County Business Park Development Order, pursuant to Chapter 380.06, Florida Statutes.

G. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and Tri-County Business Park are authorized to approve/conduct development as described herein.

H. The review by the County and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

I. The Board of County Commissioners hereby approves the specific subphase described herein. This Resolution shall, upon rendition, constitute final County action on the requested subphase and accompanying amendments.

SECTION III: SPECIFIC REVISIONS TO THE DEVELOPMENT ORDER

Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Development Order be amended as follows

Section IV.A of the Development Order as amended by Resolutions 92-0305, 00-0026, 00-0027 is hereby amended as follows:

A. PHASING SCHEDULE-SPECIFIC/CONCEPTUAL APPROVAL

The development of the Project shall proceed in accordance with the following proposed phasing schedule:

DESCRIPTION OF REVISED PROJECT INTENSITIES AND SCHEDULE

	Commercial (sq. ft)	Industrial/ Manufacturing/ Warehouse/ Distribution/ Research Permitted Pursuant to the County PD-RP Zoning District (sq. ft.)	Office (sq. ft)	Residential (# units)
Phase IA Existing Development		150,000		
Phase 1B Approved Subphase (2000-2005)		*150,000	*100,000	226 units
Phase 1C Remaining Intensities (2000-2005)	50,000	1,000,000		145 units
TOTALS	50,000	1,300,000	100,000	371 units

*One hundred fifty thousand (150,000) square feet of industrial uses are eligible for conversion to residential uses and/or adult care facility

*Sixty thousand (60,000) square feet of office uses are eligible for conversion to residential use and/or adult care facility

B. The Developer shall be permitted to convert one hundred fifty thousand (150,000) square feet of industrial uses and sixty thousand (60,000) square feet of office uses to residential units in accordance with the following transportation equivalency matrix. The transportation equivalency matrix is not applicable to the uses approved for development on Parcel 32.

TRANSPORTATION EQUIVALENCY MATRIX

CHANGE FROM

	<u>Lt. Industrial</u>	<u>Office</u>	<u>Single Family</u>
Lt. Industrial		1.9490ksf/ksf	1.0306 ksf/du
Office	0.5131ksf/ksf		0.5288ksf/du
Single Family	0.9703 du/ksf	1.8911 du/ksf	
Multi Family	1.5806 du/ksf	3.0806 du/ksf	1.6290 du/du
Adult Care Ctr.	5.7647 du/ksf	11.2353 du.ksf	5.9412 du/du

Land Use exchanges are based on PM peak hour project traffic. Use of this matrix should be limited to the following minimums and maximums.

<u>Land Use</u>	<u>Minimum</u>	<u>Maximum</u>
Lt. Industrial	100,000sf	500,000sf
Office	0	200,000sf
Single Family	0	605 du's *
Multi Family	0	605 du's *
Adult Care Ctr.	0	1000 adult care units *

Example:

Add 100 multi-family homes by reducing Light Industrial

$100 \text{ du} / 1.5806 \text{ du/ksf} = 63.267$

Reduce the Light Industrial by 63,267 square feet.

*This is a maximum number of dwelling units in a given category of residential use and assumes that only that category of residential use is constructed. In the event the final project design includes a mix of residential uses, as authorized by the zoning for the project, then the amount of each use type (i.e. single family, multi-family and/or adult care center) will be calculated according to the transportation equivalency matrix. In no even shall such mixed use, in the aggregate, exceed the maximum conversion allowed by the equivalency matrix, nor shall any individual category of residential use exceed the applicable maximum for such individual use set forth above.

C. If residential uses and/or adult care center are selected as alternative uses for both the North and South parcels, the Developer may transfer units densities between both parcels in accordance with applicable zoning and site planning standards.

D. A new Map H, reflecting each of these changes and dated August 16, 2000, is incorporated herein and set forth in Exhibit C.

E. The Developer is authorized to transfer from the North Parcel, forty thousand (40,000) square feet of light industrial uses for development on the South Parcel. A sub-phase analysis prepared pursuant to Section IV, B, 3, ii (1) is required prior to actual development of the described light industrial uses.

SECTION IV: GENERAL PROVISIONS

- A. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes (1992).
- B. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes. This Resolution shall be deemed rendered upon transmittal of copies hereof to the Department of Community Affairs and other required agencies.
- C. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by 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.
- D. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the State Land Planning Agency and other recipients specified by statute or rules.
- E. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.
- F. The Developer's certification, attached hereto as Exhibit B, affirms that a copy

of the Notification of Proposed Change has been delivered to all persons as required by law.

G. Nothing herein shall limit or modify the rights of the Developer approved by the Development Order or the protection afforded by Section 163.3167 (8), 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 22, 2000 as the same appears of record in Minute Book 291 of the Public Records of Hillsborough County, Florida, 2000

Witness my hand and official seal this 8th day of September, 2000.

By Mildred K. Dixon
Clerk of the Circuit Court



Approved as to Form and Legal Sufficiency

By: [Signature]
Senior Assistant County Attorney

Exhibit "A"

The Notification of Proposed Change Relating to Tri-County Business Park DRI #181 is on File with the Clerk to the Board of County Commissioners of Hillsborough County. This Document includes, as Exhibit 3, the Transportation Equivalency Matrix and supporting documentation. Additional copies of the document which was filed on May 19, 2000 are available upon request.

Exhibit "B "

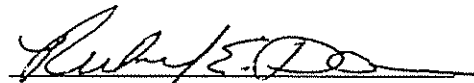
AFFIDAVIT

**STATE OF FLORIDA
COUNTY OF HILLSBOROUGH**

I hereby certify that on this day, before me, the undersigned officer, authorized in the State and County named above to administer oaths and take acknowledgments, personally appeared Richard E. Davis, attorney for Reptron Corporation, the applicant/owner for the Tri-County Business Park DRI #181, to me well known, who, being first duly sworn, says upon oath the following:

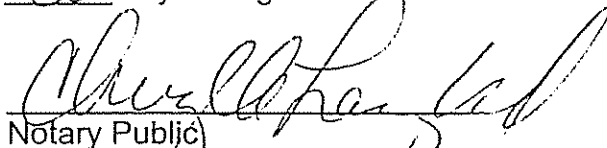
Reptron filed its Notice of Proposed Change ("NOPC")
for the Tri-County Business Park on May 19, 2000.

The aforementioned NOPC was filed with Hillsborough County,
the State of Florida Department of Community Affairs and the
Tampa Bay Regional Planning Council as required by law.

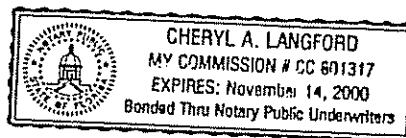


Richard E. Davis
Attorney for Reptron Electronics, Inc.

SWORN AND SUBSCRIBED to me this 30 day of August 2000.



Notary Public
STATE OF FLORIDA AT LARGE



080100nopc.doc

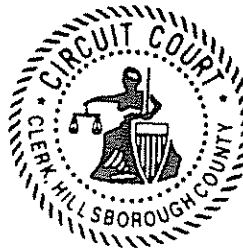
MAP H

Located in the Original Development Order Book

As

Exhibit "C"

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



#181

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

March 21, 2000

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

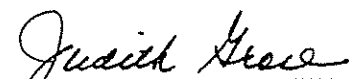
Re: Resolution No. R00-027 - Amending the Development Order for
Tri-Park Business Park (DRI #181)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on February 22, 2000.

We are providing this original for your files.

Sincerely,


Judith Grose,
Senior Manager, BOCC Records

md

Attachment

Certified Mail P 220 536 078

cc: Board files (orig.)

J Thomas Beck, Florida Department of Community Affairs
Donna Feldman, Attorney, Law Firm of Tew, Zinober, Barnes,
Zimmer & Unice, L.L.P.

Susan Fernandez, Senior Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Beth Novak, County Attorney's Office


MAR 23 2000
Tampa Bay Regional
Planning Council

Resolution No. R00-027

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING DRI #181 DEVELOPMENT ORDER FOR THE TRI-COUNTY BUSINESS PARK DEVELOPMENT OF REGIONAL IMPACT AS PREVIOUSLY AMENDED BY RESOLUTION NOS. R90-131, 92-0305, 94-0209, 98-140 AND 00-026; APPROVING THE CONVERSION OF 100,000 SQUARE FEET OF LIGHT INDUSTRIAL USE TO RESIDENTIAL USE ALLOWING 71 SINGLE FAMILY UNITS; APPROVAL OF DEVELOPMENT AS PART OF SUBPHASE IB OF THE DRI; PROVIDING FINDINGS OF FACT; AND PROVIDING AN EFFECTIVE DATE

Upon motion of Commissioner Scott, seconded by Commissioner Norman the following Resolution is adopted on this 22ND day of February, 2000, by a vote of 6 to 0, Commissioner(s) _____ voting "no."

WHEREAS, on December 12, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0321) for the Tri-County Business Park Development of Regional Impact (DRI #181) (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes (1989); and

WHEREAS, Hillsborough County Resolution No. R90-0131 was adopted by the Board of County Commissioners on June 20, 1990, to amend the Development Order in accordance with a stipulated Settlement Agreement dated April 3, 1990 between Tampa Bay Regional Planning Council and Rutenberg Industrial Corporation; and

WHEREAS, in 1992, the Developer filed a Notification of a Proposed Change to Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the Notification of Change proposed an extension of the development commencement date, phasing schedule, development order expiration date and date until which the project would not be subject to down zoning or intensity reductions; and

WHEREAS, on December 8, 1992, the Board of County Commissioners approved the Notification of Change (Resolution No. R92-0305) and extended the described dates by six (6) years, eleven (11) months; and

WHEREAS, on June 22, 1994, the Developer filed a second Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the second Notification of Proposed Change requested approval for a development subphase of 150,000 square feet of light industrial uses in accordance with Section IV.B.3. ii(a) of the Development Order and the elimination of a one acre conservation wetland and the provision of mitigation for the same within the DRI; and

WHEREAS, on August 19, 1994, the Developer filed an Addendum to the second Notification and requested an increase of one hundred thousand (100,000)square feet of light industrial uses for the subphase; and

WHEREAS, on August 25, 1994, the Board of County Commissioners approved development of the specific subphase and elimination of the one-acre wetland (Resolution No. 94-0209); and

WHEREAS, on November 3, 1997, the Developer filed a third Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06 (19), Florida Statutes; and

WHEREAS, the third Notification of Proposed Change requested deletion of Phases II and III, approval of the contraction of the boundaries of the DRI, approval of a second subphase of Phase I comprised of 250,000 square feet of light industrial uses, 100,000 square feet of office uses, a development term extending until December 31, 2005, and certain amendments to the Development Order to achieve consistency between conditions of approval; and

WHEREAS, in 1998, the Developer revised the Notification of Proposed Change to only request approval of a second subphase comprising 250,000 square feet of light industrial uses and 100,000 square feet of office uses, a development term extending until December 31, 2005, and certain amendments to the Development Order to achieve consistency between conditions of approval; and

WHEREAS, on July 14, 1998, the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the revised Notification of Proposed Change and Development Order, as Resolution No. R98-140; and

WHEREAS, the Board of County Commissioners continued the public hearing to consider the remaining issues described in the original version of the third Notification of Proposed Change; and

WHEREAS, the Developer further revised the third Notification of Proposed Change to eliminate the proposed deletion of property, merge Phases I, II and II into one Phase (including previously approved subphases) subject to the previously approved build out date of December 31, 2005, leaving a single phase comprised of 1,400,000 square feet of light industrial uses, 100,000 square feet of office uses, 50,000 square feet of commercial uses, of which 1,050,000 square feet would be allocated to the northern 210 acres of development, and 300 residential units (with a specific subphase approval request for 155 single family units), which would be allocated to the

northern 210 acres of development as an alternative to the 1,050,000 square feet of industrial/office/commercial entitlements; and

WHEREAS, on September 9, 1998, U.S. Home Corporation, as the owner of a 20-acre parcel in the DRI located at the northwest corner of Nine Eagles Drive and Race Track Road, commonly referred to as Parcel 32 of the DRI, filed a fourth Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, the fourth Notification of Proposed Change requests approval of the conversion of 100,000 square feet of light industrial use allocated to Parcel 32 to a residential use allowing development of 71 single family units within Parcel 32, a specific subphase of Phase I therefor, and certain amendments to achieve consistency between conditions of approval; and

WHEREAS, the third Notification of Proposed Change was further revised to create three (3) subphases of Phase I of the DRI; and

WHEREAS, on February 22, 2000 the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the revised third Notification of Proposed Change and Development Order; and

WHEREAS, on February 22, 2000, the Board of County Commissioners conducted a public hearing to consider adoption of the described changes in accordance with the fourth Notification of Proposed Change and the Development Order.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Hillsborough County, Florida, at their regular meeting assembled this 22nd day of February 2000.

SECTION I: INTRODUCTION

This resolution shall constitute an amendment to the Tri-County Business Park Development Order.

SECTION II: FINDINGS OF FACT AND CONCLUSIONS OF LAW

- A. The Developer submitted to Hillsborough County, Florida, the Notification of Proposed Change which requested approval of the conversion of 100,000 square feet of light industrial use allocated to Parcel 32 to a residential use allowing development of 71 single-family units within Parcel 32, specific subphase approval therefor as part of Subphase IB of the DRI, and certain amendments to the Development Order to achieve consistency between conditions of approval. A new Map H reflecting the changes and dated March 16, 2000 is hereby incorporated as Exhibit C.
- B. A comprehensive review of the impacts generated by the proposed amendments, together with all previous amendments, has been conducted by Hillsborough County and the Department of Community Affairs, State of Florida ("DCA").
- C. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original project set forth in the Application for Development Approval.
- D. Development in accordance with the proposed amendments will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- E. The proposed amendments are consistent with the land development regulations and the Comprehensive Plan of the County.

F. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Tri-County Business Park Development Order, pursuant to Section 380.06, Florida Statutes.

G. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and the Developer and the owner of Parcel 32 are authorized to approve/conduct development as described herein.

H. The review by the County and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

I. The Board of County Commissioners hereby approved the specific subphase and amendments described herein. This Resolution shall, upon rendition, constitute final County action on the requested subphase and accompanying amendments.

SECTION III: SPECIFIC REVISIONS TO THE DEVELOPMENT ORDER

Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Development Order be amended as follows:

A. Pursuant to Section IV.B.3. ii(a) of the Development Order, the conversion of light industrial use allocated to Parcel 32 to residential use allowing for development of 71 single family units, and approval of development of such 71 single family residential units is hereby approved as part of Subphase IB of the DRI. The development term for this subphase shall extend through December 31, 2005 and the units shall be constructed on the 20-acre parcel identified as Tract B/Parcel 32 on the new Map H attached hereto as Exhibit C.

- B. The following provisions of the Development Order, as previously amended, shall not be applicable to residential development within Parcel 32: Section IV. C.1, 2, and 3, Section IV. D.1., and Section IV. E.9, 10 and 13.

SECTION IV: GENERAL PROVISIONS

- A. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.
- B. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes. This Resolution shall be deemed rendered upon transmittal of copies hereof to the Department of Community Affairs and other required agencies.
- C. 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 remain in full force and effect.
- D. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the State Land Planning Agency and other recipients specified by statute or rules.
- E. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.
- F. The Developer's certification attached hereto as Exhibit B, affirms that a copy of the Notification of Proposed Change has been delivered to all persons as required by law.

G. Nothing herein shall limit or modify the rights of the Developer approved by the Development Order or the protection afforded by Section 163.3167 (8), 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 true and correct copy of a Resolution adopted by the Board at its regular meeting of February 22, 2000, as the same appears of record in Minute Book 285 of the Public Records of Hillsborough County, Florida, 2000.

Witness my hand and official seal this 21st day of March, 2000.

By: Mildred K. Dupon
Clerk of the Circuit Court (Deputy)

By: [Signature]
Approved as to form and correctness



Exhibit "A"

The Notification of Proposed Change Relating to Tri-County Business Park DRI #181 is on File with the Clerk to the Board of County Commissioners of Hillsborough County. Additional copies of the document which was filed on September 3, 1998, are available upon request.

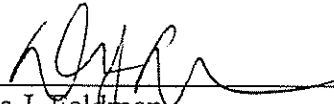
Exhibit "B"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF PINELLAS

I hereby certify that on this day, before me, the undersigned officer, authorized in the State and County named above to administer oaths and take acknowledgments, personally appeared Donna J. Feldman, attorney for U.S. Home Corporation, the applicant/owner for the Tri-County Business Park DRI #181, to me well know who, being first duly sworn, says upon the following.

1. U.S. Home Corporation filed its Notice of Proposed Change ("NOPC") for the Tri-County Business Park on September 3, 1998.
2. The aforementioned NOPC was filed with Hillsborough County, the State of Florida Department of Community Affairs and the Tampa Bay Regional Planning Council as required by law.



Donna J. Feldman
Attorney for U.S. Home Corporation

SWORN AND SUBSCRIBED to me this 20th day of March, 2000.

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 20 day of March, 2000, by Donna J. Feldman, as attorney, for U.S. Home Corporation, a Delaware corporation. She is personally known to me.


(NOTARY SEAL) Jo Lynn Jorczak
MY COMMISSION # CC886794 EXPIRES
February 17, 2004
BONDED THRU TROY FAIR INSURANCE, INC.



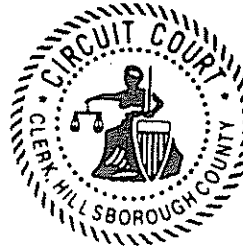
Signature of Person Taking Acknowledgment
Jo Lynn Jorczak
Name of Acknowledger Typed, Printed or Stamped

Notary Public, State of Florida

CC 886794

Notarial Serial Number

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



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

March 17, 2000

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

Re: Resolution No. R00-026 - Amending the Development Order for
Tri-County Business Park (DRI #181)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on February 22, 2000.

We are providing this original for your files.

Sincerely,

Susan Boleman,
Deputy Clerk, BOCC Records

md

Attachment

Certified Mail P 220 536 116

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs
Richard E. Davis, Esquire
Susan Fernandez, Senior Assistant County Attorney
John Healy, Senior Planner, Planning & Growth Management
Beth Novak, County Attorney's Office

Resolution No. R00-026

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA AMENDING DRI #181 DEVELOPMENT ORDER FOR THE TRI-COUNTY BUSINESS PARK DEVELOPMENT OF REGIONAL IMPACT AS PREVIOUSLY AMENDED BY RESOLUTION NOS. R90-131, 92-0305, 94-0209, AND 98-140 APPROVING THE ADDITION OF RESIDENTIAL USES; A PHASE I SUBPHASE AND DEVELOPMENT TERM; PROVIDING FINDINGS OF FACT; AND PROVIDING AN EFFECTIVE DATE

Upon motion by Commissioner Norman and seconded by Commissioner Wacksman, the following resolution was adopted on this 22nd day of February, 2000, by a vote of 7 to 0; Commissioner(s) _____, voting "no".

WHEREAS, on December 12, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0321) for the Tri-County Business Park Development of Regional Impact (DRI #181) (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes (1989); and

WHEREAS, Hillsborough County Resolution No. R90-0131 was adopted by the Board of County Commissioners on June 20, 1990, to amend the Development Order in accordance with a stipulated Settlement Agreement dated April 3, 1990 between Tampa Bay Regional Planning Council and Rutenberg Industrial Corporation; and

WHEREAS, in 1992, the Developer filed a Notification of a Proposed Change to Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes (1989); and

WHEREAS, the Notification of Change proposed an extension of the development commencement date, phasing schedule, development order expiration date and date until which

the project would not be subject to downzoning or intensity reductions; and

WHEREAS, on December 8, 1992, the Board of County Commissioners approved the Notification of Change (Hillsborough County No. R92-0305) and extended the described dates by six (6) years, eleven (11) months; and

WHEREAS, on the 22nd day of June, 1994, the Developer filed a second Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, this Notification of Proposed Change requested approval for a development subphase of one hundred and fifty thousand (150,000) square feet of light industrial uses in accordance with Section IV, B, 3, ii (a) of the Development Order and the elimination of a one acre conservation wetland and the provision of mitigation for the same within the DRI;

WHEREAS, on August 19, 1994, the Developer filed an Addendum to the Notification and requested an increase of one hundred thousand (100,000) square feet of light industrial uses for the subphase; and

WHEREAS, on the 25th day of August, 1994, the Board of County Commissioners approved development of the specific subphase and elimination of the one-acre wetland;

WHEREAS, on November 3, 1997 the Developer filed a third Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06 (19) Florida Statutes; and;

WHEREAS, the Notification of Proposed Change requested deletion of Phases II and III; requested approval of the contraction of the boundaries of the DRI; approval of a second subphase comprised of two hundred fifty thousand (250,000) square feet light industrial uses and one hundred thousand (100,000) square feet of office uses; requests approval of an extension for

development of Phase I until December 31, 2005; and approval of certain amendments to the development order to achieve consistency between conditions of approval.

WHEREAS, in 1998 the Developer revised the Notification of the Proposed Change to only request approval of a second Subphase comprising two hundred fifty thousand (250,000) square feet of light industrial uses, one hundred thousand (100,000) square feet of office uses, a development term extending until December 31, 2005; and certain amendments to the development order to achieve consistency between conditions of approval.

WHEREAS, on July 14 1998, the Board of County Commissioners conducted a public hearing and adopted the described changes in accordance with the Notification of Proposed Change and Development Order.

WHEREAS, the Board has continued the Public Hearing to consider the remaining issues described in the Notice.

WHEREAS, the Developer has revised the Notice to eliminate the proposed deletion of property; and merge Phases I, II and III into one Phase (including previously approved subphases), subject to the previously approved buildout date of December 31, 2005, leaving a single phase comprised of one million four hundred thousand (1,400,000) square feet of light industrial uses, one hundred thousand (100,000) square feet of offices uses, fifty thousand (50,000) square feet of commercial uses, of which one million fifty thousand (1,050,000) square feet shall be allocated to the northern 210 acres of the development, and three hundred (300) residential units (with a specific subphase approval request for one hundred fifty five (155) single family units), which would be allocated to the northern 210 acres of the development as an alternative to the 1,050,000 square feet of industrial/office/commercial entitlements.

WHEREAS, on February 8, 2000 and February 22, 2000 the Board of County Commissioners conducted a Public Hearing to consider adoption of the described changes in accordance with the revised Notification of Proposed Change and Development Order.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Hillsborough County, Florida, at their regular meeting assembled this 22nd day of February 2000.

SECTION I: INTRODUCTION

This resolution shall constitute an amendment to the Tri-County Business Park Development Order.

SECTION II: FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Developer submitted to Hillsborough County, Florida, the Notification of Proposed Change which requested approval of the following amendments: deletion of Phases II and III, the contraction of the project boundaries, the reconstitution of Phase I to include an additional two hundred fifty thousand (250,000) square feet of industrial uses and one hundred thousand (100,000) of office uses, the approval of a specific subphase, and the extension of the development term for Phase I until December 31, 2005; and certain amendments to the development order to achieve consistency between conditions of approval. The Developer has revised the request and the Board approved a second subphase comprising two hundred fifty thousand (250,000) square feet of light industrial uses, one hundred thousand (100,000) square feet of office uses and development term extending until December 31, 2005.

B. The Developer has revised the Notice to eliminate the proposed deletion of property; and merge Phases I, II, and III into one phase (including previously approved subphases), subject to the previously approved buildout date of December 31, 2005, leaving a single phase comprised of one million four hundred thousand (1,400,000) square feet of light industrial uses, one hundred thousand (100,000) square feet of office uses, fifty thousand (50,000) square feet of commercial uses, of which one million fifty thousand (1,050,000) square feet shall be allocated to the northern 210 acres of the development, and three hundred (300) residential units (with a specific subphase approval request for one hundred fifty five (155) single family units), which would be allocated to the northern 210 acres of the development as an alternative to the 1,050,000 square feet of industrial/office/commercial entitlements.

C. A comprehensive review of the impacts generated by the proposed amendments, together with all previous amendments, has been conducted by Hillsborough County and the Department of Community Affairs, State of Florida ("DCA").

D. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original project set forth in the Application for Development Approval.

E. Development in accordance with the proposed amendments will not reasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

F. The proposed amendments are consistent with the land development regulations and the Comprehensive Plan of the County.

G. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Tri-County Business Park Development Order, pursuant to Chapter 380.06, Florida Statutes.

H. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and Tri-County Business Park are authorized to approve/conduct development as described herein.

I. The review by the County and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

J. The Board of County Commissioners hereby approves the specific subphase described herein. This Resolution shall, upon rendition, constitute final County action on the requested subphase and accompanying amendments.

SECTION III: SPECIFIC REVISIONS TO THE DEVELOPMENT ORDER

Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Development Order be amended as follows

Section IV.A of the Development Order as amended by 92-0305 is hereby amended as follows:

A. PHASING SCHEDULE-SPECIFIC/CONCEPTUAL APPROVAL

The development of the Project shall proceed in accordance with the following proposed phasing schedule:

DESCRIPTION OF REVISED PROJECT INTENSITIES AND SCHEDULE

	Commercial (sq. ft)	Industrial/ Manufacturing/ Warehouse/ Distribution/ Research Permitted Pursuant to the County PD-RP Zoning District (sq. ft.)	Office (sq. ft)	Residential (# units)
Phase IA Existing Development		150,000		
Phase 1B Approved Subphase (2000-2005)		*250,000	100,000	155 units
Phase 1C Remaining Intensities	50,000	1,000,000		145 units

(2000-2005)

TOTALS	50,000	1,400,000	100,000	300 units
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*This category includes 100,000 square feet which is the subject of concurrent NOPC review for conversion to 71 residential units.

B. Of the total commercial/industrial/office entitlements, 1,050,000 square feet shall be allocated to the northern 210 acres of the project, as an alternative to the 300 residential units which are also restricted to the northern 210 acres. Once the developer selects the development option, no uses allowed by the other option shall be permitted.

C. Pursuant to Section IV, B, 3, ii (a) of the Development Order the specific subphase comprising one hundred fifty five (155) single family residential uses is hereby approved. The development term for this subphase shall extend through December 31, 2005, and the units shall be constructed on the northern two hundred ten (210) acre parcel shown in Exhibit 4 of the Notification of Proposed Change.

D. A new Map H, reflecting each of these changes and dated February 1, 2000, is incorporated herein and set forth in Exhibit C.

SECTION IV: GENERAL PROVISIONS

A. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes (1992).

B. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes. This Resolution shall be deemed rendered upon transmittal of copies hereof to the Department of Community Affairs and other required agencies.

C. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by 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.

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

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

F. The Developer's certification, attached hereto as Exhibit B, affirms that a copy of the Notification of Proposed Change has been delivered to all persons as required by law.

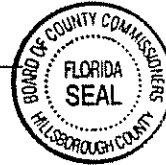
G. Nothing herein shall limit or modify the rights of the Developer approved by the Development Order or the protection afforded by Section 163.3167 (8), Florida Statutes.

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 February 22, 2000 as the same appears of record in Minute Book 285 of the Public Records of Hillsborough County, Florida, 2000

Witness my hand and official seal this 17th day of March, 2000.

By Mildred K. Dixon
Clerk of the Circuit Court



Approved as to Form and Legal Sufficiency

By:

[Signature]
Senior Assistant County Attorney

Exhibit "A "

The Notification of Proposed Change Relating to Tri-County Business Park DRI #181 is on File with the Clerk to the Board of County Commissioners of Hillsborough County. Additional copies of the document which was filed on November 3, 1997 are available upon request.

Exhibit "B "

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day, before me, the undersigned officer, authorized in the State and County named above to administer oaths and take acknowledgments, personally appeared Richard E. Davis, attorney for Reptron Corporation, the applicant/owner for the Tri-County Business Park DRI #181, to me well known, who, being first duly sworn, says upon oath the following:

Reptron filed its Notice of Proposed Change ("NOPC")
for the Tri-County Business Park on November 3, 1997.

The aforementioned NOPC was filed with Hillsborough County,
the State of Florida Department of Community Affairs and the
Tampa Bay Regional Planning Council as required by law.



Richard E. Davis
Attorney for Reptron

SWORN AND SUBSCRIBED to me this 10 day of March 2000.



Notary Public
STATE OF FLORIDA AT LARGE

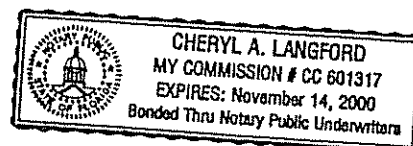
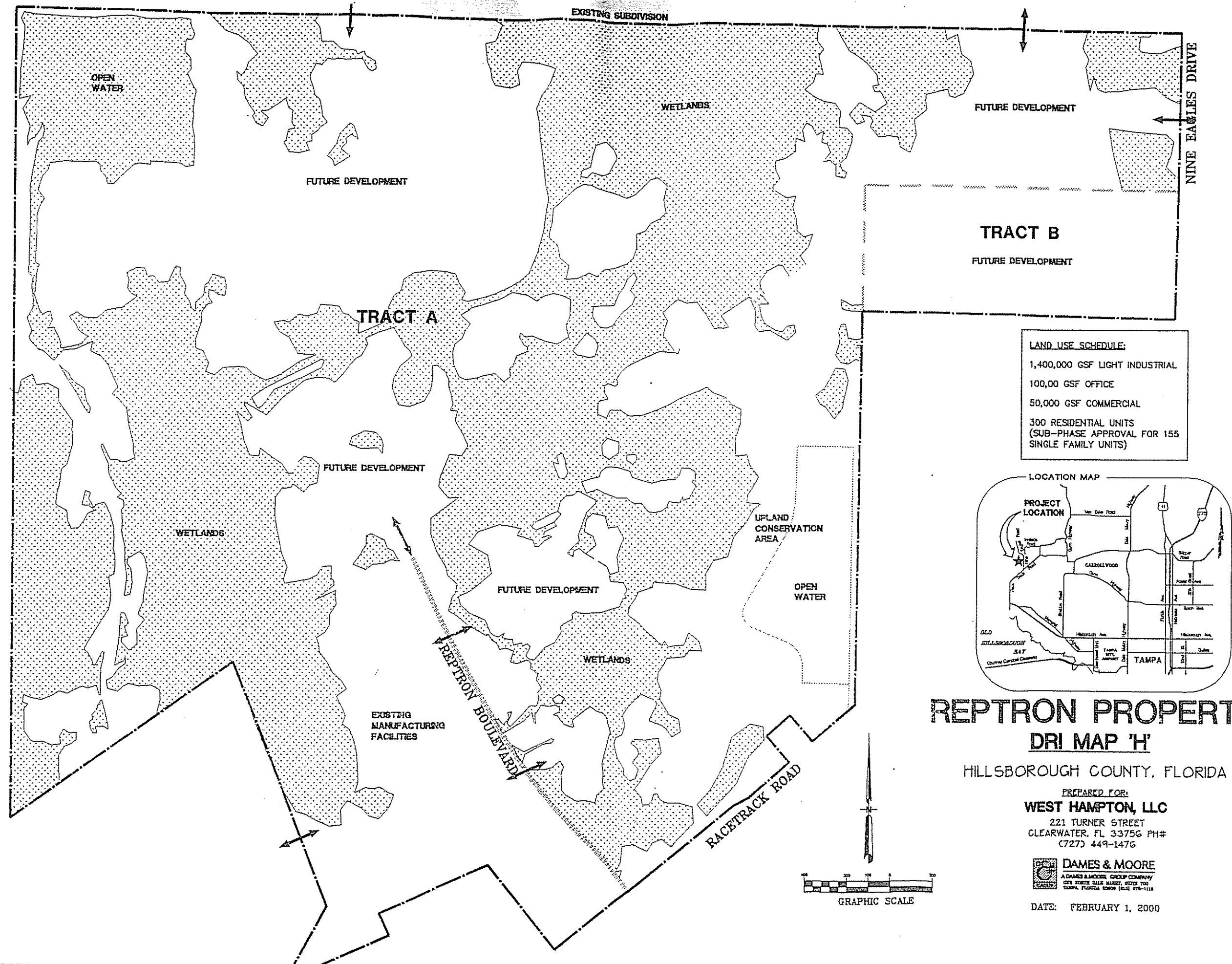
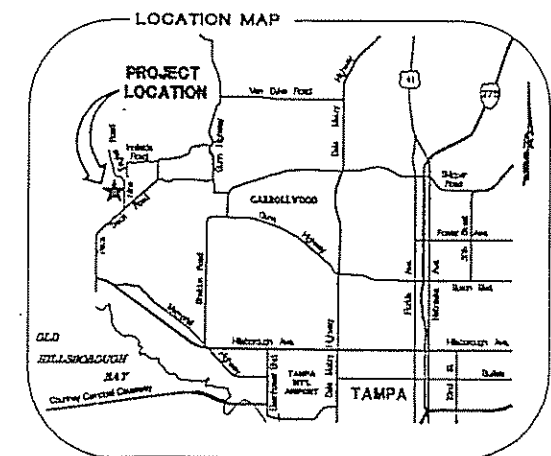


EXHIBIT C



LAND USE SCHEDULE:

1,400,000 GSF LIGHT INDUSTRIAL
100,00 GSF OFFICE
50,000 GSF COMMERCIAL
300 RESIDENTIAL UNITS (SUB-PHASE APPROVAL FOR 155 SINGLE FAMILY UNITS)



REPTRON PROPERTY DRI MAP 'H'

HILLSBOROUGH COUNTY, FLORIDA

PREPARED FOR:
WEST HAMPTON, LLC
221 TURNER STREET
CLEARWATER, FL 33756 PH#
(727) 449-1476

DAMES & MOORE
A DAMES & MOORE GROUP COMPANY
ONE STATE STREET, SUITE 200
TAMPA, FLORIDA 33602 (813) 278-1111

DATE: FEBRUARY 1, 2000



181

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

July 29, 1998

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

Re: Resolution No. R98-140 - Amending the Development Order for
Tri-County Business Park (DRI #181)

Dear Mr. Butts:

Attached is a certified original of referenced resolution, which
was adopted by the Hillsborough County Board of County
Commissioners on July 14, 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.)
J. Thomas Beck, Florida Department of Community Affairs
Richard Davis, P.A.
Susan Fernandez, Senior Assistant County Attorney
Kevin Mineer, Principal Planner, Planning & Growth Management
Beth Novak, County Attorney's Office

Resolution No. R98-140

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY,
FLORIDA AMENDING DRI #181 DEVELOPMENT
ORDER FOR THE TRI-COUNTY BUSINESS PARK
DEVELOPMENT OF REGIONAL IMPACT AS
PREVIOUSLY AMENDED BY RESOLUTION NOS. R90-
131, 92-0305 AND 94-0209, APPROVING A PHASE I
SUBPHASE AND DEVELOPMENT TERM; APPROVING
AMENDMENTS TO THE DEVELOPMENT ORDER TO
ACHIEVE CONSISTENCY BETWEEN CONDITIONS OF
APPROVAL; PROVIDING FINDINGS OF FACT; AND
PROVIDING AN EFFECTIVE DATE**

Upon motion of Commissioner Chillura, seconded by
Commissioner Hart the following Resolution is adopted on this 14th day
of July 1998. The vote count was 5 to 0.

