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MANATEE COUNTY
FLORIDA

Certified Mail #7000 0520 0015 6095 9737

January 7, 2013

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Development Order for Unnamed Exclusive Golf and Country Club aka University Park Country Club DRI – Ordinance 12-20

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 12-20, the DRI Development Order for Development Order for Unnamed Exclusive Golf and Country Club aka University Park Country Club DRI, as adopted in open session by the Manatee County Board of County Commissioners on December 6, 2012, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)748-4501, extension 6878.

Sincerely,

Bobbi Roy
Planning Coordinator

/br
Enclosure

RECEIVED
JAN 11 2013
Tampa Bay Regional Planning Council

Building and Development Services Department
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ORDINANCE 12-20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (FORMALLY KNOWN AS CIRCLE-N-BAR RANCH AND ALSO KNOWN AS UNIVERSITY PARK COUNTRY CLUB) DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 93-21 AS AMENDED BY ORDINANCES 95-13, 97-24, 99-55, 01-19, AND 09-46); ALSO KNOWN AS DRI #12, (TBRPC DRI #202); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order* for the Circle-N-Bar DRI (MDO*) for the Arvida Corporation for a planned residential development, a planned commercial development, and a planned industrial development on approximately 1,134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals* (ADA*) could be submitted for the property subject to the MDO* encompassing, respectively: (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO*, in accordance with the Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country Club Associates (successor in interest to Arvida for the portion of the Circle-N-Bar DRI not included in the Arvida Corporate Park DRI), filed an Application for Development Approval* (ADA) of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order* with the Manatee County Board of County Commissioners, pursuant to Section 380.06, Florida Statutes. This Woodlands Country Club Associates ADA* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; and April 20, 1993 (which included amendments to add a 74.5 acre parcel known as the Simms Tract*); and

WHEREAS, on September 27, 1993, the Board of County Commissioners of Manatee County issued a Development of Regional Impact ("DRI") Development Order (Ordinance 93-21) to Woodland Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI; and

WHEREAS, upon adoption of Development Order, Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders; and

WHEREAS, on November 22, 1994, a request was made to amend the DRI to add back in the 164.23 acre parcel (known as the Arvida Tract*); the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, on February 23, 1995, The Board of County Commissioners adopted Ordinance 95-13, approving amendments to add 164 acres and extend the buildout date by 2 years and 364 days to the Development Order for the Unnamed Exclusive Golf and Country Club, which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on July 8, 1997, The Board of County Commissioners adopted Ordinance 97-24, approving amendments to: extend the buildout and expiration dates; decrease the commercial acreage; and approve Development Order modifications to more accurately reflect the option selected to administer the transportation conditions and the status of compliance with certain conditions of approval; which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on January 25, 2000, the Board of County Commissioners adopted Ordinance 99-55, approving amendments to delete a proposed roadway connection within the project, revise the legal description and acreage totals to reflect the dedication of Honore Road right-of-way, and amend the traffic monitoring requirements.

WHEREAS, on April 24, 2001, the Board of County Commissioners adopted Ordinance-01-19, approving amendments to reduce project acreage, delete the commercial space, reduce the size of the clubhouse, reduce the conservation area, delete condition pertaining to platting, and modify wastewater stipulations.

WHEREAS, development of the property is underway in accordance with the Development Order approvals referenced above; and

WHEREAS, said Unnamed Exclusive Golf and Country Club is a residential project on approximately one-thousand two-hundred two acres, located in south Manatee County, the legal description of which is attached as Exhibit "E"; and

WHEREAS, on September, 2009, the Board of County Commissioners adopted Ordinance 09-46, approving amendments to extend the development build out date and project expiration date by 3 years, 1 day and extend the prohibition for the county to downsize the property until the new project expiration date.

WHEREAS, on March 12, 2012, the developers of Unnamed Exclusive Golf and Country Club have proposed the following changes to the Development:

1.) Allocate 46 previously approved residential units to newly created parcels L South and B2.
2.) Decrease acreage devoted to Open Space (roads, right-of-way, etc.) by 11.59± (from 168.59± acres to 157± acres) in favor of the new Tracts B2 and L South.
3.) Increase residential acreage by 11.59± (from 699± acres to 710.59± acres) to accommodate Tracts B2 and L South.
4.) Update the Development Order to reflect the project expiration and build out dates as previously authorized by the State of Florida and Manatee County and
5.) Update the Development Order to reflect terminology changes, Department references and other minor changes.

WHEREAS, the above described changes cumulatively with all previous changes detailed below are presumed not to constitute a Substantial Deviation to the Development Order for Unnamed Exclusive Golf and Country Club, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the buildout date and expiration date extension requested by the Notice of Proposed Change submitted on March 12, 2012 coupled with those approved by the Florida Legislative in 2007 and 2009, establish new build out and expiration dates of November 21, 2020 and May 31, 2025, respectively; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Notices of Proposed Changes (NOPC) for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on the NOPC with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on December 6, 2012, held duly noticed public hearings on said NOPC and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County and

City agencies, the applicant, and the review and report of the Manatee County Building and Development Services Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #12, ORDINANCE 12-20.

Ordinance 01-19 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the Unnamed Exclusive Golf and Country Club Development of Regional Impact. All prior Development Orders shall be superceded by this Ordinance. Provided this amendment shall not be construed to terminate the rights of the Developer, if any, granted under Section 163.3167(8), Florida Statutes, to the extent such rights have been previously granted and are not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance, NOPC, the recommendation and findings of the Planning Commission of Manatee County, and all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

All "WHEREAS" clauses proceeding Section 1 of this Ordinance are adopted as findings of fact.

A. The Developer* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 93-21, as amended by Ordinances 95-13, 97-24, 99-55, 01-19 and 09-46.

B. An application has been submitted to Manatee County and is being processed concurrently with this NOPC

C. To approve a revised Zoning Ordinance for the entire 1,187± acre project.

D. Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for a NOPC to a Development Order pursuant to Section 380.06, Florida Statutes.

E. The Board of County Commissioners held public a hearing on December 6, 2012 regarding the NOPC and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County

Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the Public Hearing.

F. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

G. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.

H. This amended Development Order is issued based on information provided by the Developer* in the ADA*, as amended, information provided in the sufficiency responses, NOPCs, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions listed in Section 4, the County has determined that adequate Levels of Service exist until November 22, 2018 for this project in each of these areas referenced in subsection 1.F., above.

I. The proposed changes to the Development of Regional Impact regarding the property described in Section 7 herein are found to be consistent with the requirements of the previously adopted Development Orders (Ordinance-93-21, Ordinance-95-13, 97-24, 99-55, 01-19 and 09-46), and the Manatee County Comprehensive Plan, provided all development after September 3, 2009 proceeds in accordance with the Development Conditions specified in Section 5 of this Development Order.

J. The "Developer*" submitted to Manatee County, Florida a NOPC identified in Section 1, which is incorporated herein by reference.

K. Upon adoption of Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Order.

L. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.

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

N. Authorized agent for Durable Investments, Inc, Erop Corporation, Woodlands Country Club Associates, a Florida General Partnership is John Neal.

O. The Owners* of the property, who intends to develop, are Durable Investments, Inc., Erop Corporation. Woodlands Country Club Associates, a Florida General Partnership; and Pacific Equity Associates, LLP.

P. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Economic Opportunity, in conjunction with the original Development Order, as amended, and the NOPC for Ordinance 12-20.

Q. The provisions of Transportation Condition B (1) a. have been complied with and fulfilled as follows:

Pursuant to the County Transportation Authority's* review and approval on February 7, 1994 of a Transportation Condition Option 2 Traffic Study, the requirement for "Dual left turn lanes eastbound I-75 East Ramps to northbound must have adequate storage lengths" (Transportation Condition, Table 2), was found to be not warranted.

The University Parkway and Project Entrance intersection improvements set forth in Transportation Condition, Table 2 have been constructed and are operational.

An area for a bus stop has been provided as required by Transportation Condition B. (2).

Therefore, all transportation facility conditions of the Development Order have been complied with by the Developer* and the Developer* has no further responsibility or liability for the provision of said facilities. The Developer* remains responsible for conducting transportation monitoring in accordance with B.(1).b.

R. The Florida Department of Environmental Protection, in a letter dated February 5, 1996 (attached as Exhibit K) verified that it had completed a jurisdictional determination for the then Circle-N-Bar Ranch, J.D.-41-0000-3, now Unnamed Exclusive Golf and Country Club, and that said determination was still valid and would be valid until completion of the project. The letter also states that activities proposed within the boundaries of the revalidated jurisdictional determination shall continue to be reviewed under rules adopted pursuant to Sections 403.91 - 403.929 (1984 Supp, as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under Section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to Section 373.414(9). The applicant has not elected to have any activities reviewed under the new environmental resource rules. The original jurisdictional determination (letter to Robert M Rhodes, dated January 21, 1985) is included as part of exhibit.

SECTION 3. CONCLUSIONS OF LAW

A. Based upon the previous findings of fact and the following conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan (Ordinance 90-01, as amended*) and previously approved Development Orders.

2. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on March 8, 1993, regarding DRI #202, and on November 28, 1994, regarding the first NOPC, on August 16, 1996 regarding the second NOPC, on September 8, 1999 regarding the third NOPC, on March 7, 2001 regarding the 4th NOPC, on June 8, 2009 regarding the 5th NOPC and on June 15, 2012 regarding the 6th NOPC.

3. Development Order Ordinance 93-21 superseded the Circle-N-Bar Master Development Order* and the portion approved as Arvida, with the exception of the 51.46 acres, which were part of the Arvida DRI and not a part of this Unnamed Exclusive Golf and Country Club DRI, or included as part of this Development Order.

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

C. That the review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* or NOPC is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.

D. Upon adoption of Ordinance 93-21 for the Unnamed Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.

E. Pursuant to Subsection 380.06(19)(c) and Paragraph 380.06(19)(e)3, Florida Statutes the changes proposed pursuant to the NOPC submitted on March 12, 2012 and approved with conditions pursuant to Ordinance 12-20 are presumed not to be a Substantial Deviation based upon the rebuttal by the Applicant by clear, convincing

evidence that these changes do not constitute a Substantial Deviation requiring further Development of Regional Impact Review.

SECTION 4. DEFINITIONS

Note: An asterisk (*) denotes that the word is defined.

A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).

B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992; and amendments submitted on April 20, 1993.

BB. "Arvida Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida, containing 150.45 acres more or less and more particularly described in Exhibit E.

C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on Revised "Map H", last revised on March 12, 2012 for the Unnamed Exclusive Golf and Country Club, and attached hereto as Exhibit B.

E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised February 5, 2001.

F. "County Transportation Authority*" shall be defined as the Manatee County Department of Transportation, or whatever County entity is responsible for roadway approvals.

G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; Durable Investments, Inc., Erop Corporation and Pacific Equity Associates, LLP, their heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process or construction drawing approval where site plans are not required.

I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:

1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or

2. Actual construction; or

3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or

4. A local development agreement as defined by Florida Statutes and the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.

J. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadway, drainage, water, sewer, communication, utilities, etc.).

K. "Master Development Order* (MDO*) shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.

L. "Master Development Plan*" shall be defined as Revised Map H, last revised on March 12, 2012 incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

LL. "Notice of Proposed Change" shall mean the NOPC submitted on November 22, 1994, the second NOPC submitted on July 15, 1996, the third NOPC submitted on September 1, 1999, the fourth NOPC submitted on January 5, 2001 as amended, ~~and~~ the fifth NOPC submitted on May 4, 2009, and the sixth submitted on March 12, 2012.

M. "Owner*" shall mean Durable Investments, Inc., Erop Corporation , Woodland Country Club Associates, Pacific Equity Associates, LLP, their heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.

P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised February 5, 2001.

R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, Section 26, Township 35 south, Range 18 east, lying south of the Braden River, Manatee County, Florida, containing 74.5 acres, more or less.

S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21, as amended. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order was the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA* are only those specifically recognized in the above-referenced Development Orders.

U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Economic Opportunity (fka the Department of Community Affairs) to trigger the Development Approval* Process for the next Preliminary Site Plan*. Such study will be designed to determine if the proposed

development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in "Exhibit D", to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area is generally depicted on Map J ("Exhibit D") which was submitted with the ADA*.

W. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of Section 35, Township 35 South, Range 18 East, and the South ½ of the SW 1/4 of the SW 1/4 of Section 26, Township 35 South, Range 18 East, Manatee County, Florida, containing 63 acres, more or less.

Y. "Warranted*" shall mean a determination by the Manatee County Transportation Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statues, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Subsection 373.414.(12), Florida Statutes, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1,1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended, or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

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

SECTION 5. DEVELOPMENT CONDITIONS

A.(1) The Development Order approval shall be limited to Table 1, as shown below:

TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY

TYPE OF DEVELOPMENT:	Residential	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:		**1,187.59 Acres**
Residential		710.59Acres
Golf Course/Clubhouse		320 Acres
Open Space (Roads, Right-of-Way, etc.)		157Acres
Residential Units		1,238 d.u.
Golf Course*		27 Holes
Country Club & Restaurant**		32,000Sq. Ft.
BUILD-OUT DATE		November 21, 2020

* Includes related facilities typically associated with the function of a golf course
** Includes administrative offices and promotional center accessory to this development.

A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Level of Service Certificate which will expire on November 22, 2018.

A.(3) (Reserved)

A.(4) Development Order 93-21 Subsumed and superseded* all terms and conditions of the Preliminary Development Agreement with the Department of Economic Opportunity (fka the Department of Community Affairs) and the Circle-N-Bar Master Development Order* as applied to property referenced in Section 6.

TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-75, and the University Parkway and development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:

a. Subsequent to approval of the final plat for the 461st residential unit in the development, the Developer* selected Option 2 of Condition B.(1) of Ordinance 95-13 to mitigate the impacts.

TABLE 2
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB DEVELOPMENT

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW			
Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	Completed
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

b. **TRANSPORTATION MONITORING**

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to Final Site Plan approval for the 826th dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than tri-annually (every three years). If any report indicates that the total project P.M. peak-hour trips reach 75% of projected counts, counts will

be required bi-annually (every two years). If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted*, prior to any further Final Site Plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

B.(2) The Developer* has provided a location for a bus stop along University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.

C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust, and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 62-302 and 62-25, F.A.C., as well as Manatee County requirements.

D.(2) The Developer* shall continue to conduct the approved comprehensive surface water quality and quantity monitoring program approved by the County in accordance with Exhibit J. The program shall continue through one year beyond project buildout.

The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analysis shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit J, shall be submitted to the City of Bradenton and TBRPC for review and comment, and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this Development Order.

D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

D.(4) The Developer* shall continue to conduct the approved comprehensive ground water quality and quantity monitoring program as previously approved by the County. The program shall continue through one year beyond project buildout. The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J.

All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

D.(5) The Wallace Tract*, and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1,187 acre shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.

D.(6) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.

D.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.

D.(9) The Conservation Areas* on site encompass approximately 30.49 acres as indicated on the attached Preservation/Conservation Map, revised Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of sub-phase in which the impact occurs. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include

information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails, and paths, as provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County, as a separate easement document acceptable to Manatee County, and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

TABLE 3
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS

	MITIGATION RATIOS•	
AREAS	**HERBACEOUS**	**FORESTED**
TBRPC Conservation Area* except those located in Simms Tract*, or Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* or Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1♦	4:1♦

♦May be reduced in accordance with Section 719.8.5 of the Land Development Code.
•Ratio is Mitigated Wetland*: Disturbed Wetlands*.

D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District and Comprehensive Plan. Within one (1) year after D.O. approval, Manatee County Planning Director and Manatee County Environmental Management Department approved all such guidelines.

D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.

E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

E.(3) No discharges to groundwater shall be permitted on-site.

ECONOMICS

F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Fish and Wildlife Conservation Commission FWCC, Manatee County, and the Department of Economic Opportunity. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management, and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.

G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. (Completed) Said plan shall be prepared in consultation with the Florida Fish and Wildlife Conservation Commission, FDEP, and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation for

lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods, and methods of Wetland* restoration and enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

a. No hydroperiod alteration shall be permitted in Preservation Areas*.

b. Dredging, filling, and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing, boardwalk locations, and passive recreational facilities approved by FWCC, FDEP, and Manatee County, as applicable.

c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks, and passive recreational facilities as permitted by FWCC, FDEP, and Manatee County.

d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.

e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources (DHR), and treatment of such resources shall be determined in cooperation with the DHR and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to Manatee County.

WASTEWATER

I.(1) Wastewater services shall be provided by Manatee County.

WATER

J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.

J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this Development Order, "non-potable" water is defined as water emanating

from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.

J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE

K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:

a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas;

b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and

c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;

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

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

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction;

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

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;

g. Institute and utilize recycling programs; and

h. Utilize energy efficient packaging or recyclable materials.

L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and the first annual report.

EDUCATION

M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.

N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

O.(1) Sheriff, emergency medical services, and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department prior to the issuance of this Development Order. (Exhibit I)

O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or be in compliance with the Manatee County Comprehensive Plan and Land Development Code requirements.

GENERAL CONDITIONS

P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

P.(2) The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statues, to Manatee County and the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, September 27, 1997 and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of any conditions, or any terms or conditions of this Development Order. The annual report shall contain the following:

a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;

b. A summary comparison of development activity proposed and actually conducted for the year;

c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. An assessment of the Developer*'s and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC, or the Department of Economic Opportunity as being significant;

f. 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;

g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes;

j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;

k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes; and

l. Reports or information pursuant to stipulations B(1), D(2), D(4), D(7), D(9), F(1), H(1), and L(2).

P.(3) Any changes in the Development from the parameters set forth in the Application* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.

P.(4) The Manatee County Building and Development Services Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

P.(5) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that the original Development Order was issued on September 24, 1993. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

P.(6) This Development Order shall expire on May 31, 2025. Buildout shall be completed by November 21, 2020. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

P.(8) In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning

fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal of behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Building and Development Services fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

SECTION 6. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*), First (SR), Second (SRII). Third (SRIII) and Fourth (SRIV) Sufficiency Responses which shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

GENERAL PROJECT DESCRIPTION

The home sites will be clustered around the sites' natural features and the golf links planned for the community. (ADA*, pg. 12-1)

Infrastructure including water, sewer, and electricity, along with roadway paving, will be in place prior to homesite development. (ADA*, pg. 32-2)

All commercial areas will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA*, 12-1)

ENVIRONMENT AND NATURAL RESOURCES

Land

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA*, 14-2; SRII, pg A1-10)

Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA*, pg. 14-2)

Water Quality

The surface water management system planned for this property will utilize Best Management Practices* to minimize adverse impacts to on and off-site water quality. Development on the property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality.
(ADA*, Pg. 15-10, as amended)

When practical, conveyance within the drainage system will incorporate isolated Wetland* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable existing plant materials and Wetlands*. (ADA*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5)

Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA*, pg. 20-8)

Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA*, pg. 25-3)

The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting, and equipment. (ADA*, 25-3)

Water

Irrigation of the clubhouse area as well as the golf course will be provided by non-potable water, or the use of deep wells, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advanced irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

Drainage

The total drainage flow going off-site will not be increased over pre-developed conditions, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA*, pg. 22-1)

The project will comply with the requirement of Chapter 62-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)

Water Supply

The Developer* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer* as each specific parcel of land is developed. (ADA*, pg. 23-4)

The Developer* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA*, 23-4)

Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal household materials. (SR, pg. A1-46)

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill. (ADA*, pg. 24-3)

Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer*. (SRIV,pg.17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

SECTION 7. LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the ±1,187.59 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order.

SECTION 8. COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development* as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

Prior to May 31, 2025, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the conditions underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer*; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners* and their successors in interest.

SECTION 11. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 12. RENDITION

The Building and Development Services Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval of this Development Order to the Developer*, the DEO, and the TBRPC.

SECTION 13. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Building and Development Services Department a copy of the recorded notice.

SECTION 14. SEVERABILITY

It is the intent of this development order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this development order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provisions or portions shall be deemed null and void but all remaining provisions and portions of this development order shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Secretary of State, provided, however, that the filing of Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 09-46 during the pendency of any appeal.

SECTION 16. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order for administrative convenience and is not intended to provide for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida this 6th day of December, 2012.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: _____
John Chappie, Chairman

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

ATTEST: R.B. SHORE
Clerk of the Circuit Court

BY: _____
Deputy Clerk

EXHIBITS B (Master Plan – Map H), E (Legal Description) AND J (Surface and Ground Water Monitoring Plans) ARE ATTACHED

EXHIBITS A, C, D, F, G, H, I, AND K

ARE NOT ATTACHED, BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER 97-24 APPROVED ON JULY 8, 1997 FOR THE UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB.