WHEREAS, on December 12, 1989, the Board of County Commissioners
approved a Development Order (Resolution No. R89-0321) for the Tri-County
Business Park Development of Regional Impact (DRI #181) (the "Development
Order") pursuant to the provisions of Section 380.06, Florida Statutes (1989); and

WHEREAS, Hillsborough County Resolution No. R90-0131 was adopted
by the Board of County Commissioners on June 20, 1990, to amend the
Development Order in accordance with a stipulated Settlement Agreement dated
April 3, 1990 between Tampa Bay Regional Planning Council and Rutenberg
Industrial Corporation; and

WHEREAS, in 1992, the Developer filed a Notification of a Proposed
Change to Previously Approved Development of Regional Impact for the Tri-

County Business Park DRI in accordance with Section 380.06(19), Florida Statutes (1989); and

WHEREAS, the Notification of Change proposed an extension of the development commencement date, phasing schedule, development order expiration date and date until which the project would not be subject to downzoning or intensity reductions; and

WHEREAS, on December 8, 1992, the Board of County Commissioners approved the Notification of Change (Hillsborough County No. R92-0305) and extended the described dates by six (6) years, eleven (11) months; and

WHEREAS, on the 22nd day of June, 1994, the Developer filed a second Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, this Notification of Proposed Change requested approval for a development subphase of 150,000 square feet of light industrial uses in accordance with Section IV, B, 3, ii(a) of the Development Order and the elimination of a one acre conservation wetland and the provision of mitigation for the same within the DRI;

WHEREAS, on August 19, 1994, the Developer filed an Addendum to the Notification and requested an increase of 100,000 square feet of light industrial uses for the subphase; and

WHEREAS, on the 25th day of August, 1994, the Board of County Commissioners approved development of the specific subphase and elimination of the one-acre wetland;

WHEREAS, on November 3, 1997 the Developer filed a third Notification of Proposed Change to a Previously Approved Development of Regional Impact

for the Tri-County Business Park DRI in accordance with Section 380.06 (19) Florida Statutes; and;

WHEREAS, this Notification of Proposed Change deletes Phases II and III; requests approval of the contraction of the boundaries of the DRI; approval of a second subphase comprised of 250,000 square feet light industrial uses and 100,000 square feet of office uses; requests approval of an extension for development of Phase I until December 31, 2005; and approval of certain amendments to the development order to achieve consistency between conditions of approval.

WHEREAS the Developer has revised the Notification of the Proposed Change to only request approval of a second Subphase comprising two hundred fifty thousand (250,000) square feet of light industrial uses, one hundred thousand (100,000) square feet of office uses, a development term extending until December 31, 2005; and certain amendments to the development order to achieve consistency between conditions of approval.

WHEREAS, on July 14 1998, the Board of County Commissioners conducted a public hearing to consider adoption of the described changes in accordance with the Notification of Proposed Change and Development Order.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Hillsborough County, Florida, at their regular meeting assembled this 14th day of July 1998.

SECTION I: INTRODUCTION

This resolution shall constitute an amendment to the Tri-County Business Park Development Order.

SECTION II: FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Developer submitted to Hillsborough County, Florida, the Notification of Proposed Change attached hereto as Exhibit A and incorporated herein, which requested approval of the following amendments: deletion of Phases II and III, the contraction of the project boundaries, the reconstitution of Phase I to include an additional 250,000 square feet of industrial uses and 100,000 of office uses, the approval of a specific subphase, and the extension of the development term for Phase I until December 31, 2005; and certain amendments to the development order to achieve consistency between conditions of approval. The Developer has now revised the request to only include approval of a second subphase comprising two hundred fifty thousand (250,000) square feet of light industrial uses, one hundred thousand (100,000) square feet of office uses and development term extending until December 31, 2005; and certain amendments to the development order to achieve consistency between conditions of approval

B. A comprehensive review of the impacts generated by the proposed amendments, together with all previous amendments, has been conducted by Hillsborough County and the Department of Community Affairs, State of Florida ("DCA").

C. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original project set forth in the Application for Development Approval.

D. Development in accordance with the proposed amendments will not reasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. The proposed amendments are consistent with the land development regulations and the Comprehensive Plan of the County.

F. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Tri-County Business Park Development Order, pursuant to Chapter 380.06, Florida Statutes.

G. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and Tri-County Business Park are authorized to approve/conduct development as described herein.

H. The review by the County and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

I. The Board of County Commissioners hereby approves the specific subphase described herein and accompanying amendments but continues the public hearing until August 11, 1998 for its final consideration of the

request to contract the boundaries of the project, redefine Phase I and delete Phases II and III. This Resolution shall, upon rendition, constitute final County action on the requested subphase and accompanying amendments.

SECTION III: SPECIFIC REVISIONS TO THE DEVELOPMENT ORDER

Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Development Order be amended as follows:

A. Section IV, C, 7. of the Development Order is hereby amended as follows:

7. In order to protect water quality in the Double Branch Creek watershed, there shall be no degradation of water quality standards by stormwater exiting the site in violation of applicable regulations. Therefore, it is appropriate that the Developer continue semiannual surface water quality monitoring.. The monitoring shall commence at the initiation of site Development and continue through project build-out. If no construction at the Development has taken place between the date of the last monitoring and the date the next monitoring is due, then the Developer is not required to monitor for that period. The following shall apply:

- a) The sampling location is that identified as location 3 on Exhibit 15-2 of the ADA, p. g 15-7.
- b) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
- (c) The monitoring results shall be submitted to the County, FDER, and SWFWMD. Should the monitoring indicate that applicable state water quality standards (Chapter 62-3 FAC) are not being met due to a violation occurring on the Property, the violation shall be reported to the County immediately and appropriate action taken to end the violation determined by the County, including cessation of construction causing the violation.

B. Section IV, C, 8. of the Development Order is hereby amended as follows:

8. In order to protect water quality in proximity to the Cosme-Odesa and Northwest Hillsborough Regional wellfields, there shall be no degradation of water quality standards in groundwater from the site in

violation of applicable regulations. In the event any of the monitoring of groundwater currently being conducted on the site by governmental agencies indicates that applicable state water quality standards (Chapter 62-3 FAC) are not being met due to a violation occurring on the Property, an annual groundwater quality monitoring program shall be provided by a responsible entity through project build-out. The following shall apply:

- (a) Sampling locations and parameters shall be the same as those used for ADA preparation and approval.
- (b) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements
- (c) The monitoring results shall be submitted to the County, FDER, and SWFWMD. Should the monitoring indicate that applicable state water quality standards (Chapter 62-3 FAC) are not being met, due to a violation occurring on the Property, the violation shall be reported to the County and FDER immediately and appropriate action taken to end the violation. The appropriate action may include Developer participation in groundwater monitoring.

C. Section IV, C, 11 of the Development Order is hereby amended as follows:

11. In order to protect the natural values of jurisdictional wetlands no adverse hydroperiod alteration shall be permitted in remaining conservation and preservation areas as identified in Section IV.C.10. above and on the master site plan, and except for infrastructure, no dredging, filling, or development activities will be allowed within preservation areas and activities within the conservation areas shall be limited to stormwater management outfall structures, boardwalks, and infrastructure, all as except otherwise allowed by law.

D. Section IV, C, 14 of the Development Order is hereby amended as follows:

14. Representative tracts of the Pine Flatwoods and Pine Mesic Oak vegetative communities as depicted on Sheet 23A, Repton Detailed Site Plan shall be preserved on-site in the locations specified on the revised master site plan as herein before defined in a manner which will ensure their continued natural function and value.

E. Section IV, E, 7 of the Development Order is hereby amended as follows.

7. The Developer shall use the Lowest quality water reasonably available sufficient to meet non-potable water demands. In the first annual report following issuance of the Certificates of Occupancy for 300,000

square feet, the Developer shall submit a plan to the County and the TBRPC for using reasonably available non-potable water for irrigation.

F. Pursuant to Section IV, B, 3, ii (a) of the Development Order the specific subphase comprising two hundred fifty thousand (250,000) square feet of light, industrial uses and one hundred thousand (100,000) square feet of office uses is hereby approved. The development term for this subphase shall extend through December 31, 2005.

G. The transportation analysis accompanying the Notice of Proposed Change identified at the intersection of Race Track Road and Linebaugh Avenue, the need for a northbound to westbound left-turn in conjunction with the proposed western extension of Linebaugh Avenue (the Pinellas County East-West Connector). Since the extension design is not final, the nature of the left hand turn Improvement is not ultimately defined. Prior to the issuance of a Certificate of Occupancy for construction of either all or any portion of the two hundred and fifty thousand (250,000) square feet of light industrial or the one hundred thousand (100,000) square feet of office uses described herein, this turn lane shall be included in the first year of the capital improvement program of either Hillsborough or Pinellas County. Nothing contained herein shall obligate or commit either County to include said turn lane in its respective capital improvement program.

SECTION IV: GENERAL PROVISIONS

- A. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes (1992).
- B. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes. This Resolution shall be deemed rendered upon transmittal of copies hereof to the Department of Community Affairs and other required agencies.
- C. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by 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.
- D. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the State Land Planning Agency and other recipients specified by statute or rules.
- E. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.
- F. The Developer's certification, attached hereto as Exhibit B, affirms that a copy of the Notification of Proposed Change has been delivered to all persons as required by law.

G. Nothing herein shall limit or modify the rights of the Developer approved by the Development Order or the protection afforded by Section 163.3167 (8), Florida Statutes.

**STATE OF FLORIDA
COUNTY OF HILLSBOROUGH**

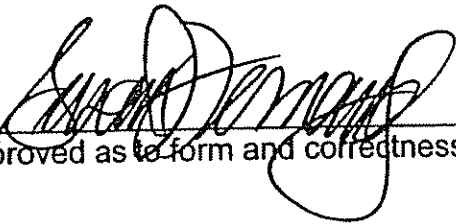
I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of July 14, 1998 as the same appears of record in Minute Book 266 of the Public Records of Hillsborough County, Florida, 1998.

Witness my hand and official seal this 29th day of July, 1998.



RICHARD AKE
CLERK OF CIRCUIT COURT

Deputy Clerk of the Circuit Court

BY: 

Approved as to form and correctness

Exhibit "A"

The Notification of Proposed Change Relating to Tri-County Business Park DRI"181 is on File with the Clerk to the Board of County Commissioners of Hillsborough County. Additional copies of the document which was filed on November 3, 1997 are available upon request.

Exhibit "B"

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

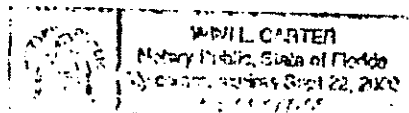
I hereby certify that on this day, before me, the undersigned officer, authorized in the State and County named above to administer oaths and take acknowledgements, personally appeared Richard E. Davis, attorney for Reptron Corporation, the applicant/owner for the Tri-County Business Park DRI #181, to me well known, who, being first duly sworn, says upon oath the following:

1. Reptron filed its Notice of Proposed Change ("NOPC") for the Tri-County Business Park on November 3, 1997.
2. The aforementioned NOPC was filed with Hillsborough County, the State of Florida Department of Community Affairs and the Tampa Bay Regional Planning Council as required by law.


Richard E. Davis

SWORN AND SUBSCRIBED to me this 24 day of July, 1998.


Notary Public
STATE OF FLORIDA AT LARGE





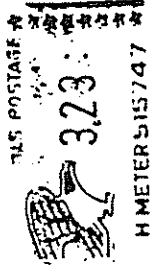
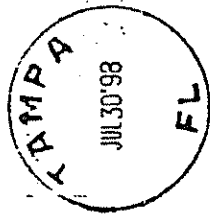
Richard Ake
Clerk of the Circuit Court
Hillsborough County
County Center, 12th Floor
P.O. Box 1110
Tampa, FL 33601

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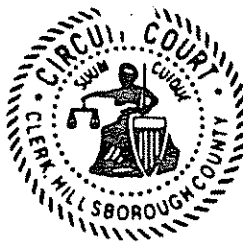
MAIL



H METER 515747

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

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

September 6, 1994

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

Re: Resolution No. R94-0209 - Amending the Development Order for
Tri-County Business Park (DRI #181)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution (excluding
Composite Exhibits), which was adopted by the Hillsborough County
Board of County Commissioners on August 30, 1994.

We are providing this copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Linda Fryman
Linda Fryman
Manager, BOCC Records

LF:ADF
Attachment
Certified Mail

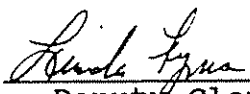
cc: Board files (orig.)
J. Thomas Beck, Florida Department of Community Affairs
Tri-County Business Park, c/o Richard E. Davis, Esquire -
Holland & Knight
Jeanie E. Hanna, Senior Assistant County Attorney
Gene Boles, Director, Planning and Development Management

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. R94-0209 Amending the Development Order for Tri-County Business Park (DRI #181), approved by the Board in its regular meeting of August 30, 1994, as the same appears of record in MINUTE BOOK 219 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 6th day of September, 1994.

RICHARD AKE, CLERK

By: 
Deputy Clerk

Resolution No. R 94-0209

RESOLUTION OF THE BOARD OF
COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY,
FLORIDA AMENDING DRI #181
DEVELOPMENT ORDER FOR THE
TRI-COUNTY BUSINESS PARK
DEVELOPMENT OF REGIONAL
IMPACT AS PREVIOUSLY AMENDED
BY RESOLUTION NOS. R90-131 AND
92-0305 APPROVING A
DEVELOPMENT SUBPHASE;
PROVIDING FINDINGS OF FACT;
AND PROVIDING AN EFFECTIVE
DATE

Upon motion of Commissioner Platt, seconded by Commissioner Miller, the following Resolution is adopted on this 30th day of August, 1994. Vote 7 to 0.

WHEREAS, on December 12, 1989, the Board of County Commissioners approved a Development Order (Resolution No. R89-0321) for the Tri-County Business Park Development of Regional Impact (DRI #181) (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes (1989); and

WHEREAS, Hillsborough County Resolution No. R90-0131 was adopted by the Board of County Commissioners on June 20, 1990, to amend the Development of Order in accordance with a stipulated Settlement Agreement dated April 3, 1990 between Tampa Bay Regional Planning Council and Rutenberg Industrial Corporation; and

WHEREAS, in 1992, the Developer filed a Notification of a Proposed Change to Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes (1989); and

WHEREAS, the Notification of Change proposed an extension of the development commencement date, phasing schedule, development order expiration date and date until which the project would not be subject to downzoning or intensity reductions; and

WHEREAS, on December 8, 1992, the Board of County Commissioners approved the Notification of Change (Hillsborough County No. R92-0305) and extended the described dates by six (6) years, eleven (11) months; and

WHEREAS, on the 22nd day of June, 1994, the Developer filed a second Notification of Proposed Change to a Previously Approved Development of Regional Impact for the Tri-County Business Park DRI in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, this Notification of Proposed Change requested approval for a development subphase of 150,000 square feet of light industrial uses in accordance with Section IV, B, 3, ii(a) of the Development Order and the elimination of a one acre conservation wetland and the provision of mitigation for the same within the DRI;

WHEREAS, on August 19, 1994, the Developer filed an Addendum to the Notification and requested an increase of 100,000 square feet of light industrial uses for the subphase; and

WHEREAS, on the 25th day of August, 1994, the Board of County Commissioners conducted a public hearing to consider adoption of the development subphase in accordance with the terms of the Notification of Proposed Change and Development Order.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Hillsborough County, Florida, at their regular meeting assembled this 30th day of August 1994;

SECTION I: FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Developer submitted to Hillsborough County, Florida, the Notification of Proposed Change, which requested approval of a 150,000 square foot development subphase in accordance with Section IV, B, 3, ii(a) of the existing Development Order as amended. This Notice was subsequently revised to request approval of an additional 100,000 square feet for a total development subphase of 250,000 square feet of light industrial uses. The initial Notice and subsequent Addendum filed on August 19, 1994 are attached hereto as composite Exhibit A.

2. In accordance with Section 380.06(19), Florida Statutes, and the Development Order, the proposed development subphase is not a substantial deviation under the provisions of Section 380.06(19), Florida Statutes and is not subject to further development of regional impact review.

3. The construction of a total of 250,000 square feet of light industrial uses will not cause the roadways to operate below acceptable levels of service.

4. All statutory procedures have been adhered to;
5. Development of the proposed subphase will not unreasonably interfere with achievement of the objectives of the State Land Development Plan applicable to the area.
6. Development of the proposed subphase is consistent with the adopted comprehensive plan for Hillsborough County.
7. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

**SECTION II: APPROVAL OF 150,000
SQUARE FEET OF LIGHT INDUSTRIAL USES**

1. The Board of County Commissioners of Hillsborough County hereby approves construction of 150,000 square feet of light industrial uses that shall be allocated to the 33 acre parcel generally described in the Notification of Proposed Change. Approval of this 150,000 square feet is conditioned upon development of the project described in the Notification of Proposed Change (and supporting material including the grant approved by the Florida Department of Commerce) and is limited to the intensity stated herein. Further development shall be subject to review in accordance with the terms of the Development Order.

2. Construction of the 150,000 square feet of light industrial uses shall be substantially complete by June 1, 1996. The Board may extend this time period for a term not to exceed 60 days based upon a finding of excusable delay and without the necessity of amending this Development Order. Further extensions

of the development time frame may only be accomplished through the review and approval of a notification of proposed change.

3. Mitigation for removal of the isolated one acre wetland described in the Notification of Proposed Change shall occur within the boundaries of the D.R.I. The mitigation area shall be depicted on the revised General Site Plan.

**SECTION III: APPROVAL OF THE 100,000 SQUARE FEET OF LIGHT
INDUSTRIAL USES DESCRIBED IN THE ADDENDUM TO THE
INITIAL NOTIFICATION OF PROPOSED CHANGE**

1. The Board of County Commissioners of Hillsborough County hereby approves construction of 100,000 square feet of light industrial uses that shall be allocated to the 20 acre parcel described in the Addendum to the Notification of Proposed Change and currently owned by Reva C. Kent. This approval is limited to the intensity stated herein and further development shall be subject to review in accordance with the terms of the Development Order.

2. Construction of the 100,000 square feet of light industrial uses shall be substantially complete by June 1, 1996. The Board may extend this time period for a term not to exceed 60 days based upon a finding of excusable delay and without the necessity of amending this Development Order. Further extensions of the development time frame may only be accomplished through the review and approval of a notification of proposed change.

SECTION IV: GENERAL PROVISIONS

1. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes (1992).

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

3. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by 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.

4. 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.

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

6. The Developer's certification, attached hereto as Exhibit B, affirms that a copy of the Notification of Proposed Change has been delivered to all persons as required by law.

STATE OF FLORIDA

COUNTY OF FLORIDA

I RICHARD AKE, Clerk of the Circuit Court and the 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 30, 1994, as the same appears of record in Minute Book 219 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 6th day of September, 1994.

RICHARD AKE, CLERK
OF CIRCUIT COURT

By: *Deirdre Lynn*
Deputy Clerk

TPA2-218533

APPROVED BY COUNTY ATTORNEY

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

A F F I D A V I T

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day, before me, the undersigned officer, authorized in the State and County name above to administer oaths and take acknowledgements, personally appeared Richard E. Davis, attorney for Michael Musto and Reptron Electronics, Inc., the applicant/owner for the Tri-County Business Park DRI Notice of Proposed Change, to me well known, who, being first duly sworn, says upon oath the following:

1. Tri-County filed its original Notice of Proposed Change ("NOPC") for the Tri-County Business Park DRI on June 28, 1994 and a revised NOPC on August 19, 1994.

2. The aforementioned original and revised NOPC was filed with Hillsborough County, the State of Florida Department of Community Affairs and the Tampa Bay Regional Planning Council as required by law.



Richard E. Davis

SWORN AND SUBSCRIBED to before me this 30 day of August, 1994.



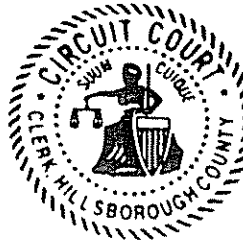
Notary Public
STATE OF FLORIDA AT LARGE



SANDRA K. HANCOCK
MY COMMISSION # CC 154557 EXPIRES
October 23, 1995
BONDED THRU TROY FAIR INSURANCE, INC.

EXHIBIT B

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

August 22, 1994

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

Re: Scrivener's Error in Resolution No. R92-0305 - Second
Amendment to Development Order for Tri-County Business Park
(DRI #181)

Dear Ms. Cooper:

Page 2 of subject resolution was found to contain a scrivener's error (paragraph in the middle of the page "NOW, THEREFORE etc." indicates "this 10th day of November, 1992", which should read "this 8th day of December, 1992"). Attached is a corrected page 2 to replace the one you have in this resolution.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

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

LF:ADF

Attachment

cc: Board files

J. Thomas Beck, Florida Department of Community Affairs
Tri-County Business Park
Jeanie E. Hanna, Assistant County Attorney
Gene Boles, Director, Planning and Development Management
Joe Egozcue, County Attorney's Office

WHEREAS, the Board of County Commissioners has reviewed and considered the Notification of Proposed Change, as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order; and

WHEREAS, the Board of County Commissioners has held a duly noticed public hearing on the proposed Second Amendment to the Development Order and has reviewed and considered the Notification of Proposed Change, as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the Board of County Commissioners' approval of changes to the approved development order.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Hillsborough County, Florida in regular meeting, duly assembled, this 8th day of December, 1992:

1. The following findings of fact are made:

A. The Developer has filed a Notification of Proposed Change to the Development Order seeking to extend the development commencement date, phasing schedule, development order expiration date by six years and eleven months as follows: proposed commencement date is May 20, 1999; proposed Phase I dates are 1996 - 2002; proposed Phase II dates are 2002 - 2007; proposed Phase III dates are 2007 - 2012; proposed expiration date is November 1, 2012; and proposed date until which Hillsborough County agrees that the DRI will not be subject to downzoning or intensity reductions is November 1, 2012.

B. All statutory procedures have been adhered to.

C. The findings of fact and conclusions of law made in the Development Order, together with the First Amendment, are incorporated herein by reference.

D. That the Proposed Change is consistent with all local land use development regulations and local comprehensive plan.

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

January 7, 1993

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

Re: Resolution No. R92-0305 - Second Amendment to Development Order
for Tri-County Business Park (DRI #181)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was adopted
by the Hillsborough County Board of County Commissioners on December 8, 1992.

We are providing the copy for your files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: *Judith M. Nichols*
Judith M. Nichols
Manager, BOCC Records

mailed 1/11/93
received 1/12/93

JMN:ADF
Attachment
Certified Mail
cc: Board files (1 orig.)
J. Thomas Beck, Florida Department of Community Affairs
Tri-County Business Park
Jeanie E. Hanna, 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. R92-0305 - Second Amendment to Development
Order for Tri-County Business Park (DRI #181)

approved by the Board in its regular meeting
of December 8, 1992, as the same
appears of record in MINUTE BOOK 199 of the
Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 7th
day of January, 1993.

RICHARD AKE, CLERK

By: Judith M. Duchela
Deputy Clerk

RESOLUTION NO. R92-0305

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
SECOND AMENDMENT TO DEVELOPMENT ORDER FOR
TRI-COUNTY BUSINESS PARK
DEVELOPMENT OF REGIONAL IMPACT (DRI #181)**

Upon Motion by Commissioner Joe Chillum, Jr., seconded by Commissioner Jim Norman, the following Resolution was adopted by a vote of 5 to 0, Commissioner(s) voting "No".

RECITALS

WHEREAS, on December 12, 1989, the Hillsborough County Board of County Commissioners approved a Development Order, Resolution No. R89-0321 for the Tri-County Business Park Development of Regional Impact (the "Development Order"); and

WHEREAS, Hillsborough County Resolution No. R90-0131 was adopted on June 20, 1990 to amend the Development Order in certain particulars in accordance with a Stipulated Settlement Agreement dated April 3, 1990 between Tampa Bay Regional Planning Council and Rutenberg Industrial Corporation (the "First Amendment"); and

WHEREAS, Tri-County Equity, Inc., a subsidiary of Barnett Bank of Pinellas County, has filed a Notification of Proposed Change to the Development Order seeking to extend the development commencement date, phasing schedule, development order expiration date and date until which Hillsborough County agrees that the DRI will not be subject to downzoning or intensity reductions, by six years and eleven months as follows: proposed commencement date is May 20, 1999; proposed Phase I dates are 1996 - 2002; proposed Phase II dates are 2002 - 2007; proposed Phase III dates are 2007 - 2012; proposed expiration date is November 1, 2012; and proposed date until which Hillsborough County agrees that the DRI will not be subject to downzoning or intensity reductions is November 1, 2012 (the "Proposed Change"); and

WHEREAS, the Development Order, as amended by the First Amendment and the Proposed Change, will require the submittal of a new traffic analysis in order to be able to receive approval to commence actual development; and

WHEREAS, the Proposed Change shall constitute a Second Amendment to the Development Order; and

WHEREAS, the Board of County Commissioners has reviewed and considered the Notification of Proposed Change, as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order; and

WHEREAS, the Board of County Commissioners has held a duly noticed public hearing on the proposed Second Amendment to the Development Order and has reviewed and considered the Notification of Proposed Change, as well as, all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the Board of County Commissioners' approval of changes to the approved development order.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Hillsborough County, Florida in regular meeting, duly assembled, this 10th day of November, 1992 :

1. The following findings of fact are made:

A. The Developer has filed a Notification of Proposed Change to the Development Order seeking to extend the development commencement date, phasing schedule, development order expiration date by six years and eleven months as follows: proposed commencement date is May 20, 1999; proposed Phase I dates are 1996 - 2002; proposed Phase II dates are 2002 - 2007; proposed Phase III dates are 2007 - 2012; proposed expiration date is November 1, 2012; and proposed date until which Hillsborough County agrees that the DRI will not be subject to downzoning or intensity reductions is November 1, 2012.

B. All statutory procedures have been adhered to.

C. The findings of fact and conclusions of law made in the Development Order, together with the First Amendment, are incorporated herein by reference.

D. That the Proposed Change is consistent with all local land use development regulations and local comprehensive plan.

E. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

F. That the Proposed Change is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

G. That the Proposed Change does not create additional regional impacts or impacts that were not previously reviewed nor meet or exceed any of the criteria set forth in Subsection 380.06 (19)(b), Florida Statutes (1991).

2. That the Board of County Commissioners having made the above findings of fact, renders the following conclusions of law:

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

B. The review by the County, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Resolution.

C. That based on the foregoing and pursuant to Section 380.06(19), Florida Statutes, the Proposed Change is found not to be substantial deviation to the previously approved Development Order.

3. The Development Order, together with the First Amendment, is hereby amended to incorporate a change to the Project's current phasing schedules as follows: proposed commencement date is May 20, 1999; proposed Phase I dates are 1996 - 2002; proposed Phase II dates are 2002 - 2007; proposed Phase III dates are 2007 - 2012; proposed expiration date is November 1, 2012; and proposed date until which Hillsborough County agrees that the DRI will not be subject to downzoning or intensity reductions is November 1, 2012.

4. All maps, schedules and plans submitted in conjunction with the Development Order and in relation to the Project are amended and deemed to be changed to show the following change to the Project's current phasing schedules: proposed commencement date is May 20, 1999; proposed Phase I dates are 1996 - 2002; proposed Phase II dates are 2002 - 2007; proposed Phase III dates are 2007 - 2012; proposed expiration date is November 1, 2012; and proposed date until which

Hillsborough County agrees that the DRI will not be subject to downzoning or intensity reductions is November 1, 2012.

5. The Development Order remains unchanged in all other respects.

6. If any section, subsection, sentence, clause or provision of this Second Amendment to Development Order is held invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining sections, subsections, sentences, clauses or provisions of the this Second Amendment to Development Order which shall remain in full force and effect.

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

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

9. 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 December 8, 1992 as same appears of record in Minute Book 199 of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this 7th day of January, 1993.

RICHARD AKE, Clerk

By: Judith M. Nicholas
Deputy Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
Office of the County Attorney

By: 
Assistant County Attorney

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day, before me, the undersigned officer, authorized in the State and County named above to administer oaths and take acknowledgements, personally appeared David Lisle Smith, Esquire, attorney for Tri-County Equity, Inc., a subsidiary of Barnett Bank of Pinellas County ("Tri-County"), the applicant/owner for the Tri-County Business Park DRI Notice of Proposed Change, to me well known, who, being by me first duly sworn, says upon oath the following:

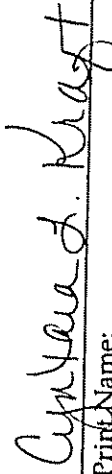
1. Tri-County filed its original Notice of Proposed Change ("NOPC") for the Tri-County Business Park DRI on June 18, 1992 and a revised NOPC on October 6, 1992d.

2. The aforementioned original and revised NOPC was filed with Hillsborough County, the State of Florida Department of Community Affairs and the Tampa Bay Regional Planning Council as required by law.



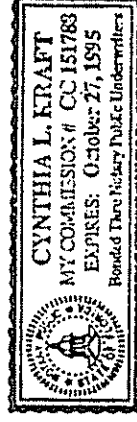
David Lisle Smith

SWORN AND SUBSCRIBED to before me this 5th day of January, 1993.



Print Name: _____
STATE OF FLORIDA AT LARGE (Seal)

My Commission expires:



Richard A.
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

June 20, 1990

Mr. Robert McClain, Esquire
P.O. Box 3433
Tampa, Florida 33601

Re: Resolution No. R90-0131 - Amending the Development
Order for Tri-County Business Park, DRI #181

Dear Mr. McClain:

Enclosed please find a certified executed copy of the referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on June 20, 1990.

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

ELF:CS

Enclosure

Certified Mail

cc: Board files (1 orig.)

Jeff Miller, Director, Planning and Zoning
J. Thomas Beck, State Department of Community Affairs
Suzanne Cooper, Tampa Bay Regional Planning Council
Vincent Marchetti, Assistant County Attorney

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. R90-0131 - Amending the Development Order
for Tri-County Business Park, DRI #181

adopted by the Board in its regular meeting
June 20, 1990, as the same appears of
record in MINUTE BOOK 169 of the Public Records of
Hillsborough County, Florida.

WITNESS my hand and official seal this 20th
day of June, 1990.

RICHARD AKE, CLERK

By: Edward J. Intaglietta
Deputy Clerk

RESOLUTION NO. R 90-0131

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING THE DEVELOPMENT ORDER
FOR TRI-COUNTY BUSINESS PARK, DRI #181

Upon motion of Commissioner Haven Poe, seconded by
Commissioner Rodney Colson, the following Resolution was
adopted by a vote of 6 to 0, with Commissioner(s) _____
voting "No."

WHEREAS, on December 12, 1989, the Board of County
Commissioners approved a Development Order, Resolution No.
R89-0321, for the Tri-County Business Park Development of
Regional Impact (the "Development Order"); and,

WHEREAS, on January 12, 1990, Hillsborough County rendered
the Development Order to the Department of Community Affairs
("DCA"), the Tampa Bay Regional Planning Council ("TBRPC"), and
the Developer for the Tri-County Business Park ("Developer");
and,

WHEREAS, on February 22, 1990, TBRPC filed an appeal of the
Development Order with the Florida Land and Water Adjudicatory
Commission ("FLWAC"), FLWAC Case No. APP-90-007, primarily based
upon its objections to the transportation mitigation provisions
set forth in the Development Order; and,

WHEREAS, TBRPC and the Developer entered into a Stipulated
Settlement Agreement dated April 3, 1990, which Agreement set
forth specific revisions to the Development Order which, upon
adoption by the Board of County Commissioners, would resolve the
issues which were raised on appeal by TBRPC; and,

WHEREAS, Section 380.06(19), Florida Statutes (1989)
requires that the Development Order be amended to reflect the
revisions specified in the Stipulated Settlement Agreement and
contemplated herein; and,

WHEREAS, pursuant to the provisions of Section 380.06(19),
Florida Statutes (1989) public notice was given that a public
hearing would be held by the Board of County Commissioners on
June 20, 1990 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 20th DAY OF June, 1990 AS FOLLOWS:

1. That the following findings of fact are made:

- a. The amendment of the Development Order, attached
hereto as Exhibit "A", does not involve a change
to a previously approved DRI constituting a
substantial deviation under Section 380.06(19),
Florida Statutes (1989).
- b. All statutory procedures have been adhered to.
- c. The findings of fact and conclusions of law made
in the original Development Order are incorporated
herein by reference.
- d. All recitations and findings set forth herein are
hereby incorporated herein.

2. That the Development Order approved by Resolution No. R89-0321 is hereby amended as provided in Exhibit "A" which is attached hereto and incorporated herein.
3. That Resolution No. R89-0321 is hereby reaffirmed in its entirety except as amended herein.
4. That the Developer's Certification, Exhibit "B", affirming that copies of the Notice of Change has been delivered to all persons as required by law, is attached hereto and incorporated herein.
5. That the Developer's Certification, Exhibit "C", affirming that a complete copy of the application for development approval, as modified or amended, has been delivered to all persons as required by law, is attached hereto and incorporated herein.
6. That upon adoption, this Resolution shall be transmitted by the Ex-Officio Clerk of the Board of County Commissioners by certified mail to the DCA, TBRPC, the Developer's representative 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 June 20, 1990, as the same appears of record in Minute Book 169 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 20th day of June, 1990.

ATTEST: RICHARD AKE, CLERK

BY: Edna A. Fitzpatrick
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY: Wanda O. Maddox
Approved as to Form and
Legal Sufficiency

the Developer Order, if the Developer Order itself is not recorded with the Clerk of the Circuit Court of Hillsborough County, shall be filed among the aforesaid public records pursuant to the requirements set forth in Florida Statutes, Section 380.06(15)(f).

SECTION IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

The development of the project shall proceed in accordance with the following proposed phasing schedule:

	Commercial (Sq. Ft.)	Industrial/ Manufacturing/ Warehouse/ Distribution/ Research Permitted Pursuant to the County PD-RP Zoning District	Office (Sq. Ft.)
Phase I (1989-1995)	50,000	900,000	-0-
Phase II (1995-2000)	25,000	1,725,000	100,000
Phase III (2000-2005)	-0-	900,000	-0-
Totals	75,000	3,525,000	100,000

1. Specific final development approval is accorded to Phase I, subject to the conditions contained herein. Specific approval of Phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts.

2. 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 law, which approval shall not be withheld if the terms of this Development Order are otherwise complied with. Any significant departure in project build-out from the phasing schedule set forth in the ADA shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes, as amended.

3. This Development Order shall remain in effect for a period up to and including December 1, 2005. Construction shall commence after expiration of this Development Order. Provided, however, any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of this Development Order, if approved. This Development Order may be extended by the Board on the finding of excusable delay in any proposed development activity provided that

an extension of the buildout period for any phase or the total development period for more than the time period specified by Chapter 380 may trigger a substantial deviation pursuant to Chapter 380. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Development Order. Phase I Development shall commence within two years after this first amendment to this Development Order is approved by the County.

4. The Development shall not be subject to down-zoning, intensity reduction or change to a more restrictive land use category until December 1, 2005, unless the County 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 changes are clearly established by local government to be essential to the public health, safety, or welfare. For the purposes of this Development Order, the term "down-zoning" shall refer to any regulation that has the effect of reducing the total approved intensity as set forth in Section IV.A. provided, however, nothing in this Section IV.A. shall be construed to prohibit (i) legally enacted changes in zoning or land use regulations which do not decrease the development rights granted to the Developer pursuant to this Development Order, (ii) any development pursuant to may arise as a result of this Development Order, and (iii) the Developer from requesting any modifications to this Development Order or the PD-RP zoning district at any time.

3. TRANSPORTATION

1. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 600,000 square feet of industrial space on Phase I or (ii) 622 p.m. peak hour vehicle trips are generated from Phase I, an annual monitoring program to provide peak-hour traffic counts at the entrance to the Development shall be instituted to verify that the projected number of external trips to the Development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the annual report is not submitted within thirty (30) days after the due date or the annual report indicates that the total number of external vehicle trips generated by the Development exceeds that which was projected during the original DRI review by more than fifteen (15) percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, the County may amend the Development Order to require additional roadway improvements and/or other mitigation measures. If the excess is determined to be a substantial deviation, the revised transportation analysis required pursuant to Chapter 380.06 will be based on the results of a monitoring program and agreements reached at another transportation methodology meeting to be held by the Developer. The results of the study may also serve as a basis for the Developer or reviewing agencies to request that the Development Order be amended.
2. The Developer, at its option, shall mitigate the impacts of the Phase I Development on the regionally significant roadway system by satisfying any one of the transportation mitigation options hereinafter described.