EXHIBIT B – MASTER PLAN / MAP H

(1a) UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB (DRI #202)

A PARCEL OF LAND IN SECTIONS 25, 26, 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'05" W (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 2689.49 FEET TO THE W ¼ OF SAID SECTION 35; THENCE N 00°30'58" W, A DISTANCE OF 1340.81 FEET TO THE NORTHWEST CORNER OF THE SW ¼ OF THE NW ¼ OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1374.62 FEET TO THE SOUTHWEST CORNER OF THE NE ¼ OF THE NW ¼ OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1348.58 FEET TO THE SOUTHWEST CORNER OF THE SE ¼ OF THE SW ¼ OF SAID SECTION 26; THENCE N 00°43'10" E, A DISTANCE OF 892.30 FEET TO THE SOUTHEAST CORNER OF THE N ½ OF THE SW ¼ OF SAID SECTION 26; THENCE N 89°54'30" W, A DISTANCE OF 1360.83 FEET TO THE SOUTHWEST CORNER OF THE SAID N ½ OF THE SW ¼ OF THE SW ¼; THENCE N 00°03'46" E, A DISTANCE OF 1901.78 FEET TO THE N ¼ CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1333.96 FEET TO THE NORTHWEST CORNER OF THE S ½ OF THE NW ¼ OF SAID SECTION 26; THENCE S 89°10'07" E, A DISTANCE OF 2640.13 FEET TO THE NORTHEAST CORNER OF SAID S ½ OF NW ¼; THENCE S 01°26'36" W, A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE ¼ OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2807.69 FEET TO THE NORTHWEST CORNER OF THE SW ¼ OF SAID SECTION 25; THENCE 89°11'07" E, ALONG THE NORTH LINE OF SAID SW ¼, A DISTANCE OF 203.73 FEET TO A POINT THAT IS 203.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'48" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2652.53 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUES S 02°45'48" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 203.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1481.86 FEET; THENCE 89°27'38" W, AND PARALLEL TO THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 35, A DISTANCE OF 203.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'38" W, A DISTANCE OF 183.34 FEET TO THE WEST LINE OF A 180 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT; THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 1569.80 FEET; THENCE N 89°27'43" W, A DISTANCE OF 1808 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF THE SW ¼ OF SAID SECTION 35; THENCE N 89°26'17" W, A DISTANCE OF 2154.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 872.94 ACRES, MORE OR LESS.

TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N ½ OF THE NE ¼ OF SAID SECTION 35, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

(1b) LEGAL DESCRIPTION WALLACE TRACT (INCLUDED IN DRA #202)

TOGETHER WITH THE NW ¼ OF THE NW ¼ OF SECTION 30, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH ½ OF THE SW ¼ OF THE SW ¼ OF SECTION 25, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, CONTAINING 83 ACRES MORE OR LESS.

THAT PORTION OF THE SOUTH ½ OF THE NORTHEAST ¼ SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE CENTERLINE OF THE BRADEN RIVER, LYING AND BEING IN MANATEE COUNTY, FLORIDA

CONTAINING 74.5 ACRES, MORE OR LESS.

(1c) UNIVERSITY PARK COUNTRY CLUB EXPANSION PARCEL

FROM THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 35 SOUTH, RANGE 18 EAST RUN N 89°27'38" W ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 25, A DISTANCE 1406.28 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 965, PAGE 1379, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'38" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE A DISTANCE OF 1354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 25; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE A DISTANCE 806.53 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1806.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WEST LINE A DISTANCE OF 2980.80 FEET; THENCE S 89°27'38" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 25, A DISTANCE OF 1814.84 FEET TO THE WEST LINE OF SECTION 30, TOWNSHIP 35 SOUTH, RANGE 18E; THENCE CONTINUE SOUTH 89°27'38" E, A DISTANCE OF 203.73 FEET TO A POINT THAT IS 203.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 30; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 2281.68 FEET; THEN N 89°27'38" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 25, A DISTANCE OF 1435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST SAID POINT HAVING A TANGENT BEARING OF S 31°21'08" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 12°48'52", A DISTANCE OF 107.31 FEET; THENCE N 89°27'38" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 25, A DISTANCE OF 1320.00 FEET; THENCE N 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THEN S 00°26'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 184.33 ACRES MORE OR LESS.

LESS AND EXCEPT 21± ACRES FOR HONORE ROAD RIGHT OF WAY DEDICATED TO MANATEE COUNTY AS REQUIRED IN DEVELOPMENT OR DEED.

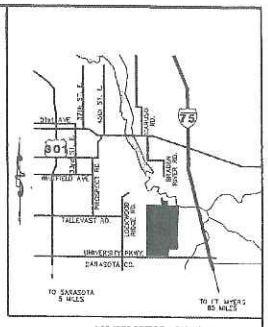
LESS AND EXCEPT 13.76± ACRES DESCRIBED AS FOLLOWS

DESCRIPTION:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 00°20'22" W, ALONG THE EAST LINE OF THE S.E. 1/4 OF SAID SECTION 35, A DISTANCE OF 1320.16 FEET TO THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 35 AND THE POINT OF BEGINNING; THENCE N 89°27'13" W, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4, A DISTANCE OF 1132.12 FEET TO AN INTERSECTION WITH A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1184, PAGE 3443 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 68°38'01" W; AT A DISTANCE OF 800.00 FEET; THENCE ALONG THE OUTLINE OF SAID PARCEL THE FOLLOWING THREE (3) COURSES: (1) NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°45'56", A DISTANCE OF 190.81 FEET TO A POINT OF TANGENCY; (2) N 17°33'05" E, A DISTANCE OF 68.82 FEET; (3) N 00°26'00" E, A DISTANCE OF 156.17 FEET; THENCE S 89°27'38" E, A DISTANCE OF 11.27 FEET; THENCE N 41°08'28" E, A DISTANCE OF 354.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 78°30'00", A DISTANCE OF 136.92 FEET TO A POINT OF TANGENCY; THENCE S 89°57'38" E, A DISTANCE OF 84.20 FEET; THENCE S 15°26'00" E, A DISTANCE OF 131.36 FEET; THENCE S 46°33'00" E, A DISTANCE OF 163.82 FEET; THENCE S 78°20'00" E, A DISTANCE OF 155.00 FEET; THENCE S 11°00'00" E, A DISTANCE OF 106.75 FEET; THENCE S 73°19'56" E, A DISTANCE OF 154.48 FEET; THENCE S 00°20'22" E, A DISTANCE OF 273.63 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°37'38" W, ALONG SAID SOUTH LINE, A DISTANCE OF 163.57 FEET TO THE POINT OF BEGINNING LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 13.76 ACRES, MORE OR LESS.



VICINITY MAP

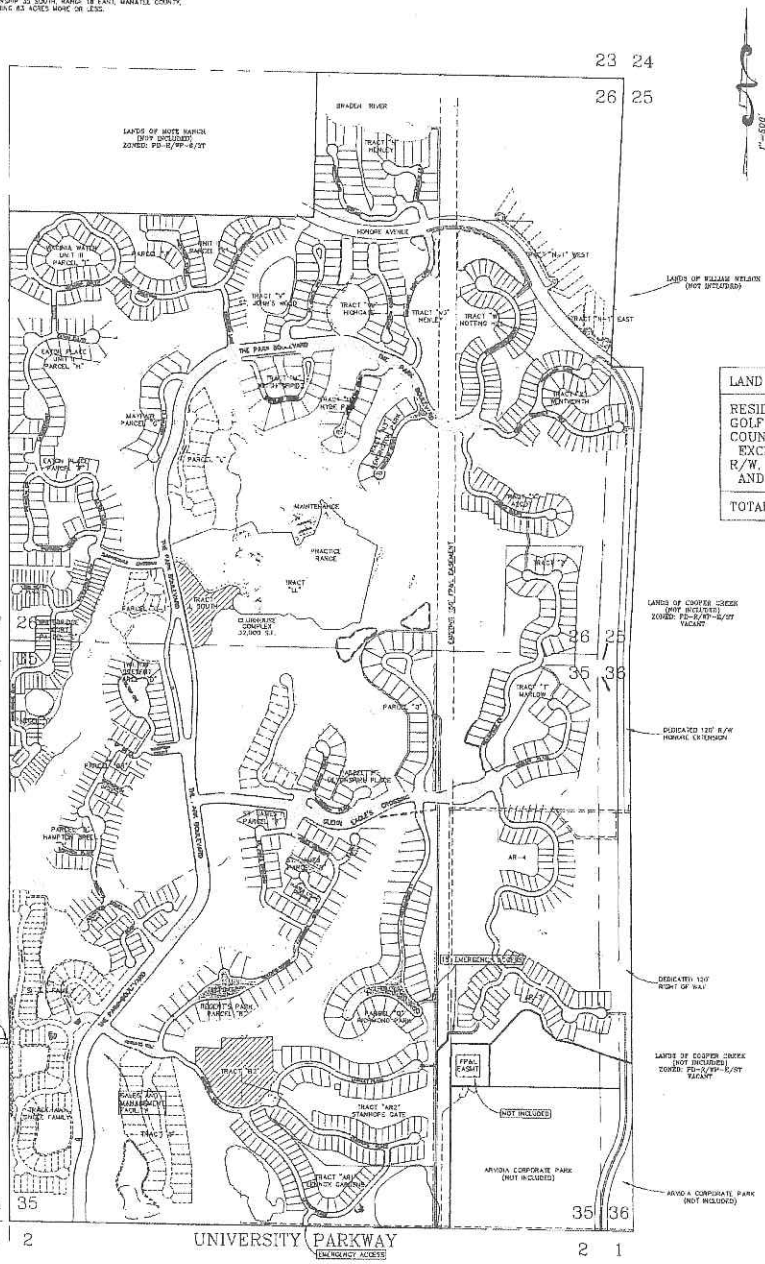

23 24
26 25
BRADEN RIVER
LANDS OF MOTE MARINE (NOT INCLUDED) ZONED: PD-R/PP-R/ST
TRACT "G" HONORE
HONORE AVENUE
TRACT "H-1" WEST
LANDS OF WILLIAM NELSON (NOT INCLUDED)
TRACT "H-1" EAST
TRACT "V" JOHN'S WOOD
TRACT "W" FLORIDA
TRACT "X" HONORE
TRACT "R" HOTTING
CAYUGA PLACE UNIT 1 PARCEL "H"
THE PARK BOULEVARD
TRACT "H-2" WEST
TRACT "H-2" SOUTH
TRACT "H-2" NORTH
MANATEE WATER UNIT 11 PARCEL "J"
MANATEE WATER PARCEL "K"
AR-4
PARCEL "L"
MAINTENANCE
PRACTICE RANGE
TRACT "L"
TRACT "I" SOUTH
CLUBHOUSE COMPLEX 27,000 S.F.
LANDS OF COOPER CREEK (NOT INCLUDED) ZONED: PD-R/PP-R/ST VACANT
TRACT "H-1" MAPLE
PARCEL "S"
DEDICATED 120' R/W HONORE EXTENSION
EXISTING 300' FPL EASEMENT
27 28
34
26 25
35 36
PARCEL "Q"
PARCEL "P"
PARCEL "O"
PARCEL "N"
PARCEL "M"
PARCEL "K"
PARCEL "J"
PARCEL "I"
PARCEL "H"
PARCEL "G"
PARCEL "F"
PARCEL "E"
PARCEL "D"
PARCEL "C"
PARCEL "B"
PARCEL "A"
TRACT "I" NORTH
TRACT "I" SOUTH
TRACT "L"
TRACT "K"
TRACT "J"
TRACT "H"
TRACT "G"
TRACT "F"
TRACT "E"
TRACT "D"
TRACT "C"
TRACT "B"
TRACT "A"
SW ENTRY
NW ENTRY
NE ENTRY
SE ENTRY
ENTRY CIRCLE
ENTRY CIRCLE
AR-4
AR-4
AR-4

EXHIBIT E - LEGAL DESCRIPTION

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2,699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1,349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1,374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1,346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N ½ OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1,380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N ½ OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1,981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1,333.96 FEET TO THE NORTHWEST CORNER OF THE S ½ OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2,840.13 FEET TO THE NORTHEAST CORNER OF SAID S ½ OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1,334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2,807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2,673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1,461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2,560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1,800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1,320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2,154.66 FEET TO THE POINT OF BEGINNING.
CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N ½ OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.
CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH ½ OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: TOGETHER WITH THAT PORTION OF THE UNNAMED EXCLUSIVE COUNTRY CLUB DESCRIBED AS THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.
CONTAINING 74.5 ACRES, MORE OR LESS.

ARVIDA TRACT: FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING THE

SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1,406.29 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1,354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 605.51 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1,320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WEST LINE A DISTANCE OF 2,560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE CONTINUE S 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2,561.09 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°48'59" A DISTANCE OF 192.91 FEET; THENCE N 17°33'00" E, A DISTANCE OF 68.92 FEET; THENCE N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EAST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THENCE S 00°26'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1,320.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 164.23 ACRES, MORE OR LESS.

LESS AND EXCEPT 21± ACRES FOR HONORE ROAD RIGHT OF WAY DEDICATED TO MANATEE COUNTY AS REQUIRED IN DEVELOPMENT OR DEED; AND

LESS AND EXCEPT THE FOLLOWING 13.8± ACRES DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 00°20'22" W, ALONG THE EAST LINE OF THE S.E. 1/4 OF SAID SECTION 35, A DISTANCE OF 1320.16 FEET TO THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 35 AND THE POINT OF BEGINNING; THENCE N 89°27'25" W, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4, A DISTANCE OF 1132.12 FEET TO AN INTERSECTION WITH A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1184, PAGE 3443 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 58°38'01" W, AT A DISTANCE OF 800.00 FEET; THENCE ALONG THE OUTLINE OF SAID PARCEL THE FOLLOWING THREE (3) COURSES: (1) NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'59", A DISTANCE OF 192.91 FEET TO A POINT OF TANGENCY; (2) N 17°33'00" E, A DISTANCE OF 68.92 FEET; (3) N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE S 89°27'25" E, A DISTANCE OF11.27 FEET; THENCE N 41°08'00" E, A DISTANCE OF 394.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°30'00", A DISTANCE OF 133.52 FEET TO A POINT OF TANGENCY; THENCE 62°22'00" E, A DISTANCE OF 84.95'; THENCE S 15°20'00" E, A DISTANCE OF 131.26'; THENCE S 48°35'00" E, A DISTANCE OF 163.63 FEET; THENCE S 78°20'00" E, A DISTANCE OF 155.00 FEET; THENCE S 70°00'00" E, A DISTANCE OF 306.75 FEET; THENCE S 72°19'56" E, A DISTANCE OF 154.48 FEET; THENCE S 00°20'22" E, A DISTANCE OF 273.93 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA;
THENCE N 89°17'25" W, ALONG SAID SOUTH LINE, A DISTANCE OF 183.57 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

EXHIBIT J

SURFACE AND GROUND WATER MONITORING PLANS
UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB
DEVELOPMENT OF REGIONAL IMPACT

This exhibit details the Surface and Ground Water Monitoring Plans required under Sections D.(2) and D.(4) of the Unnamed Exclusive Golf and Country Club Development Order. The Developer* shall have developed a monitoring plan addressing the criteria listed below within six months of approval of Ordinance 93-21.

a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.

b. Parametric coverage of the monitoring plan should include the following:

- specific conductance (field)
- temperature (field)
- dissolved oxygen (field)
- pH (field)
- flow rates (field)
- chlorides
- sulfates
- fluoride
- total dissolved solids
- total suspended solids
- ammonia
- nitrate
- nitrite
- total Kjeldahl nitrogen
- total nitrogen
- orthophosphate
- total phosphorous
- copper
- lead
- zinc
- mercury
- nickel
- arsenic
- cadmium
- chromium
- silver
- total coliform

- fecal coliform
- BOD-5
- primary organics (pesticides and herbicides)

c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a ½ inch or greater storm event using methodology approved by the U.S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.

d. The Developer* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.

e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County.

f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

Any modifications to the above listed criteria shall be subject to review by Manatee County, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the document on file in my office.
Witness my hand and official seal this 12th day of December 2012
R.B. SHORE
Clerk of Circuit Court
By: D.C.

#202

MANATEE COUNTY
FLORIDA

December 18, 2012

David Diaz, EI
Stantec Consulting Services Inc.
2205 North 20th Street
Tampa, Florida 33605

Re: **Unnamed Exclusive Golf and Country Club DRI # 12 (TBRPC # 202)**
Request: Extensions for Tolling and Extensions of Permits and other Authorizations Under Executive Orders for Tropical Storm Debby (12-140, 12-192, 12-217); and Executive Order for Tropical Storm Isaac (12-199)
Project Number: PDR-89-05(G)(R9)/ORD-09-46(EXT3) DTS # 20120413

Dear Mr. Diaz :

In 2012 the Florida Legislature authorized the tolling of permits for the duration of a state of emergency declared by the Governor and for an additional six (6) month time period after termination of the emergency for both Tropical Storm Debby and Tropical Storm Isaac.

Florida Statute Section 252.363 *"Tolling and extension of permits and other authorizations." This statute allows for the tolling and extension to the expiration of a development order issued by a local government, the expiration of a building permit and to developments of regional impact build out dates (and other defined permits and development orders) for emergency declarations covering the time period for the declaration and six months following the tolled period.*

Tropical Storm Debby: (Executive Orders 12-140, 12-192, and 12-217):

- On June 25, 2012, a State of Emergency (Executive Order 12-140) was declared for Tropical Storm Debby. The emergency declaration applied statewide and was for a period of 60 days. The State of Emergency initially extended through August 24, 2012. On August 20, 2012, Executive Order Number 12-192 extended the State of Emergency for thirty days from August 20 to September 19, 2012 for the following Counties: Baker, Bradford, Charlotte, Citrus, Clay, Collier, Columbia, Dixie, Duval, Franklin, Gilchrist, Gulf, Hamilton, Hernando, Highlands, Hillsborough, Jefferson,

Lafayette, Lee, Levy, Liberty, Madison, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Suwannee, Taylor, Union, and Wakulla Counties.

- On September 19, 2012, Executive Order Number 12-217 extended again the State of Emergency for 5 additional days from September 19, 2012 to September 24, 2012 for the following Counties: Baker, Bradford, Charlotte, Citrus, Clay, Collier, Columbia, Dixie, Duval, Franklin, Gilchrist, Gulf, Hamilton, Hernando, Highlands, Hillsborough, Jefferson, Lafayette, Lee, Levy, Liberty, Madison, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Suwannee, Taylor, Union, and Wakulla Counties.
- The deadline for notification (request) is December 23, 2012.
- Extension length of the tolling period and the six month extension (FS.252.363) cumulative with the tolling for Executive Order 12 -140, 12-192, and 12-217 is 91 days and six months (FS 252.363)

Tropical Storm Isaac (Executive Order 12-199):

- On August 25, 2012, a State of Emergency (Executive Order 12-199) was declared for Tropical Storm Isaac. The emergency declaration applied statewide and was for a period of 60 days. The State of Emergency initially extended through October 24, 2012.
- The deadline for notification to the Manatee County is January 22, 2013.
- Since you have applied for an extension pursuant to both Tropical Storm Debby and Isaac, only the tolling period for Isaac that has not "overlapped" with the tolling period for Tropical Storm Debby, and the six month period (FS 252.363)
- Extension length of the tolling period and the six month extension (FS.252.363) cumulative with the tolling for Executive Order 12 -199 is 30 days and six months.

You have applied for extensions of your development approvals for Tolling and Extension of Permits and other Authorizations under Executive Orders 12-140, 12-192, 12-217 and 12-199 pursuant to Florida Statutes Section 252.363 relative to the Unnamed Exclusive Golf and Country Club Development of Regional Impact (DRI). Manatee County has determined that if you make a proper application and meet the other requirements of the law, then the deadlines are extended for the length of the tolling period and a six month period extension for each emergency declaration – totaling a 1 year and 121 day extension. As you have made an application and the development otherwise qualifies, your deadlines for the Unnamed Exclusive Golf and Country Club DRI Ordinance and its associated General Development Plan are eligible for the extension and have been extended as follows, with the dates set forth below reflecting the previous HB 7207 extensions, Wildfire (EO 11-128, EO 11-172, EO 11-202) and the additional Tropical Storm Debby and Isaac extensions (12-140, 12-192, 12-217 and 12-199):

- The buildout date currently expires on 11/21/2020. With the additional 6 months and 91 days under Tropical Storm Debby and 6 months 30 days for Tropical Storm Isaac (1 year and 121 days total) under the FS 252.363 extension, the buildout date is extended to 03/22/2022.
- The expiration date currently expires on 05/31/2025. With the additional 6 months and 91 days under Tropical Storm Debby and 6 months and 30 days for

Tropical Storm Isaac (1 year and 121 days total) under the FS 252.363 extension, the expiration date is extended to 09/29/2026.

Please accept this letter as confirmation of the extensions. The extensions reflected above for the Unnamed Exclusive Golf and Country Club DRI Development Order and Zoning Ordinance are also hereby confirmed for those corresponding dates shown on the associated Map H and the General Development Plan, respectively. At the next NOPC for your DRI, the development order and zoning ordinance will need to be updated to reflect these new dates. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note these changed dates by placing a copy of this letter in their files. A copy of this letter will also be placed in all our DRI files to document the extensions and all future GDP, NOPC, or Substantial Deviation requests will recognize the extensions.

Please contact me should you have any questions regarding the above information.