Compliance with the provisions of any one of the transportation mitigation options has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to Phase I of the Development on the regionally significant roadway network, consistent with Florida law and applicable rules of the County, DCA, FDOT and the TBRPC.

3. The three (3) transportation improvement options available to the Developer are as follows:

(i) Option 1: Funding Commitments

(a) Any approval of Phase I of this Development shall require funding commitments from responsible entities for the following roadway improvements and shall require that the New Roads (as herein defined) are under construction by March 9, 1991. For the purposes of this Development Order, the Developer is considered as one of a number of possible responsible entities capable of providing the mitigation of the transportation impacts of the Development. For the purposes of this Development Order, funding commitments can be Developer's commitments for actual construction, actual (or committed for in binding contractual form) construction by any public or private entity, the placement of improvements in the transportation improvement work programs of the County or the State of Florida, or any combination of the foregoing. Without funding commitments for the following improvements, construction permits shall not be issued for Phase I.

- (1) Provide the link improvements indicated in Table 1 to Exhibit "D" annexed hereto.
- (2) Provide the intersection improvements indicated in Table 2 to Exhibit "D" annexed hereto.

(b) In lieu of Section IV B.3.(i)(a) above, the Developer may subphase Phase I of the Development when such subphasing identifies and ties specific amounts of project development (within a phase) to specific improvements to the regionally significant roadway network. Such subphasing shall be acceptable under the following conditions:

- (1) TBRPC and the County shall concur with the defined amount of development to be specifically allowed;
- (2) Funding commitments for roadway improvements will be required when the regional roadways will operate below Level of Service ("LOS") D at p.m. peak hour for urban roads and LOS C for rural roads ("LOS D/C") and the Development contributes five (5) percent or more of the then existing LOS D/C at p.m. peak hour capacity of the facility; and
- (3) A stop work order prohibiting development shall be issued if the development triggers the need for roadway improvements

pursuant to applicable TBRPC rules, but for which funding commitments cannot be assured, or if the required analysis or monitoring reports, as appropriate, are not submitted in a timely manner. Provided, however, that Project construction for which permits have previously been issued shall not be affected by such failure to submit the required analysis or monitoring reports.

- (c) Any development pursuant to this Option 1 shall require that construction for the entire length of both New Roads has begun by March 9, 1991. Alternatively, Developer may submit a new traffic analysis (not distributing traffic onto the New Roads) specifying the link and intersection improvements that must be made and amending this Order to identify said improvements.

(ii) Option 2: Monitoring

- (a) In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the Tri-County Business Park 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 the County and the TBRPC, pursuant to the provisions of Chapter 380, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of any currently approved Development 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 ADA or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D/C at peak hour. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. The traffic analysis shall not distribute traffic onto the New Roads unless construction of the New Roads has begun. Prior to any specific approval pursuant to Option 2, the County or its designee shall ensure in written findings of fact that the regional roadways in the Tri-County Business Park transportation impact area are operating at or above LOS D/C at peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D/C at peak hour. This amendment shall be amended to address the specific Option 2 phase or subphase approval. Such amendment shall not constitute a substantial deviation.
- (b) Subject to the completion, review and approval by the County of a subphasing transportation analysis, together with any necessary Development Order amendments, subphasing is permitted under Option 2. If subphasing of

Phase I is elected by Developer, funding commitments will be required for all regionally significant improvements (as listed in Table 1) which are necessary to accommodate the traffic impacts of a particular subphase of the Development prior to the commencement of that particular subphase of development. Prior to issuance of building permits beyond a particular subphase 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/C p.m. peak hour and the development would contribute five percent (5%) or more of LOS D/C p.m. 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.

(iii) Option 3: Pipelining

- (a) In order to elect this Option 3, the Developer must make such election within one hundred twenty (120) days from the date that the County approves the amendment to this Development Order. Upon such election, the Developer shall provide written notice of the election to the County and TBRPC within the aforesaid time frame. The requirements of this section have been determined to make adequate provision for, or to provide the appropriate requirements to cure and mitigate the impacts of, the public transportation facilities needed to accommodate the traffic impacts of Phase I of the Development. The requirements set forth below have been determined to be consistent with applicable County, TBRPC, DCA, FDOT and MPO regulations and Rule 9J-2.0255, FAC.
- (b) The transportation improvement which is consistent with the County, Tampa Urban Area MPO and FDOT long-range plans, and is acceptable to the County, TBRPC, the Tampa Urban Area MPO and FDOT, is the following (the "Pipeline Improvements"):

- (1) S.R. 580/Race Track Road Intersection Improvements.

The intersection of S.R. 580 and Race Track Road shall be designed and improved as graphically shown on Exhibit "E" attached hereto or as otherwise set forth in the joint participation agreement described below. Developer, County and FDOT shall enter into a mutually acceptable joint participation agreement within one hundred twenty (120) days from the date County approves the amendment to this Development Order. The joint participation agreement shall require (a) the Developer to begin and complete the design of the pipeline improvements and pay the proportionate Share, less the costs incurred by Developer in connection with the design of the Pipeline Improvements, to FDOT by September 21, 1991, and (b) the FDOT to acquire all

right-of-way necessary for the Pipeline Improvements, to provide funds to cover any shortfall between the cost of designing, permitting and constructing the Pipeline Improvements less the Developer's Proportionate Share, require FDOT to complete construction of the Pipeline Improvements by December 31, 1994, and require the FDOT to acknowledge that the Developer's Proportionate Share contribution toward the cost of the Pipeline Improvements shall be credited as part of the County's obligation to contribute funds and/or facilities to FDOT pursuant to the County Road Network Improvement Program Ordinance. The design of the Pipeline Improvements shall be prepared by Developer in a manner normally used by the entity that will ultimately be responsible for the Pipeline Improvements. The design process shall begin thirty (30) days after Developer has elected the Pipeline option and shall be completed by March 9, 1991. The design shall include thirty percent (30%), sixty percent (60%), and one hundred percent (100%) design completion reviews and approvals. The Developer shall have satisfied all of its obligations related to the Pipeline Improvements and mitigation of the Phase I traffic impacts upon execution of the joint participation agreement, timely completion and delivery of the design for the intersection and payment of Developer's Proportionate Share and may, upon the occurrence of such events, complete Phase I development notwithstanding FDOT's failure to satisfy its obligations pursuant to the joint participation agreement. In the event Developer fails to make the payment to FDOT by September 21, 1991, all development permitted pursuant to the pipeline option shall cease and no building permits or certificates of occupancy shall be issued for development pursuant to the pipeline option.

(2) Alternate Improvements.

In the event the Developer, County and FDOT do not enter into a mutually acceptable joint participation agreement with respect to the Pipeline Improvements within one hundred twenty (120) days from the date the County approves the amendment to this Development Order, Developer shall submit an alternate pipeline improvement to the County and TBRPC, within ninety (90) days after the expiration of the period for the Developer, County and FDOT to enter into the joint participation agreement, for their approval and this Development Order shall be amended to specify such alternate pipeline improvement, if any and a time schedule for its construction. (the "Alternate Improvement"). In no event shall developer begin construction of Phase I pursuant to the pipeline option prior to the amended Development Order becoming non-appealable.

(The Developer shall have no liability for any costs related to the pipeline improvements greater than the Proportionate Share amounts set forth below.

- (d) For purposes of this Development Order, Developer's Proportionate Share of the cost of the transportation improvements necessary to accommodate the impacts of Phase I of the Development on the roadways and intersections set forth in Exhibit "D" attached hereto have been calculated to be \$1,644,967.00 (the "Proportionate Share"). In the event the New Roads are not committed by March 9, 1991, the Proportionate Share shall be \$4,200,000.00.
- (e) Right of way dedication made by the Developer for Race Track Road shall be credited against the County impact fee. The Developer shall submit property appraisals prepared by a qualified appraiser to the County to support a determination of the amount of the credit.
- (f) Developer shall receive a credit against the Proportionate Share in an amount equal to the transportation impact fees collected in connection with the Existing Development.
- (g) Any portion of the Proportionate Share in excess of applicable impact fees for Phase I shall be credited against impact fees for Phase II.
- (h) Phase I development shall not commence until the East West Connector Road from Race Track Road to Forest Lakes Boulevard and the Linebaugh Avenue Extension from Sheldon Road to Race Track Road (together, the "New Roads") are Committed Improvements. The New Roads shall be deemed Committed Improvements at such time as construction contracts for the New Roads have been let, or construction of the New Roads have commenced. Any construction of the New Roads has provide for construction to commence within thirty (30) days after the construction contract has been let. If both of the New Roads are not Committed Improvements by March 9, 1991, Developer may (a) elect Option 2 in order to mitigate all of the traffic impacts of Phase I of the Project or a portion thereof, (b) continue to pursue Option 3 in order to mitigate all of the traffic impacts of Phase I of the Project, in which event the Proportionate Share shall be \$4,200,000.00, or (c) submit a new Chapter 380 transportation analysis and amend this Development Order. Any such amendment shall utilize only traffic mitigation alternatives which are available at the time the order is amended and in no event shall Developer be entitled to utilize the pipeline option of mitigation if option (c) is chosen. In the event Developer, County and TBRPC approve, Developer may, with County and TBRPC approval, utilize the revised Proportionate Share to construct a transportation improvement agreed to by the Developer, County and TBRPC. The use of the revised Proportionate Share of \$4,200,000.00 for such roadway improvement agreed to by the Developer, County and TBRPC shall not constitute a substantial deviation. However, Developer shall file a notice of

change to the Development Order. In the event Developer elects (b) above, Developer shall receive credit against applicable transportation impact fees for all monies spent in connection with the Pipeline Improvements. However, impact fee credits shall be provided only when the improvement for which the design was performed is a Committed Improvement and the Committed Improvement is consistent with the design that is performed.

- (i) The County shall provide access to the final roadway corridor for that portion of the Linebaugh Avenue Extension located west of the Thomas Ranch property, pursuant to the requirements of Resolution Number RZ89-0098, within thirty (30) days from the date this Development Order becomes final and non-appealable.

4. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 500,000 square feet of industrial space on Phase I, or (ii) 622 p.m. peak hour vehicle trips are generated on Phase I, then the Developer shall prepare a Transportation Development Management (TSM) program prior to commencing Development of Phase II, which is intended to divert a number of vehicle trips from the p.m. peak hour. The TSM shall be reviewed by the Hillsborough Area Regional Transit Authority, the Tampa Urban Area MPO, the TBRPC and the FDOT. The results of the TSM program may serve as a basis for the Developer to request Development Order amendments, including additions to the square footage approved for Phase I. If implemented, 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, the County may conduct a substantial deviation determination pursuant to Chapter 380.06 and amend this Development Order to change the TSM objectives and/or require additional roadway improvements.

C. ENVIRONMENT AND NATURAL RESOURCES

Air Quality

1. The Developer and/or its successors and assigns shall, at a minimum, employ the fugitive dust emission abatement procedures referenced in the ADA.
2. The County shall reserve the right to require appropriate mitigation measures to alleviate any potential impacts of the project on ambient air quality.

Land

- measures to reduce soil erosion and fugitive dust air emissions, referenced in the ADA, at minimum, shall be implemented.
4. The methods identified in the ADA as suitable to overcome soil limitations shall be required, as appropriate.

Table 1

PHASE I (1993) REQUIRED LINK IMPROVEMENTS FOR TRI-COUNTY BUSINESS
PARK BASED ON FIVE PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvement
580	Bayshore Blvd. to CR 233	F	17.11	Construct 4-Lane Divided Arterial
	SR 584 to Race Track Rd.	F	5.15	Construct 4-Lane Divided Arterial
	Race Track Rd. to Double Branch Road	F	5.68	Construct 6-Lane Divided Arterial
	Pistol Range Rd. to Lagoon St. East	F	7.49	Construct 4-Lane Divided Arterial
SR 584	McMullen-Booth Rd. to SR 586	F	10.47	Construct 4-Lane Divided Arterial
	SR 586 to Forest Lakes Rd.	F	23.39	Construct 4-Lane Freeway
	Forest lakes Rd. to SR 580	F	7.95	Construct 4-Lane Freeway
SR 586	US 19 to McMullen-Booth Rd.	F	6.27	Construct 4-Lane Divided Arterial
	McMullen-Booth Rd. to SR 584	E	5.90	Construct 4-Lane Divided Arterial
Race Track Rd.	SR 580 to E-W Connector Rd.	F	14.98	Construct 4-Lane Divided Arterial
	E-W Connector Rd. to Project Entrance	F	126.60	Construct 4-Lane Divided Arterial
E-W Connector	Forest Lakes Rd. to Race Track Rd.	F	58.40	Construct 4-Lane Divided Arterial

Linbaugh	Race Track Rd. to Sheldon Road	F	25.46	Construct 4-Lane Divided Arterial
	Sheldon Road to Anderson Rd.	E	7.58	Construct 4-Lane Divided Arterial
Sheldon Road	W. Waters Ave. to Linbaugh Avenue	F	5.69	Construct 4-Lane Divided Arterial
CR 233	SR 584 to SR 580	F	26.76	Construct 4-Lane Divided Arterial
Gunn Highway	Sheldon Road to South Mobley Rd.	F	22.43	Construct 4-Lane Divided Arterial

Table 2

PHASE I (1993) REQUIRED INTERSECTION IMPROVEMENTS FOR TRI-COUNTY BUSINESS PARK
BASED ON FIVE PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvement
SR 586/SR 584	E	12.4	Add two thru-lanes NB, two thru lanes SB, one right-turn lane EB
SR584/Forest Lakes Rd.	E	43.6	Add NB thru-lane and SB thru-lane, add NB left- turn lane and SB right- turn lane, Add two thru Lanes
SR 580/CR 233	E	16.0	Add one SB thru-lane
Race Track/SR 580	E	5.9	Add one EB left-turn lane
McMullen Booth/SR 5896	E	8.8	Add EB and WB thru-lane
E-W Connector/Forest Lakes Rd.	E	38.0	Add NB right-turn lane and WB left-turn lane
Linebaugh Ave./Race Track Rd.	E	51.6	Add NB thru lane and SB right-turn lane
Entrance 1 (Souther most)	N/A	100.00	Signalize and add one EB left-turn lane
Entrance 3 (New main entrance)	N/A	100.00	Signalize and add one EB left-turn lane

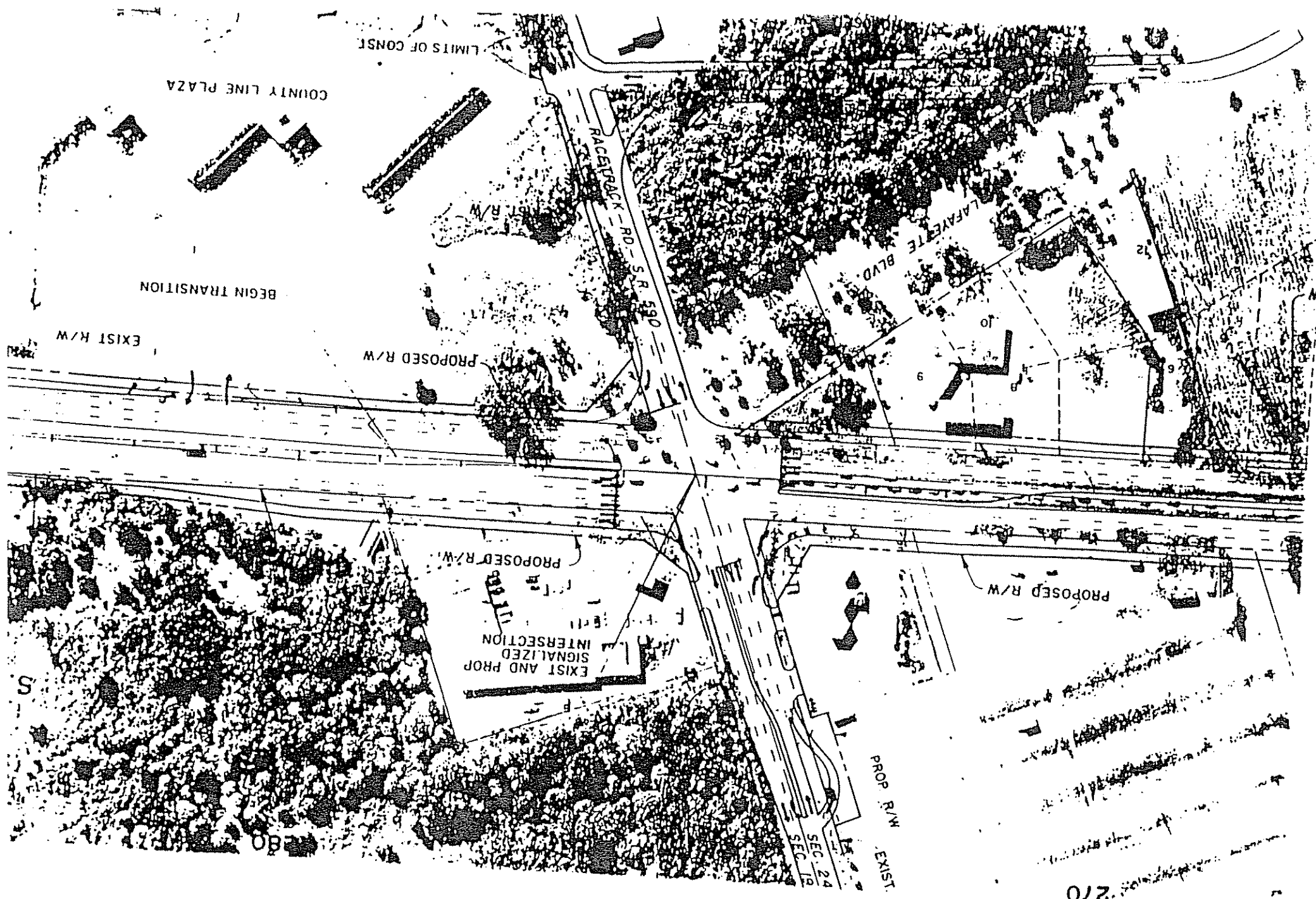


EXHIBIT "B"

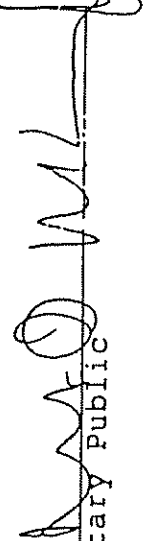
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day before me, the undersigned notary public authorized in the State and County named above to administer oaths and take acknowledgments, personally appeared STEVEN M. SAMAHA as attorney for Tri-County Business Park, Ltd. ("Tri-County"), the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI), Subsection 380.06(19), Florida Statutes ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Tri-County Business Park, Ltd. filed the Notice of Change on April 19, 1990.
2. The Notice of Change was filed with all persons as required by law.


Steven M. Samaha, Esquire
Attorney for Tri-County
Business Park, Ltd.

SWORN TO AND SUBSCRIBED before me this 14th day of June,
1990.


Notary Public

My Commission Expires: 11/11/91

035-20-2932-013

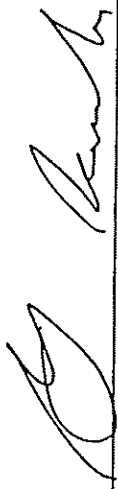
EXHIBIT "C"

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day before me, the undersigned notary public authorized in the State and County named above to administer oaths and take acknowledgments, personally appeared STEVEN M. SAMAHA as attorney for Tri-County Business Park, Ltd. ("Tri-County"), the applicant/owner of the Tri-County Business Park DRI No. 181, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Tri-County filed its application for development approval for the Tri-County Business Park on February 13, 1989. Tri-County's sufficiency response was submitted on June 19, 1989. Tampa Bay Regional Planning Council posed a second round of sufficiency questions on July 20, 1989, and Tri-County responded on August 1, 1989 by filing notice that it did not intend to further respond.

2. The aforementioned documents were filed with Hillsborough County, the State of Florida Department of Community Affairs, the Tampa Bay Regional Planning Council and those other governmental agencies and persons as required by law.



Steven M. Samaha, Esquire
Attorney for Tri-County
Business Park, Ltd.

SWORN TO AND SUBSCRIBED before me this 14th day of June,
1990.


Notary Public

My Commission Expires:

August 1, 1991

035-20-2932-013

STAFF REPORT

DRI #181 - Tri-County Business Park

Applicant: Rutenberg Industrial Corporation
Request: A proposed change to DRI #181, Tri-County Business Park. The change consists of clarifying the transportation mitigation elements of the Development Order.
Zoning: PD-RP 89-0174-NW

Note: Attached resolution is presently being reviewed by the County Attorney's Office.

BACKGROUND

A proposed change to DRI #181, Tri-County Business Park. The change consists of clarifying the transportation mitigation elements of the Development Order.

DISCUSSION

The Stipulated Settlement Agreement between the applicant and TBRPC resulted in several changes to the previously approved Development Order. The principal changes are summarized below:

1. The revised D.O. establishes March 9, 1991 as the date when roads assumed in the traffic analysis (i.e. Linebaugh Avenue and the East-West Connector) must be committed improvements. If they are not, the Proportionate Share would increase from 1.6 to 4.2 million dollars. No such proposal appeared in the original Development Order. In addition, the applicant was previously allowed to come back with a revised traffic analysis and proportionate share calculation if one of the roads was committed but the other was not. The revised D.O. eliminates this recalculation and fixes the proportionate share amounts.
2. The revised D.O. eliminates Linebaugh Avenue as an alternative pipeline option.
3. The revised D.O. tightens the time frame for the developer to enter into a Joint Participation Agreement with FDOT relative to the pipeline improvement - the S.R. 580/Race Track Road intersection improvements.
4. The revised D.O. revises Option 2 language to ensure that all regionally significant roads operate at an acceptable LOS, rather than only meeting Hillsborough County standards for concurrency.

The proposed changes to the D.O. do not constitute a substantial deviation.

RECOMMENDATION

Planning and Zoning staff recommends that the Board of County Commissioners adopt the attached resolution containing the revised Development Order.

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

IN RE:

RESOLUTION NO. R-89-0321 OF
HILLSBOROUGH COUNTY RENDERING A
DEVELOPMENT ORDER FOR A
DEVELOPMENT OF REGIONAL IMPACT
KNOWN AS TRI-COUNTY BUSINESS PARK.

STIPULATED SETTLEMENT AGREEMENT

Petitioner, TAMPA BAY REGIONAL PLANNING COUNCIL ("TBRPC") and Respondent, RUTENBERG INDUSTRIAL CORPORATION, hereby stipulate and otherwise agree to full, complete, and final settlement and disposition of all claims raised, or arising from claims raised in the above-styled administrative appeal as follows:

WHEREAS, on December 12, 1989, the Hillsborough County Board of County Commissioners adopted Resolution No. R89-0321 (the "Development Order"), issuing a Development Order approving, with conditions, the Tri-County Business Park Development of Regional Impact ("DRI"); and

WHEREAS, on February 22, 1990 TBRPC filed an administrative appeal of the Tri-County Business Park Development Order pursuant to Section 380.07, Florida Statutes (1989); and

WHEREAS, TBRPC's appeal was based on its claim that the transportation section of the Development Order failed to make adequate provision for the transportation impacts of the project and the Development Order failed to include a deadline for physical commencement of the project; and

WHEREAS, Rutenberg Industrial Corporation disputes TBRPC's claims and contends that the Development Order for Tri-County Business Park is adequate as written; and

WHEREAS, the parties have negotiated and reached agreement as to specific revisions of the Development Order which, once adopted would resolve the issues which were raised on appeal. The specific revisions are set forth in a proposed resolution amending the Development Order, a copy which is attached hereto and incorporated herein as Exhibit "A".

NOW THEREFORE, in consideration of the terms and conditions set forth hereafter, and the full, complete, and final settlement of all claims raised, or arising out of claims raised in the above-styled administrative appeal, the parties further stipulate and agree as follows:

1. The parties agree that once adopted the proposed revisions to the Development Order set forth in Exhibit "A" will adequately address and resolve the issues on appeal.
2. The parties further agree that settlement of the above-styled administrative appeals shall be implemented by Rutenberg Industrial Corporation immediately filing a notice of change to a previously approved DRI proposing amendments to the Development Order identical in substance to Exhibit "A". TBRPC hereby agrees to waive its thirty day review period on said notice of change. The parties further agree that once the Hillsborough County Board of County Commissioners adopts and renders such an amendment, TBRPC immediately thereafter shall file a notice of voluntary dismissal dismissing its appeal with prejudice.
5. The parties further agree that amendment of the Development Order to implement this stipulated Settlement Agreement shall not constitute a substantial deviation requiring further development of regional impact review pursuant to Section 380.06(19), Florida Statutes (1989).
6. The parties further agree that this stipulated Settlement Agreement is a compromise and settlement of disputed claims and is entered into to avoid the expense and uncertainty of litigation. Neither this Stipulated Settlement Agreement, nor performance of any other acts or obligations set forth herein, constitutes or shall be construed to constitute an admission to the truth or correctness of any allegation or legal argument made by any of the parties.
7. The parties further agree that this stipulated Settlement Agreement contains the entire and exclusive understanding and agreement among the parties and may not be modified in any manner except by an instrument in writing and signed by the parties.

8. The signatures hereto represent and warrant that they have read this stipulated Settlement Agreement and that they are fully authorized in the capacity shown, that they understand the terms thereof, and that they are executing the same voluntarily and upon their best judgement, solely for the consideration herein described.

IN WITNESS WHEREOF, the parties by and through their respective duly authorized undersigned representatives have set their hands on the date appearing below their respective signatures.

WITNESSES:

Linda M. Hallas
Roger S. Anderson

TAMPA BAY REGIONAL PLANNING
COUNCIL

By: Julia E. Greene
JULIA GREENE
Executive Director

Dated: 3-30-90

RUTENBERG INDUSTRIAL CORPORATION
for Tri-County Business Park Ltd.

Linda M. Hallas
Roger S. Anderson

By: James J. Lenz
President

Dated: April 3, 1990



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

1700 CENTERVIEW DRIVE, TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Governor

January 25, 1990

Mr. Steve Samaha
Annis, Mitchell,
P.O. Box 3433
Tampa, FL 33601

Re: Tri-County Business Park; ADA-889-029

Dear Mr. Steven Samaha:

This letter is in response to your request for our comments on the transportation analysis of the above referenced project. The Department has not completed the review of the final development order recently rendered by the County; however, we understand that the traffic analysis was performed so that traffic from the project would be distributed to existing roads as well as two roads that are non-existing but are required to be developed in other DPT development orders.

It is also our understanding that Paragraph IV.D.J.111.f. of the final development order is structured so that no development can commence on the project until such non-existing roadways are committed (construction has commenced or contracts have been let for construction). If such roadways are not committed within one year from the date the development order becomes final and non-appealable, the developer will be required to recalculate its proportionate share pursuant to the Chapter 380, Florida Statutes, prior to the commencement of development. Looking only at this Paragraph, the Department believes that this condition is an acceptable alternative which meets the intent of the Department's Transportation Rule 9J-2.0255(7)(a)3., F.A.C. However, as previously stated, we have not completed our review of other provisions in the D.O. and, therefore, have not yet concluded whether the D.O. complies with the requirements of Chapter 380, F.S.

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

Mr. Steve Samaha
January 23, 1990
Page Two

If you have any questions or comments concerning this matter,
please call me or Marina Pennington in the Bureau of State Planning
at (304) 488-4925.

Sincerely,

J. Thomas Book

J. Thomas Book, Chief
Bureau of State Planning

JTB/mpp

cc: Ms. Suzanne Cooper (TBRFC)

TOTAL P.02

Resolution No. _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #181 DEVELOPMENT ORDER
TRI-COUNTY BUSINESS PARK

Upon motion of Commissioner _____, seconded by Commissioner _____, the following Resolution was adopted on this _____ day of _____, 1990.

WHEREAS, on December 12, 1989, the Board of County Commissioners approved a Development Order, Resolution No. R89-0321 for the Tri-County Business Park Development of Regional Impact (the "Development Order"); and

WHEREAS, on January 12, 1990, Hillsborough County rendered the Development Order to the Department of Community Affairs ("DCA") and the Tampa Bay Regional Planning Council ("TERPC");

WHEREAS, TERPC subsequently filed an appeal of the Development Order with the Florida Land and Water Adjudicatory Commission ("FLWAC"), FLWAC Case No. AP3-90-007, primarily based upon its objections to the transportation mitigation provisions set forth in the Development Order; and

WHEREAS, TERPC, the Developer and the County Staff negotiated and reached agreement on revisions of the terms of said transportation mitigation provisions which were considered by the Board of County Commissioners at a public meeting held on Statutes (1988), 1990, pursuant to Section 380.06(19), Florida

WHEREAS, Section 380.06(19), Florida Statutes (1988) requires that the Development Order be amended to reflect said revisions;

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

1. That the following findings of fact are made:

- a. The amendment of the Development Order, attached hereto as Exhibit "A", does not involve a change to a previously approved DRZ constituting a substantial deviation under Section 380.06(19), Florida Statutes (1988).
- b. All statutory procedures have been adhered to.
- c. The findings of fact and conclusions of law made in the original Development Order are incorporated herein by reference.

EXHIBIT A

2. That the Development Order approved by Resolution No. R89-0321 is hereby amended as provided in Exhibit "A" attached hereto and made a part hereof.
3. That Resolution No. R89-0321 is hereby reaffirmed in its entirety except as amended herein.
4. The Developer's Certification, Exhibit "B", affirming that copies of the Notices of Change has been delivered to all persons as required by law, is incorporated herein.
5. The Developer's Certification, Exhibit "C", affirming that a complete copy of the application for development approval, as modified or amended has been delivered to all persons as required by law, is incorporated herein.
6. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the Department of Community Affairs, 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 _____ of the _____, as the same appears of record in Minute Book _____ of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this _____ day of _____, 1990.

RICHARD AKE, CLERK

By: _____
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

By: _____
Approved as to Form and
Legal Sufficiency.

035-20-2932-006

the Development Order, if the Developer at Order itself is not recorded with the Clerk of the Circuit Court of Hillsborough County, shall be filed among the aforesaid public records pursuant to the requirements set forth in Florida Statutes, Section 380.06(15)(f).

SECTION IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

The development of the project shall proceed in accordance with the following proposed phasing schedule:

	Commercial (Sq. Ft.)	Industrial/ Manufacturing/ Warehouse/ Distribution/ Research Permitted Pursuant to the County PD-RP Zoning District (Sq. Ft.)	Office (Sq. Ft.)
Phase I (1989-1995)	50,000	900,000	-0-
Phase II (1995-2000)	25,000	1,725,000	100,000
Phase III (2000-2005)	-0-	900,000	-0-
Totals	75,000	3,525,000	100,000

1. Specific final development approval is accorded to Phase I, subject to the conditions contained herein. Specific approval of Phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts.

2. 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 law, which approval shall not be withheld if the terms of this Development Order are otherwise complied with. Any significant departure in project build-out from the phasing schedule set forth in the ADA shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes, as amended.

3. This Development Order shall remain in effect for a period up to and including December 1, 2005. No new conservation variance after expiration of this Development Order. Provided, however, any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of this Development Order, if approved. This Development Order may be extended by the Board on the finding of excusable delay in any proposed development activity provided that

an extension of the buildout period, for any phase or the total development period for more than the time period specified by Chapter 380 may trigger a substantial deviation pursuant to Chapter 380. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Development Order. Phase I Development shall commence within two years after this first amendment to this Development Order is approved by the County.

4. The Development shall not be subject to down-zoning, intensity reduction or change to a more restrictive land use category until December 1, 2005, unless the County 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 changes are clearly established by local government to be essential to the public health, safety, or welfare. For the purposes of this Development Order, the term "down-zoning" shall refer to any regulation that has the effect of reducing the total approved intensity as set forth in Section IV.A.4. provided, however, nothing in this Section IV.A.4 shall be construed to prohibit (i) legally enacted changes in zoning or land use regulations which do not decrease the development rights granted to the Developer pursuant to this Development Order, (ii) any development rights which may arise as a result of this Development Order, and (iii) the Developer from requesting any modifications to this Development Order or the PD-RP zoning district at any time.

B. TRANSPORTATION

1. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 600,000 square feet of industrial space on Phase I or (ii) 622 p.m. peak hour vehicle trips are generated from Phase I, an annual monitoring program to provide peak-hour traffic counts at the entrance to the Development shall be instituted to verify that the projected number of external trips to the Development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the annual report is not submitted within thirty (30) days after the due date or the annual report indicates that the total number of external vehicle trips generated by the Development exceeds that which was projected during the original DRI review by more than fifteen (15) percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, the County may amend the Development Order to require additional roadway improvements and/or other mitigation measures. If the excess is determined to be a substantial deviation, the revised transportation analysis required pursuant to Chapter 380.06 will be based on the results of a monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the transportation analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request that the Development Order be amended.
2. The Developer, at its option, shall mitigate the impacts of the Phase I Development on the regionally significant roadway system by satisfying any one of the transportation mitigation options hereinafter described.

Compliance with the provisions of any one of the transportation mitigation options has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to Phase I of the Development on the regionally significant roadway network, consistent with Florida law and applicable rules of the County, DCA, FDOT and the TBRPC.

3. The three (3) transportation improvement options available to the Developer are as follows:

(1) Option 1: Funding Commitments

(a) Any approval of Phase I of this Development shall require funding commitments from responsible entities for the following roadway improvements and shall require that the New Roads (as herein defined) are under construction by March 9, 1991. For the purposes of this Development Order, the Developer is considered as one of a number of possible responsible entities capable of providing the mitigation of the transportation impacts of the Development. For the purposes of this Development Order, funding commitments can be Developer's commitments for actual construction, actual (or committed for in binding contractual form) construction by any public or private entity, the placement of improvements in the transportation improvement work programs of the County or the State of Florida, or any combination of the foregoing. Without funding commitments for the following improvements, construction permits shall not be issued for Phase I.

(1) Provide the link improvements indicated in Table 1 to Exhibit "D" annexed hereto.

(2) Provide the intersection improvements indicated in Table 2 to Exhibit "D" annexed hereto.

(b) In lieu of Section IV 3.3.(i)(a) above, the Developer may subphase Phase I of the Development when such subphasing identifies and ties specific amounts of project development (within a phase) to specific improvements to the regionally significant roadway network. Such subphasing shall be acceptable under the following conditions:

(1) TBRPC and the County shall concur with the defined amount of development to be specifically allowed;

(2) Funding commitments for roadway improvements will be required when the regional roadways will operate below Level of Service ("LOS") D at p.m. peak hour for urban roads and LOS C at p.m. peak hour for rural roads ("LOS D/C") and the Development contributes five (5) percent or more of the then existing LOS D/C at p.m. peak hour capacity of the facility; and

(3) A stop work order prohibiting development shall be issued if the development triggers the need for roadway improvements

pursuant to applicable TRBPC rules, but for which funding commitments cannot be assured, or if the required analysis or monitoring reports, as appropriate, are not submitted in a timely manner. Provided, however, that project construction for which permits have previously been issued shall not be affected by such failure to submit the required analysis or monitoring reports.

- (c) Any development pursuant to this Option 1 shall require that construction for the entire length of both New Roads has begun by March 9, 1991. Alternatively, Developer may submit a new traffic analysis (not distributing traffic onto the New Roads) specifying the link and intersection improvements that must be made and amending this Order to identify said improvements.