Sincerely,

Lisa Barrett

Lisa Barrett
Planning Division Manager

cc: John Meyer, Tampa Bay Regional Planning Agency (email)

#202

MANATEE COUNTY
FLORIDA

February 17, 2012

David Diaz, EI
Stantec Consulting Services Inc.
2205 North 20th Street
Tampa, Florida 33605

Re: **Unnamed Exclusive Golf and Country Club DRI # 12 (TBRPC # 202)**
PDR-89-05(G)(R9)/ORD-09-46(EXT) - DTS # 20110416
Request for Extension Pursuant to House Bill 7207 (HB 7207) & FS 252.363 - Tolling & Extension of Permits

Dear Mr. Diaz:

During the 2011 legislative session, the Florida Legislature approved a growth management bill (HB 7207) that included a four year extension, at the option of the developer, of all commencement, phase, buildout and expiration dates for projects that are currently valid Developments of Regional Impact (DRIs) regardless of any previous extensions. The legislation further states that the extension is not a substantial deviation, is not subject to further DRI review, and may not be considered when determining whether a subsequent extension is a substantial deviation. The legislation requires notification in writing to the local government prior to December 31, 2011 in order to receive the extensions.

Also, in 2011 the Florida Legislature authorized the tolling of permits for the duration of a state of emergency declared by the Governor and for an additional six (6) month time period after termination of the emergency. On June 13, 2011, a State of Emergency (Executive Order 11-128) was declared for concerns with wildfires. The State of Emergency initially extended through August 12, 2011. On August 5, 2011, Executive Order Number 11-172 extended the State of Emergency for sixty days from August 5 to October 4, 2011. On October 4, 2011 Executive Order Number 11-202 extended the State of Emergency another thirty days to November 3. The State of Emergency terminated on November 3, 2011. Section 252.363, F.S., allows the developer of the development of regional impact 90 days after the termination of the emergency declaration to notify the local government of their intent to exercise the tolling and extension provided. For the wildfire emergency declarations the deadline for this notification is February 1, 2012. The length of the tolling and the six month extension is 10 months and 21 days (326 days total). This statute allows for the tolling and extension of development of regional impact buildout dates (and other defined permits and development

orders) for emergency declarations covering the time period for the declaration and six months following the tolled period.

You have applied for extensions of your development approvals under HB 7207 and FS 252.363 relative to the Unnamed Exclusive Golf and Country Club Development of Regional Impact (DRI). Manatee County has determined that if you make a proper application and meet the other requirements of the law, then the deadlines are extended for the length of the tolling and the six month extension is 10 months and 21 days (326 days total) under FS 252.363 and 4 years under HB 7207. As you have made an application and the development otherwise qualifies, your deadlines for the Unnamed Exclusive Golf and Country Club DRI Ordinance ORD-09-46 and its associated Zoning Ordinance/General Development Plan PDR-89-05(G)(R9)/ are eligible for the extension and have been extended as follows, with the dates set forth below reflecting the HB 7207 and F.S. 252.363 extensions:

- The buildout date currently expires on 12/31/2015. With the additional 4 years under HB 7207 and 10 months and 21 day (326 days total) under the FS 252.363 extension, the buildout date is extended to 11/21/2020.
- The expiration date currently expires on 07/09/2020. With the additional 4 years under HB 7207 and 10 months and 21 day (326 days total) under the FS 252.363 extension, the buildout date is extended to 05/31/2025.

Please accept this letter as confirmation of the extension. The phase date extensions reflected above for the Unnamed Exclusive Golf and Country Club Development Order and Zoning Ordinance are also hereby confirmed for those corresponding dates shown on the associated Map H and the General Development Plan, respectively. At the next NOPC for your DRI, the development order and zoning ordinance will need to be updated to reflect these new dates. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note these changed dates by placing a copy of this letter in their files. A copy of this letter will also be placed in all our DRI files to document the extensions and all future GDP, NOPC, or Substantial Deviation requests will recognize the extensions.

Please contact me should you have any questions regarding the above information.

Sincerely,

Lisa Barrett

Lisa Barrett
Planning Manager

/sa

cc: John Meyer, Tampa Bay Regional Planning Agency (Email)

#202

MANATEE COUNTY
FLORIDA

March 23, 2011

David Diaz
Wilson Miller Stantec
6900 Professional Parkway East
Sarasota, Florida 34240

Re: SB 1752 – Extension Request
Unnamed Exclusive Golf & Country Club DRI # 12 (TBRPD DRI No. 202)
PDR-89-05(G)(R9))/ORD-09-46(EXT)
DTS # 20110021

Dear Betsy:

You have applied for extensions of your development approvals under SB1752 relative to the Unnamed Exclusive Golf and Country Club Development of Regional Impact (DRI). Manatee County has determined that if the deadlines were within the time period from September 1, 2008 and January 1, 2012 and if you make a proper application and meet the other requirements of the law, then the deadlines are extended for two years under the original SB 360 and an additional two years under SB 1752. As you have made an application and the development otherwise qualifies, your deadlines have been extended as follows, with the dates set forth below reflecting the original SB 360 extension and the SB 1752 additional extension:

- The buildout date currently expires on 12/31/2013. With the additional two year extension, the buildout date is extended to 12/31/2015.
- The expiration date currently expires on 07/09/2018. With the additional two year extension, the expiration date is extended to 07/09/2020. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

Please accept this letter as confirmation of the extension. We have made similar extensions for non-DRI developments and do not want the DRIs to be at any competitive disadvantage. At the next NOPC for your DRI, the Development Order and Zoning Ordinance will need to be updated to reflect these new dates. By copy of this letter to the Tampa Bay Regional Planning Agency, I ask them to note these changed dates by placing a copy of this letter in their files.

Sincerely,

Robert Schmitt, AICP
Planning Division Manager

cc: Avera Wynn, TBRPC
John Meyer, TBRPC
Lisa Barrett, Manatee County Building and Development Services

Building & Development Services Department
Mailing Address: P. O. Box 1000 Street Address: 1112 Manatee Avenue West, Bradenton, FL 34206-1000
WEB: www.mymanatee.org * PHONE: 941.748.4501 * FAX: 941.749.3071

LARRY BUSTLE * MICHAEL GALLEN * JOHN R. CHAPPIE * ROBIN DISABATINO * DONNA HAYES * CAROL WHITMORE * JOE McCLASH
District 1 District 2 District 3 District 4 District 5 District 6 District 7

MANATEE COUNTY
FLORIDA

Certified Mail # 7000 0520 0015 6095 8853

December 3, 2009

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782

Re: Development Order for the Unnamed Exclusive Golf & Country Club DRI #12

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 09-46, the DRI Development Order for the Unnamed Exclusive Golf & Country Club DRI #12, as adopted in open session by the Manatee County Board of County Commissioners on September 3, 2009, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)748-4501, extension 6878.

Sincerely,

Bobbi Roy
Planning Coordinator

/br
Enclosure

Planning Department
Mailing Address: P.O. Box 1000 * Street Address: 1112 Manatee Ave. W. 4th Floor, Bradenton, FL 34205
PHONE: 941.749.3070 * FAX: 941.749.3071
www.mymanatee.org

LARRY BUSTLE * DR. GWENDOLYN Y. BROWN * JOHN R. CHAPPIE * RON GETMAN * DONNA G. HAYES * CAROL WHITMORE * JOE MCCLASH
District 1 *District 2* *District 3* *District 4* *District 5* *District 6* *District 7*

FILED, OR RECORD
R. B. SHORE

2009 SEP 21 PM 2:41

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

FILED
2009 SEP 14 AM 11:03
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

ORDINANCE 09-46

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (FORMALLY KNOWN AS CIRCLE-N-BAR RANCH AND ALSO KNOWN AS UNIVERSITY PARK COUNTRY CLUB) DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 93-21 AS AMENDED BY ORDINANCES 95-13, 97-24, 99-55, 01-19); ALSO KNOWN AS DRI #12, (TBRPC DRI #202); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order* for the Circle-N-Bar DRI (MDO*) for the Arvida Corporation for a planned residential development, a planned commercial development, and a planned industrial development on approximately 1,134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals* (ADA*) could be submitted for the property subject to the MDO* encompassing, respectively: (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO*, in accordance with the Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country Club Associates (successor in interest to Arvida for the portion of the Circle-N-Bar DRI not included in the Arvida Corporate Park DRI), filed an Application for Development Approval* (ADA) of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order* with the Manatee County Board of County Commissioners, pursuant to Section 380.06, Florida Statutes. This Woodlands Country Club Associates ADA* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; and April 20, 1993 (which included amendments to add a 74.5 acre parcel known as the Simms Tract*); and

WHEREAS, on September 27, 1993, the Board of County Commissioners of Manatee County issued a Development of Regional Impact ("DRI") Development Order (Ordinance 93-21) to Woodland Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI; and

WHEREAS, upon adoption of Development Order, Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders; and

WHEREAS, on November 22, 1994, a request was made to amend the DRI to add back in the 164.23 acre parcel (known as the Arvida Tract*); the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, on February 23, 1995, The Board of County Commissioners adopted Ordinance 95-13, approving amendments to add 164 acres and extend the buildout date by 2 years and 364 days to the Development Order for the Unnamed Exclusive Golf and Country Club, which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on July 8, 1997, The Board of County Commissioners adopted Ordinance 97-24, approving amendments to: extend the buildout and expiration dates; decrease the commercial acreage; and approve Development Order modifications to more accurately reflect the option selected to administer the transportation conditions and the status of compliance with certain conditions of approval; which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on January 25, 2000, the Board of County Commissioners adopted Ordinance 99-55, approving amendments to delete a proposed roadway connection within the project, revise the legal description and acreage totals to reflect the dedication of Honore Road right-of-way, and amend the traffic monitoring requirements.

WHEREAS, on April 24, 2001, the Board of County Commissioners adopted Ordinance-01-19, approving amendments to reduce project acreage, delete the commercial space, reduce the size of the clubhouse, reduce the conservation area, delete condition pertaining to platting, and modify wastewater stipulations.

WHEREAS, development of the property is underway in accordance with the Development Order approvals referenced above; and

WHEREAS, said Unnamed Exclusive Golf and Country Club is a residential project on approximately one-thousand two-hundred two acres, located in south Manatee County, the legal description of which is attached as Exhibit "E"; and

WHEREAS, the developers of Unnamed Exclusive Golf and Country Club have proposed the following changes to the Development:

1.) Extend the development buildout date and project expiration date by 3 years, 1 day;
2) Extend the date to prohibition for the county to downzone the property until the new project expiration date; and
3.) Amend terminology and other provisions to reflect the above changes to this DRI.