(ii) Option 2: Monitoring

- (a) In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the Tri-County Business Park 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 the County and the TRBPC, pursuant to the provisions of Chapter 380, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of any currently approved Development 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 ADA or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D/C at peak hour. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. The traffic analysis shall not distribute traffic onto the New Roads unless construction of the New Roads has begun. Prior to any specific approval pursuant to Option 2, the County or its designee shall ensure in written findings of fact that the regional roadways in the Tri-County Business Park transportation impact area are operating at or above LOS D/C at peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D/C at peak hour. This Development Order shall address the specific Option 2 phase or subphase approval. Such amendment shall not constitute a substantial deviation.
- (b) Subject to the completion, review and approval by the County of a subphasing transportation analysis, together with any necessary Development Order amendments, subphasing is permitted under Option 2. If subphasing of

Phase I is elected by the Developer, funding commitments will be required for all regionally significant improvements (as listed in Table I) which are necessary to accommodate the traffic impacts of a particular subphase of the Development prior to the commencement of that particular subphase of development. Prior to issuance of building permits beyond a particular subphase 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/C p.m. peak hour and the development would contribute five percent (5%) or more of LOS D/C p.m. 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.

(iii) Option 3: Pipelining

- (a) In order to elect this Option 3, the Developer must make such election within one hundred twenty (120) days from the date that the County approves the amendment to this Development Order. Upon such election, the Developer shall provide written notice of the election to the County and TRRPC within the aforesaid time frame. The requirements of this section have been determined to make adequate provision for, or to provide the appropriate requirements to cure and mitigate the impacts of, the public transportation facilities needed to accommodate the traffic impacts of Phase I of the Development. The requirements set forth below have been determined to be consistent with applicable County, TRRPC, DCA, FDOT and MPO regulations and Rule 9J-2.0255, FAC.
- (b) The transportation improvement which is consistent with the County, Tampa Urban Area MPO and FDOT long-range plans, and is acceptable to the County, TRRPC, the Tampa Urban Area MPO and FDOT, is the following (the "Pipeline Improvements"):

- (1) S.R. 580/Race Track Road Intersection Improvements.

The intersection of S.R. 580 and Race Track Road shall be designed and improved as graphically shown on Exhibit "E" attached hereto or as otherwise set forth in the joint participation agreement described below. Developer, County and FDOT shall enter into a mutually acceptable joint participation agreement within one hundred twenty (120) days from the date County approves the amendment to this Development Order. The joint participation agreement shall require (a) the Developer to begin and complete the design of the pipeline improvements and pay the proportionate share, less the costs incurred by Developer in connection with the design of the Pipeline Improvements, to FDOT by September 21, 1991, and (b) the FDOT to acquire all

right-of-way necessary for the pipeline improvements, to provide funds to cover any shortfall between the cost of designing, permitting and constructing the pipeline improvements less the Developer's proportionate share, require FDOT to complete construction of the pipeline improvements by December 31, 1994, and require the FDOT to acknowledge that the Developer's proportionate share contribution toward the cost of the pipeline improvements shall be credited as part of the County's obligation to contribute funds and/or facilities to FDOT pursuant to the County Road Network Improvement Program Ordinance. The design of the pipeline improvements shall be prepared by Developer in a manner normally used by the entity that will ultimately be responsible for the pipeline improvements. The design process shall begin thirty (30) days after Developer has elected the pipeline option and shall be completed by March 9, 1991. The design shall include thirty percent (30%), sixty percent (60%), and one hundred percent (100%) design completion reviews and approvals. The Developer shall have satisfied all of its obligations related to the pipeline improvements and mitigation of the Phase I traffic impacts upon execution of the joint participation agreement, timely completion and delivery of the design for the intersection and payment of Developer's proportionate share and may, upon the occurrence of such events, complete Phase I development notwithstanding FDOT's failure to satisfy its obligations pursuant to the joint participation agreement. In the event Developer fails to make the payment to FDOT by September 21, 1991, all development permitted pursuant to the pipeline option shall cease and no building permits or certificates of occupancy shall be issued for development pursuant to the pipeline option.

(2) Alternate Improvements.

In the event the Developer, County and FDOT do not enter into a mutually acceptable joint participation agreement with respect to the pipeline improvements within one hundred twenty (120) days from the date the County approves the amendment to this Development Order, Developer shall submit an alternate pipeline improvement to the County and TBRPC, within ninety (90) days after the expiration of the period for the Developer, County and FDOT to enter into the joint participation agreement, for their approval and this Development Order shall specify such alternate pipeline improvement, if any and a time schedule for its construction. (the "Alternate Improvement"). In no event shall Developer begin construction of Phase I pursuant to the pipeline option prior to the amended Development Order becoming non-appealable.

The Developer shall have no liability for any costs related to the pipeline improvements greater than the proportionate share amounts set forth below.

- (d) For purposes of this Development Order, Developer's Proportionate Share of the cost of the transportation improvements necessary to accommodate the impacts of Phase I of the Development on the roadways and intersections set forth in Exhibit "D" attached hereto have been calculated to be \$1,644,967.00 (the "Proportionate Share"). In the event the New Roads are not committed by March 9, 1991, the Proportionate Share shall be \$4,200,000.00.
- (e) Right of way dedication made by the Developer for Race Track Road shall be credited against the County impact fee. The Developer shall submit property appraisals prepared by a qualified appraiser to the County to support a determination of the amount of the credit.
- (f) Developer shall receive a credit against the Proportionate Share in an amount equal to the transportation impact fees collected in connection with the Existing Development.
- (g) Any portion of the Proportionate Share in excess of applicable impact fees for Phase I shall be credited against impact fees for Phase II.
- (h) Phase I development shall not commence until the East West Connector Road from Race Track Road to Forest Lakes Boulevard and the Linebaugh Avenue Extension from Sheldon Road to Race Track Road (together, the "New Roads") are Committed Improvements. The New Roads shall be deemed Committed Improvements at such time as construction contracts for the New Roads have been let, or construction of the New Roads has commenced. Any construction contract must provide for construction to commence within thirty (30) days after the construction contract has been let. If both of the New Roads are not Committed Improvements by March 9, 1991, Developer may (a) elect Option 2 in order to mitigate all of the traffic impacts of Phase I of the Project or a portion thereof, (b) continue to pursue Option 3 in order to mitigate all of the traffic impacts of Phase I of the Project, in which event the Proportionate Share shall be \$4,200,000.00, or (c) submit a new Chapter 380 transportation analysis and amend this Development Order. Any such amendment shall utilize only traffic mitigation alternatives which are available at the time the order is amended and in no event shall Developer be entitled to utilize the pipeline option of mitigation if option (c) is chosen. In the event Developer elects (b) at approval, the revised Proportionate Share to construct a transportation improvement agreed to by the Developer, County and TRPC. The use of the revised Proportionate Share of \$4,200,000.00 for such roadway improvement agreed to by the Developer, County and TRPC shall not constitute a substantial deviation. However, Developer shall file a notice of

change to the Development Order. In the event Developer elects (b) above, Developer shall receive credit against applicable transportation impact fees for all monies spent in connection with the Pipeline Improvements. However, impact fee credits shall be provided only when the improvement for which the design was performed is a Committed Improvement and the Committed Improvement is consistent with the design that is performed.

(i)

The County shall provide access to the final roadway corridor for that portion of the Linebaugh Avenue Extension located west of the Thomas Ranch property, pursuant to the requirements of Resolution Number RZ89-0098, within thirty (30) days from the date this Development Order becomes final and non-appealable.

4. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 500,000 square feet of industrial space on Phase I, or (ii) 622 p.m. peak hour vehicle trips are generated on Phase I, then the Developer shall prepare a Transportation Systems Management (TSM) program prior to commencing Development of Phase II, which is intended to divert a number of vehicle trips from the p.m. peak hour. The TSM shall be reviewed by the Hillsborough Area Regional Transit Authority, the Tampa Urban Area MPO, the TBRPC and the FDOT. The results of the TSM program may serve as a basis for the Developer to request Development Order amendments, including additions to the square footage approved for Phase I. If implemented, 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, the County may conduct a substantial deviation determination pursuant to Chapter 380.06 and amend this Development Order to change the TSM objectives and/or require additional roadway improvements.

C. ENVIRONMENT AND NATURAL RESOURCES

Air Quality

1. The Developer and/or its successors and assigns shall, at a minimum, employ the fugitive dust emission abatement procedures referenced in the ADA.
 2. The County shall reserve the right to require appropriate mitigation measures to alleviate any potential impacts of the project on ambient air quality.
- Land
3. The measures to reduce fugitive dust and fugitive dust air emissions, referenced in the ADA, at minimum, shall be implemented.
 4. The methods identified in the ADA as suitable to overcome soil limitations shall be required, as appropriate.

Pages 14-21 missing

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 12, 1990

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

Attn: Suzanne Cooper
DRI Coordinator

Re: Resolution No. R89-0321 - Tri-County Business Park
DRI #181 Development Order - Rutenberg Industrial
Corporation

Dear Ms. Cooper:

Enclosed please find an executed copy of the subject
resolution, adopted by the Hillsborough County Board of
County Commissioners on December 12, 1989.

We are providing this copy for your official files.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

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

ELF:LT

cc: Board files (orig.)

Tom Beck, Chief, Florida Department of Community Affairs
Steven M. Samaha, Attorney for Rutenberg Industrial
Corporation
Vince Marchetti, Assistant County Attorney
Jeff Miller, Director, Planning & Zoning

Enclosure

Mailed 1/12/90
Received 1/16/90

MEETING OF: Board of County Commissioners
MEETING DATE: December 12, 1989
PETITION NUMBER: DRI #181
DATE TYPED: January 12, 1990

Resolution No. R89-0321

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI # 181 DEVELOPMENT ORDER
TRI-COUNTY BUSINESS PARK

Upon motion by Commissioner Poe, seconded by
Commissioner Colson, the following Resolution was
adopted by a vote of 5 to 1 Commissioner(s)
Platt, voting "No".

WHEREAS, on January 13, 1989, Rutenberg Industrial Corporation, authorized agent for Tri-County Business Park, Ltd. (hereinafter referred to as "Developer") filed an Application for Development Approval (which, together with the sufficiency response filed June 19, 1989, and the 032 Agreement are hereinafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with Hillsborough County ("County"), Hillsborough County City-County Planning Commission, Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TERPC"), and other appropriate agencies pursuant to the provisions of Section 380.06, Florida Statutes, as amended ("Chapter 380"); and

WHEREAS, the ADA proposed development of Tri-County Business Park, a mixed-use light industrial, office and commercial development (the "Development" or "Project") located on approximately three hundred eighty-six (386) acres in northwest Hillsborough County (the "Property"); and

WHEREAS, the Property is located within the unincorporated area of Hillsborough County; and

WHEREAS, On January 9, 1989, the Developer, DCA, and TERPC entered into an agreement pursuant to Subsection 380.032, Florida Statutes (the "032 Agreement"), a copy of which is annexed hereto as Exhibit "A", allowing completion of development of approximately 120,000 square feet of space within the existing development on one hundred four (104) acres adjacent to the Property (the "Existing Development"), pursuant to the terms of the 032 Agreement; and

WHEREAS, the Developer has agreed to include the Existing Development in the ADA solely for the limited purposes specified in the 032 Agreement; and

WHEREAS, the Hillsborough County Board of County Commissioners (the "Board"), 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 applicable sections of the County Zoning Code (Ordinance 85-10), as amended, have been satisfied; and

WHEREAS, the Zoning Hearing Master appointed pursuant to the County Zoning Code, has held a duly noticed public hearing on the ADA, considered testimony and other documents and evidence, reviewed the ADA and filed a recommendation regarding the ADA with the Board; and

WHEREAS, the Board has on December 12, 1989, held a duly noticed public hearing on the ADA and has heard and considered testimony and other documents and evidence; and

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

WHEREAS, the Board has solicited, received and considered reports, comments and recommendations from interested citizens, the County, and other governmental agencies; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearings on the subject DRI before the Zoning Hearing Master and the Board; and

WHEREAS, the County has approved a PD-RP Zoning District for the Property pursuant to County Resolution No. _____.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 12th DAY OF December, 1989, AS FOLLOWS:

SECTION I. FINDINGS OF FACT

The Board, having received the ADA and having received and considered all comments, testimony, and evidence submitted by the Developer, appropriate reviewing agencies and the public, finds there is substantial evidence to support the following findings of fact:

- A. The recitals set forth in the "whereas" paragraphs described above are true, accurate and correct, and are incorporated herein by reference.
- B. An affidavit certifying distribution of the ADA is attached hereto and marked "Exhibit B" and incorporated herein by reference.
- C. The property which is the subject of the ADA, is legally described in Exhibit "C" attached hereto and incorporated herein by reference.
- D. The proposed Development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- 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, the TBRPC, and other affected agencies.
- F. The County has entered into the following agreements that provide certain water, sewer, and other rights to the Property:
 1. Agreement dated February 21, 1962, between the City of St. Petersburg and Sunshine Oldsmar Farms, Inc.
 2. Waste and Wastewater Supply Agreement dated January 22, 1982, between Hillsborough County, Oldsmar Palms Corporation, ("Palms") and RTF Associates.
 3. Sewer Line Oversizing Agreement dated April 27, 1983, between Palms and Hillsborough County.
 4. First Amendment to Sewer Line Oversizing Agreement dated July 12, 1989, between Palms and Hillsborough County.
 5. Water Main Agreement dated August 10, 1983, between Developer and Hillsborough County.

6. Interim Wastewater Treatment Plant Agreement dated February 19, 1986, between Developer and Hillsborough County.
7. First Addendum to Interim Wastewater Treatment Plant Agreement dated June 24, 1987, between the Developer and Hillsborough County (the foregoing agreements are collectively referred to as the "Water and Sewer Agreements").
- G. The Authorized Agent of Developer is Rutenberg Industrial Corporation, 2454 McMullen Booth Road, Suite 425, Clearwater, Florida 34619, Attention: James S. Shapiro.

SECTION II. CONCLUSIONS OF LAW

The Board, having made the above findings of fact, and based upon compliance with the terms and conditions, of this Development Order, the provisions of the ADA, and the reports, recommendations and testimony heard and considered by the Zoning Hearing Master and the Board, hereby reaches the following conclusions of law:

- A. The development will not unreasonably interfere with the achievement of the objectives of the adopted state land development plan applicable to the area.
- B. The development is consistent with local land development regulations and the County's comprehensive plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Florida Statutes, as amended, and Chapter 75.390, Laws of Florida, as amended, and the goals and policies of the comprehensive regional plan and the state comprehensive plan.
- C. The development is consistent with the report and recommendation of the TBRPC.
- D. This Development Order satisfies the provisions of Chapter 380.
- E. In considering whether the Development should be approved subject to conditions, restrictions, and limitations, the County has considered the criteria stated in Section 380.06, and more specifically, Subsection 380.06(14), Florida Statutes.
- F. The review by County, the Hillsborough County City-County Planning Commission, the TBRPC, and other participating agencies and interested citizens have adequately addressed all impacts of the Development, pursuant to the requirements of Chapter 380, within the terms and conditions of this Development Order and the ADA.
- G. The ADA is approved subject to all terms and conditions of this Development Order.
- H. The adopted Comprehensive Plan for Hillsborough County, titled "The Future of Hillsborough", designates the area within which the property lies as Light Industrial, ("LI"), Research Corporate Park ("RCP"), and Environmental ("E").

SECTION III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the ADA for the Tri-County Business Park DRI.
- B. All provisions contained within the ADA 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.

- C. The definitions contained in Chapter 380, shall govern and apply to this Development Order.
- D. This Development Order shall be binding upon the Developer and its assigns or successors subject to the provisions of Section III.G. 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 power, and duties of any branch of government or governmental agency.
- E. In the event that any portion or section of this Development Order 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 which shall remain in full force and effect.
- F. 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 to review developments set forth under applicable laws and rules governing DRIs.
- G. In each instance in this Development Order where the Developer is responsible for ongoing maintenance, monitoring, preparation of plans, reports and analysis, and other obligations, the Developer may transfer any or all of its responsibilities pursuant to this Development Order to an appropriate private body created to perform such responsibilities; provided, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County. Third party purchasers and lessees of portions of any portion of the Property shall not be responsible for satisfying any of the obligations of the Developer pursuant to this Development Order that are retained by the Developer or an assignee of the Developer, but shall comply with all restrictions set forth in Section IV.C. regarding Environment and Natural Resources that pertain to the portion of the Property sold or occupied by such third party. In the event that a portion of the Property is conveyed to a third party purchaser and the Developer specifically assigns all of its, then remaining, Phase I approved intensity to such third party, all of the obligations set forth herein, including the transportation obligations set forth in Section IV.B. if not, as yet, accomplished, shall be binding upon only that portion of the Property that has been specifically assigned the remaining Phase I intensity rights.
- H. The remaining Phase II and III portions of the Property shall be subject to further Chapter 380 analysis of transportation and air quality as set forth in Section IV.A. hereof.
- I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria set forth in Chapter 380, 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 the County and TBRPC, shall result in further DRI review pursuant to the provisions of Chapter 380.
- J. The Board and the County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order.

- K. The Developer shall file an annual report in accordance with Chapter 380 and appropriate rules and regulations. The report shall be submitted on DCA Forms BLWM-07-85, as amended. Such report shall be due on January 31, 1991, and January 31, of 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. The Board shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board hearings wherein such report is to be reviewed. The receipt and review by the Board 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 DCA to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the DCA pursuant to Chapter 380; 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 setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Development Order; and
 4. All monitoring results required pursuant to the terms of this Development Order; and
 5. Any requests for substantial deviation determination that were filed in the reporting year.
 6. A statement listing all Applications for Incremental Review, if applicable, 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
 7. 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. All Development undertaken pursuant to this Development Order shall be in accordance with all applicable County codes and ordinances and other laws in effect at the time of permitting, except as otherwise specifically provided herein or by applicable law.
- M. This Development Order shall apply to the Property legally described on Exhibit "C" attached hereto.
- N. This Development Order shall take effect upon the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended. A notice of the adoption of the Development Order, if the Development Order itself is not recorded with the Clerk of Circuit Court of Hillsborough County, shall be filed among the aforesaid public records pursuant to the requirements set forth in Florida Statutes, Section 380.06(15)(f).

SECTION IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

The development of the Project shall proceed in accordance with the following proposed phasing schedule:

	Commercial (sq.ft.)	Industrial/ Manufacturing/ Warehouse/ Distribution/ Research Permitted Pursuant to the County PD-RP Zoning District (sq.ft.)	Office (sq.ft.)
Phase I (1989-1995)	50,000	900,000	-0-
Phase II (1995-2000)	25,000	1,725,000	100,000
Phase III (2000-2005)	-0-	900,000	-0-
TOTALS	75,000	3,525,000	100,000

1. Specific final development approval is accorded to Phase I, subject to the conditions contained herein. Specific approval of Phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigation or cure these impacts.
2. 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 law, which approval shall not be withheld if the terms of this Development Order are otherwise complied with. Any significant departure in project build-out from the phasing schedule set forth in the ADA shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes, as amended.
3. This Development Order shall remain in effect for a period up to and including December 1, 2005. No new construction shall commence after expiration of this Development Order. Provided, however, any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of this Development Order, if approved. This Development Order may be extended by the Board on the finding of excusable delay in any proposed development activity provided that an extension of the buildout period for any phase or the total development period for more than the time period specified by Chapter 380 may trigger a substantial deviation pursuant to Chapter 380. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Development Order.

4. The development shall not be subject to down-zoning, intensity reduction, or change to a more restrictive land use category until December 1, 2005, unless the County 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 changes are clearly established by local government to be essential to the public health, safety, or welfare. For the purposes of this Development Order, the term "down-zoning" shall refer to any regulation that has the effect of reducing the total approved intensity as set forth in Section IV.A. Provided, however, nothing in this Section IV.A.4 shall be construed to prohibit (i) legally enacted changes in zoning or land use regulations which do not decrease the development rights granted to the Developer pursuant to this Development Order, (ii) any development rights which may arise as a result of this Development Order, and (iii) the Developer from requesting any modifications to this Development Order or the PD-RP Zoning District at any time.

B.

TRANSPORTATION

1. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 600,000 square feet of industrial space on Phase I, or (ii) 622 p.m. peak hour vehicle trips are generated from Phase I, an annual monitoring program to provide peak-hour traffic counts at the entrance to the Development shall be instituted to verify that the projected number of external trips for the Development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the annual report is not submitted within thirty (30) days after the due date or the annual report indicates that the total number of external vehicle trips generated by the Development exceeds that which was projected during the original DRI review by more than fifteen (15) percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and if the variance is determined to be a substantial deviation, County may amend the Development Order to require additional roadway improvements and/or other mitigation measures. If the excess is determined to be a substantial deviation, the revised transportation analysis required pursuant to Chapter 380.06 will be based on the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request that the Development Order be amended.
2. The Developer, at its option, shall mitigate the impacts of the Phase I Development on the regionally significant roadway system by satisfying any one of the transportation mitigation options hereinafter described. The mitigation measures set forth hereafter may be implemented singly or in combination, subject to County approval, to mitigate the impacts of this development, or each phase thereof on regional transportation facilities. Compliance with the provisions of any one of the transportation mitigation options has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to Phase I of the Development on the regionally significant roadway network, consistent with Florida law and applicable rules of the County, DCA, FDOT, and the TBRPC.

3. The three (3) transportation improvement options available to the Developer are as follows:

(i) Option 1: Funding Commitments

(a) Any approval of Phase I of this development shall require funding commitments from responsible entities for the following roadway improvements. For the purposes of this Development Order, the Developer is considered as one of a number of possible responsible entities capable of providing the mitigation of the transportation impacts of the Development. For the purposes of this Development Order, funding commitments can be Developer's commitments for actual construction, actual (or committed for in binding contractual form) construction by any public or private entity, the placement of improvements in the transportation improvement work programs of the County or the State of Florida, or any combination of the foregoing. Without funding commitments for the following improvements, construction permits shall not be issued for Phase I.

- (1) Provide the link improvements indicated in Table 1 to Exhibit "D" annexed hereto.
- (2) Provide the intersection improvements indicated in Table 2 to Exhibit "D" annexed hereto.

(b) In lieu of Section IV B.3.(i)(a) above, the Developer may subphase the Development when such subphasing identifies and ties specific amounts of project development (within a phase) to specific improvements to the regionally significant roadway network. Such subphasing shall be acceptable under the following conditions:

- (1) TBRPC and the County shall concur with the defined amount of development to be specifically allowed;
- (2) Funding commitments for roadway improvements will be required when the regional roadways will operate below Level of Service ("LOS") D at p.m. peak hour for urban roads, and LOS C at p.m. peak hour for rural roads ("LOS D/C"), and the Development contributes five (5) percent or more of the then existing LOS D/C at p.m. peak hour capacity of the facility; and
- (3) A stop work order prohibiting development may be issued if the development triggers the need for roadway improvements pursuant to applicable TBRPC rules, but for which funding commitments cannot be assured, or if the required analysis or monitoring reports, as appropriate, are not submitted in a timely manner. Provided, however, that project construction for which permits have previously been issued shall not be affected by such failure to submit the required analysis or monitoring reports.

(ii) Option 2: Monitoring

- (a) 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 Tri-County Business Park 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 the County and the TBRPC, pursuant to the provisions of Chapter 380, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from completion of the currently approved Development 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 ADA or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D/C 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 pursuant to Option 2, the County or its designee shall ensure in written findings of fact that the regional roadways in the Tri-County Business Park transportation impact area are operating at or above a LOS D/C at peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D/C at peak hour. This Development Order shall be amended to address the specific Option 2 phase or subphase approval. Such amendment shall not constitute a substantial deviation.

- (b) Subject to the completion, review and approval by the County of a subphasing transportation analysis, together with any necessary Development Order amendments, subphasing is permitted under Option 2. If subphasing is elected by the Developer, funding commitments will be required for all regionally significant improvements (as listed in Table 1) which are necessary to accommodate the traffic impacts of a particular subphase of the Development prior to the commencement of that particular subphase of development. Prior to issuance of building permits beyond a particular subphase 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/C p.m. peak hour and the development would contribute five percent (5%) or more of LOS D/C p.m. 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. Notwithstanding anything contained herein or in the ADA to the contrary, Developer may proceed with a particular subphase of development provided that Developer mitigates the traffic impacts generated by such subphase by fully complying with the County Ordinance regarding concurrency.

(iii)

Option 3: Pipelining

- (a) In order to elect this Option 3, the Developer must make such election within ninety (90) days from the date that the Development Order becomes final and nonappealable. Upon such election, the Developer shall provide written notice of the election to the County and TBRPC within the aforesaid time frame. The requirements of this section have been determined to make adequate provision for, or to provide the appropriate requirements to cure and mitigate the impacts of, the public transportation facilities needed to accommodate the traffic impacts of Phase I of the Development. The requirements set forth below have been determined to be consistent with applicable County, TBRPC, DCA, FDOT, and MPO regulations and Rule 9J-2.0255, FAC.
- (b) The Developer, using Developer's proportionate share amount, as hereinafter defined, calculated pursuant to Rule 9J-2.0255, FAC, shall satisfy one of the two pipeline alternatives as hereinafter described.
- (c) The two possible link and intersection improvements which are consistent with the County, Tampa Urban Area MPO and FDOT long-range plans, and are acceptable to the County, TBRPC, the Tampa Urban Area MPO and FDOT, are the following (the "Pipeline Improvements"):

(1) S.R. 580/Race Track Road Intersection Improvements.

Developer shall construct improvements at the intersection of S.R. 580 and Race Track Road consisting of the following: Four (4) through lanes, one (1) left-turn lane, and one (1) right-turn lane for westbound traffic traveling on S.R. 580; three (3) through lanes, two (2) left-turn lanes, and one (1) right-turn lane for eastbound traffic traveling on S.R. 580; two (2) left-turn lanes, one (1) through lane, and one (1) right-turn lane for southbound traffic traveling on Race Track Road; and the realignment, right and left-turn lanes of Lafayette Street; all as depicted in FDOT drawings dated 3/88, described as Preferred eight (8) lane Alternate (preliminary) (collectively, the "Intersection Improvements"). The estimated amount of the Intersection Improvements is \$1,644,967.00. In the event the Developer, County, and FDOT do not enter into a mutually acceptable joint participation agreement within one hundred twenty (120) days from the date the Developer elects the pipeline option, the Intersection Improvements shall not be made and Developer shall satisfy the obligations described in paragraph IV, B, 4, iii, c, 2 below. The joint participation agreement shall require the FDOT to acquire all right-of-way necessary for the Intersection Improvements and to provide funds to cover any shortfall between the cost of designing, permitting, and constructing the Intersection Improvements less the Developer's proportionate share, require the completion of construction of the Intersection Improvements within the twelve (12) months from the commencement of construction as set forth in Section IV B, 4, iii, d., and require the FDOT to acknowledge that the

Developer's proportionate share contribution toward the cost of the Intersection Improvement shall be credited as part of the County's obligation to contribute funds and/or facilities to FDOT pursuant to the County Road Network Improvement Program Ordinance.

(2) Linebaugh Avenue Improvements

In the event the Developer, County, and FDOT do not enter into a mutually acceptable joint participation agreement with respect to the Intersection Improvements within one hundred twenty (120) days from the date the Developer elects the pipeline option, Developer shall enter into a mutually acceptable joint participation agreement with the County providing for the construction of third (3rd) and fourth (4th) lanes to the Linebaugh Avenue extension from Race Track Road to Ehrlich Road and the improvement of the intersection of Linebaugh Avenue and Race Track Road with signalization, when warranted, and double left-turn lanes from the north, south, and east (collectively, the "Linebaugh Improvements"). The procedures for distribution of the monies by the Developer hereunder shall be as set forth in aforesaid joint participation agreement. The Developer and the County shall enter into a mutually acceptable joint participation agreement within ninety (90) days after the date this paragraph becomes effective due to the failure of the Developer, County, and FDOT to enter into a mutually acceptable joint participation agreement with respect to the Intersection Improvements. The Developer shall reimburse the County up to but no greater than the entire proportionate share. The estimated cost of the Linebaugh Improvements is approximately \$800,000.00.

(d) The following provisions shall apply to the Pipeline Improvements

(1) The design of the Intersection Improvements or Linebaugh Improvements shall be prepared in a manner normally used by the entity that will ultimately be responsible for the Intersection Improvements. The design shall be reviewed and approved by FDOT and/or the County, as applicable, prior to construction of Intersection Improvements, or the Linebaugh Improvements, as applicable. The design shall be completed and approved within twelve (12) months after the Developer, County, and FDOT, as applicable, enter into the joint participation agreement. The design shall include thirty percent (30%), sixty percent (60%), and one hundred percent (100%) design completion reviews and approvals.

(2) A period of twelve (12) months from the date the right-of-way requirements have been specified in a form acceptable to the County shall be allowed for the purpose of right-of-way acquisition by the County and/or FDOT, as applicable.

3) Upon approval of the design of the Intersection Improvements or Linebaugh Improvements, as applicable, by the FDOT and/or County, as appropriate, Developer shall select a contractor within three (3) months of the date of the last of such approvals. The County and/or FDOT, as appropriate, shall acquire, at its cost, the needed right-of-way for the Intersection Improvements or Linebaugh Improvements as described above. Provided, the County shall not be required to obtain any right-of-way for Race Track Road in order to improve the Linebaugh/Race Track intersection. The County and/or FDOT, as applicable, shall assist the Developer, when appropriate, in the processing of all permits, approvals, utility relocations, and utility easements necessary to complete the Intersection Improvements or Linebaugh Improvements, as applicable, provided that the County and/or FDOT, as applicable, shall not be responsible to fund any application or processing costs or fees associated therewith.

4) Upon completion of the design, and securing of the necessary permits, approvals, utility relocations, and easements, Developer shall commence construction and shall construct and complete the Intersection Improvements or Linebaugh Improvements within twelve (12) months from the date of commencement of construction. The Developer shall have no liability for any costs related to the Intersection Improvements greater than the proportionate share amount set forth below. The County shall not be required to, fund any shortfall between the proportionate share and the cost of the Linebaugh Improvements.

5) Notwithstanding anything herein to the contrary, in the event that the performance by the Developer, FDOT, or the County as set forth herein shall be interrupted or delayed by any occurrence, and not occasioned by the conduct of either the Developer, FDOT, or the County, whether such occurrence is an act of God or the result of war, riot, or civil commotion, or otherwise, then the Developer, FDOT, or the County shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. All time periods set forth in this Section IV,B.4. related to the construction of the Pipeline Improvements shall be tolled until the required right of way has been acquired by the County and /or FDOT, as applicable, and during all times that plans and specifications are being reviewed by governmental agencies in excess of fifteen (15) business days. The County and other governmental agencies shall have fifteen (15) business days to review and approve all relevant applications from the date of submittal of complete and acceptable applications. Additionally, all time periods shall be extended by the time in excess of the aforementioned fifteen (15) business day period that it takes the County, and/or FDOT, as applicable, or other required governmental agencies to review and approve applications and/or plans and specifications submitted by Developer related to the Pipeline Improvements.

- (e) For purposes of this Development Order, Developer's proportionate share of the cost of the Transportation Improvements necessary to accommodate the impacts of Phase I of the Development on the roadways and intersections set forth in Exhibit "D" attached hereto have been calculated to be \$1,644,967.00 (the "Proportionate Share").
- (f) Right-of-way dedication made by the Developer for Race Track Road shall be credited against the County impact fee. The Developer shall submit property appraisals prepared by a qualified appraiser to the County to support a determination of the amount of the credit.
- (g) Developer shall receive a credit against the Proportionate Share in an amount equal to the transportation impact fees collected in connection with the Existing Development.
- (h) In the event there is any remaining portion of the Developer's Proportionate Share after the satisfaction of one (1) of the two (2) Pipeline Alternatives, such funds shall be utilized to reimburse the County for construction of two (2) additional lanes to Race Track Road from the intersection of Race Track Road with the S.R. 580 and proceeding in a northerly direction or other roadway improvement agreed to by the County, TBRPC, and the Developer until the remaining portion of the Developer's proportionate share has been expended. This Development Order shall be amended to reflect the use of the remaining proportionate share for any improvement, other than Race Track Road as herein provided, agreed upon by the County, TBRPC and Developer. Provided, such amendment shall not constitute a substantial deviation. The Developer shall reimburse the County for such improvements pursuant to the provisions of the joint participation agreement described above, to the extent of the remaining amount of the proportionate share. Any portion of the proportionate share in excess of applicable impact fees for Phase I shall be credited against impact fees for Phase II.
- (i) Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 600,000 square feet of industrial space on Phase I, or (ii) 622 p.m. peak hour vehicle trips are generated on Phase I, then the Developer shall prepare a Transportation Systems Management (TSM) program prior to commencing Development of Phase II, which is intended to divert a number of vehicle trips from the p.m. peak hour. The TSM shall be reviewed by the Hillsborough Area Regional Transit Authority, the Tampa Urban Area MPO, the TBRPC, and the FDOT. The results of the TSM program may serve as a basis for the Developer to request Development Order amendments, including additions to the square footage approved for Phase I. If implemented, 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, the County may conduct a substantial deviation determination pursuant to Chapter 380.06 and amend

nis Development Order to change the TSM objectives, and /or require additional roadway improvements.

j.

Phase I Development will not commence until the East West Connector Road from Race Track Road to Forest Lakes Boulevard and the Linebaugh Avenue Extension from Sheldon Road to Race Track Road (together, the "New Roads") are Committed Improvements. The New Roads shall be deemed Committed Improvements at such time as construction contracts for the New Roads have been let, construction of the New Roads has commenced, the New Roads are in the first year of a transportation improvement program, or annual element of a work program, or otherwise considered committed roads pursuant to the County and TBRPC regulations and /or policy. If the New Roads are not Committed Improvements within one (1) year from the date this Development Order becomes final and nonappealable, Developer may either (a) elect Option 1 or Option 2 in order to mitigate all of the traffic impacts of Phase I of the Project, or (b) submit a revised Proportionate Share calculation for the County's and TBRPC's approval pursuant to Chapter 380. In the event Linebaugh Avenue Extension is not a Committed Improvement prior to the date Developer is required to submit the revised Proportionate Share analysis, Developer may, with County and TBRPC approval, utilize the remaining portion of its Proportionate Share to construct the first two lanes of the Linebaugh Avenue Extension or other roadway improvement agreed to by the Developer, County and TBRPC. The use of the remaining portion of the Proportionate Share for the Linebaugh Avenue Extension or other roadway improvement agreed to by the Developer, County and TBRPC shall not constitute a substantial deviation. However, Developer shall file a notice of change to the Development Order. In the event Developer elects to mitigate the traffic impacts of Phase I pursuant to Option 1 or Option 2, Developer shall receive credit against applicable transportation impact fees and Proportionate Share calculations for all monies spent in connection with the design of the Pipeline Improvements. However, impact fee credits shall be provided only when the improvement for which the design was performed is a Committed Improvement and the Committed Improvement is consistent with the design that is performed.

- (k) The County shall provide access to the final roadway corridor for that portion of the Linebaugh Avenue Extension located west of the Thomas Ranch property, pursuant to the requirements of Resolution Number RZ89-0098, within thirty (30) days from the date this Development Order becomes final and nonappealable.

C. ENVIRONMENT AND NATURAL RESOURCES

Air Quality

1. The Developer and/or its successors and assigns shall, at a minimum, employ the fugitive dust emission abatement procedures referenced in the ADA.
2. The County shall reserve the right to require appropriate mitigation measures to alleviate any potential impacts of the project on ambient air quality.

Land

3. The measures to reduce soil erosion and fugitive dust air emissions, referenced in the ADA, at minimum, shall be implemented.
4. The methods identified in the ADA as suitable to overcome soil limitations shall be required, as appropriate.

Water Quality and Drainage

5. Elevations for all habitable structures shall be at or above the 100-year flood elevation.
6. The final drainage plan for each portion of the Development shall be submitted to TBRPC for review and to the County and SWFWMD for approval prior to construction within each such portion. The proposed stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the approved conceptual drainage plan, SWFWMD permit #492961, issued August 30, 1988. Best Management Practices for reducing water quality impacts, as recommended by the County and SWFWMD, shall be implemented.
7. In order to protect water quality in the Double Branch Creek watershed, there shall be no degradation of water quality standards by stormwater exiting the site in violation of applicable regulations. Therefore, it is appropriate that the Developer continue semiannual surface water quality monitoring. The monitoring shall commence at the initiation of site Development and continue through project build-out. If no construction at the Development has taken place between the date of the last monitoring and the date the next monitoring is due, then the Developer is not required to monitor for that period. The following shall apply:
 - (a) Sampling locations shall be the same as those used for ADA preparation and approval.
 - (b) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
 - (c) The monitoring results shall be submitted to the County, FDER, and SWFWMD. Should the monitoring indicate that applicable state water quality standards (Chapter 17-3, FAC) are not being met due to a violation occurring on the Property, the violation shall be reported to the County immediately and appropriate action taken to end the violation determined by the County, including cessation of construction causing the violation.
8. In order to protect water quality in proximity to the Cosme-Odessa and Northwest Hillsborough Regional wellfields, there shall be no degradation of water quality standards in groundwater from the site in violation of applicable regulations. In the event any of the monitoring of groundwater currently being conducted on the site by governmental agencies indicates that applicable state water quality standards (Chapter 17-3 FAC) are not being met due to a violation occurring on the Property, an annual groundwater quality monitoring program shall be provided by a responsible entity through project build-out. The following shall apply:

- (a) Sampling locations and parameters shall be determined in cooperation with the County, SWFWMD and TBRPC.
- (b) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
- (c) The monitoring results shall be submitted to the County, FDER, and SWFWMD. Should the monitoring indicate that applicable state water quality standards (Chapter 17-3, FAC) are not being met, due to a violation occurring on the Property, the violation shall be reported to the County and FDER immediately and appropriate action taken to end the violation. The appropriate action may include Developer participation in groundwater monitoring.

9. In the absence of a dedication to, and acceptance by, the County of specific drainage facilities, the Developer and its successors or assigns including, but not limited to, a property association, shall be the responsible entity for the maintenance of the on-site stormwater management systems.

Wetlands

10. The portions of the Tri-County Business Park site which meet TBRPC's definition of preservation and conservation areas are depicted on the map on page 11 of the Adopted TBRPC DRI Final Report and shall be so designated on the revised master site plan submitted to the County pursuant to Condition 37 of Hillsborough County Resolution Approving Rezoning Petition No. 89-0714 that accompanied the Development Order.

11. In order to protect the natural values of preserved/conserved wetland areas, no adverse hydroperiod alteration shall be permitted in remaining conservation and preservation areas as identified in Section IV.C.10. above and on the master site plan, and except for infrastructure, no dredging, filling, or development activities will be allowed within preservation areas and activities within the conservation areas shall be limited to stormwater management outfall structures, boardwalks, and infrastructure, all as except otherwise allowed by law.

12. All wetland losses shall require 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being disturbed, unless otherwise approved by agencies having jurisdiction. All mitigation areas and littoral shelves shall be monitored semiannually for a period of four (4) years. Monitoring shall include species diversity and composition and efforts to control nuisance species encroachment. Additional planting may be required to maintain an eighty (80) percent survival of planted species at the end of three (3) years.

Vegetation and Wildlife

13. In the event that any species listed in Sections 3927.003-.005, FAC, are observed frequenting the Development 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).

14. Representative tracts of the Pine Flatwoods and Pine Mesic Oak vegetative communities, as depicted on the map on page 11 of the Adopted TBRPC DRI Final Report, shall be preserved on-site in the locations specified on the revised master site plan as hereinbefore defined in a manner which will ensure their continued natural function and value.

Archaeological and Historical Resources

15. The discovery of any 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 County.

D. ECONOMY

1. The development and promotion of an expanded day-care system shall be encouraged.
2. In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to commencement of Phase II development, conduct an analysis of the housing needs to be created by the Development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the Development. This analysis and determination shall be accomplished using a methodology approved by the DCA. If such analysis indicates that the Development will create a substantial need for adequate housing that is not being provided by other residential development proximate to the Development and if such an analysis indicates that the Development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to the Development Order, which amendment shall not be considered a substantial deviation. The HAIP shall comply with the goals and standards established by the TBRPC Comprehensive Regional Policy Plan, the adopted County Comprehensive Plan, and all applicable rules and policies established by the DCA prior to the commencement of development of Phase II.

At a minimum, the HAIP shall contain:

- A. Specific provisions for off-site housing within proximate distance of the Development.
- B. Specific mechanisms for HAIP implementation.
- C. Provisions to ensure continued adequacy of units provided.
- D. Monitoring provisions.
- E. Recommended location and placement of adequate housing units.
- F. An assessment of the HAIP and its relationship to the County comprehensive plan in regard to the need for adequate housing.

In addition, the HAIP may also contain:

- (a) Proposed provisions for crediting the Developer for activities that address adequate housing opportunities.
- (b) Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternatives or expedited development review, or partial or full fee waivers.

E.

PUBLIC FACILITIES

Wastewater Management

- 1. The Developer shall establish a plan and schedule whereby on-site sewer lines not dedicated to the County shall be monitored for leaks and ruptures. The plan shall designate the entity(ies) to carry out the monitoring and shall include a time schedule which outlines the dates or frequency of the monitoring program. Faulty lines shall be repaired as quickly as possible.
- 2. The County shall provide wastewater treatment to the Development as required in the existing agreements with the County.
- 3. No disposal of commercial or hazardous waste in the sewer system is permitted in violation of law.
- 4. Tri-County Business Park shall implement a wastewater re-use system when such a system is available at the boundary of the Property on those portions of the Property currently utilizing or contemplated to be utilizing potable water for irrigation purposes.

Water Supply

- 5. The County shall provide water service for the Development pursuant to the existing agreements with the County.
- 6. Water conservation devices shall be incorporated into the Development's design and construction guidelines to the extent mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). Native vegetation shall be used in landscaping wherever practical.
- 7. The Developer shall use the lowest quality water reasonably available sufficient to meet non-potable water demands. In the first annual report following issuance of the Certificates of Occupancy for 200,000 square feet, the Developer shall submit a plan to the County and the TBRPC for using reasonably available non-potable water for irrigation.

Solid Waste

- 8. The County shall provide solid waste disposal to the Development at such charges as are specified in the applicable ordinance as the County may promulgate from time to time.

Energy

9. Where economically feasible, Tri-County Business Park should:
 - A. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and cogeneration;
 - B. Use landscaping and building orientation to reduce heat gain,;
 - C. Install total energy systems where cost effective.
10. Tri-County Business shall utilize and encourage:
 - A. Reduced levels of operation of all air conditioning, heating, and lighting systems during non-business hours,
 - B. Elimination of advertising requiring lighting after business hours,
 - C. The use of energy-efficient packaging and/or recyclable materials, and
 - D. Participation by project tenants in recycling programs, and
 - E. Shall report on the participation in those and other energy programs in each annual report.

Open Space

11. The Developer and its successors or assigns, including, but not limited to, a property association, shall be responsible for maintenance of all open space areas at the Development.

Police, Fire and EMS

12. The County is the responsible entity for providing police, fire, and emergency medical services for Tri-County Business Park, but does not warrant or guaranty the adequacy of availability of such services.
13. All buildings in the project shall have fire sprinkler systems, as required by the Hillsborough County Fire Code.

F. HAZARDOUS WASTES

1. The Developer shall provide information to all Tri-County Business Park businesses that:
 - A. Indicates the types of wastes and materials that are considered by law 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, and waste exchange programs.

2. Tri-County Business Park shall catalog tenant businesses where hazardous materials and wastes are stored, handled, or transported and keep such information on file for emergency use.
3. The Developer shall inform all tenants of Tri-County Business Park about their responsibility to comply with Florida's Right-to-Know Law/Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) and the Resource Conservation and Recovery Act (RCRA). Insofar as the developer is an employer and is located within the project, it shall also comply with Florida's Right-to-Know Law/SARA Title III.
4. Tri-County Business Park tenants which produce waste which is not suitable to recycle, exchange, or for re-use, shall be encouraged to develop permissible on-site hazardous waste treatment capabilities to ensure public safety prior to transport.

G. CREDITS AGAINST LOCAL IMPACT FEE AND EXACTIONS

1. To the extent that the Developer or its successors or assigns are required hereunder to contribute land for any public facility or construction, expand or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer shall receive a credit for the Development Order exaction or fee toward an impact fee or exaction imposed upon the Development for this same need.

H. GENERAL CONDITIONS

1. Excess infrastructure capacity constructed to potentially serve the phases after Phase I of the Development shall be at Developer's risk and shall not vest rights to obtain construction permits for Phase II or III, nor shall it relieve the Developer from satisfying its obligations pursuant to this Development Order.
2. All amounts outstanding for initial review by TBRPC shall be paid within fifteen (15) days of billing. Payment of any future activities of the TBRPC with regard to the 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. Provided, Developer reserves the rights to request a detailed break-down of each bill and other rights provided by application regulations.
3. Notwithstanding this Development Order, the Developer, at its sole option, may resubmit the Development for review and approval under any area-wide Application for Development Approval, pursuant to Subsection 380.06(25), Florida Statutes, as amended, if such application encompasses the Development site. Any impacts assessed and satisfied pursuant to this Development Order shall be considered and credited to the Developer's obligations under any such area-wide Development Order.

4. Developer shall retain all rights to claim vested rights pursuant to any County regulation or ordinance setting forth the procedures for obtaining a vested rights determination or otherwise.
5. Any change in the Development which meets the criteria set forth in Subsection 380.06(19), Florida Statutes, shall constitute a substantial deviation, unless otherwise provided herein.
6. All of the Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer's Commitments" shall be honored, except as they may be superseded by specific terms of this Development Order.
7. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.
8. The effective date of this Development Order shall be the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.
9. This Development Order shall be deemed rendered as of the postmark date of the transmittal of copies hereof to DCA, TBRPC, and the Developer.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of 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 December 12, 1989 as same appears of record in Minute Book 163 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 12th day of January, 1990.

RICHARD AKE, CLERK

By: Judith M. Nicholas
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY [Signature]

Approved As To Form And
Legal Sufficiency.

FILED
CLERK OF CIRCUIT COURT
RICHARD
1989

OFF 630 PAGE 1257

AGREEMENT FOR TRI-COUNTY BUSINESS PARK

THIS AGREEMENT is entered into this 9th day of JANUARY, 1989, by and between TRI-COUNTY BUSINESS PARK, LTD., a Florida limited partnership (hereinafter referred to as "Owner"), THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS (hereinafter referred to as the "Department") and the TAMPA BAY REGIONAL PLANNING COUNCIL (hereinafter referred to as "TBRPC").

W I T N E S S E T H:

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

WHEREAS, the Department is authorized to enter into agreements pursuant to subsection 330.032(3), Florida Statutes, which effectuate the provisions and purposes of Chapter 380; and

WHEREAS, Owner submitted a pre-application project narrative summary for Tri-County Business Park expansion (the "Pre-Application Project Narrative") to TBRPC on November 11, 1987, for the 386 acre parcel described in the Pre-Application Project Narrative (the "DRI Property"); and

WHEREAS, Owner requested a postponement of the final approval of the Pre-Application Project Narrative in order to allow Owner and Department to determine the development of regional impact status of the existing, developed 104 acres that contains approximately 815,200 gross square feet of commercial, office, manufacturing, assembly, warehousing and warehouse distribution space and 1570 parking spaces (together with the approximately 120,000 gross square feet to be completed pursuant to this Agreement referred to as the "Existing Development") that is located adjacent to the DRI Property; and in Exhibit B hereto

WHEREAS, pursuant to the TBRPC's and Department's request, Owner has agreed to include the Existing Development in the DRI application for development approval solely for the limited purposes specified pursuant to the terms of this Agreement; and

EXHIBIT A

Represented by: Annis, Mitchell et al
P.O. Box 3433
Tampa, FL 336
Att: SMS/Debi

RECORD VERIFIED
Richard L. Annis

WHEREAS, Owner proposes to proceed with the DRI and the Department and TBRPC ("Other Parties") have agreed that the remaining development located within the Existing Development may be completed pursuant to the terms of this Agreement; and

WHEREAS, on March 28, 1988, the TBRPC approved the Pre-Application Project Narrative submitted by Owner, a copy of which is attached hereto as Exhibit A and made a part hereof.

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

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

2. Submittal of DRI. Within ninety (90) days from the date of this Agreement, Owner shall file the ADA for the DRI Property and the Existing Development. The Existing Development is being included within the DRI for the sole purpose of (a) providing data on the consumption of water, sewer, solid waste, electricity and drainage, and the size and land use types of the Existing Development, all of which shall be included in the background data (existing conditions) for the DRI impact area, and (b) providing information data as required by Florida Statutes 380.06 regarding transportation generated by the Existing Development. With regard to transportation, the trips generated by the Existing Development shall be included in project traffic and subtracted from background traffic for the purpose of identifying the study network and determining critical location and project impact. No other information shall be required to be included in the ADA and subsequent responses with respect to the Existing Development. This approach is warranted because the Existing Development has obtained all required local, state and federal permits prior to development, the Existing Development is owned by parties other than Owner and the Existing Development represents a completed project.

3. Completion of Development. At any time after the date of this Agreement, approximately 120,000 gross square feet of space may be developed in the Existing Development simultaneously with the DRI review. Specifically, approximately 78,000 gross square feet of commercial, office, manufacturing, assembly, warehousing and warehouse distribution space may be developed on Lots 6, 7 and 8 and approximately 42,000 gross square feet of the above-described space may be developed on Lots 13 and 14 of Tri-County Business Park Phase II as recorded in O.R. Book 55, Page 42, of the Public Records of Hillsborough County.

4. Chapter 380. This Agreement is in the best interest of the State and fairly applies and effectuates the provisions and intent of Chapter 380, Florida Statutes.

5. Binding Effect. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto with regard to the DRI Property and the property in the Existing Development described in Paragraph 3 above. Owner shall record a notice of this Agreement that complies with Section 380.06(8)(a)10, Florida Statutes, in the Official Records of Hillsborough County, Florida and shall provide the Department, within two (2) weeks of the date of execution of this Agreement, with a copy of the recorded notice including the official record book and page number of the recorded notice.

6. Other Permits. This Agreement affects the rights and obligations of the parties under Chapter 380, Florida Statutes. It is not intended to determine or influence the authority or decisions of any other state, federal or local government or agency in the issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this Agreement. The Other Parties have no objections to the issuance of necessary permits or approvals so long as the Owner is in good faith compliance with the terms of this Agreement.

7. Enforcement. The Other Parties agree not to (a) impose any liability on the owners of the Existing Development if different from the Owner herein or (b) attempt to obtain an injunction to interfere with, or attempt to impose any obligations on, the Existing Development that is not owned by Owner. The Other Parties reserve all rights of enforcement against the Owner herein with respect to any development allowed pursuant to this Agreement or the DRI development order.

8. Time. Time is of the essence. Failure to timely file the ADA or to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of this Agreement. In the event of such a breach, Owner shall immediately cease all development authorized by this Agreement.

9. Vested Rights. Owner shall not claim vested rights, or assert equitable estoppel, arising from this Agreement or any expenditures or actions taken in reliance on this Agreement, to continue with the total proposed development beyond the Existing Development and development permitted pursuant to this Agreement. This Agreement shall not entitle Owner to a final DRI development order approving the total proposed development nor to particular conditions in a final development order.

10. Default. Subject to the terms of paragraph 7 above, in the event of a breach of this Agreement or failure to comply with any condition of this Agreement within thirty (30) days after written notice, or if this Agreement is based upon materially inaccurate information, the Department may terminate this Agreement or file suit to enforce this Agreement as provided in Sections 380.06 and 380.11, Florida Statutes, including a suit to enjoin all development. The prevailing party in any administrative, judicial or appellate proceeding arising from this Agreement shall be entitled to an award of a reasonable attorneys fee, court cost, and the cost of investigation.

11. Development Order. The restrictions and conditions of the final development order issued pursuant to Chapter 380, Florida Statutes, shall apply to the development of the DRI Property.

WITNESSES:

[Signature]
Mark B. Gurevich

Approved as to form and legal sufficiency:

Shana M. Baker
Attorney, Department of Community Affairs
[Signature]
Shana M. Baker

OWNER

TRI-COUNTY BUSINESS PARK, LTD.,
a Florida Limited Partnership

BY: [Signature]
James S. Shapiro, President
of Rutenberg Industrial Corporation, as authorized representative of Tri-County Business Park, Ltd.

THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS

BY: Thomas D. Bellan
Its: [Signature]
Rhyme Building
2740 Centerview Drive
Tallahassee, FL 32399

TAMPA BAY REGIONAL PLANNING COUNCIL

Norma J. Ozgas
Norma J. Ozgas

BY: Julia E. Greene
Its: [Signature]

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 1st day of December, 1988, by James S. Shapiro, President of Rutenberg Industrial Corporation, as authorized representative of Tri-County Business Park, Ltd., a Florida limited partnership, on behalf of the partnership.

[Signature]
Notary Public
My Commission Expires: Mar. 2, 1992

Wade-Trim

OFF REC 5830 PAGE 12

March 8, 1988

Ms. Sheila Benz
Planning Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

RE: Tri-County Business Park Expansion, DRI #181

Dear Ms. Benz:

On behalf of Rutenberg Industrial Corporation, the authorized representative for Tri-County Business Park Ltd, we are hereby submitting forty-five (45) copies of the revised Pre-application Narrative Summary submitted on November 11, 1987 to initiate processing of the Application for Development Approval for the Tri-County Business Park Expansion.

This Narrative Summary identifies the study parameters established at the November 10, 1987, Traffic Methodology Meeting held in your office and Mr. Jay Calhoun's letter to Ms. Suzanne Cooper dated January 19, 1988, and the recent discussions between the applicant and representatives of the Florida Department of Community Affairs and the Tampa Bay Regional Planning Council regarding the status of the existing 104 acres.

It is our understanding that the existing development will be included in DRI #181 subject to specified limitations as agreed upon in our February 16, 1988 meeting, including TBRPC's authorization to complete the last two buildings.

We anticipate making a brief presentation of the proposed development at the TBRPC Clearinghouse Review Committee Meeting scheduled for March 28, 1988.

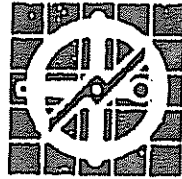
Please contact me at your earliest convenience if you have any questions.

Sincerely,

WADE-TRIM, INC.
David A. Schunzi
William A. Schunzi
Executive Vice President

cc: James Shapiro
Stephen Mitchell

TCBP 1:19
TBP2001.01



Group
Services:
Engineering
Planning
Sciences
Landscape
Architecture

RECEIVED

MAR 21 1988

BUREAU OF STATE
PLANNING
DRI SECTION

PREAPPLICATION PROJECT NARRATIVE SUMMARY

FOR

TRI-COUNTY BUSINESS PARK EXPANSION, DRI #181

Prepared For:

Rutenberg Industrial Corporation,
Authorized Representative for
Tri-County Business Park, Ltd.
13300 McCormick Drive
Tampa, Florida 33626

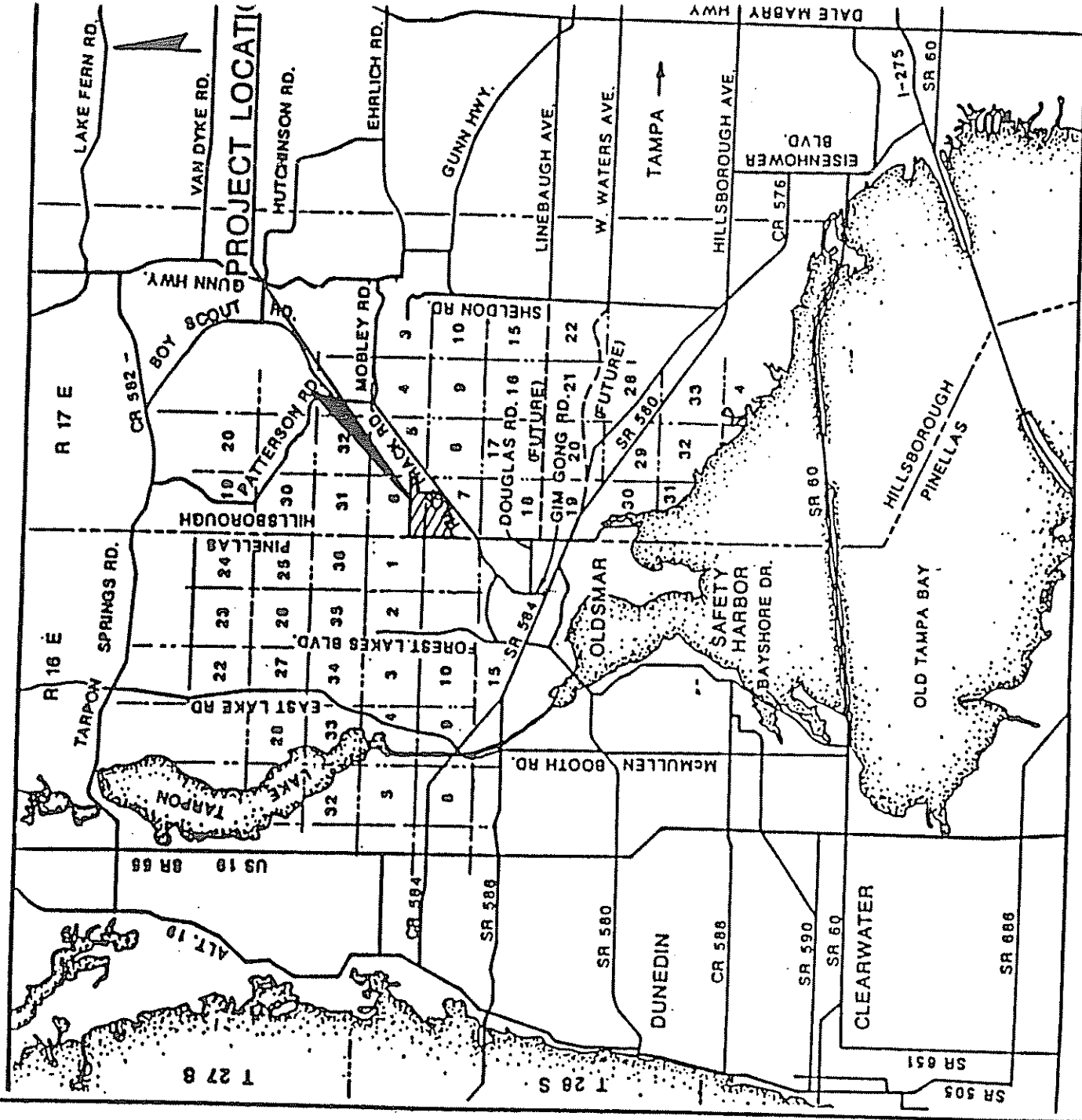
Prepared By:

Wade-Trim, Inc.
201 E. Kennedy Blvd., Suite 334
Tampa, Florida 33602

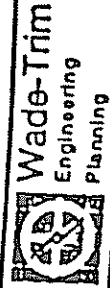
March 8, 1988



Wade-Trim



LOCATION MAP



Wade-Trim
Engineering
Planning
Landscape Architecture
Environmental Sciences

TRI-COUNTY
BUSINESS PARK

MAP

1

4.0 Project Description

Tri-County Business Park will be developed as a light industrial/business park on a 386 acre (MOL) tract of land in northwest Hillsborough County. Proposed uses include commercial, office, manufacturing, assembly, warehousing and warehouse distribution. Hillsborough County has designated the 386 acre site as Research Corporate Park in the County's "Horizon 2000" Comprehensive Land Use Plan. The current zoning classifications of the 386 acre site are "C-3", Commercial Light Industrial; "M-1A", Restricted Industry; and "A-A", Acreage Agricultural. Of the 386 acres, approximately 64 acres are zoned M-1A, and 22 acres are zoned C-3 with the balance zoned A-A. These classifications permit a wide range of uses including commercial and manufacturing, assembly, warehousing, warehouse distribution plus medium and high tech operations.

Tri-County Business Park, Ltd. proposes to build a total of 3,700,000 sq. ft. of light industrial/office/commercial space with construction scheduled to begin in December 1988. Map H illustrates the conceptual master development plan for the 386 acre development.

The project is being planned to provide high quality business park facilities. The proposed development plan provides for the development of multi-tenant facilities plus single-user facilities under a built-to-suit construction program. Offstreet parking will be provided adjacent to buildings with emphasis placed on landscaping and enhancement of existing natural resources. The project is proposed for a 15 year build-out development.

5.0 Existing Land Use

The Tri-County Business Park site contains pasture lands that are currently being used for cattle grazing under the Florida Land Use Classification Code System Codes 212 & 320 (FLUCCS). The property has been leased for a number of years to local owners for cattle grazing purposes. The cattle will be moved off the property when construction begins. Land uses abutting the property include vacant land to the north, existing light industrial/office/commercial to the south, vacant lands to the west (approved Tampa Bay Park of Commerce DRI Development), and vacant land across Race Track Road and Tampa Bay Downs stables to the east. A sizable amount of land in the area of Tri-County Business Park has received recent development approval and is planned for development in the near future.

6.0 Phasing Schedule

The proposed development will be completed over a period of fifteen (15) years from the date of DRI approval. Specific development phases will be provided in the Application for Development Approval.



7.0 Environmental Features Summary

OFF 5830 PAGE 1280
REC 5830

The property planned for development of Tri-County Business Park contains various categories of FLUCCS land use classifications. Included within the property boundaries are borrow and spoil areas, shrub and brushland, freshwater marsh and wet prairie, pine flatwoods, cypress, cypress pine, cabbage palm and pine-mesic oak. Approximately 63 percent of the site contains pine flatwoods and shrub and brushland.

Concurrent with the DRI review process, the applicant will be petitioning the Florida Department of Environmental Regulations to issue a binding Judicial Declaratory Statement for the entire 386 acre site. The majority of wetlands will not be altered and those that are located within identified development areas consist of isolated swamps. While isolated swamps will be used as stormwater retention/detention sites, others will be demucked and backfilled for roadway construction. The proposed development plan recognizes that the isolated, non-DER jurisdictional, wetlands have relatively little impact on the integrity and function of the overall wetland systems on site.

The predominating soils associated with this project include Malabar fine sand, Myakka fine sand, and depressional soils as Bassinger, Holopaw and Samsula throughout. Historically, the property has been used for cattle grazing and is undeveloped. Surrounding areas in the general vicinity have experienced a moderate amount of development. Tri-County Business Park lies primarily within Flood Zone C, areas of minimal flooding with a small portion of land being within Flood Zone B, or areas between limits of the 100-year flood and 500-year flood.

Vegetation and wildlife associated with on-site land use classifications are characteristic of those found throughout the region. Surveys will be conducted on-site through the ADA process to identify the varieties of plant and animal life present, and to identify any rare/or endangered species. Surveys will be conducted through sightings, trackings and trappings.

8.0 Traffic Methodology

The applicant will identify the impact of the proposed project on regionally significant roadways, and the roadway improvements which will be necessary on those roadways to maintain an adequate Level of Service (LOS).

- A. Project trips will be calculated using the trip rates contained in the Institute of Transportation Engineers' (ITE) Trip Generation report. The trip rates for Land Use Code 110-General Light Industrial, Land Use Code 140-Manufacturing, Land Use Code 821-Shopping Center 50,000 - 100,000 square feet and Land Use Code 712 - General Office 100,000 - 199,999 square feet will be utilized.

The project will be assessed in three phases with a buildout expected for year 2003.

- B. Transportation Impact Study Areas (TISA): The applicant, as required by TBRPC, will analyze all regionally significant links, intersections, and interchanges located in the regional network where the development traffic contributes more than 4.5 percent of the Level of Service D peak hour capacity of a facility.

The general study area boundaries are expected to be as follows: North - Tarpon Springs Road; South - SR. 590/Main Street Safety Harbor; East - Dale Mabry Highway; and, West - US 19.

- C. Analysis: Link and intersection analyses will be conducted in accordance with generally accepted transportation engineering practices appropriate for the study area. For both analyses, roadway improvements with construction funds committed for fiscal year 1988-89 and 1989-90 will be considered in the analysis as in-place. The following guidelines will be adhered to in carrying out each analysis.

1. Links: The applicant will perform link capacity analyses for all regionally significant roadways. Regionally significant roadways are defined in Future of the Region, Section 19. The roadways listed below are the regional roadways in the vicinity of this project that, based on the 4.5 percent criterion, may be necessary to analyze.

A link capacity analysis will determine the impact of project traffic on the following roadways at a minimum:

SR. 580	SR. 576	McMullen Booth Road
SR. 584	SR. 588	Race Track Road
SR. 586	CR. 233	Mobley Road.
SR. 590	US. 19	Gunn Highway
East-West Connector		Linebaugh Avenue Extension

A map will be provided in the DRI that illustrates the location of each of these roadways. The capacity analysis will be made using the Generalized Daily Level of Service Maximum Volumes tables provided by the FDOT. If the traffic associated with the development contributes 4.5 percent or greater of LOS D peak hour capacity, analyses to indicate improvements necessary to maintain LOS D at peak hour will be prepared and submitted as part of the ADA.

2. Intersections/Interchanges: The applicant, as required by TBRPC, will perform capacity analyses and weave analyses, as appropriate, for all regionally significant intersections/interchanges and any sub-regional intersections that provide primary access to the development or are used to receive or handle project traffic diverted from a regional roadway that, based on the 4.5 percent criterion, may be necessary to analyze. Regionally significant roadways are defined in Future of the Region, Section A.

The intersection analysis of future traffic will be conducted using both Circular 212 and 1985 Highway Capacity Manual (HCM) techniques. A peak hour Critical Movement Analysis (CMA) will first be conducted. If the intersection is operating at LOS C or better with project traffic included, or if project traffic is less than 4.5 percent of LOS D capacity, no further analysis will be conducted. If both thresholds are exceeded, an analysis will be performed using the 1985 HCM analysis techniques to determine any necessary mitigation measures. Mitigation will only be proposed if the 1985 HCM techniques show the intersection to be operating at a level of service worse than D. All recommended improvements will be consistent with the adopted Long Range Plan for the area. When peak hour analysis is performed and development traffic significantly contributes to right-turning movements, the applicant will perform alternate peak analysis to determine the development's impact on the critical movement summation.

- D. Trip Distribution: Based on a recently completed origin-destination survey (September 1987) of the existing Tri-County Business Park employees, the following distribution patterns were determined:

35% - Enter the Park southbound on Race Track Road.

27% - Enter the Park northbound on Race Track Road from the east, i.e. Tampa.

38% - Enter the Park northbound on Race Track Road from the west, i.e. Pinellas County.

The questionnaire used to obtain this data and a summary of results will be provided in the ADA/DRI.

The project traffic distribution was determined using the MINUTP micro-computer program. The distribution approximates the existing distribution, but accounts for future projected development in the area. Map J exhibits the project trip distribution, which has been approved by the review agencies.

28 (Health Care)
Modify

The proposed project will not provide on-site medical or health care facilities, and will have a negligible impact on area facilities. The applicant will obtain documentation from authorities indicating their ability to serve this project.

32 (Housing)
Delete

The proposed project does not include residential units; therefore, impacts on housing will not be created.

Because the DRI status of the existing development has never been formally determined and is fairly debatable, the developer agrees to include the 104 acres already fully developed subject to eliminating the need for responses to ADA questions relating to the 104 acres. This approach is warranted because the existing development obtained all required local, State and Federal permits prior to development; the 104 acres represents a completed project; and the question of DRI status of the completed development is fully resolved.

Information and data associated with the existing development shall be limited to a description of existing land uses on the 104 acre site in the ADA and subsequent responses provided, however that the consumption of public facility capacity (water, sewer, solid waste, electricity) and drainage shall be included in the background data (existing conditions) for the DRI impact area. With regard to transportation, the trips generated by the existing 104 acre development shall be included in project traffic and subtracted from background traffic.

TBP2001.01
TCB1.3



10.0 LEGAL DESCRIPTION:

Part of Section 6 and 7, Township 28 South, Range 17 East, Hillsborough County, Florida more particularly described as follows:

Commence at the Southwest corner of Section 7, Township 28 South, Range 17 East, run thence N01°40'37"W, 2679.75 feet to the West 1/4 corner of Section 7; thence N01°52'36"W, 680.26 feet along the West boundary of Section 7 to the POINT OF BEGINNING;

thence N01°52'36" W, 1999.93 feet along the West boundary of Section 7, to the Northwest corner of Section 7; thence N01°32'18"W, 196.99 feet along the West boundary of Section 6; thence N02°09'24"W, 1565.75 feet along the West boundary of Section 6; thence N89°05'52"E, 5474.85 feet to a point on the East boundary of Section 6; thence S01°01'53"E, 1313.54 feet along the East boundary of Section 6; thence S01°01'53"E, 1313.54 feet along the East boundary of Section 6; thence S01°01'50"E, 1835.95 feet to a point on the Northwesterly Right-of-Way line of Race Track Road, also known as Tampa Shores-Lake Fern Road; thence S47°27'10"W, 261.69 feet along said Right-of-Way line; thence N42°32'50"W, 145.00 feet along the Northeasterly boundary of Outpost Well Site described in O.R. 1350, Page 552; thence S47°27'10"W, 145.00 feet along the Northwesterly boundary of said Outpost Well Site; thence S42°32'50"E, 145.00 feet along the Southwesterly boundary of said Outpost Well Site to a point on the said Northwesterly Right-of-Way line of Race Track Road; thence S47°27'10"W, 1451.33 feet along said Northwesterly Right-of-Way line; thence N42°32'50"W, 531.38 feet to a point on the North line of a 100 foot Florida Power Easement as recorded in O.R. 3989, Page 715; thence S66°18'24"W, 870.54 feet along said North line to the East boundary of Tri-County Business Park - Phase II as recorded in Plat Book 55, Page 42 of the Public Records of Hillsborough County, Florida; thence N33°51'34"E, 186.39 feet; along the East boundary of said Tri-County Business Park - Phase II; thence N23°41'36"W, 1257.92 feet along said East boundary; thence S52°46'22"W, 1261.41 feet along the North boundary of said Tri-County Business Park - Phase II to the POINT-OF-BEGINNING.

Contains 386.15 acres more or less.

This Legal Description is based on a survey by Watson and Company, dated May, 1981 and revised April 1, 1985.

TBP 2001.01
KC1:95



A PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 18 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 01 DEGREES 41 MINUTES 17 SECONDS WEST ON AND ALONG THE WEST LINE OF SAID QUARTER SECTION 113.10 FEET TO AN IRON ROD SET MARKING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 01 DEGREES 41 MINUTES 17 SECONDS WEST ON AND ALONG THE WEST LINE OF SAID QUARTER SECTION, 1351.67 FEET TO A CONCRETE MONUMENT FOUND MARKING THE SOUTHWEST CORNER OF LOT 1, PHASE 2, TRI-COUNTY BUSINESS PARK; THENCE NORTH 88 DEGREES 36 MINUTES 37 SECONDS EAST ON AND ALONG THE SOUTH LINE OF LOT 1, 665.16 FEET TO A CONCRETE MONUMENT FOUND; THENCE SOUTH 42 DEGREES 32 MINUTES 19 SECONDS EAST, 219.12 FEET TO AN IRON ROD SET; THENCE SOUTH 01 DEGREES 27 MINUTES 31 SECONDS WEST, 61.33 FEET TO AN IRON ROD SET; THENCE NORTH 42 DEGREES 32 MINUTES 29 SECONDS WEST, 44.00 FEET TO AN IRON ROD SET; THENCE SOUTH 47 DEGREES 31 SECONDS WEST, 40.00 FEET TO AN IRON ROD SET; THENCE SOUTH 42 DEGREES 32 MINUTES 29 SECONDS EAST, 69.00 FEET TO AN IRON ROD SET ON THE NORTHERLY RIGHT-OF-WAY LINE OF RACE TRACK ROAD; THENCE SOUTH 47 DEGREES 24 MINUTES 13 SECONDS WEST ON AND ALONG SAID RIGHT-OF-WAY LINE, 410.48 FEET TO A CONCRETE MONUMENT FOUND AT THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 1465.40 FEET, A CHORD LENGTH OF 926.36 FEET AND A CHORD BEARING SOUTH 29 DEGREES 01 MINUTES 37 SECONDS WEST FOR AN ARC DISTANCE OF 941.84 FEET TO THE POINT OF BEGINNING, CONTAINING 12.025 ACRES, MORE OR LESS.