WHEREAS, the above described changes cumulatively with all previous changes detailed below do not constitute a Substantial Deviation to the Development Order for Unnamed Exclusive Golf and Country Club, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the buildout date and expiration date extension requested by the Notice of Proposed Change submitted on May 4, 2009, coupled with those approved by the Florida Legislative in 2007 and 2009, establish new build out and expiration dates of December 31, 2013 and July 9, 2018, respectively; and

WHEREAS, the extension approved in this Ordinance provides for an additional 1 year, 1 day extension, together with cumulative extensions granted to date based upon the finding by the Board of County Commissioners that the Applicant has proven by clear and convincing evidence that these changes do not constitute a Substantial Deviation, and as such, result in a 7 year total extension; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Notices of Proposed Changes (NOPC) for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on the NOPC with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on September 3, 2009 held duly noticed public hearings on said NOPC and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County and City agencies, the applicant, and the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #12, ORDINANCE 01-19.

Ordinance 01-19 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the Unnamed Exclusive Golf and Country Club Development of Regional Impact. All prior Development Orders shall be superceded by this Ordinance. Provided this amendment shall not be construed to terminate the rights of the Developer, if any, granted under Section 163.3167(8), Florida Statutes, to the extent such rights have been previously granted and are not specifically herein or otherwise modified or amended.

SECTION ~~1~~ 2. FINDINGS OF FACT

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance, NOPC, the recommendation and findings of the Planning Commission of Manatee County, and all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

All "WHEREAS" clauses proceeding Section 1 of this Ordinance are adopted as findings of fact.

A. The Developer* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 93-21, as amended by Ordinances 95-13, 97-24, 99-55, and 01-19.

B. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised Zoning Ordinance for the entire 1,202 acre project.

C. Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for a NOPC to a Development Order pursuant to Section 380.06, Florida Statutes.

D. The Board of County Commissioners held public a hearing on September 3, 2009 regarding the NOPC and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended) and has further considered the testimony, comments, and information received at the Public Hearing.

E. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

F. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.

G. This amended Development Order is issued based on information provided by the Developer* in the ADA*, as amended, information provided in the sufficiency responses, NOPCs, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions listed in Section 4, the County has determined that adequate Levels of Service exist until December 31, 2013 for this project in each of these areas referenced in subsection 1.F., above.

H. The proposed changes to the Development of Regional Impact regarding the property described in Section 7 herein are found to be consistent with the requirements of the previously adopted Development Orders (Ordinance-93-21, Ordinance-95-13, 97-24, 99-55, and 01-19), and the Manatee County Comprehensive Plan, provided all development after September 3, 2009 proceeds in accordance with the Development Conditions specified in Section 5 of this Development Order.

I. The "Developer*" submitted to Manatee County, Florida a NOPC identified in Section 1, which is incorporated herein by reference.

J. Upon adoption of Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Order.

K. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.

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

M. Authorized agent for Woodlands Country Club Associates, a Florida General Partnership; Island Investment Properties, Ltd., a Florida Limited Partnership; Kabara Corporation N.V., a Netherlands Antilles Corporation; and A.B. Simms; is Patrick K. Neal.

N. The Owners* of the property, which Woodlands Country Club Associates intends to develop, are Island Investment Properties, LTD., a Florida Limited Partnership; Kabara Corporation, N.V., a Netherlands Antilles Corporation; and W.T Harrison Jr.,

as trustee; Northern Capital Group, a Florida general partnership; and Lawrence Lott Edge.

O. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs in conjunction with the original Development Order, as amended, and the NOPC for Ordinance 01-19.

P. The provisions of Transportation Condition B (1) a. have been complied with and fulfilled as follows:

Pursuant to the County Transportation Authority's* review and approval on February 7, 1994 of a Transportation Condition Option 2 Traffic Study, the requirement for "Dual left turn lanes eastbound I-75 East Ramps to northbound must have adequate storage lengths" (Transportation Condition, Table 2), was found to be not warranted.

The University Parkway and Project Entrance intersection improvements set forth in Transportation Condition, Table 2 have been constructed and are operational.

An area for a bus stop has been provided as required by Transportation Condition B. (2).

Therefore, all transportation facility conditions of the Development Order have been complied with by the Developer* and the Developer* has no further responsibility or liability for the provision of said facilities. The Developer* remains responsible for conducting transportation monitoring in accordance with B.(1).b.

Q. The Florida Department of Environmental Protection, in a letter dated February 5, 1996 (attached as Exhibit K) verified that it had completed a jurisdictional determination for the then Circle-N-Bar Ranch, J.D.-41-0000-3, now Unnamed Exclusive Golf and Country Club, and that said determination was still valid and would be valid until completion of the project. The letter also states that activities proposed within the boundaries of the revalidated jurisdictional determination shall continue to be reviewed under rules adopted pursuant to Sections 403.91 - 403.929 (1984 Supp, as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under Section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to Section 373.414(9). The applicant has not elected to have any activities reviewed under the new environmental resource rules. The original jurisdictional determination (letter to Robert M Rhodes, dated January 21, 1985) is included as part of exhibit.

SECTION 3. CONCLUSIONS OF LAW

A. Based upon the previous findings of fact and the following conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan (Ordinance 90-01, as amended*) and previously approved Development Orders.

2. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on March 8, 1993, regarding DRI #202, and on November 28, 1994, regarding the first NOPC, on August 16, 1996 regarding the second NOPC, on September 8, 1999 regarding the third NOPC, on March 7, 2001 regarding the 4th NOPC, and on June 8, 2009 regarding the 5th NOPC.

3. Development Order Ordinance 93-21 superseded the Circle-N-Bar Master Development Order* and the portion approved as Arvida, with the exception of the 51.46 acres, which were part of the Arvida DRI and not a part of this Unnamed Exclusive Golf and Country Club DRI, or included as part of this Development Order.

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

C. That the review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* or NOPC is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.

D. Upon adoption of Ordinance 93-21 for the Unnamed Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.

E. Pursuant to Subsection 380.06(19)(c) and Paragraph 380.06(19)(e)3, Florida Statutes the changes proposed pursuant to the NOPC submitted on May 4, 2009 and approved with conditions pursuant to Ordinance 09-46 are presumed not to be a Substantial Deviation based upon the rebuttal by the Applicant by clear, convincing evidence that

these changes do not constitute a Substantial Deviation requiring further Development of Regional Impact Review.

SECTION 4. DEFINITIONS

Note: An asterisk (*) denotes that the word is defined.

A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).

B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992; and amendments submitted on April 20, 1993.

BB. "Arvida Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida, containing 150.45 acres more or less and more particularly described in Exhibit E.

C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on Revised "Map H", last revised on March 26, 2001, for the Unnamed Exclusive Golf and Country Club, and attached hereto as Exhibit B.

E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised February 5, 2001.

F. "County Transportation Authority*" shall be defined as the Manatee County Department of Transportation, or whatever County entity is responsible for roadway approvals.

G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; its heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process or construction drawing approval where site plans are not required.

I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:

1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or

2. Actual construction; or

3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or

4. A local development agreement as defined by Florida Statutes and the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.

J. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadway, drainage, water, sewer, communication, utilities, etc.).

K. "Master Development Order* (MDO*) shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.

L. "Master Development Plan*" shall be defined as Revised Map H, last revised on March 26, 2001 incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

LL. "Notice of Proposed Change" shall mean the NOPC submitted on November 22, 1994, the second NOPC submitted on July 15, 1996, the third NOPC submitted on September 1, 1999, the fourth NOPC submitted on January 5, 2001 as amended, and the fifth NOPC submitted on May 4, 2009, included as Exhibit "A".

M. "Owner*" shall mean Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Lawrence Lott Edge; their heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or the Florida Department of

Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.

P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised February 5, 2001.

R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, Section 26, Township 35 south, Range 18 east, lying south of the Braden River, Manatee County, Florida, containing 74.5 acres, more or less.

S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21, as amended. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order was the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA* are only those specifically recognized in the above-referenced Development Orders.

U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval* Process for the next Preliminary Site Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in "Exhibit D", to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area is generally depicted on Map J ("Exhibit D") which was submitted with the ADA*.

W. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of Section 35, Township 35 South, Range 18 East, and the South ½ of the SW 1/4 of the SW 1/4 of Section 26, Township 35 South, Range 18 East, Manatee County, Florida, containing 63 acres, more or less.

Y. "Warranted*" shall mean a determination by the Manatee County Transportation Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statues, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Subsection 373.414.(12), Florida Statutes, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1,1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended, or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

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

SECTION 5. DEVELOPMENT CONDITIONS

A.(1) The Development Order approval shall be limited to Table 1, as shown below:

TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY

TYPE OF DEVELOPMENT:	Residential	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:		**1,187.59 Acres**
Residential		699 Acres
Golf Course/Clubhouse		320 Acres
Open Space (Roads, Right-of-Way, etc.)		168.59 Acres
Residential Units		1,238 d.u.
Golf Course*		27 Holes
Country Club & Restaurant**		32,000Sq. Ft.
BUILD-OUT DATE		December 31, 2013

* Includes related facilities typically associated with the function of a golf course
** Includes administrative offices and promotional center accessory to this development.

A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Level of Service Certificate which will expire at buildout date.

A.(3) (Reserved)

A.(4) Development Order 93-21 Subsumed and superseded* all terms and conditions of the Preliminary Development Agreement with the Department of Community Affairs and the Circle-N-Bar Master Development Order* as applied to property referenced in Section 6.

TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-75, and the University Parkway and development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:

a. Subsequent to approval of the final plat for the 461st residential unit in the development, the Developer* selected Option 2 of Condition B.(1) of Ordinance 95-13 to mitigate the impacts.

TABLE 2
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB DEVELOPMENT

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW

Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	Completed
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

b. **TRANSPORTATION MONITORING**

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to Final Site Plan approval for the 826th dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than tri-annually (every three years). If any report indicates that the total project P.M. peak-hour trips reach 75% of projected counts, counts will

be required bi-annually (every two years). If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted*, prior to any further Final Site Plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

B.(2) The Developer* has provided a location for a bus stop along University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.

C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust, and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 62-302 and 62-25, F.A.C., as well as Manatee County requirements.

D.(2) The Developer* shall continue to conduct the approved comprehensive surface water quality and quantity monitoring program approved by the County in accordance with Exhibit J. The program shall continue through one year beyond project buildout.

The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analysis shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit J, shall be submitted to the City of Bradenton and TBRPC for review and comment, and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this Development Order.

D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

D.(4) The Developer* shall continue to conduct the approved comprehensive ground water quality and quantity monitoring program as previously approved by the County. The program shall continue through one year beyond project buildout. The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J.

All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

D.(5) The Wallace Tract*, and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1,187 acre shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.

D.(6) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.

D.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.