TOGETHER WITH:

THAT PART OF SECTION 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST SOUTHEASTERLY CORNER OF TRI-COUNTY BUSINESS PARK - PHASE II, AS RECORDED IN PLAT BOOK 55, PAGE 42 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF RACE TRACK ROAD (TAMPA SHORES - LAKE FERN ROAD) (66.0' RIGHT OF WAY); THENCE ALONG THE BOUNDARY OF SAID TRI-COUNTY BUSINESS PARK - PHASE II, THE FOLLOWING N 12)23'12"W. 641.99 FEET TO A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 303.34 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE 283.27 FEET THROUGH A CENTRAL ANGLE OF 46)14'46" (CHORD N 10)44'11" E. 285.37 FEET); THENCE N 33)51'34" E. 183.84 FEET TO THE SOUTH LINE OF A 100.00 FDOT FLORIDA POWER EASEMENT AS RECORDED IN O.R. BOOK 3989, PAGE 715 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE ALONG SAID SOUTH LINE, N 66)18'24" E., 450.00 FEET; THENCE N 23)41'36" W. 100.00 FEET TO THE NORTH LINE OF SAID 100'00 FDOT FLORIDA POWER EASEMENT, THENCE ALONG SAID NORTH LINE N 66)18'24" E. 577.84 FEET; THENCE LEAVING SAID LINE S 42)32'50" E. 531.38 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID RACE TRACK ROAD, THENCE ALONG SAID LINE S 47)27'10" W. 1735.00 FEET TO THE POINT OF BEGINNING

TOGETHER WITH:

PART OF SECTION 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF SECTION 7, THEN N 01)40'37" W 1465.07 FT. ALONG THE WEST BOUNDARY OF SECTION 7 TO THE POINT OF BEGINNING; THENCE N 01)40'37" W. 1214.68 FT. ALONG THE WEST BOUNDARY OF SECTION 7 TO THE WEST 1/4 CORNER OF SAID SECTION 7; THENCE N 01)52'36" W 680.26 FT. ALONG THE WEST BOUNDARY OF SECTION 7; THENCE N 52)46'22" E 767.69 FT.; THENCE S 23)41'36" E. 30.86 FT.; THENCE N 52)46'22" E. 102.86 FT.; THENCE N 23)41'36" W. 30.86 FT.; THENCE N 52)46'22" E. 303.43 FT.; THENCE N 23)41'36" E. 30.86 FT.; THENCE N 52)46'22" E. 87.43 FT.; THENCE S 23)41'36" E. 1,227.06 FT.; THENCE S. 33)51'34" W. 556.62 FT.; THENCE ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF .363.34 FT. AND AN ARC LENGTH OF 293.27 FT.; THENCE S 12)14'12" E. 641.99 FT. TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE (A 66-FOOT RIGHT OF WAY) OF RACE TRACK ROAD (ALSO KNOWN AS TAMPA SHORES-LAKE FERN ROAD); THENCE 47)27'10"W 567.48 FT. ALONG SAID RIGHT OF WAY; THENCE N 02)27'31" E. 98.99 FT.; THENCE N 42)32'29" W 219.12 FT.; THENCE S 88)56'37" W 665.00 FT. TO THE POINT OF BEGINNING.

DRI APPLICATION TRANSMITTAL LIST

Ms. Suzanne T. Cooper, DRI Coordinator 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 500 Tampa, Florida 33609	1 Copy ADA
Ms. Sandra Tippen, DRI Coordinator Mr. Louis Fernandez Department of Environmental Regulation 4520 Oak Fair Boulevard Tampa, Florida 33610-7347	2 Copies ADA
Mr. George Percy, State Historic Pres. Officer Chief, Bureau of Historic Preservation Division of Historic Resources Department of State, The Capitol Tallahassee, Florida 32399	Response to Question 19-A of ADA Legal Description
Mr. Rick Gooch Office of Environmental Services Florida Game and Fresh Water Fish Commission 29200 Tucker's Grade Punta Gorda, Florida 33955	1 Copy ADA
Mr. Clark Hull, Sr. Env. Scientist Resource Regulation Department Southwest Florida Water Management District 2379 Broad Street Brooksville, Florida 33512-9712	5 Copies ADA
Mr. Bill Howell Bureau of Biological & Interpretive Services 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 32399-8132	1 Copy ADA



Wade-Trim

EXHIBIT A

Mr. Tom Beck, Chief
Department of Community Affairs
Division of Local Resource Management
Rhyme Building
2740 Centerview Drive
Tallahassee, Florida 32399

1 Copy ADA

Mr. A. J. Salem
Planning Division
U.S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

1 Copy ADA

Mr. Connor Davis
Marine Fisheries Commission
2562 Executive Center Circle, E., Suite 211
Tallahassee, Florida 32399

1 Copy ADA

Mr. Gene Heath, General Manager
West Coast Regional Water Supply Authority
2535 Landmark Drive, Suite 211
Tallahassee, Florida 32399

1 Copy ADA

Mr. William Saalman, III
U.S. Department of Agriculture
Soil Conservation Service
5118 North 56th Street, Suite 250
Tampa, Florida 33610

1 Copy ADA

Mr. Jim Muller
Florida Natural Areas Inventory
254 East Sixth Avenue
Tallahassee, Florida 32303

1 Copy ADA

Mr. Joseph D. Carroll, Jr.
Field Supervisor
U.S. Fish & Wildlife Service
Post Office Box 2676
Vero Beach, Florida 32960

1 Copy ADA

Ms. Shirley Gershowitz
Northwest Area Planning Manager
Hillsborough County Department of Planning & Zoning
Post Office Box 1110
Tampa, Florida 33601

1 Copy ADA

Mr. David Shinneman
City Planner
City of Oldsmar
101 State Street West
Oldsmar, Florida 33557

1 Copy ADA

Mr. Al Navaroli, DRI Coordinator
Pinellas County Department of Planning & Zoning
440 Court Street
Clearwater, Florida 33516

3 Copies ADA

Mr. David Bilodeau, Director
Pinellas County Emergency Management
440 South Fort Harrison Avenue
Clearwater, Florida 34616

1 Copy ADA

Mr. Robert Hunter, Executive Director
Hillsborough County City-County Planning Commission
201 East Kennedy Boulevard, Suite 600
Tampa, Florida 33602

1 Copy ADA

Mr. Larry C. Newman, Executive Director
Pinellas Suncoast Transit Authority
14840 49th Street North
Clearwater, Florida 33516

1 Copy ADA

Shirley Gersholowitz
Hillsborough County Planning Dept.
800 East Twiggs
Tampa, Florida 33602

20 Copies ADA

Mr. Doug Uden
Pasco County Metropolitan Planning Organization
Pasco County Administration Building
7530 Little Road
New Port Richey, Florida 33553

1 Copy ADA

Ms. Elizabeth Eginton, DRI Coordinator
Pasco County Planning Division
Pasco County Administration Building
7530 Little Road
New Port Richey, Florida 33553

1 Copy ADA

TBP2001.01
TCBP3:2(6)



Wade-Trim

5. ATTACH A LEGAL DESCRIPTION OF THE DEVELOPMENT SITE. INCLUDE SECTION, TOWNSHIP AND RANGE.

LEGAL DESCRIPTION

PART OF SECTION 6 AND 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, RUN THENCE N01°40'37"W, 2679.75 FEET TO THE WEST 1/4 CORNER OF SECTION 7; THENCE N01°52'36"W, 680.26 FEET ALONG THE WEST BOUNDARY OF SECTION 7 TO THE POINT OF BEGINNING;

THENCE N01°52'36" W, 1999.93 FEET ALONG THE WEST BOUNDARY OF SECTION 7, TO THE NORTHWEST CORNER OF SECTION 7; THENCE N01°32'18"W, 196.99 FEET ALONG THE WEST BOUNDARY OF SECTION 6; THENCE N02°09'24"W, 1565.75 FEET ALONG THE WEST BOUNDARY OF SECTION 6; THENCE N89°05'52"E, 5474.85 FEET TO A POINT ON THE EAST BOUNDARY OF SECTION 6; THENCE S01°01'53"E, 1313.54 FEET ALONG THE EAST BOUNDARY OF SECTION 6; THENCE S88°58'07"W, 1470.01 FEET; THENCE S01°01'50"E, 1835.95 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF RACE TRACK ROAD, ALSO KNOWN AS TAMPA SHORES-LAKE FERN ROAD; THENCE S47°27'10"W, 261.69 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE N42°32'50"W, 145.00 FEET ALONG THE NORTHEASTERLY BOUNDARY OF OUTPOST WELL SITE DESCRIBED IN O.R. 1350, PAGE 552; THENCE S47°27'10"W, 145.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID OUTPOST WELL SITE; THENCE S42°32'50"E, 145.00 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID OUTPOST WELL SITE TO A POINT ON THE SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF RACE TRACK ROAD; THENCE S47°27'10"W,

1451.33 FEET ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE; THENCE N42°32'50"W, 531.38 FEET TO A POINT ON THE NORTH LINE OF A 100 FOOT FLORIDA POWER EASEMENT AS RECORDED IN O.R. 3989, PAGE 715; THENCE S66°18'24"W, 870.54 FEET ALONG SAID NORTH LINE TO THE EAST BOUNDARY OF TRI-COUNTY BUSINESS PARK - PHASE II AS RECORDED IN PLAT BOOK 55, PAGE 42 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE N33°51'34"E, 186.39 FEET; ALONG THE EAST BOUNDARY OF SAID TRI-COUNTY BUSINESS PARK - PHASE II; THENCE N23°41'36"W, 1257.92 FEET ALONG SAID EAST BOUNDARY; THENCE S52°46'22"W, 1261.41 FEET ALONG THE NORTH BOUNDARY OF SAID TRI-COUNTY BUSINESS PARK - PHASE II TO THE POINT-OF-BEGINNING.

CONTAINS 386.15 ACRES MORE OR LESS.

THIS LEGAL DESCRIPTION IS BASED ON A SURVEY BY WATSON AND COMPANY, DATED MAY, 1981 AND REVISED APRIL 1, 1985.

EXHIBIT C

Table 1

PHASE I (1993) REQUIRED LINK IMPROVEMENTS FOR TRI-COUNTY BUSINESS PARK
BASED ON FIVE PERCENT OF LOS D PEAK-HOUR SERVICE VOLUME

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvement
580	Bayshore Blvd. to CR 233	F	17.11	Construct 4-Lane Divided Arterial
	SR 584 to Race Track Rd.	F	5.15	Construct 4-Lane Divided Arterial
	Race Track Rd. to Double Branch Road	F	5.68	Construct 6-Lane Divided Arterial
	Pistol Range Rd. to Lagoon St. East	F	7.49	Construct 4-Lane Divided Arterial
SR 584	McMullen-Booth Rd. to SR 586	F	10.47	Construct 4-Lane Divided Arterial
	SR 586 to Forest Lakes Rd.	F	23.39	Construct 4-Lane freeway
	Forest Lakes Rd. to SR 580	F	7.95	Construct 4-Lane freeway
SR 586	US 19 to McMullen-Booth Rd.	F	6.27	Construct 4-Lane Divided Arterial
	McMullen-Booth Rd. to SR 584	E	5.90	Construct 4-Lane Divided Arterial
	Race Track Rd. SR 580 to E-W Connector Rd.	F	14.98	Construct 4-Lane Divided Arterial
	E-W Connector Rd. to Project Entrance	F	126.60	Construct 4-Lane Divided Arterial
E-W Connector	Forest Lakes Rd. to Race Track Rd.	F	58.40	Construct 4-Lane Divided Arterial

Linebaugh	Race Track Rd. to Sheldon Road	F	25.46	Construct 4-Lane Divided Arterial
	Sheldon Rd. to Anderson Rd.	E	7.58	Construct 4-Lane Divided Arterial
Sheldon Rd.	W. Waters Ave. to Linebaugh Ave	F	5.69	Construct 4-Lane Divided Arterial
CP: 233	SR 584 to SR 580	F	25.76	Construct 4-Lane Divided Arterial

Table 2

PHASE I (1993) REQUIRED INTERSECTION IMPROVEMENTS FOR TRI-COUNTY BUSINESS PARK
BASED ON FIVE PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvement
SR 586/SR 584 thru lanes SB, one	E	12.4	Add two thru-lanes NB, two right-turn lane EB
SR 584/Forest Lakes Rd.	E	43.6	Add NB thru-lane and SB thru-lane, add NB left- turn lane and SB right- turn lane, Add two thru lanes
SR 580/CR 233	E	16.0	Add one SB thru-lane
Race Track/SR 580	E	5.9	Add one EB left-turn lane
McMillen Booth/SR 586	E	8.8	Add EB and WB thru-lane
E-W Connector/Forest Lakes Rd.	E	38.0	Add NB right-turn lane and WB left-turn lane
Linebaugh Ave./Race Track Rd.	E	51.6	Add NB thru lane and SB right-turn lane
Entrance 1 (Southern most)	N/A	100.0	Signalize and add one EB left-turn lane
Entrance 3 (New main entrance)	N/A	100.0	Signalize and add one EB left-turn lane

DRI #181

TRI-COUNTY BUSINESS PARK

DEVELOPER COMMITMENTS

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

General Project Description

ENVIRONMENTAL AND NATURAL RESOURCES

Air

Per a recommendation from the HCEPC, to control fugitive dust from construction operations and wind erosion, the applicant will implement surface watering, seeding, or mulching immediately after clearing and as necessary (S.R., Page 1-9).

Land

Appropriate watering procedures will be employed to control fugitive dusts and wind erosion (ADA, Page 13-1).

In development areas of low topographic elevations, moderate quantities of fill material will be used to elevate structures above the high water table and 100 year flood zone (ADA, page 14- 4).

For those soils in proposed development areas which exhibit unstable side slopes, side slopes of 3:1 or gentler will be utilized and vegetative cover promptly established (ADA, Page 14- 4).

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion (ADA, Page 14-5).

Permanent erosion control features such as permanent landscaping will be incorporated into the project at the earliest practicable time (ADA, Page 14-5).

Water Quality and Drainage

All stormwater retention/detention facilities will be constructed to accept stormwater runoff from developed parcels and provide sufficient treatment of surface waters prior to discharge into on-site wetlands or offsite to connecting water bodies (ADA, Page 15-9).

Wherever feasible, aquatic littoral zone vegetation will be planted to improve the quality of runoff and to stabilize the banks of the detention basins (ADA, page 15-10).

To further enhance stormwater treatment, filtration systems sediment sumps and grease traps will be utilized in conjunction with water control structures, wherever applicable (ADA, Page 15- 10).

All permanent structures in the development will be constructed above the 100-year flood elevation (ADA, page 17-1).

In areas where development will encroach upon a designated floodplain, compensation for lost storage of floodwaters will be provided through additional storage in created lakes (ADA, Page 17-1).

The detention ponds proposed for the site will retain and treat the first 1/2" of run-off from the area's tributary to respective pond (ADA, page 22-3).

The retained volumes of stormwater runoff will be treated prior to discharge through biological treatment within a detention area (ADA, Page 22-3).

Wherever feasible, discharge, in the form of overflow from be directed into adjacent wetlands (ADA, Page 22-3).

All on-site systems, structures, and detention areas will be maintained by the developer, individual owner or owner association (ADA, Page 22-3).

Wetlands

In development areas where the water table may be lowered by implementation of the proposed drainage plan, high and low water levels and natural hydroperiods will be maintained in wetlands (ADA, Page 14-4).

All alterations (to wetlands) will be in accordance with DER, SWFWMD and HCEPC rules and regulations (ADA, Page 16-1).

In addition to possible agency mitigation requirements, freshwater marsh and wet prairie habitat will be compensated by the creation of ponds on the property (ADA, Page 16-2).

All applicable permits and approvals will be obtained for any wetland encroachment (ADA, Page 16-2).

Sensitive areas such as wetlands will be protected by staking the perimeter with hay bales and use the turbidity screens (S.R., Page 1-12).

The restrictions affecting the property subject to the DRI will prohibit all encroachments described in the ADA, except as expressly permitted by all governmental agencies with jurisdiction over such wetlands (S.R., Page 1-12).

Floodplains

All permanent structures in the development will be constructed above the 100-year flood elevation (ADA, Page 17-1).

In areas where development will encroach upon a designated flood plain, compensation for lost storage of floodwaters will be provided through additional storage in created lakes (ADA, Page 17-1).

vegetation and Wildlife

The applicant or a responsible representative will work with District personnel during permitting in providing reasonable assurance that wood stork habitat will be protected on site (S.R., Page 2-28).

Historical and Archeological Sites

In the event historical or archaeological artifacts/resources are discovered a professional archaeologist will be contacted (S.R., page 1-16).

PUBLIC FACILITIES

Water Supply

Tri-County Business Park will encourage the use of irrigation wells and withdrawal from detention ponds (ADA, Page 23-2).

The portion of the water distribution system from the buildings to the water meter will be maintained by the property owner. All other portions of the potable water distribution system will be owned, operated and maintained by Hillsborough County (ADA, Page 23-2).

On-site irrigation wells, and piping systems will be owned, operated and maintained by the individual property owner (ADA, Page 23-3).

The interior water distribution system, including locations of the fire hydrants, will be designed to provide fire protection, in accordance with Hillsborough County requirement, and acceptable standards and practices (1000 gpm) (ADA, Page 23-3).

The developer intends to utilize, whenever reasonably possible non-potable water sources for the site's landscape irrigation (S.R., Page 1-23).

Solid waste

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

The collection of solid waste will be provided by Waste Management, Inc. and will be disposed in Hillsborough County disposal facilities (ADA, Page 24-1).

The developer will make known to all tenants the legal obligation to provide education in the handling and exposure potential to toxic chemicals (S.R., Page 1-26).

Tri-County Business Park will comply with any future recycling requirements imposed by law (S.R., Page 1-26).

Energy

Construction of habitable buildings will not occur within the Florida Power Transmission easement (S.R., Page 1-6).

Tri-County Business Park presently uses energy conservation measures through building insulation in the walls and roofs (accepted standards) and bronze window tinting. Future buildings will also employ such energy conservation measures to meet or exceed the requirements of Hillsborough County (S.R., Page 1-27).

035-20-2932-006

Energy

9. Where economically feasible, Tri-County Business Park should:
 - A. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and cogeneration;
 - B. Use landscaping and building orientation to reduce heat gain;
 - C. Install total energy systems where cost-effective.
10. Tri-County Business shall utilize and encourage:
 - A. Reduced levels of operation of all air conditioning, heating, and lighting systems during non-business hours,
 - B. Elimination of advertising requiring lighting after business hours,
 - C. The use of energy-efficient packaging and/or recyclable materials, and
 - D. Participation by project tenants in recycling programs, and
 - E. Shall report on the participation in those and other energy programs in each annual report.

Open Space

11. The Developer and its successors or assigns, including, but not limited to, a property association, shall be responsible for maintenance of all open space areas at the Development.

Police, Fire and EMS

12. The County is the responsible entity for providing police, fire, and emergency medical services for Tri-County Business Park, but does not warrant or guaranty the adequacy of availability of such services.
13. All buildings in the project shall have fire sprinkler systems, as required by the Hillsborough County Fire Code.

F. HAZARDOUS WASTES

1. The Developer shall provide information to all Tri-County Business Park businesses that:
 - A. Indicates the types of wastes and materials that are considered by law 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, and waste exchange programs.

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

June 20, 1990

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

Re: Resolution No. R90-0131 - Amending the Development
Order for Tri-County Business Park, DRI #181

Dear Ms. Cooper:

Enclosed please find a certified executed copy of the referenced
resolution, which was adopted by the Hillsborough County Board
of County Commissioners on June 20, 1990.

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

ELF:CS

Enclosure

Certified Mail

cc: Board files (1 orig.)

Jeff Miller, Director, Planning and Zoning
J. Thomas Beck, State Department of Community Affairs
Vincent Marchetti, Assistant County Attorney
Robert McClain, Esquire, Tri-County Business Park
(Picked up certified copy)

4181
MA 512R

Mailed 6/21/90
received 6/25/90

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in the State and County named above to administer oaths and take acknowledgments, personally appeared Steven M. Samaha, as attorney for Rutenberg Industrial Corporation, the applicant for the Tri-County Business Park DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

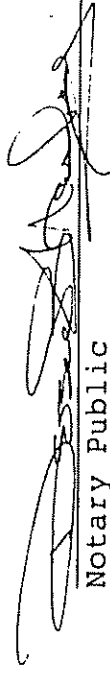
1. Rutenberg Industrial Corporation filed its application for development approval for Tri-County Business Park on January 13, 1989. The sufficiency response was filed on June 19, 1989.

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.



Steven M. Samaha
Attorney for Rutenberg Industrial
Corporation

Sworn to and subscribed before me this 11th day of
December, 1989.



Notary Public

My Commission Expires: August 24, 1990

035-20-2932-006

EXHIBIT B

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. R90-0131 - Amending the Development Order
for Tri-County Business Park, DRI #181

_____ of
adopted by the Board in its regular meeting _____ of
June 20, 1990, as the same appears of
record in MINUTE BOOK 169 of the Public Records of
Hillsborough County, Florida.

WITNESS my hand and official seal this 20th
day of June, 1990.

RICHARD AKE, CLERK

By: Edna A. Fitzpatrick
Deputy Clerk

the Development Order, if the Development Order itself is not recorded with the Clerk of the Circuit Court of Hillsborough County, shall be filed among the aforesaid public records pursuant to the requirements set forth in Florida Statutes, Section 380.06(15)(f).

SECTION IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

The development of the Project shall proceed in accordance with the following proposed phasing schedule:

	Commercial (Sq. Ft.)	Industrial/ Manufacturing/ Warehouse/ Distribution/ Research Permitted Pursuant to the County PD-RP Zoning District (Sq. Ft.)	Office (Sq. Ft.)
Phase I (1989-1995)	50,000	900,000	-0-
Phase II (1995-2000)	25,000	1,725,000	100,000
Phase III (2000-2005)	-0-	900,000	-0-
Totals	75,000	3,525,000	100,000

1. Specific final development approval is accorded to Phase I, subject to the conditions contained herein. Specific approval of phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts.

2. 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 law, which approval shall not be withheld if the terms of this Development Order are otherwise complied with. Any significant departure in project build-out from the phasing schedule set forth in the ADA shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes, as amended.

3. This Development Order shall remain in effect for a period up to and including December 1, 2005. No new construction shall commence after expiration of this Development Order. Provided, however, any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of this Development Order, if approved. This Development Order may be extended by the Board on the finding of excusable delay in any proposed development activity provided that

an extension of the buildout period for any phase or the total development period for more than the time period specified by Chapter 380 may trigger a substantial deviation pursuant to Chapter 380. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Development Order. Phase I Development shall commence within two years after this first amendment to this Development Order is approved by the County.

4. The Development shall not be subject to down-zoning, intensity reduction or change to a more restrictive land use category until December 1, 2005, unless the County 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 changes are clearly established by local government to be essential to the public health, safety, or welfare. For the purposes of this Development Order, the term "down-zoning" shall refer to any regulation that has the effect of reducing the total approved intensity as set forth in Section IV.A.4. provided, however, nothing in this Section IV.A.4 shall be construed to prohibit (i) legally enacted changes in zoning or land use regulations which do not decrease in development rights granted to the Developer pursuant to this Development Order, (ii) any development rights which may arise as a result of this Development Order, and (iii) the Developer from requesting any modifications to this Development Order or the PD-RP zoning district at any time.

B. TRANSPORTATION

1. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 600,000 square feet of industrial space on Phase I or (ii) 622 p.m. peak hour vehicle trips are generated from Phase I, an annual monitoring program to provide peak-hour traffic counts at the entrance to the Development shall be instituted to verify that the projected number of external trips to the Development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the annual report is not submitted within thirty (30) days after the due date or the annual report indicates that the total number of external vehicle trips generated by the Development exceeds that which was projected during the original DRI review by more than fifteen (15) percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, the County may amend the Development Order to require additional roadway improvements and/or other mitigation measures. If the excess is determined to be a substantial deviation, the revised transportation analysis required pursuant to Chapter 380.06 will be based on the results of a monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request that the Development Order be amended.
2. The Developer, at its option, shall mitigate the impacts of the Phase I Development on the regionally significant roadway system by satisfying any one of the transportation mitigation options hereinafter described.

Compliance with the provisions of any one of the transportation mitigation options has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to Phase I of the Development on the regionally significant roadway network, consistent with Florida law and applicable rules of the County, DCA, FDOT and the TBRPC.

3. The three (3) transportation improvement options available to the Developer are as follows:

(i) Option 1: Funding Commitments

(a) Any approval of Phase I of this Development shall require funding commitments from responsible entities for the following roadway improvements and shall require that the New Roads (as herein defined) are under construction by March 9, 1991. For the purposes of this Development Order, the Developer is considered as one of a number of possible responsible entities capable of providing the mitigation of the transportation impacts of the Development. For the purposes of this Development Order, funding commitments can be Developer's commitments for actual construction, actual (or committed for in binding contractual form) construction by any public or private entity, the placement of improvements in the transportation improvement work programs of the County or the State of Florida, or any combination of the foregoing. Without funding commitments for the following improvements, construction permits shall not be issued for Phase I.

(1) Provide the link improvements indicated in Table 1 to Exhibit "D" annexed hereto.

(2) Provide the intersection improvements indicated in Table 2 to Exhibit "D" annexed hereto.

(b) In lieu of Section IV B.3.(i)(a) above, the Developer may subphase Phase I of the Development when such subphasing identifies and ties specific amounts of project development (within a phase) to specific improvements to the regionally significant roadway network. Such subphasing shall be acceptable under the following conditions:

(1) TBRPC and the County shall concur with the defined amount of development to be specifically allowed;

(2) Funding commitments for roadway improvements will be required when the regional roadways will operate below Level of Service ("LOS") D at p.m. peak hour for urban roads and LOS C at p.m. peak hour for rural roads ("LOS D/C") and the Development contributes five (5) percent or more of the then existing LOS D/C at p.m. peak hour capacity of the facility; and

(3) A stop work order prohibiting development shall be issued if the development triggers the need for roadway improvements

pursuant to applicable TBRPC rules, but for which funding commitments cannot be assured, or if the required analysis or monitoring reports, as appropriate, are not submitted in a timely manner. Provided, however, that Project construction for which permits have previously been issued shall not be affected by such failure to submit the required analysis or monitoring reports.

- (c) Any development pursuant to this Option 1 shall require that construction for the entire length of both New Roads has begun by March 9, 1991. Alternatively, Developer may submit a new traffic analysis (not distributing traffic onto the New Roads) specifying the link and intersection improvements that must be made and amending this Order to identify said improvements.

(ii) Option 2: Monitoring

- (a) In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the Tri-County Business Park 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 the County and the TBRPC, pursuant to the provisions of Chapter 380, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of any currently approved Development 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 ADA or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D/C at peak hour. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. The traffic analysis shall not distribute traffic onto the New Roads unless construction of the New Roads has begun. Prior to any specific approval pursuant to Option 2, the County or its designee shall ensure in written findings of fact that the regional roadways in the Tri-County Business Park transportation impact area are operating at or above LOS D/C at peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D/C at peak hour. This Development Order shall be amended to address the specific Option 2 phase or subphase approval. Such amendment shall not constitute a substantial deviation.
- (b) Subject to the completion, review and approval by the County of a subphasing transportation analysis, together with any necessary Development Order amendments, subphasing is permitted under Option 2. If subphasing of

Phase I is elected by the Developer, funding commitments will be required for all regionally significant improvements (as listed in Table 1) which are necessary to accommodate the traffic impacts of a particular subphase of the Development prior to the commencement of that particular subphase of development. Prior to issuance of building permits beyond a particular subphase 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/C p.m. peak hour and the development would contribute five percent (5%) or more of LOS D/C p.m. 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.

(iii) Option 3: Pipelining

- (a) In order to elect this Option 3, the Developer must make such election within one hundred twenty (120) days from the date that the County approves the amendment to this Development Order. Upon such election, the Developer shall provide written notice of the election to the County and TBRPC within the aforesaid time frame. The requirements of this section have been determined to make adequate provision for, or to provide the appropriate requirements to cure and mitigate the impacts of, the public transportation facilities needed to accommodate the traffic impacts of Phase I of the Development. The requirements set forth below have been determined to be consistent with applicable County, TBRPC, DCA, FDOT and MPO regulations and Rule 9J-2.0255, FAC.

- (b) The transportation improvement which is consistent with the County, Tampa Urban Area MPO and FDOT long-range plans, and is acceptable to the County, TBRPC, the Tampa Urban Area MPO and FDOT, is the following (the "Pipeline Improvements"):

- (1) S.R. 580/Race Track Road Intersection Improvements.

The intersection of S.R. 580 and Race Track Road shall be designed and improved as graphically shown on Exhibit "E" attached hereto or as otherwise set forth in the joint participation agreement described below. Developer, County and FDOT shall enter into a mutually acceptable joint participation agreement within one hundred twenty (120) days from the date County approves the amendment to this Development Order. The joint participation agreement shall require (a) the Developer to begin and complete the design of the pipeline improvements and pay the proportionate share, less the costs incurred by Developer in connection with the design of the Pipeline Improvements, to FDOT by September 21, 1991, and (b) the FDOT to acquire all

right-of-way necessary for the pipeline improvements, to provide funds to cover any shortfall between the cost of designing, permitting and constructing the pipeline improvements less the Developer's proportionate share, require FDOT to complete construction of the pipeline improvements by December 31, 1994, and require the FDOT to acknowledge that the Developer's Proportionate Share contribution toward the cost of the pipeline improvements shall be credited as part of the County's obligation to contribute funds and/or facilities to FDOT pursuant to the County Road Network Improvement Program Ordinance. The design of the pipeline improvements shall be prepared by Developer in a manner normally used by the entity that will ultimately be responsible for the pipeline improvements. The design process shall begin thirty (30) days after Developer has elected the pipeline option and shall be completed by March 9, 1991. The design shall include thirty percent (30%), sixty percent (60%), and one hundred percent (100%) design completion reviews and approvals. The Developer shall have satisfied all of its obligations related to the pipeline improvements and mitigation of the Phase I traffic impacts upon execution of the joint participation agreement, timely completion and delivery of the design for the intersection and payment of Developer's Proportionate Share and may, upon the occurrence of such events, complete Phase I development notwithstanding FDOT's failure to satisfy its obligations pursuant to the joint participation agreement. In the event Developer fails to make the payment to FDOT by September 21, 1991, all development permitted pursuant to the pipeline option shall cease and no building permits or certificates of occupancy shall be issued for development pursuant to the pipeline option.

(2) Alternate Improvements.

In the event the Developer, County and FDOT do not enter into a mutually acceptable joint participation agreement with respect to the pipeline improvements within one hundred twenty (120) days from the date the County approves the amendment to this Development Order, Developer shall submit an alternate pipeline improvement to the County and THRPC, within ninety (90) days after the expiration of the period for the Developer, County and FDOT to enter into the joint participation agreement, for their approval and this Development Order shall be amended to specify such alternate pipeline improvement, if any and a time schedule for its construction. (the "Alternate Improvement"). In no event shall developer begin construction of Phase I pursuant to the pipeline option prior to the amended Development Order becoming non-appealable.

- (c) The Developer shall have no liability for any costs related to the Pipeline Improvements greater than the Proportionate Share amounts set forth below.
- (d) For purposes of this Development Order, Developer's Proportionate Share of the cost of the transportation improvements necessary to accommodate the impacts of Phase I of the Development on the roadways and intersections set forth in Exhibit "D" attached hereto have been calculated to be \$1,644,967.00 (the "Proportionate Share"). In the event the New Roads are not committed by March 9, 1991, the Proportionate Share shall be \$4,200,000.00.
- (e) Right of way dedication made by the Developer for Race Track Road shall be credited against the County impact fee. The Developer shall submit property appraisals prepared by a qualified appraiser to the County to support a determination of the amount of the credit.
- (f) Developer shall receive a credit against the Proportionate Share in an amount equal to the transportation impact fees collected in connection with the Existing Development.
- (g) Any portion of the Proportionate Share in excess of applicable impact fees for Phase I shall be credited against impact fees for Phase II.
- (h) Phase I development shall not commence until the East West Connector Road from Race Track Road to Forest Lakes Boulevard and the Linebaugh Avenue Extension from Sheldon Road to Race Track Road (together, the "New Roads") are Committed Improvements. The New Roads shall be deemed Committed Improvements at such time as construction contracts for the New Roads have been let, or construction of the New Roads have commenced. Any construction contract must provide for construction to commence within thirty (30) days after the construction contract has been let. If both of the New Roads are not Committed Improvements by March 9, 1991, Developer may (a) elect Option 2 in order to mitigate all of the traffic impacts of Phase I of the Project or a portion thereof, (b) continue to pursue Option 3 in order to mitigate all of the traffic impacts of Phase I of the Project, in which event the Proportionate Share shall be \$4,200,000.00, or (c) submit a new Chapter 380 transportation analysis and amend this Development Order. Any such amendment shall utilize only traffic mitigation alternatives which are available at the time the order is amended and in no event shall Developer be entitled to utilize the pipeline option of mitigation if option (c) is chosen. In the event Developer elects (b) above, Developer may, with County and TBRPC approval, utilize the revised Proportionate Share to construct a transportation improvement agreed to by the Developer, County and TBRPC. The use of the revised Proportionate Share of \$4,200,000.00 for such roadway improvement agreed to by the Developer, County and TBRPC shall not constitute a substantial deviation. However, Developer shall file a notice of

change to the Development Order. In the event Developer elects (b) above, Developer shall receive credit against applicable transportation impact fees for all monies spent in connection with the pipeline improvements. However, impact fee credits shall be provided only when the improvement for which the design was performed is a Committed Improvement and the Committed Improvement is consistent with the design that is performed.

- (i) The County shall provide access to the final roadway corridor for that portion of the Linebaugh Avenue Extension located west of the Thomas Ranch property, pursuant to the requirements of Resolution Number RZ89-0098, within thirty (30) days from the date this Development Order becomes final and non-appealable.

- 4. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 600,000 square feet of industrial space on Phase I, or (ii) 622 p.m. peak hour vehicle trips are generated on Phase I, then the Developer shall prepare a Transportation Development Management (TSM) program prior to commencing Development of Phase II, which is intended to divert a number of vehicle trips from the p.m. peak hour. The TSM shall be reviewed by the Hillsborough Area Regional Transit Authority, the Tampa Urban Area MPO, the TBRPC and the FDOT. The results of the TSM program may serve as a basis for the Developer to request Development Order amendments, including additions to the square footage approved for Phase I. If implemented, 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, the County may conduct a substantial deviation determination pursuant to Chapter 380.06 and amend this Development Order to change the TSM objectives and/or require additional roadway improvements.

C. ENVIRONMENT AND NATURAL RESOURCES

Air Quality

- 1. The Developer and/or its successors and assigns shall, at a minimum, employ the fugitive dust emission abatement procedures referenced in the ADA.
- 2. The County shall reserve the right to require appropriate mitigation measures to alleviate any potential impacts of the project on ambient air quality.

Land

- 3. The measures to reduce soil erosion and fugitive dust air emissions, referenced in the ADA, at minimum, shall be implemented.
- 4. The methods identified in the ADA as suitable to overcome soil limitations shall be required, as appropriate.

EXHIBIT "B"

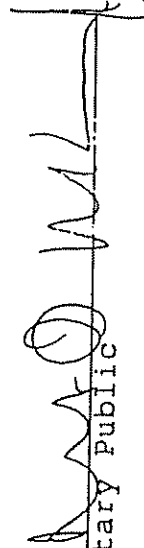
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day before me, the undersigned notary public authorized in the State and County named above to administer oaths and take acknowledgments, personally appeared STEVEN M. SAMAHA as attorney for Tri-County Business Park, Ltd. ("Tri-County"), the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI), Subsection 380.06(19), Florida Statutes ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Tri-County Business Park, Ltd. filed the Notice of Change on April 19, 1990.
2. The Notice of Change was filed with all persons as required by law.


Steven M. Samaha, Esquire
Attorney for Tri-County
Business Park, Ltd.

SWORN TO AND SUBSCRIBED before me this 14th day of June,
1990.


Notary Public

My Commission Expires: 12/31/1991
Notary Public, Hillsborough County, Florida

035-20-2932-013

EXHIBIT "C"

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day before me, the undersigned notary public authorized in the State and County named above to administer oaths and take acknowledgments, personally appeared STEVEN M. SAMAHA as attorney for Tri-County Business Park, Ltd. ("Tri-County"), the applicant/owner of the Tri-County Business Park DRI No. 181, to me well known, who being by me first duly sworn, says upon oath as stated below:

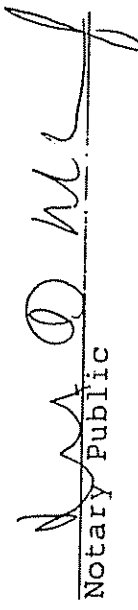
1. Tri-County filed its application for development approval for the Tri-County Business Park on February 13, 1989. Tri-County's sufficiency response was submitted on June 13, 1989. Tampa Bay Regional Planning Council posed a second round of sufficiency questions on July 20, 1989, and Tri-County responded on August 1, 1989 by filing notice that it did not intend to further respond.

2. The aforementioned documents were filed with Hillsborough County, the State of Florida Department of Community Affairs, the Tampa Bay Regional Planning Council and those other governmental agencies and persons as required by law.



Steven M. Samaha, Esquire
Attorney for Tri-County
Business Park, Ltd.

SWORN TO AND SUBSCRIBED before me this 14th day of June,
1990.


Notary Public

My Commission Expires:

Notary Public, State of Florida
My Commission Expires: 06-24-1991
JAMES H. HARRIS, JR., Notary Public

035-20-2932-013

Table 1

PHASE I (1993) REQUIRED LINK IMPROVEMENTS FOR TRI-COUNTY BUSINESS
PARK BASED ON FIVE PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Road	Segment	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvement
580	Bayshore Blvd. to CR 233	F	17.11	Construct 4-Lane Divided Arterial
	SR 584 to Race Track Rd.	F	5.15	Construct 4-Lane Divided Arterial
	Race Track Rd. to Double Branch Road	F	5.68	Construct 6-Lane Divided Arterial
	Pistol Range Rd. to Lagoon St. East	F	7.49	Construct 4-Lane Divided Arterial
SR 584	McMullen-Booth Rd. to SR 586	F	10.47	Construct 4-Lane Divided Arterial
	SR 586 to Forest Lakes Rd.	F	23.39	Construct 4-Lane Freeway
	Forest lakes Rd. to SR 580	F	7.95	Construct 4-Lane Freeway
SR 586	US 19 to McMullen-Booth Rd.	F	6.27	Construct 4-Lane Divided Arterial
	McMullen-Booth Rd. to SR 584	E	5.90	Construct 4-Lane Divided Arterial
Race Track Rd.	SR 580 to E-W Connector Rd.	F	14.98	Construct 4-Lane Divided Arterial
	E-W Connector Rd. to Project Entrance	F	126.60	Construct 4-Lane Divided Arterial
E-W Connector	Forest Lakes Rd. to Race Track Rd.	F	58.40	Construct 4-Lane Divided Arterial

Linbaugh	Race Track Rd. to Sheldon Road	F	25.46	Construct 4-Lane Divided Arterial
	Sheldon Road to Anderson Rd.	E	7.58	Construct 4-Lane Divided Arterial
Sheldon Road	W. Waters Ave. to Linbaugh Avenue	F	5.69	Construct 4-Lane Divided Arterial
CR 233	SR 584 to SR 580	F	26.76	Construct 4-Lane Divided Arterial
Gunn Highway	Sheldon Road to South Mobley Rd.	F	22.43	Construct 4-Lane Divided Arterial

Table 2

PHASE I (1993) REQUIRED INTERSECTION IMPROVEMENTS FOR TRI-COUNTY BUSINESS PARK
BASED ON FIVE PERCENT OF LOS D PEAK-HOUR SERVICE VOLUMES

Intersection	Total Traffic LOS Prior to Improvements	Development Contribution (Percent)	Required Improvement
SR 586/SR 584	E	12.4	Add two thru-lanes NB, two thru lanes SB, one right-turn lane EB
SR584/Forest Lakes Rd.	E	43.6	Add NB thru-lane and SB thru-lane, add NB left- turn lane and SB right- turn lane, Add two thru lanes
SR 580/CR 233	E	16.0	Add one SB thru-lane
Race Track/SR 580	E	5.9	Add one EB left-turn lane
McMullen Booth/SR 5896	E	8.8	Add EB and WB thru-lane
E-W Connector/Forest Lakes Rd.	E	38.0	Add NB right-turn lane and WB left-turn lane
Linebaugh Ave./Race Track Rd.	E	51.6	Add NB thru lane and SB right-turn lane
Entrance 1 (Southern most)	N/A	100.00	Signalize and add one EB left-turn lane
Entrance 3 (New main entrance)	N/A	100.00	Signalize and add one EB left-turn lane

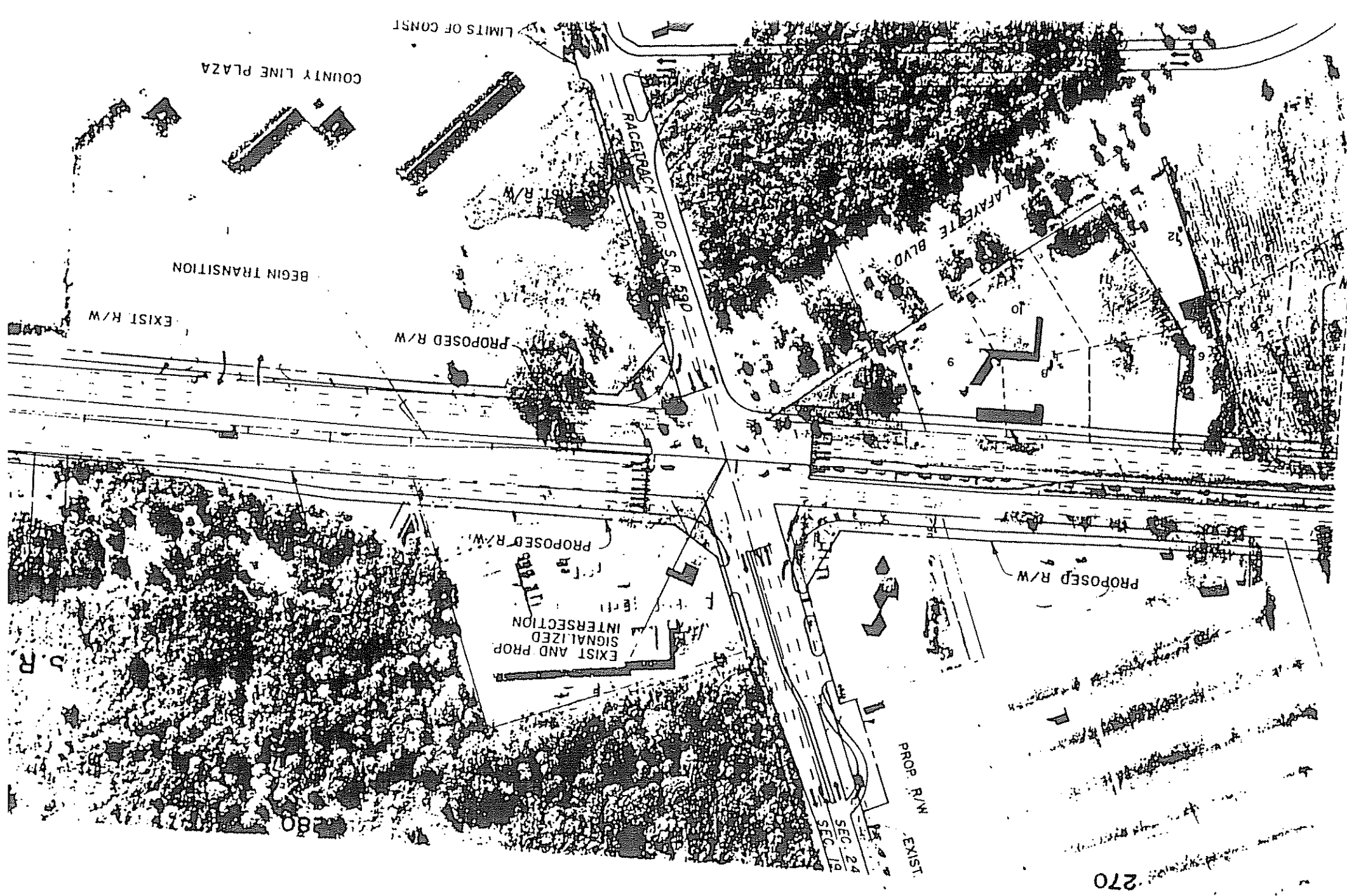


Exhibit E

STAFF REPORT

DRI #181 - Tri-County Business Park

Applicant: Rutenberg Industrial Corporation

Request: A proposed change to DRI #181, Tri-County Business Park. The change consists of clarifying the transportation mitigation elements of the Development Order.

Zoning: PD-RP 89-0174-NW

Note: Attached resolution is presently being reviewed by the County Attorney's Office.

BACKGROUND

A proposed change to DRI #181, Tri-County Business Park. The change consists of clarifying the transportation mitigation elements of the Development Order.

DISCUSSION

The Stipulated Settlement Agreement between the applicant and TBRPC resulted in several changes to the previously approved Development Order. The principal changes are summarized below:

1. The revised D.O. establishes March 9, 1991 as the date when roads assumed in the traffic analysis (i.e. Linebaugh Avenue and the East-West Connector) must be committed improvements. If they are not, the Proportionate Share would increase from 1.6 to 4.2 million dollars. No such proposal appeared in the original Development Order. In addition, the applicant was previously allowed to come back with a revised traffic analysis and proportionate share calculation if one of the roads was committed but the other was not. The revised D.O. eliminates this recalculation and fixes the proportionate share amounts.
2. The revised D.O. eliminates Linebaugh Avenue as an alternative pipeline option.
3. The revised D.O. tightens the time frame for the developer to enter into a Joint Participation Agreement with FDOT relative to the pipeline improvement - the S.R. 580/Race Track Road intersection improvements.
4. The revised D.O. revises Option 2 language to ensure that all regionally significant roads operate at an acceptable LOS, rather than only meeting Hillsborough County standards for concurrency.

The proposed changes to the D.O. do not constitute a substantial deviation.

RECOMMENDATION

Planning and Zoning staff recommends that the Board of County Commissioners adopt the attached resolution containing the revised Development Order.

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

IN RE:

RESOLUTION NO. R-89-0321 OF
HILLSBOROUGH COUNTY RENDERING A
DEVELOPMENT ORDER FOR A
DEVELOPMENT OF REGIONAL IMPACT
KNOWN AS TRI-COUNTY BUSINESS PARK.

STIPULATED SETTLEMENT AGREEMENT

Petitioner, TAMPA BAY REGIONAL PLANNING COUNCIL ("TBRPC") and Respondent, RUTENBERG INDUSTRIAL CORPORATION, hereby stipulate and otherwise agree to full, complete, and final settlement and disposition of all claims raised, or arising from claims raised in the above-styled administrative appeal as follows:

WHEREAS, on December 12, 1989, the Hillsborough County Board of County Commissioners adopted Resolution No. R89-0321 (the "Development Order"), issuing a Development Order approving, with conditions, the Tri-County Business Park Development of Regional Impact ("DRI"); and

WHEREAS, on February 22, 1990 TBRPC filed an administrative appeal of the Tri-County Business Park Development Order pursuant to Section 380.07, Florida Statutes (1989); and

WHEREAS, TBRPC's appeal was based on its claim that the transportation section of the Development Order failed to make adequate provision for the transportation impacts of the project and the Development Order failed to include a deadline for physical commencement of the project; and

WHEREAS, Rutenberg Industrial Corporation disputes TBRPC's claims and contends that the Development Order for Tri-County Business Park is adequate as written; and

WHEREAS, the parties have negotiated and reached agreement as to specific revisions of the Development Order which, once adopted would resolve the issues which were raised on appeal. The specific revisions are set forth in a proposed resolution amending the Development Order, a copy which is attached hereto and incorporated herein as Exhibit "A".

NOW THEREFORE, in consideration of the terms and conditions set forth hereafter, and the full, complete, and final settlement of all claims raised, or arising out of claims raised in the above-styled administrative appeal, the parties further stipulate and agree as follows:

1. The parties agree that once adopted the proposed revisions to the Development Order set forth in Exhibit "A" will adequately address and resolve the issues on appeal.

2. The parties further agree that settlement of the above-styled administrative appeals shall be implemented by Rutenberg Industrial Corporation immediately filing a notice of change to a previously approved DRI proposing amendments to the Development Order identical in substance to Exhibit "A". TBRPC hereby agrees to waive its thirty day review period on said notice of change. The parties further agree that once the Hillsborough County Board of County Commissioners adopts and renders such an amendment, TBRPC immediately thereafter shall file a notice of voluntary dismissal dismissing its appeal with prejudice.

5. The parties further agree that amendment of the Development Order to implement this Stipulated Settlement Agreement shall not constitute a substantial deviation requiring further development of regional impact review pursuant to Section 380.06(19), Florida Statutes (1989).

6. The parties further agree that this Stipulated Settlement Agreement is a compromise and settlement of disputed claims and is entered into to avoid the expense and uncertainty of litigation. Neither this Stipulated Settlement Agreement, nor performance of any other acts or obligations set forth herein, constitutes or shall be construed to constitute an admission to the truth or correctness of any allegation or legal argument made by any of the parties.

7. The parties further agree that this Stipulated Settlement Agreement contains the entire and exclusive understanding and agreement among the parties and may not be modified in any manner except by an instrument in writing and signed by the parties.

8. The signatures hereto represent and warrant that they have read this Stipulated Settlement Agreement and that they are fully authorized in the capacity shown, that they understand the terms thereof, and that they are executing the same voluntarily and upon their best judgement, solely for the consideration herein described.

IN WITNESS WHEREOF, the parties by and through their respective duly authorized undersigned representatives have set their hands on the date appearing below their respective signatures.

WITNESSES:

Linda M. Hallas
Roger S. Graham

TAMPA BAY REGIONAL PLANNING
COUNCIL

By: Julia E. Greene
JULIA GREENE
Executive Director

Dated: 3-30-90

RUTENBERG INDUSTRIAL CORPORATION
for Tri-County Business Park Ltd.

Linda M. Hallas
Roger S. Graham

By: James J. Larson
President

Dated: April 3, 1990



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

1740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PEHAM
Secretary

January 25, 1990

Mr. Steve Samaha
Annis, Mitchell,
E.O. Box 3433
Tampa, FL 33601

Re: Tri-County Business Park; ADA-889-029
Dear Mr. Steven Samaha:

This letter is in response to your request for our comments on the transportation analysis of the above referenced project. The Department has not completed the review of the final development order recently rendered by the County; however, we understand that the traffic analysis was performed so that traffic from the project would be distributed to existing roads as well as two roads that are non-existing but are required to be developed in other DRI development orders.

It is also our understanding that Paragraph IV.B.3.111.j. of the final development order is structured so that no development can commence on the project until such non-existing roadways are committed (construction has commenced or contracts have been let for construction). If such roadways are not committed within one year from the date the development order becomes final and non-appealable, the developer will be required to recalculate its proportionate share pursuant to the Chapter 180, Florida Statutes, prior to the commencement of development. Looking only at this Paragraph, the Department believes that this condition is an acceptable alternative which meets the intent of the Department's Transportation Rule 9J-2.0255(7)(a)3., F.A.C. However, as previously stated, we have not completed our review of other provisions in the D.O. and, therefore, have not yet concluded whether the D.O. complies with the requirements of Chapter 300, F.S.

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

Mr. Steve Samaha
January 25, 1990
Page Two

If you have any questions or comments concerning this matter,
please call me or Marina Pennington in the Bureau of State Planning
at (304) 488-4925.

Sincerely,

J. Thomas Beck

J. Thomas Beck, Chief
Bureau of State Planning

JTB/mpp

cc: Ms. Suzanne Cooper (TBSPC)

TOTAL P.02

Resolution No. _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
AMENDING DRI #181 DEVELOPMENT ORDER
TRI-COUNTY BUSINESS PARK

Upon motion of Commissioner _____, seconded by Commissioner _____, the following Resolution was adopted on this _____ day of _____, 1990.

WHEREAS, on December 12, 1989, the Board of County Commissioners approved a Development Order, Resolution No. R89-0321 for the Tri-County Business Park Development of Regional Impact (the "Development Order"); and

WHEREAS, on January 12, 1990, Hillsborough County rendered the Development Order to the Department of Community Affairs and ("DCA") and the Tampa Bay Regional Planning Council ("TBRPC");

WHEREAS, TBRPC subsequently filed an appeal of the Development Order with the Florida Land and Water Adjudicatory Commission ("FLWAC"), FLWAC Case No. APP-90-007, primarily based upon its objections to the transportation mitigation provisions set forth in the Development Order; and

WHEREAS, TBRPC, the Developer and the County Staff negotiated and reached agreement on revisions of the terms of said transportation mitigation provisions which were considered by the Board of County Commissioners at a public meeting held on Statutes (1988), 1990, pursuant to Section 380.06(19), Florida

WHEREAS, Section 380.06(19), Florida Statutes (1988) requires that the Development Order be amended to reflect said revisions;

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

1. That the following findings of fact are made:

- a. The amendment of the Development Order, attached hereto as Exhibit "A", does not involve a change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes (1988).
- b. All statutory procedures have been adhered to.
- c. The findings of fact and conclusions of law made in the original Development Order are incorporated herein by reference.

EXHIBIT A

2. That the Development Order approved by Resolution No. R89-0321 is hereby amended as provided in Exhibit "A" attached hereto and made a part hereof.
3. That Resolution No. R89-0321 is hereby reaffirmed in its entirety except as amended herein.
4. The Developer's Certification, Exhibit "B", affirming that copies of the Notices of Change has been delivered to all persons as required by law, is incorporated herein.
5. The Developer's Certification, Exhibit "C", affirming that a complete copy of the application for development approval, as modified or amended has been delivered to all persons as required by law, is incorporated herein.
6. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the Department of Community Affairs, 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 _____ of _____, as the same appears of record in Minute Book _____ of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this _____ day of _____, 1990.

RICHARD AKE, CLERK

By: _____
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

By: _____
Approved as to Form and
Legal Sufficiency.

035-20-2932-006

the Development Order, if the Development Order itself is not recorded with the Clerk of the Circuit Court of Hillsborough County, shall be filed among the aforesaid public records pursuant to the requirements set forth in Florida Statutes, Section 380.06(15)(f).

SECTION IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

The development of the Project shall proceed in accordance with the following proposed phasing schedule:

	Commercial (Sq. Ft.)	Industrial/ Manufacturing/ Warehouse/ Distribution/ Research Permitted Pursuant to the County PD-RP Zoning District (Sq. Ft.)	Office (Sq. Ft.)
Phase I (1989-1995)	50,000	900,000	-0-
Phase II (1995-2000)	25,000	1,725,000	100,000
Phase III (2000-2005)	-0-	900,000	-0-
Totals	75,000	3,525,000	100,000

1. Specific final development approval is accorded to Phase I, subject to the conditions contained herein. Specific approval of Phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of each phase on air quality and the study area roadway network and to specify the measures which must be implemented to mitigate or cure these impacts.

2. 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 law, which approval shall not be withheld if the terms of this Development Order are otherwise complied with. Any significant departure in project build-out from the phasing schedule set forth in the ADA shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes, as amended.

3. This Development Order shall remain in effect for a period up to and including December 1, 2005. No new construction shall commence after expiration of this Development Order. Provided, however, any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of this Development Order, if approved. This Development Order may be extended by the Board on the finding of excusable delay in any proposed development activity provided that

an extension of the buildout period for any phase or the total development period for more than the time period specified by Chapter 380 may trigger a substantial deviation pursuant to Chapter 380. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Development Order. Phase I Development shall commence within two years after this first amendment to this Development Order is approved by the County.

4. The Development shall not be subject to down-zoning, intensity reduction or change to a more restrictive land use category until December 1, 2005, unless the County 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 changes are clearly established by local government to be essential to the public health, safety, or welfare. For the purposes of this Development Order, the term "down-zoning" shall refer to any regulation that has the effect of reducing the total approved intensity as set forth in Section IV.A.4 provided, however, nothing in this Section IV.A.4 shall be construed to prohibit (i) legally enacted changes in zoning or land use regulations which do not decrease in development rights granted to the Developer pursuant to this Development Order, (ii) any development rights which may arise as a result of this Development Order, and (iii) the Developer from requesting any modifications to this Development Order or the PD-RP zoning district at any time.

3. TRANSPORTATION

1. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 600,000 square feet of industrial space on Phase I or (ii) 622 p.m. peak hour vehicle trips are generated from Phase I, an annual monitoring program to provide peak-hour traffic counts at the entrance to the Development shall be instituted to verify that the projected number of external trips to the Development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the annual report is not submitted within thirty (30) days after the due date or the annual report indicates that the total number of external vehicle trips generated by the Development exceeds that which was projected during the original DRI review by more than fifteen (15) percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes and, if the variance is determined to be a substantial deviation, the County may amend the Development Order to require additional roadway improvements and/or other mitigation measures. If the excess is determined to be a substantial deviation, the revised transportation analysis required pursuant to Chapter 380.06 will be based on the results of a monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request that the Development Order be amended.
2. The Developer, at its option, shall mitigate the impacts of the Phase I Development on the regionally significant roadway system by satisfying any one of the transportation mitigation options hereinafter described.

Compliance with the provisions of any one of the transportation mitigation options has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to Phase I of the Development on the regionally significant roadway network, consistent with Florida law and applicable rules of the County, DCA, FDOT and the TBRPC.

3. The three (3) transportation improvement options available to the Developer are as follows:

(i) Option 1: Funding Commitments

(a) Any approval of Phase I of this Development shall require funding commitments from responsible entities for the following roadway improvements and shall require that the New Roads (as herein defined) are under construction by March 9, 1991. For the purposes of this Development Order, the Developer is considered as one of a number of possible responsible entities capable of providing the mitigation of the transportation impacts of the Development. For the purposes of this Development Order, funding commitments can be Developer's commitments for actual construction, actual (or committed for in binding contractual form) construction by any public or private entity, the placement of improvements in the transportation improvement work programs of the County or the State of Florida, or any combination of the foregoing. Without funding commitments for the following improvements, construction permits shall not be issued for Phase I.

(1) Provide the link improvements indicated in Table 1 to Exhibit "D" annexed hereto.

(2) Provide the intersection improvements indicated in Table 2 to Exhibit "D" annexed hereto.

(b) In lieu of Section IV B.3.(i)(a) above, the Developer may subphase Phase I of the Development when such subphasing identifies and ties specific amounts of project development (within a phase) to specific improvements to the regionally significant roadway network. Such subphasing shall be acceptable under the following conditions:

(1) TBRPC and the County shall concur with the defined amount of development to be specifically allowed;

(2) Funding commitments for roadway improvements will be required when the regional roadways will operate below Level of Service ("LOS") D at p.m. peak hour for urban roads and LOS C at p.m. peak hour for rural roads ("LOS D/C") and the Development contributes five (5) percent or more of the then existing LOS D/C at p.m. peak hour capacity of the facility; and

(3) A stop work order prohibiting development shall be issued if the development triggers the need for roadway improvements

pursuant to applicable TBRPC rules, but for which funding commitments cannot be assured, or if the required analysis or monitoring reports, as appropriate, are not submitted in a timely manner. Provided, however, that project construction for which permits have previously been issued shall not be affected by such failure to submit the required analysis or monitoring reports.

- (c) Any development pursuant to this Option 1 shall require that construction for the entire length of both New Roads has begun by March 9, 1991. Alternatively, Developer may submit a new traffic analysis (not distributing traffic onto the New Roads) specifying the link and intersection improvements that must be made and amending this Order to identify said improvements.

(ii) Option 2: Monitoring

- (a) In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Development, the capacity and loading of transportation facilities in the Tri-County Business Park 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 the County and the TBRPC, pursuant to the provisions of Chapter 380, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of any currently approved Development 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 ADA or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D/C at peak hour. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. The traffic analysis shall not distribute traffic onto the New Roads unless construction of the New Roads has begun. Prior to any specific approval pursuant to Option 2, the County or its designee shall ensure in written findings of fact that the regional roadways in the Tri-County Business Park transportation impact area are operating at or above LOS D/C at peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D/C at peak hour. This Development Order shall be amended to address the specific Option 2 phase or subphase approval. Such amendment shall not constitute a substantial deviation.

- (b) Subject to the completion, review and approval by the County of a subphasing transportation analysis, together with any necessary Development Order amendments, subphasing is permitted under Option 2. If subphasing of

Phase I is elected by the Developer, funding commitments will be required for all regionally significant improvements (as listed in Table 1) which are necessary to accommodate the traffic impacts of a particular subphase of the Development prior to the commencement of that particular subphase of development. Prior to issuance of building permits beyond a particular subphase 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/C p.m. peak hour and the development would contribute five percent (5%) or more of LOS D/C p.m. 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.

(iii) Option 3: Pipelining

- (a) In order to elect this Option 3, the Developer must make such election within one hundred twenty (120) days from the date that the County approves the amendment to this Development Order. Upon such election, the Developer shall provide written notice of the election to the County and TBRPC within the aforesaid time frame. The requirements of this section have been determined to make adequate provision for, or to provide the appropriate requirements to cure and mitigate the impacts of, the public transportation facilities needed to accommodate the traffic impacts of Phase I of the Development. The requirements set forth below have been determined to be consistent with applicable County, TBRPC, DCA, FDOT and MPO regulations and Rule 9J-2.0255, FAC.

(b)

The transportation improvement which is consistent with the County, Tampa Urban Area MPO and FDOT long-range plans, and is acceptable to the County, TBRPC, the Tampa Urban Area MPO and FDOT, is the following (the "Pipeline Improvements"):

- (1) S.R. 580/Race Track Road Intersection Improvements.

The intersection of S.R. 580 and Race Track Road shall be designed and improved as graphically shown on Exhibit "E" attached hereto or as otherwise set forth in the joint participation agreement described below. Developer, County and FDOT shall enter into a mutually acceptable joint participation agreement within one hundred twenty (120) days from the date County approves the amendment to this Development Order. The joint participation agreement shall require (a) the Developer to begin and complete the design of the pipeline improvements and pay the proportionate Share, less the costs incurred by Developer in connection with the design of the Pipeline Improvements, to FDOT by September 21, 1991, and (b) the FDOT to acquire all

right-of-way necessary for the Pipeline Improvements, to provide funds to cover any shortfall between the cost of designing, permitting and constructing the Pipeline Improvements less the Developer's Proportionate Share, require FDOT to complete construction of the Pipeline Improvements by December 31, 1994, and require the FDOT to acknowledge that the Developer's Proportionate Share contribution toward the cost of the Pipeline Improvements shall be credited as part of the County's obligation to contribute funds and/or facilities to FDOT pursuant to the County Road Network Improvement Program Ordinance. The design of the Pipeline Improvements shall be prepared by Developer in a manner normally used by the entity that will ultimately be responsible for the Pipeline Improvements. The design process shall begin thirty (30) days after Developer has elected the pipeline option and shall be completed by March 9, 1991. The design shall include thirty percent (30%), sixty percent (60%), and one hundred percent (100%) design completion reviews and approvals. The Developer shall have satisfied all of its obligations related to the Pipeline Improvements and mitigation of the Phase I traffic impacts upon execution of the joint participation agreement, timely completion and delivery of the design for the intersection and payment of Developer's Proportionate Share and may, upon the occurrence of such events, complete Phase I development notwithstanding FDOT's failure to satisfy its obligations pursuant to the joint participation agreement. In the event Developer fails to make the payment to FDOT by September 21, 1991, all development permitted pursuant to the pipeline option shall cease and no building permits or certificates of occupancy shall be issued for development pursuant to the pipeline option.

(2) Alternate Improvements.

In the event the Developer, County and FDOT do not enter into a mutually acceptable joint participation agreement with respect to the pipeline improvements within one hundred twenty (120) days from the date the County approves the amendment to this Development Order, Developer shall submit an alternate pipeline improvement to the County and TBRPC, within ninety (90) days after the expiration of the period for the Developer, County and FDOT to enter into the joint participation agreement, for their approval and this Development Order shall be amended to specify such alternate pipeline improvement, if any and a time schedule for its construction. (the "Alternate Improvement"). In no event shall developer begin construction of Phase I pursuant to the pipeline option prior to the amended Development Order becoming non-appealable.

- (c) The Developer shall have no liability for any costs related to the Pipeline Improvements greater than the Proportionate Share amounts set forth below.
- (d) For purposes of this Development Order, Developer's Proportionate Share of the cost of the transportation improvements necessary to accommodate the impacts of Phase I of the Development on the roadways and intersections set forth in Exhibit "D" attached hereto have been calculated to be \$1,644,967.00 (the "Proportionate Share"). In the event the New Roads are not committed by March 9, 1991, the Proportionate Share shall be \$4,200,000.00.
- (e) Right of way dedication made by the Developer for Race Track Road shall be credited against the County impact fee. The Developer shall submit property appraisals prepared by a qualified appraiser to the County to support a determination of the amount of the credit.
- (f) Developer shall receive a credit against the Proportionate Share in an amount equal to the transportation impact fees collected in connection with the Existing Development.
- (g) Any portion of the Proportionate Share in excess of applicable impact fees for Phase I shall be credited against impact fees for Phase II.
- (h) Phase I development shall not commence until the East West Connector Road from Race Track Road to Forest Lakes Boulevard and the Linebaugh Avenue Extension from Sheldon Road to Race Track Road (together, the "New Roads") are Committed Improvements. The New Roads shall be deemed Committed Improvements at such time as construction contracts for the New Roads have been let, or construction of the New Roads have commenced. Any construction of the New Roads has provide for construction to commence within thirty (30) days after the construction contract has been let. If both of the New Roads are not Committed Improvements by March 9, 1991, Developer may (a) elect Option 2 in order to mitigate all of the traffic impacts of Phase I of the Project or a portion thereof, (b) continue to pursue Option 3 in order to mitigate all of the traffic impacts of Phase I of the Project, in which event the Proportionate Share shall be \$4,200,000.00, or (c) submit a new Chapter 380 transportation analysis and amend this Development Order. Any such amendment shall utilize only traffic mitigation alternatives which are available at the time the order is amended and in no event shall Developer be entitled to utilize the pipeline option of mitigation if option (c) is chosen. In the event Developer elects (b) above, Developer may, with County and TARP Share to construct a transportation improvement agreed to by the Developer, County and TARP. The use of the revised Proportionate Share of \$4,200,000.00 for such roadway improvement agreed to by the Developer, County and TARP shall not constitute a substantial deviation. However, Developer shall file a notice of

change to the Development Order. In the event Developer elects (b) above, Developer shall receive credit against applicable transportation impact fees for all monies spent in connection with the Pipeline Improvements. However, impact fee credits shall be provided only when the improvement for which the design was performed is a Committed Improvement and the Committed Improvement is consistent with the design that is performed.

- (i) The County shall provide access to the final roadway corridor for that portion of the Linebaugh Avenue Extension located west of the Thomas Ranch property, pursuant to the requirements of Resolution Number RZ89-0098, within thirty (30) days from the date this Development Order becomes final and non-appealable.

4. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 600,000 square feet of industrial space on Phase I, or (ii) 622 p.m. peak hour vehicle trips are generated on Phase I, then the Developer shall prepare a Transportation Systems Management (TSM) program prior to commencing Development of Phase II, which is intended to divert a number of vehicle trips from the p.m. peak hour. The TSM shall be reviewed by the Hillsborough Area Regional Transit Authority, the Tampa Urban Area MPO, the TBRPC and the FDOT. The results of the TSM program may serve as a basis for the Developer to request Development Order amendments, including additions to the square footage approved for Phase I. If implemented, 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, the County may conduct a substantial deviation determination pursuant to Chapter 380.06 and amend this Development Order to change the TSM objectives and/or require additional roadway improvements.

C. ENVIRONMENT AND NATURAL RESOURCES

Air Quality

1. The Developer and/or its successors and assigns shall, at a minimum, employ the fugitive dust emission abatement procedures referenced in the ADA.
2. The County shall reserve the right to require appropriate mitigation measures to alleviate any potential impacts of the project on ambient air quality.

Land

3. The measures to reduce soil erosion and fugitive dust air emissions, referenced in the ADA, at minimum, shall be implemented.
4. The methods identified in the ADA as suitable to overcome soil limitations shall be required, as appropriate.

MEETING OF: Board of County Commissioners
MEETING DATE: December 12, 1989
PETITION NUMBER: DRI #181
DATE TYPED: January 12, 1990

Resolution No. R89-0321

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI # 181 DEVELOPMENT ORDER
TRI-COUNTY BUSINESS PARK

Upon motion by Commissioner Poe
Commissioner Colson, the following Resolution was
adopted by a vote of 5 to 1 Commissioner(s)
Platt, voting "No".