D.(9) The Conservation Areas* on site encompass approximately 30.49 acres as indicated on the attached Preservation/Conservation Map, revised Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of sub-phase in which the impact occurs. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include

information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails, and paths, as provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County, as a separate easement document acceptable to Manatee County, and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

TABLE 3
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS

	MITIGATION RATIOS•	
AREAS	**HERBACEOUS**	**FORESTED**
TBRPC Conservation Area* except those located in Simms Tract*, or Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* or Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1♦	4:1♦

♦May be reduced in accordance with Section 719.8.5 of the Land Development Code.
•Ratio is Mitigated Wetland*: Disturbed Wetlands*.

D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District and Comprehensive Plan. Within one (1) year after D.O. approval, Manatee County Planning Director and Manatee County Environmental Management Department approved all such guidelines.

D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.

E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

E.(3) No discharges to groundwater shall be permitted on-site.

ECONOMICS

F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Fish and Wildlife Conservation Commission FWCC, Manatee County, and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management, and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.

G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. (Completed) Said plan shall be prepared in consultation with the Florida Fish and Wildlife Conservation Commission, FDEP, and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation for lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods, and methods of Wetland* restoration and enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

a. No hydroperiod alteration shall be permitted in Preservation Areas*.

b. Dredging, filling, and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing, boardwalk locations, and passive recreational facilities approved by FWCC, FDEP, and Manatee County, as applicable.

c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks, and passive recreational facilities as permitted by FWCC, FDEP, and Manatee County.

d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.

e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources (DHR), and treatment of such resources shall be determined in cooperation with the DHR and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to Manatee County.

WASTEWATER

I.(1) Wastewater services shall be provided by Manatee County.

WATER

J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.

J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions

of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.

J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE

K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:

a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas;

b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and

c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;

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

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

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction;

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

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;

g. Institute and utilize recycling programs; and

h. Utilize energy efficient packaging or recyclable materials.

L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and the first annual report.

EDUCATION

M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.

N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

O.(1) Sheriff, emergency medical services, and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department prior to the issuance of this Development Order. (Exhibit I)

O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or be in compliance with the Manatee County Comprehensive Plan and Land Development Code requirements.

GENERAL CONDITIONS

P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

P.(2) The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statues, to Manatee County and the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, September 27, 1997 and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of any conditions, or any terms or conditions of this Development Order. The annual report shall contain the following:

a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;

b. A summary comparison of development activity proposed and actually conducted for the year;

c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. An assessment of the Developer*'s and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC, or the Department of Community Affairs as being significant;

f. 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;

g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes;

j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;

k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes; and

l. Reports or information pursuant to stipulations B(1), D(2), D(4), D(7), D(9), F(1), H(1), and L(2).

P.(3) Any changes in the Development from the parameters set forth in the Application* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.

P.(4) The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

P.(5) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that the original Development Order was issued on September 24, 1993. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

P.(6) This Development Order shall expire on July 9, 2018. Buildout shall be completed by December 31, 2013. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

P.(8) In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal of behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of

County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

SECTION ~~5~~ 6. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*), First (SR), Second (SRII). Third (SRIII) and Fourth (SRIV) Sufficiency Responses which shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

GENERAL PROJECT DESCRIPTION

The home sites will be clustered around the sites' natural features and the golf links planned for the community. (ADA*, pg. 12-1)

Infrastructure including water, sewer, and electricity, along with roadway paving, will be in place prior to homesite development. (ADA*, pg. 32-2)

All commercial areas will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA*, 12-1)

ENVIRONMENT AND NATURAL RESOURCES

Land

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA*, 14-2; SRII, pg A1-10)

Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA*, pg. 14-2)

Water Quality

The surface water management system planned for this property will utilize Best Management Practices* to minimize adverse impacts to on and off-site water quality. Development on the

property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality.
(ADA*, Pg. 15-10, as amended)

When practical, conveyance within the drainage system will incorporate isolated Wetland* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable existing plant materials and Wetlands*. (ADA*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5)

Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA*, pg. 20-8)

Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA*, pg. 25-3)

The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting, and equipment. (ADA*, 25-3)

Water

Irrigation of the clubhouse area as well as the golf course will be provided by non-potable water, or *the use of deep wells*, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advanced irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

Drainage

The total drainage flow going off-site will not be increased over pre-developed conditions, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA*, pg. 22-1)

The project will comply with the requirement of Chapter 62-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)

Water Supply

The Developer* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer* as each specific parcel of land is developed. (ADA*, pg. 23-4)

The Developer* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA*, 23-4)

Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal household materials. (SR, pg. A1-46)

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill. (ADA*, pg. 24-3)

Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer*. (SRIV,pg.17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

SECTION 7. LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the ±1,187.59 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order.

SECTION 8. COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development* as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

Prior to July 9, 2018, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the conditions underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer*; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners* and their successors in interest.

SECTION 11. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 12. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 13. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 14. SEVERABILITY

It is the intent of this development order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this development order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provisions or portions shall be deemed null and void but all remaining provisions and portions of this development order shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Secretary of State, provided, however, that the filing of Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 01-19 during the pendency of any appeal.

SECTION 16. RECONCILE INTO ONE DOCUMENT

This Development Order represents a codification of the existing approval for the project integrating those changes proposed in this Substantial Deviation Determination and approved by the Board of County Commissioners into a single Development Order for administrative convenience and is not intended to provide for current conditions and requirements of this project that are not related to this Notice of Proposed Change.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida this the 3rd day of September, 2009.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: Dr. Gwendolyn Y. Brown
Dr. Gwendolyn Y. Brown, Chairman

ATTEST: R.B. SHORE
Clerk of the Circuit Court

BY: Susan J. Romeo
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS S MANATEE

EXHIBITS B, C, D, F, G, H, I, AND K

ARE NOT ATTACHED, BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER 97-24 APPROVED ON JULY 8, 1997 FOR THE UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB.

PLANNING
MAY 04 2009
DEPARTMENT

OCKUNZZI & ASSOCIATES
2211 Gulf Blvd.
Indian Rocks Beach, Florida 33785

727-595-7006
727-595-7006FAX
billockunzzi@yahoo.com

April 30, 2009

Mr. Dave Gustafson
Community Planner
Manatee County Planning, Permitting
and Inspections Department
P.O. Box 1000
Bradenton, Florida 34206

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd., Suite 100
Pinellas Park, Fl 33782

Gentlemen:

Enclosed please find the requisite number of copies required by your respective agency of a Notice of Proposed Change (NOPC) for DRI #202, Unnamed Exclusive Golf and Country Club (aka University Park Golf and Country Club) for review and approval pursuant to Chapter 380.06 F.S. Also enclosed are checks for the requisite review fee for each agency.

The changes proposed in this NOPC are: 1. Extend the Development Order build out and expiration dates by 1 year and eleven months to equal the non-substantial deviation extension allowed by the Statute. 2. Change the prohibition against down zoning date to coincide with the expiration date (currently the prohibition coincides with the build out date). 3. Extend the build out and expiration dates to codify extensions to build out and expiration dates that MAY be granted by the Legislature in 2009. If Legislative action is not approved during the 2009 Legislative Session the proposed precise language of the change will need to be modified accordingly during the NOPC review process. 4. Clarify and acknowledge that aggregate development rights continue in perpetuity for any and all portions of the development approved by the Development Order.

NO CHANGES to the plan of development, phasing (this is a single phase project), development area, commencement date (development has commenced), Development Order conditions of approval, or requirements or representations in the Development Order or Applications for Development Approval are being sought or requested.

The extensions are necessary to permit the orderly continuation and conclusion of approved development given the current state of economic conditions impacting home building and the overall economy and to protect and preserve the property rights of successors and assigns should physical development not be completed by the current build out and expiration dates. The 1 year, 1 month extensions requested herein are consistent with the remaining time allowed for non substantial deviation extensions, as established by the Statute, according to TBRPC's Annual Report Summary that states that to date the project has only been extended 5 years, 11 months and 30 days.

Please contact me if you have any questions or need any additional information.

Sincerely,

William Ockunzzi

Enclosures: NOPC application and exhibits 1, 2, and 3.
Check #6576 made payable to Manatee County
Check #6577 made payable to TBRPC

CC: One copy each.
Mr. Tom Pelham, Secretary
Florida Department of Community Affairs
ATTN: Division of Community Planning, Bureau of Local Planning
2555 Shumard Oak Blvd.
Tallahassee, Fl 32399

Mr. Bob Crawley
Growth Management Coordinator
FDOT District 1
P.O. Box 1249
Bartow, Fl 33831

Mike Mahotz
Transportation Planner
Sarasota-Manatee MPO
7632 15th St. E.
Sarasota, Fl 34243

PLANNING
MAY 0 4 2009
DEPARTMENT

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

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

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

1. I, William Ockunzzi , the undersigned owner/authorized representative of Woodlands Country Club Associates, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Unnamed Exclusive Golf and Country Club/University Park Golf and Country Club/Circle-N-Bar Ranch development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Manatee County, to the Tampa Bay Regional Planning Council, and to the Bureau of Local Planning, Department of Community Affairs.

4/30/09 _____
Date Signature

NOPC FORM

2. Applicant (name, address, phone)
Woodlands Country Club Associates
ATTN: Pat Neal
8210 Lakewood Ranch Blvd.
Bradenton, Fl 34202

3. Authorized Agent (name, address, phone).
William Ockunzzi
Ockunzzi & Associates
2211 Gulf Blvd.
Indian Rocks Beach, Fl 33785

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.
The project is located in Sections 25, 25, 35 and 36 of Township 35 South, Range 18 East in the unincorporated area of Manatee County. See legal description in the currently approved Development Order (attached as Exhibit 1).

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval. Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The change being sought is an extension to the Development Order expiration date, build out date and prohibition against down zoning date including a clarification acknowledgment that aggregate development rights continue in perpetuity for any and all portions of the development. NO CHANGES to the plan of development, phasing (this is a single phase project), development area, commencement date (the project has commenced development), Development Order conditions and requirements or representations in the Development Order or Application for Development Approval are being sought or requested.

The extensions are needed to permit the orderly continuation and conclusion of approved development given the current state of economic conditions impacting home building and the overall economy and protect and preserve the property rights of successors and assigns should physical development not be completed by the build out date.

The requested changes are in addition to any extension that may be granted to all DRI Development Orders by the Legislature during the 2009 Legislative Session or subsequent Legislative Sessions. The precise language proposed to amend the Development Order, attached hereto as Exhibit 4, contemplates Legislative approval of such action and includes language formally recognizing the extension granted by the Legislature.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

Attached as Exhibit 2.

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

There has been no change to the local government with jurisdiction and none is proposed.

Dates of approval of the original Development Order and all previous modifications are listed in the recitals of Manatee County Ordinance 01-19 adopted on April 24, 2001 and included herein

as Exhibit 1 (specifically "whereas" clauses 1 thru 13). Also attached (Exhibit 3) is a list of all approved permits issued for the project to date. These recitals do not include extensions granted by the Legislature.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.