WHEREAS, on January 13, 1989, Rutenberg Industries Corporation, authorized agent for Tri-County Business Park, Ltd (hereinafter referred to as "Developer") filed an Application for Development Approval (which, together with the sufficiency response filed June 19, 1989, and the 032 Agreement hereinafter referred to as the "ADA") of a Development or Regional Impact ("DRI") with Hillsborough County ("County") or 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, Florida Statutes, as amended ("Chapter 380"); and

WHEREAS, the ADA proposed development of Tri-County Business Park, a mixed-use light industrial, office and commercial development (the "Development" or "Project") located on approximately three hundred eighty-six (386) acres in northwest Hillsborough County (the "Property"); and

WHEREAS, the Property is located within the unincorporated area of Hillsborough County; and

WHEREAS, On January 9, 1989, the Developer, DCA, and TBRPC entered into an agreement pursuant to Subsection 380.032, Florida Statutes (the "032 Agreement"), a copy of which is annexed hereto as Exhibit "A", allowing completion of development of approximately 120,000 square feet of space within the existing development on one hundred four (104) acres adjacent to the Property (the "Existing Development"), pursuant to the terms of the 032 Agreement; and

WHEREAS, the Developer has agreed to include the Existing Development in the ADA solely for the limited purposes specified in the 032 Agreement; and

WHEREAS, the Hillsborough County Board of County Commissioners (the "Board"), 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 applicable sections of the County Zoning Code (Ordinance 85-10), as amended, have been satisfied; and

WHEREAS, the Zoning Hearing Master appointed pursuant to the County Zoning Code, has held a duly noticed public hearing on the ADA, considered testimony and other documents and evidence, reviewed the ADA and filed a recommendation regarding the ADA with the Board; and

WHEREAS, the Board has on December 12, 1989, held a duly noticed public hearing on the ADA and has heard and considered testimony and other documents and evidence; and

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

WHEREAS, the Board has solicited, received and considered reports, comments and recommendations from interested citizens of the County, and other governmental agencies; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearings on the subject DRI before the Zoning Hearing Master and the Board;

WHEREAS, the County has approved a PD-RP Zoning District for the Property pursuant to County Resolution No. _____.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 12th DAY OF December, 1989, AS FOLLOWS:

SECTION I. FINDINGS OF FACT

The Board, having received the ADA and having received and considered all comments, testimony, and evidence submitted by the Developer, appropriate reviewing agencies and the public, finds there is substantial evidence to support the following findings of fact:

- A. The recitals set forth in the "whereas" paragraphs described above are true, accurate and correct, and are incorporated herein by reference.
- B. An affidavit certifying distribution of the ADA is attached hereto and marked "Exhibit B" and incorporated herein by reference.
- C. The property which is the subject of the ADA, is legally described in Exhibit "C" attached hereto and incorporated herein by reference.
- D. The proposed Development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- 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, the TBRPC, and other affected agencies.
- F. The County has entered into the following agreements that provide certain water, sewer, and other rights to the Property:
 1. Agreement dated February 21, 1962, between the City of St. Petersburg and Sunshine Oldsmar Farms, Inc.
 2. Waste and Wastewater Supply Agreement dated January 22, 1982, between Hillsborough County, Oldsmar Palms Corporation, ("Palms") and RTF Associates.
 3. Sewer Line Oversizing Agreement dated April 27, 1983, between Palms and Hillsborough County.
 4. First Amendment to Sewer Line Oversizing Agreement dated July 12, 1989, between Palms and Hillsborough County.
 5. Water Main Agreement dated August 10, 1983, between Developer and Hillsborough County.

6. Interim Wastewater Treatment Plant Agreement dated February 19, 1986, between Developer and Hillsborough County.
7. First Addendum to Interim Wastewater Treatment Plant Agreement dated June 24, 1987, between the Developer and Hillsborough County (the foregoing agreements collectively referred to as the "Water and Sewerage Agreements").

G. The Authorized Agent of Developer is Rutenberg Industries Corporation, 2454 McMullen Booth Road, Suite 42 Clearwater, Florida 34619, Attention: James S. Shapiro.

SECTION II. CONCLUSIONS OF LAW

The Board, having made the above findings of fact, and basing its conclusions upon compliance with the terms and conditions of the Development Order, the provisions of the ADA, and the report, recommendations and testimony heard and considered by the Zoning Hearing Master and the Board, hereby reaches the following conclusions of law:

- A. The development will not unreasonably interfere with the achievement of the objectives of the adopted state land development plan applicable to the area.
- B. The development is consistent with local land development regulations and the County's comprehensive plan adopted pursuant to the Local Government Comprehensive Planning Act Chapter 163, Florida Statutes, as amended, and Chapter 75.390, Laws of Florida, as amended, and the goals and policies of the comprehensive regional plan and the state comprehensive plan.
- C. The development is consistent with the report and recommendation of the TBRPC.
- D. This Development Order satisfies the provisions of Chapter 380.
- E. In considering whether the Development should be approved subject to conditions, restrictions, and limitations, the County has considered the criteria stated in Section 380.06, and more specifically, Subsection 380.06(14), Florida Statutes.
- F. The review by County, the Hillsborough County City-County Planning Commission, the TBRPC, and other participating agencies and interested citizens have adequately addressed all impacts of the Development, pursuant to the requirements of Chapter 380, within the terms and conditions of this Development Order and the ADA.
- G. The ADA is approved subject to all terms and conditions of this Development Order.
- H. The adopted Comprehensive Plan for Hillsborough County, titled "The Future of Hillsborough", designates the area within which the property lies as Light Industrial, ("LI"), Research Corporate Park ("RCP"), and Environmental ("E").

SECTION III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the ADA for the Tri-County Business Park DRI.
- B. All provisions contained within the ADA 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.

- C. The definitions contained in Chapter 380, shall govern and apply to this Development Order.
- D. This Development Order shall be binding upon the Developer and its assigns or successors subject to the provisions of Section III.G. It is understood that any reference here to any governmental agency shall be construed to include a future instrumentality which may be created or designated successors in interest to, or which otherwise possesses all or part of the power, and duties of any branch of government or governmental agency.
- E. In the event that any portion or section of this Development Order 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 which shall remain in full force and effect.
- F. 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 to review developments set forth under applicable laws and rules governing DRIs.
- G. In each instance in this Development Order where the Developer is responsible for ongoing maintenance, monitoring, preparation of plans, reports and analysis, and other obligations, the Developer may transfer any or all of its responsibilities pursuant to this Development Order to an appropriate private body created to perform such responsibilities; provided, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County. Third party purchasers and lessees of portions of any portion of the property shall not be responsible for satisfying any of the obligations of the Developer pursuant to this Development Order that are retained by the Developer or an assignee of the Developer, but shall comply with all restrictions set forth in Section IV.C. regarding Environment and Natural Resources that pertain to the portion of the property sold or occupied by such third party. In the event that a portion of the property is conveyed to a third party purchaser and the Developer specifically assigns all of its, then remaining, Phase I approved intensity to such third party, all of the obligations set forth herein, including the transportation obligations set forth in Section IV.B. if not, as yet, accomplished, shall be binding upon only that portion of the property that has been specifically assigned the remaining Phase I intensity rights.
- H. The remaining Phase II and III portions of the property shall be subject to further Chapter 380 analysis of transportation and air quality as set forth in Section IV.A. hereof.
- I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria set forth in Chapter 380, 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 the County and TBRPC, shall result in further DRI review pursuant to the provisions of Chapter 380.
- J. The Board and the County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order.

K.

The Developer shall file an annual report in accordance with Chapter 380 and appropriate rules and regulations. The report shall be submitted on DCA Forms BLWM-07-85, amended. Such report shall be due on January 31, 1991, 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. The Board shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board hearings wherein such report is to be reviewed. The receipt and review by the Board 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 DCA to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the DCA pursuant to Chapter 380; 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 setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Development Order; and
4. All monitoring results required pursuant to the terms of this Development Order; and
5. Any requests for substantial deviation determination that were filed in the reporting year.
6. A statement listing all Applications for Incremental Review, if applicable, 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
7. 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.

All Development undertaken pursuant to this Development Order shall be in accordance with all applicable County codes and ordinances and other laws in effect at the time of permitting, except as otherwise specifically provided herein or by applicable law.

M.

This Development Order shall apply to the Property legally described on Exhibit "C" attached hereto.

N.

This Development Order shall take effect upon the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended. A notice of the adoption of the Development Order, if the Development Order itself is not recorded with the Clerk of Circuit Court of Hillsborough County, shall be filed among the aforesaid public records pursuant to the requirements set forth in Florida Statutes, Section 380.06(15)(f).

SECTION IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

The development of the Project shall proceed in accordance with the following proposed phasing schedule:

	Commercial (sq.ft.)	Industrial/ Manufacturing/ Warehouse/ Distribution/ Research Permitted Pursuant to the County PD-RP Zoning District (sq.ft.)	Office (sq.ft.)
Phase I (1989-1995)	50,000	900,000	-0-
Phase II (1995-2000)	25,000	1,725,000	100,000
Phase III (2000-2005)	-0-	900,000	-0-
TOTALS	75,000	3,525,000	100,000

- Specific final development approval is accorded to Phase I, subject to the conditions contained herein. Specific approval of Phases II and III shall require further analysis, pursuant to the provisions of Section 380.06, Florida Statutes, and amendment of the Development Order to identify the impacts of the on air quality and the study area roadway network and to specify the measures which must be implemented to mitigation or cure these impacts.
- 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 law, which approval shall not be withheld if the terms of this Development Order are otherwise complied with. Any significant departure in project build-out from the phasing schedule set forth in the ADA shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes, as amended.
- This Development Order shall remain in effect for a period up to and including December 1, 2005. No new construction shall commence after expiration of this Development Order. Provided, however, any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of this Development Order, if approved. This Development Order may be extended by the Board on the finding of excusable delay in any proposed development activity provided that an extension of the buildout period for any phase or the total development period for more than the time period specified by Chapter 380 may trigger a substantial deviation pursuant to Chapter 380. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Development Order.

4. The development shall not be subject to down-zoning, intensity reduction, or change to a more restrictive land use category until December 1, 2005, unless the County 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 changes are clearly established by local government to be essential to the public health, safety, or welfare. For the purposes of this Development Order, the term "down-zoning" shall refer to any regulation that has the effect of reducing the total approved intensity as set forth in Section IV.A. Provided, however, nothing in this Section IV.A.4 shall be construed to prohibit (i) legally enacted changes in zoning or land use regulations which do not decrease the development rights granted to the Developer pursuant to this Development Order, (ii) any development rights which may arise as a result of this Development Order, and (iii) the Developer from requesting any modifications to this Development Order or the PD-RP Zoning District at any time.

B.

TRANSPORTATION

1. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 600,000 square feet of industrial space on Phase I, or (ii) 622 p.m. peak hour vehicle trips are generated from Phase I, an annual monitoring program to provide peak-hour traffic counts at the entrance to the Development shall be instituted to verify that the projected number of external trips for the Development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the annual report is not submitted within thirty (30) days after the due date or the annual report indicates that the total number of external vehicle trips generated by the Development exceeds that which was projected during the original DRI review by more than fifteen (15) percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and if the variance is determined to be a substantial deviation, the County may amend the Development Order to require additional roadway improvements and/or other mitigation measures. If the excess is determined to be a substantial deviation, the revised transportation analysis required pursuant to Chapter 380.06 will be based on the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request that the Development Order be amended.
2. The Developer, at its option, shall mitigate the impacts of the Phase I Development on the regionally significant roadway system by satisfying any one of the transportation mitigation options hereinafter described. The mitigation measures set forth hereafter may be implemented singly or in combination, subject to County approval, to mitigate the impacts of this development, or each phase thereof on regional transportation facilities. Compliance with the provisions of any one of the transportation mitigation options has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to Phase I of the Development on the regionally significant roadway network, consistent with Florida law and applicable rules of the County, DCA, FDOT, and the TBRPC.

3. The three (3) transportation improvement options available to the Developer are as follows:

(i) Option 1: Funding Commitments

(a) Any approval of Phase I of this development shall require funding commitments from responsible entities for the following roadway improvements. For the purposes of this Development Order, the Developer is considered as one of a number of possible responsible entities capable of providing the mitigation of the transportation impacts of the Development. For the purposes of this Development Order, funding commitments of the Developer's commitments for actual construction, actual (or committed for) binding contractual form construction by any public or private entity, the placement of improvements in the transportation improvement work programs of the County or the State of Florida, or any combination of the foregoing. Without funding commitments for the following improvements, construction permits shall not be issued for Phase I.

- (1) Provide the link improvements indicated in Table 1 to Exhibit "D" annexed hereto.
- (2) Provide the intersection improvements indicated in Table 2 to Exhibit "D" annexed hereto.

(b) In lieu of Section IV B.3.(i)(a) above, the Developer may subphase the Development when such subphasing identifies and ties specific amounts of project development (within a phase) to specific improvements to the regionally significant roadway network. Such subphasing shall be acceptable under the following conditions:

- (1) TBRPC and the County shall concur with the defined amount of development to be specifically allowed;
- (2) Funding commitments for roadway improvements will be required when the regional roadways will operate below Level of Service ("LOS") D at p.m. peak hour for urban roads, and LOS C at p.m. peak hour for rural roads ("LOS D/C"), and the Development contributes five (5) percent or more of the then existing LOS D/C at p.m. peak hour capacity of the facility; and
- (3) A stop work order prohibiting development may be issued if the development triggers the need for roadway improvements pursuant to applicable TBRPC rules, but for which funding commitments cannot be assured, or if the required analysis or monitoring reports, as appropriate, are not submitted in a timely manner. Provided, however, that project construction for which permits have previously been issued shall not be affected by such failure to submit the required analysis or monitoring reports.

(ii) Option 2: Monitoring

- (a) 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 Tri-County Business Park transportation area including but not limited to the regional roadway and intersections referenced in Option 1, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide the County and the TBRPC, pursuant to the provisions of Chapter 380, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from completion of the currently approved Development 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 ADA or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways referenced in Option 1 at a satisfactory LOS D/C 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 pursuant to Option 2, the County or its designee shall ensure in written findings of fact that the regional roadways in the Tri-County Business Park transportation impact area are operating at or above a LOS D/C at peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D/C at peak hour. This Development Order shall be amended to address the specific Option 2 phase or subphase approval. Such amendment shall not constitute a substantial deviation.

- (b) Subject to the completion, review and approval by the County of a subphasing transportation analysis, together with any necessary Development Order amendments, subphasing is permitted under Option 2. If subphasing is elected by the Developer, funding commitments will be required for all regionally significant improvements (as listed in Table 1) which are necessary to accommodate the traffic impacts of a particular subphase of the Development prior to the commencement of that particular subphase of development. Prior to issuance of building permits beyond a particular subphase 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/C p.m. peak hour and the development would contribute five percent (5%) or more of LOS D/C p.m. 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. Notwithstanding anything contained herein or in the ADA to the contrary, Developer may proceed with a particular subphase of development provided that Developer mitigates the traffic impacts generated by such subphase by fully complying with the County Ordinance regarding concurrency.

(iii)

ption 3: Pipelining

- (a) In order to elect this Option 3, the Developer must make such election within ninety (90) days from the date that the Development Order becomes final and nonappealable. Upon such election, the Developer shall provide written notice of the election to the County and TBRPC within the aforesaid time frame. The requirements of this section have been determined to make adequate provision for, or to provide the appropriate requirements to cure and mitigate the impacts of the public transportation facilities needed to accommodate the traffic impacts of Phase I of the Development. The requirements set forth below have been determined to be consistent with applicable County, TBRPC, DCA, FDOT, and MP regulations and Rule 9J-2.0255, FAC.
- (b) The Developer, using Developer's proportionate share amount, as hereinafter defined, calculated pursuant to Rule 9J-2.0255, FAC, shall satisfy one of the two pipeline alternatives as hereinafter described.
- (c) The two possible link and intersection improvements which are consistent with the County, Tampa Urban Area MPO and FDOT long-range plans, and are acceptable to the County, TBRPC, the Tampa Urban Area MPO and FDOT, are the following (the "Pipeline Improvements"):

(1) S.R. 580/Race Track Road Intersection Improvements.

Developer shall construct improvements at the intersection of S.R. 580 and Race Track Road consisting of the following: Four (4) through lanes, one (1) left-turn lane, and one (1) right-turn lane for westbound traffic traveling on S.R. 580; three (3) through lanes, two (2) left-turn lanes, and one (1) right-turn lane for eastbound traffic traveling on S.R. 580; two (2) left-turn lanes, one (1) through lane, and one (1) right-turn lane for southbound traffic traveling on Race Track Road; and the realignment, right and left-turn lanes of Lafayette Street; all as depicted in FDOT drawings dated 3/88, described as Preferred eight (8) lane Alternate (preliminary) (collectively, the "Intersection Improvements"). The estimated amount of the Intersection Improvements is \$1,644,967.00. In the event the Developer, County, and FDOT do not enter into a mutually acceptable joint participation agreement within one hundred twenty (120) days from the date the Developer elects the pipeline option, the Intersection Improvements shall not be made and Developer shall satisfy the obligations described in paragraph IV, B, 4, iii, c, 2 below. The joint participation agreement shall require the FDOT to acquire all right-of-way necessary for the Intersection Improvements and to provide funds to cover any shortfall between the cost of designing, permitting, and constructing the Intersection Improvements less the Developer's proportionate share, require the completion of construction of the Intersection Improvements within the twelve (12) months from the commencement of construction as set forth in Section IV B, 4, iii, d., and require the FDOT to acknowledge that the

Developer's proportionate share contribute toward the cost of the Intersection Improvement shall be credited as part of the County's obligation to contribute funds and/or facilities to FDOT pursuant to the County Road Network Improvement Program Ordinance.

(2) Linebaugh Avenue Improvements

In the event the Developer, County, and FDOT do not enter into a mutually acceptable joint participation agreement with respect to the Intersection Improvements within one hundred twenty (120) days from the date the Developer elects the pipeline option, the Developer shall enter into a mutually acceptable joint participation agreement with the County providing for the construction of third (3rd) and fourth (4th) lanes to the Linebaugh Avenue extension from Race Track Road to Ehrlich Road and the improvement of the intersection of Linebaugh Avenue and Race Track Road with signalization, where warranted, and double left-turn lanes from the north, south, and east (collectively, the "Linebaugh Improvements"). The procedures for distribution of the monies by the Developer hereunder shall be as set forth in the aforesaid joint participation agreement. The Developer and the County shall enter into a mutually acceptable joint participation agreement within ninety (90) days after the date this paragraph becomes effective due to the failure of the Developer, County, and FDOT to enter into a mutually acceptable joint participation agreement with respect to the Intersection Improvements. The Developer shall reimburse the County up to but no greater than the entire proportionate share. The estimated cost of the Linebaugh Improvements is approximately \$800,000.00.

(d) The following provisions shall apply to the Pipeline Improvements

- (1) The design of the Intersection Improvements or Linebaugh Improvements shall be prepared in a manner normally used by the entity that will ultimately be responsible for the Intersection Improvements. The design shall be reviewed and approved by FDOT and/or the County, as applicable, prior to construction of Intersection Improvements, or the Linebaugh Improvements, as applicable. The design shall be completed and approved within twelve (12) months after the Developer, County, and FDOT, as applicable, enter into the joint participation agreement. The design shall include thirty percent (30%), sixty percent (60%), and one hundred percent (100%) design completion reviews and approvals.

- (2) A period of twelve (12) months from the date the right-of-way requirements have been specified in a form acceptable to the County shall be allowed for the purpose of right-of-way acquisition by the County and/or FDOT, as applicable.

(3) Upon approval of the design of Intersection Improvements or Linebaugh Improvements, as applicable, by the FDOT and/or County, as appropriate, Developer shall select a contractor within three months of the date of the last of such approvals. The County and/or FDOT, as appropriate, shall acquire, at its cost, needed right-of-way for the Intersection Improvements or Linebaugh Improvements described above. Provided, the County shall not be required to obtain any right-of-way for Race Track Road in order to improve the Linebaugh/Race Track intersection. The County and/or FDOT, as applicable, shall assist the Developer, when appropriate, with the processing of all permits, approvals, utility relocations, and utility easements necessary to complete the Intersection Improvements or Linebaugh Improvements, as applicable, provided that the County and/or FDOT, as applicable, shall not be responsible to fund any application or processing cost or fees associated therewith.

(4) Upon completion of the design, and securing of the necessary permits, approvals, utility relocations, and easements, Developer shall commence construction and shall construct and complete the Intersection Improvements or Linebaugh Improvements within twelve (12) months from the date of commencement of construction. The Developer shall have no liability for any costs related to the Intersection Improvements greater than the proportionate share amount set forth below. The County shall not be required to, fund any shortfall between the proportionate share and the cost of the Linebaugh Improvements.

(5) Notwithstanding anything herein to the contrary, in the event that the performance by the Developer, FDOT, or the County as set forth herein shall be interrupted or delayed by any occurrence, and not occasioned by the conduct of either the Developer, FDOT, or the County, whether such occurrence is an act of God or the result of war, riot, or civil commotion, or otherwise, then the Developer, FDOT, or the County shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. All time periods set forth in this Section IV, B.4. related to the construction of the Pipeline Improvements shall be tolled until the required right of way has been acquired by the County and/or FDOT, as applicable, and during all times that plans and specifications are being reviewed by governmental agencies in excess of fifteen (15) business days. The County and other governmental agencies shall have fifteen (15) business days to review and approve all relevant applications from the date of submittal of complete and acceptable applications. Additionally, all time periods shall be extended by the time in excess of the aforementioned fifteen (15) business day period that it takes the County, and/or FDOT, as applicable, or other required governmental agencies to review and approve applications and/or plans and specifications submitted by Developer related to the Pipeline Improvements.

- (e) For purposes of this Development Order, the Developer's proportionate share of the cost of Transportation Improvements necessary to accommodate the impacts of Phase I of Development on the roadways and intersections forth in Exhibit "D" attached hereto have calculated to be \$1,644,967.00 (the "Proportionate Share").
- (f) Right-of-way dedication made by the Developer Race Track Road shall be credited against County impact fee. The Developer shall submit property appraisals prepared by a qualified appraiser to the County to support a determination of the amount of the credit.
- (g) Developer shall receive a credit against Proportionate Share in an amount equal to transportation impact fees collected in connection with the Existing Development.
- (h) In the event there is any remaining portion of the Developer's Proportionate Share after satisfaction of one (1) of the two (2) Pipeline Alternatives, such funds shall be utilized to reimburse the County for construction of two (2) additional lanes to Race Track Road from the intersection of Race Track Road with the S.R. 5 and proceeding in a northerly direction or other roadway improvement agreed to by the County, TBRPC, and the Developer until the remaining portion of the Developer's proportionate share has been expended. This Development Order shall be amended to reflect the use of the remaining proportionate share for any improvement, other than Race Track Road as herein provided, other than by the County, TBRPC and Developer. Provided, such amendment shall not constitute a substantial deviation. The Developer shall reimburse the County for such improvement pursuant to the provisions of the joint participation agreement described above, to the extent of the remaining amount of the proportionate share. Any portion of the proportionate share in excess of applicable impact fees for Phase I shall be credited against impact fees for Phase II.

- (i) Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 600,000 square feet of industrial space on Phase I, or (ii) 622 p.m. peak hour vehicle trips are generated on Phase I, then the Developer shall prepare a Transportation Systems Management (TSM) program prior to commencing Development of Phase II, which is intended to divert a number of vehicle trips from the p.m. peak hour. The TSM shall be reviewed by the Hillsborough Area Regional Transit Authority, the Tampa Urban Area MPO, the TBRPC, and the FDOT. The results of the TSM program may serve as a basis for the Developer to request Development Order amendments, including additions to the square footage approved for Phase I. If implemented, 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, the County may conduct a substantial deviation determination pursuant to Chapter 380.06 and amend

this Development Order to change the objectives, and /o: require additional road improvements.

j.

Phase I Development will not commence until East West Connector Road from Race Track Road Forest Lakes Boulevard and the Linebaugh Road Extension from Sheldon Road to Race Track Road (together, the "New Roads") are Committed Improvements. The New Roads shall be deemed Committed Improvements at such time let, construction contracts for the New Roads have been the New Roads are in the first year of transportation improvement program, or annual element of a work program, or otherwise considered committed roads pursuant to the County and TBRF regulations and /or policy. If the New Roads are not Committed Improvements within one (1) year from the date this Development Order becomes final and nonappealable, Developer may either (a) elect Option 1 or Option 2 in order to mitigate all of the traffic impacts of Phase I of the Project, or (b) submit a revised Proportionate Share calculation for the County's and TBRPC's approval pursuant to Chapter 380. In the event Linebaugh Avenue Extension is not a Committed Improvement prior to the date Developer is required to submit the revised Proportionate Share analysis, Developer may, with County and TBRPC approval, utilize the remaining portion of its Proportionate Share to construct the first two lanes of the Linebaugh Avenue Extension or other roadway improvement agreed to by the Developer, County and TBRPC. The use of the remaining portion of the Proportionate Share for the Linebaugh Avenue Extension or other roadway improvement agreed to by the Developer, County and TBRPC shall not constitute a substantial deviation. However, Developer shall file a notice of change to the Development Order. In the event Developer elects to mitigate the traffic impacts of Phase I pursuant to Option 1 or Option 2, Developer shall receive credit against applicable transportation impact fees and Proportionate Share calculations for all monies spent in connection with the design of the Pipeline Improvements. However, impact fee credits shall be provided only when the improvement for which the design was performed is a Committed Improvement and the Committed Improvement is consistent with the design that is performed.

(k)

The County shall provide access to the final roadway corridor for that portion of the Linebaugh Avenue Extension located west of the Thomas Ranch property, pursuant to the requirements of Resolution Number RZ89-0098, within thirty (30) days from the date this Development Order becomes final and nonappealable.

C.

ENVIRONMENT AND NATURAL RESOURCES

Air Quality

1. The Developer and/or its successors and assigns shall, at a minimum, employ the fugitive dust emission abatement procedures referenced in the ADA.
2. The County shall reserve the right to require appropriate mitigation measures to alleviate any potential impacts of the project on ambient air quality.

Land

3. The measures to reduce soil erosion and fugitive dust air emissions, referenced in the ADA, at minimum, shall be implemented.
4. The methods identified in the ADA as suitable to overcome soil limitations shall be required, as appropriate.

Water Quality and Drainage

5. Elevations for all habitable structures shall be at or above the 100-year flood elevation.
6. The final drainage plan for each portion of the Development shall be submitted to TBRPC for review and to the County and SWFWMD for approval prior to construction within each such portion. The proposed stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the approved conceptual drainage plan, SWFWMD permit #492961, issued August 30, 1988. Best Management Practices for reducing water quality impacts, as recommended by the County and SWFWMD, shall be implemented.
7. In order to protect water quality in the Double Branch Creek watershed, there shall be no degradation of water quality standards by stormwater exiting the site in violation of applicable regulations. Therefore, it is appropriate that the Developer continue semiannual surface water quality monitoring. The monitoring shall commence at the initiation of site Development and continue through project build-out. If no construction at the Development has taken place between the date of the last monitoring and the date the next monitoring is due, then the Developer is not required to monitor for that period. The following shall apply:
 - (a) Sampling locations shall be the same as those used for ADA preparation and approval.
 - (b) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
 - (c) The monitoring results shall be submitted to the County, FDER, and SWFWMD. Should the monitoring indicate that applicable state water quality standards (Chapter 17-3, FAC) are not being met due to a violation occurring on the Property, the violation shall be reported to the County immediately and appropriate action taken to end the violation determined by the County, including cessation of construction causing the violation.
8. In order to protect water quality in proximity to the Cosme-Odesa and Northwest Hillsborough Regional wellfields, there shall be no degradation of water quality standards in groundwater from the site in violation of applicable regulations. In the event any of the monitoring of groundwater currently being conducted on the site by governmental agencies indicates that applicable state water quality standards (Chapter 17-3 FAC) are not being met due to a violation occurring on the Property, an annual groundwater quality monitoring program shall be provided by a responsible entity through project build-out. The following shall apply:

- (a) Sampling location, and parameters shall be determined in cooperation with the County, SWFWMD, and TBRPC.
- (b) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
- (c) The monitoring results shall be submitted to the County, FDER, and SWFWMD. Should the monitoring indicate that applicable state water quality standards (Chapter 17-3, FAC) are not being met due to a violation occurring on the property, the violation shall be reported to the County and FDER immediately and appropriate action taken to correct the violation. The appropriate action may include Developer participation in groundwater monitoring.

9. In the absence of a dedication to, and acceptance by the County of specific drainage facilities, the Developer and its successors or assigns including, but not limited to, a property association, shall be the responsible entity for the maintenance of the on-site stormwater management systems.

Wetlands

10. The portions of the Tri-County Business Park site which meet TBRPC's definition of preservation and conservation areas are depicted on the map on page 11 of the Adopted TBRPC DRI Final Report and shall be so designated on the revised master site plan submitted to the County pursuant to Condition 37 of Hillsborough County Resolution Approving Rezoning Petition No. 89-0714 that accompanied the Development Order.

11. In order to protect the natural values of preserved/conserved wetland areas, no adverse hydroperiod alteration shall be permitted in remaining conservation and preservation areas as identified in Section IV.C.10. above and on the master site plan, and except for infrastructure, no dredging, filling, or development activities will be allowed within preservation areas and activities within the conservation areas shall be limited to stormwater management outfall structures, boardwalks, and infrastructure, all as except otherwise allowed by law.

12. All wetland losses shall require 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being disturbed, unless otherwise approved by agencies having jurisdiction. All mitigation areas and littoral shelves shall be monitored semiannually for a period of four (4) years. Monitoring shall include species diversity and composition and efforts to control nuisance species encroachment. Additional planting may be required to maintain an eighty (80) percent survival of planted species at the end of three (3) years.

Vegetation and Wildlife

13. In the event that any species listed in Sections 3927.003-.005, FAC, are observed frequenting the Development 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).

14. Representative tracts of the Pine Flatwoods and Mesic Oak vegetative communities, as depicted on map on page 11 of the Adopted TBRPC DRI Final Repc shall be preserved on-site in the locations specified on the revised master site plan as hereinbefore defined in a manner which will ensure their continued natural function and value.

Archaeological and Historical Resources

15. The discovery of any 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 County.

D. ECONOMY

1. The development and promotion of an expanded day-care system shall be encouraged.
2. In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to commencement of Phase II development, conduct an analysis of the housing needs to be created by the Development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the Development. This analysis and determination shall be accomplished using a methodology approved by the DCA. If such analysis indicates that the Development will create a substantial need for adequate housing that is not being provided by other residential development proximate to the Development and if such an analysis indicates that the Development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and adopt the HAIP as an amendment to the Development Order, which amendment shall not be considered a substantial deviation. The HAIP shall comply with the goals and standards established by the TBRPC Comprehensive Regional Policy Plan, the adopted County Comprehensive plan, and all applicable rules and policies established by the DCA prior to the commencement of development of Phase II.

At a minimum, the HAIP shall contain:

- A. Specific provisions for off-site housing within proximate distance of the Development.
- B. Specific mechanisms for HAIP implementation.
- C. Provisions to ensure continued adequacy of units provided.
- D. Monitoring provisions.
- E. Recommended location and placement of adequate housing units.
- F. An assessment of the HAIP and its relationship to the County comprehensive plan in regard to the need for adequate housing.

In addition, the HAIP may also contain:

- (a) Proposed provisions for crediting the Developer for activities that address adequate housing opportunities.
- (b) Proposed Developer incentives for providing adequate housing opportunities such as density bonuses, density transfer alternatives or expedited development review or partial or full fee waivers.

E.

PUBLIC FACILITIES

Wastewater Management

1. The Developer shall establish a plan and schedule whereby on-site sewer lines not dedicated to the County shall be monitored for leaks and ruptures. The plan shall designate the entity(ies) to carry out the monitoring and shall include a time schedule which outlines the dates or frequency of the monitoring program. Faulty lines shall be repaired as quickly as possible.
2. The County shall provide wastewater treatment to the Development as required in the existing agreements with the County.
3. No disposal of commercial or hazardous waste in the sewer system is permitted in violation of law.
4. Tri-County Business Park shall implement a wastewater re-use system when such a system is available at the boundary of the Property on those portions of the Property currently utilizing or contemplated to be utilizing potable water for irrigation purposes.

Water Supply

5. The County shall provide water service for the Development pursuant to the existing agreements with the County.
6. Water conservation devices shall be incorporated into the Development's design and construction guidelines to the extent mandated by the Florida Water Conservation Act (Section 53.14, Florida Statutes). Native vegetation shall be used in landscaping wherever practical.
7. The Developer shall use the lowest quality water reasonably available sufficient to meet non-potable water demands. In the first annual report following issuance of the Certificates of Occupancy for 200,000 square feet, the Developer shall submit a plan to the County and the TBRPC for using reasonably available non-potable water for irrigation.

Solid Waste

8. The County shall provide solid waste disposal to the Development at such charges as are specified in the applicable ordinance as the County may promulgate from time to time.

2. Tri-County Business Park shall catalog ten businesses where hazardous materials and wastes are stored, handled, or transported and keep such information on file for emergency use.
3. The Developer shall inform all tenants of Tri-County Business Park about their responsibility to comply with Florida's Right-to-Know Law/Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) and the Resource Conservation and Recovery Act (RCRA). Insofar as the developer is an employer and is located within the project, it shall also comply with Florida's Right-to-Know Law/SARA Title III.
4. Tri-County Business Park tenants which produce waste which is not suitable to recycle, exchange, or for reuse, shall be encouraged to develop permittable on-site hazardous waste treatment capabilities to ensure public safety prior to transport.

G. CREDITS AGAINST LOCAL IMPACT FEE AND EXACTIONS

1. To the extent that the Developer or its successors or assigns are required hereunder to contribute land for any public facility or construction, expand or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer shall receive a credit for the Development Order exaction or fee toward an impact fee or exaction imposed upon the Development for this same need.

H. GENERAL CONDITIONS

1. Excess infrastructure capacity constructed to potentially serve the phases after Phase I of the Development shall be at Developer's risk and shall not vest rights to obtain construction permits for Phase II or III, nor shall it relieve the Developer from satisfying its obligations pursuant to this Development Order.
2. All amounts outstanding for initial review by TBRPC shall be paid within fifteen (15) days of billing. Payment of any future activities of the TBRPC with regard to the 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. Provided, Developer reserves the rights to request a detailed break-down of each bill and other rights provided by application regulations.
3. Notwithstanding this Development Order, the Developer, at its sole option, may resubmit the Development for review and approval under any area-wide Application for Development Approval, pursuant to Subsection 380.06(25), Florida Statutes, as amended, if such application encompasses the Development site. Any impacts assessed and satisfied pursuant to this Development Order shall be considered and credited to the Developer's obligations under any such area-wide Development Order.

4. Developer shall retain all rights to claim vest rights pursuant to any County regulation or ordinance setting forth the procedures for obtaining a vest rights determination or otherwise.
5. Any change in the Development which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall constitute a substantial deviation, unless otherwise provided herein.
6. All of the Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer's Commitments" shall be honored, except as they may be superseded by specific terms of this Development Order.
7. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.
8. The effective date of this Development Order shall be the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.
9. This Development Order shall be deemed rendered as of the postmark date of the transmittal of copies hereof to DCA, TERPC, and the Developer.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of 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 December 12, 1989 as same appears of record in Minute Book 163 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 12th day of January, 1990.

RICHARD AKE, CLERK

BY: Judith M. Nichols
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY [Signature]

Approved As To Form And
Legal Sufficiency.

4. The development shall not be subject to down-zoning, intensity reduction, or change to a more restrictive land use category until December 1, 2005, unless the County 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 changes are clearly established by local government to be essential to the public health, safety, or welfare. For the purposes of this Development Order, the term "down-zoning" shall refer to any regulation that has the effect of reducing the total approved intensity as set forth in Section IV.A. Provided, however, nothing in this Section IV.A.4 shall be construed to prohibit (i) legally enacted changes in zoning or land use regulations which do not decrease the development rights granted to the Developer pursuant to this Development Order, (ii) any development rights which may arise as a result of this Development Order, and (iii) the Developer from requesting any modifications to this Development Order or the PD-RP Zoning District at any time.

B. TRANSPORTATION

1. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 600,000 square feet of industrial space on Phase I, or (ii) 622 p.m. peak hour vehicle trips are generated from Phase I, an annual monitoring program to provide peak-hour traffic counts at the entrance to the Development shall be instituted to verify that the projected number of external trips for the Development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the annual report is not submitted within thirty (30) days after the due date or the annual report indicates that the total number of external vehicle trips generated by the Development exceeds that which was projected during the original DRI review by more than fifteen (15) percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and if the variance is determined to be a substantial deviation, County may amend the Development Order to require additional roadway improvements and/or other mitigation measures. If the excess is determined to be a substantial deviation, the revised transportation analysis required pursuant to Chapter 380.06 will be based on the results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request that the Development Order be amended.

2. The Developer, at its option, shall mitigate the impacts of the Phase I Development on the regionally significant roadway system by satisfying any one of the transportation mitigation options hereinafter described. The mitigation measures set forth hereafter may be implemented singly or in combination, subject to County approval, to mitigate the impacts of this development, or each phase thereof on regional transportation facilities. Compliance with the provisions of any one of the transportation mitigation options has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to Phase I of the Development on the regionally significant roadway network, consistent with Florida law and applicable rules of the County, DCA, FDOT, and the TERCPC.