No lands have been purchased or obtained within ¼ mile of the DRI site. No purchases are planned or contemplated.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes. Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES____XXX NO _____

10. Does the proposed change result in a change to the build out date or any phasing date of the project? If so, indicate the proposed new build out or phasing dates.

Yes, the new proposed build out date is January 30, 2015*. The new proposed expiration date is August 7, 2019*. The new prohibition against down zoning date is August 7, 2019*. This is a single phase project. Therefore, there is no phasing schedule.

NOPC FORM

11. Will the proposed change require an amendment to the local government comprehensive plan? Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 9J-2.025, Florida Administrative Code:

No.

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

No changes to the plan of development are proposed. No updated master site plan necessary.

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

The precise language to be modified is attached as Exhibit 3.

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

No changes to the proposed plan of development are proposed.

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

No change in the project legal description is proposed or necessary.

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

Development has commenced.

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

The proposed termination date (expiration date) is August 7, 2019* and the proposed build out date is January 30, 2015*.

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

The proposed "no down zoning" date is August 7, 2019*.

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

No change is proposed to the Annual Report requirements or due dates.

*See paragraph 3 of the response to question 5 for clarification regarding action under consideration by the Legislature. If Legislative action is not approved the new build out date will be January 30, 2012 and the new expiration date will be August 7, 2016 and the precise language included herein will need to be amended accordingly.

4/30/09

Exhibit A DRI # 202 NOPC 4/30/

PLANNING
MAY 04 2009
DEPARTMENT

ORDINANCE 01-19

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (FORMALLY KNOWN AS CIRCLE-N-BAR RANCH) (ALSO KNOWN AS UNIVERSITY PARK COUNTRY CLUB) DEVELOPMENT OF REGIONAL IMPACT ORDINANCE 99-55); ALSO KNOWN AS DRI #12, (TBRPC DRI #202); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order* for the Circle N Bar DRI (MDO*) for the Arvida Corporation for a planned residential development, a planned commercial development, and a planned industrial development on approximately 1,134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals* (ADA*) could be submitted for the property subject to the MDO* encompassing, respectively: (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO*, in accordance with the Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country Club Associates (successor in interest to Arvida for the portion of the Circle-N-Bar DRI not included in the Arvida Corporate Park DRI), filed an Application for Development Approval* (ADA) of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order* with the Manatee County Board of County Commissioners, pursuant to Section 380.06, Florida Statutes. This Woodlands Country Club Associates ADA* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; and April 20, 1993 (which included amendments to add a 74.5 acre parcel known as the Simms Tract*); and

WHEREAS, on September 27, 1993, the Board of County Commissioners of Manatee County issued a Development of Regional Impact ("DRI") Development Order (Ordinance 93-21) to Woodland Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI; and

WHEREAS, upon adoption of Development Order, Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders; and

WHEREAS, on November 22, 1994, a request was made to amend the DRI to add back in the 164.23 acre parcel known as the Arvida Tract*); the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, on February 23, 1995, The Board of County Commissioners adopted Ordinance 95-13, approving amendments to add 164 acres and extend the buildout date by 2 years and 364 days to the Development Order for the Unnamed Exclusive Golf and Country Club, which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on July 8, 1997, The Board of County Commissioners adopted Ordinance 97-24, approving amendments to: extend the buildout and expiration dates; decrease the commercial acreage; and approve Development Order modifications to more accurately reflect the option selected to administer the transportation conditions and the status of compliance with certain conditions of approval; which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on January 25, 2000, the Board of County Commissioners adopted Ordinance 99-55, approving amendments to delete a proposed roadway connection within the project, revise the legal description and acreage totals to reflect the dedication of Honore Road right-of-way, and amend the traffic monitoring requirements.

WHEREAS, Crescent Resources, L.L.C., Arvida Corporate Park Associates, Woodlands Country Club Associates, and the Department of Community Affairs entered into an Agreement (DRI Agreement) dated November 8, 2000, authorizing the revision of the Unnamed Exclusive Golf and Country Club Development Order to remove approximately 15 acres, to eliminate the 40,000 square foot Commercial Village, and to reduce the size of the clubhouse and project related facilities from 35,000 to 32,000 square feet.

WHEREAS, development of the property is underway in accordance with the Development Order approvals referenced above; and

WHEREAS, said Unnamed Exclusive Golf and Country Club is a residential project on approximately one-thousand two-hundred two acres, located in south Manatee County, the legal description of which is attached as Exhibit "E"; and

WHEREAS, the developers of Unnamed Exclusive Golf and Country Club have proposed th following changes to the Development:

1.) Revise Map H and the legal description to reduce the project area from 1,201.37 t 1,187.6 acres;
2.) Delete the 40,000 square feet of approved neighborhood commercial space locatec adjacent to the clubhouse;
3.) Reduce the club house and accessory restaurant from 35,000 to 32,000 square feet in area.
4.) Amend Map C and Condition D.(9) to reduce the TBRPC Conservation areas for the project from 34.91 to 30.49 acres;
5.) Amend Condition P.(6) to clarify the Development Order expiration date;
6.) Eliminate specific conditions within the development order pertaining to platting [A.(3)] and recreational open space [N.(3)];
7.) Substitute new language for Wastewater Conditions I.(1) - (5);and
8.) Amend terminology and other provisions to reflect the above changes to this DRI.

WHEREAS, the above described changes, in cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for Unnamed Exclusive Golf and Country Club, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Notices of Proposed Changes (NOPC) for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on the NOPC with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on April 24, 2001, held duly noticed public hearings on said NOPC and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County and City agencies, the applicant, and the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance, NOPC, the recommendation and findings of the Planning Commission of Manatee County, and all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

A. The Developer* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 93-21, as amended by Ordinances 95-13, 97-24, and 99-55.

B. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised General Development Plan for the entire 1,202 acre project.

C. Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for a NOPC to a Development Order pursuant to Section 380.06, Florida Statutes.

D. The Board of County Commissioners held public a hearing on April 24, 2001 regarding the NOPC and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended) and has further considered the testimony, comments, and information received at the Public Hearing.

E. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

F. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.

G. This amended Development Order is issued based on information provided by the Developer* in the ADA*, as amended, information provided in the sufficiency responses, NOPCs, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions

listed in Section 4, the County has determined that adequate Levels o Service exist until December 30, 2007 for this project in each of these areas referenced in subsection 1.F., above.

H. The proposed changes to the Development of Regional Impact regarding the property described in Section 7 herein are found to be consistent with the requirements of the previously adopted Development Orders (Ordinance-93-21, Ordinance-95-13, 97-24, and 99-55), and the Manatee County Comprehensive Plan, provided all development after April 24, 2001 proceeds in accordance with the Development Conditions specified in Section 5 of this Development Order.

I. The "Developer*" submitted to Manatee County, Florida a NOPC identified in Section 1, which is incorporated herein by reference.

J. Upon adoption of Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Order.

K. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.

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

M. Authorized agent for Woodlands Country Club Associates, a Florida General Partnership; Island Investment Properties, Ltd., a Florida Limited Partnership; Kabara Corporation N.V., a Netherlands Antilles Corporation; and A.B. Simms; is Patrick K. Neal.

N. The Owners* of the property, which Woodlands Country Club Associates intends to develop, are Island Investment Properties, LTD., a Florida Limited Partnership; Kabara Corporation, N.V., a Netherlands Antilles Corporation; and W.T Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; and Lawrence Lott Edge.

O. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs in conjunction with the original Development Order, as amended, and the NOPC for Ordinance ~~99-55~~ 01-19.

P. The provisions of Transportation Condition B (1) a. have been complied with and fulfilled as follows:

Pursuant to the County Transportation Authority's* review and approval on February 7, 1994 of a Transportation Condition Option 2 Traffic Study, the requirement for "Dual left turn lanes eastbound I-75 East Ramps to northbound must have adequate storage lengths" (Transportation Condition; Table 2), was found to be not warranted.

The University Parkway and Project Entrance intersection improvements set forth in Transportation Condition, Table 2 have been constructed and are operational.

An area for a bus stop has been provided as required by Transportation Condition B. (2).

Therefore, all transportation facility conditions of the Development Order have been complied with by the Developer* and the Developer* has no further responsibility or liability for the provision of said facilities. The Developer* remains responsible for conducting transportation monitoring in accordance with B.(1).b.

Q. The Florida Department of Environmental Protection, in a letter dated February 5, 1996 (attached as Exhibit K) verified that it had completed a jurisdictional determination for the then Circle-N-Bar Ranch, J.D.-41-0000-3, now Unnamed Exclusive Golf and Country Club, and that said determination was still valid and would be valid until completion of the project. The letter also states that activities proposed within the boundaries of the revalidated jurisdictional determination shall continue to be reviewed under rules adopted pursuant to Sections 403.91 - 403.929 (1984 Supp, as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under Section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to Section 373.414(9). The applicant has not elected to have any activities reviewed under the new environmental resource rules. The original jurisdictional determination (letter to Robert M Rhodes, dated January 21, 1985) is included as part of exhibit.

SECTION 2. CONCLUSIONS OF LAW

A. Based upon the previous findings of fact and the following conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan (Ordinance 90-01, as amended*) and previously approved Development Orders.

2. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on March 8, 1993, regarding DRI #202, and on November 28, 1994, regarding the first NOPC, on August 16, 1996 regarding the second NOPC, on September 8, 1999 regarding the third NOPC, and on March 7, 2001Regarding the 4th NOPC.

3. Development Order Ordinance 93-21 superseded the Circle-N-Bar Master Development Order* and the portion approved as Arvida, with the exception of the 51.46 acres, which were part of the Arvida DRI and not a part of this Unnamed Exclusive Golf and Country Club DRI, or included as part of this Development Order.

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

C. That the review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* or NOPC is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.

D. Upon adoption of Ordinance 93-21 for the Unnamed Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.

E. Pursuant to Subsection 380.06(19)(c) and Paragraph 380.06(19)(e)3, Florida Statutes the changes proposed pursuant to the NOPC submitted on January 5, 2001 and approved with conditions pursuant to Ordinance 01-19 do not constitute a Substantial Deviation requiring further Development of Regional Impact Review.

SECTION 3. DEFINITIONS

Note: An asterisk (*) denotes that the word is defined.

A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).

B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992; and amendments submitted on April 20, 1993.

BB. "Arvida Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida, containing 150.45 acres more or less and more particularly described in Exhibit E.

C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on Revised "Map H", last revised on March 26, 2001, for the Unnamed Exclusive Golf and Country Club, and attached hereto as Exhibit B.

E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised February 5, 2001.

F. "County Transportation Authority*" shall be defined as the Manatee County Department of Transportation, or whatever County entity is responsible for roadway approvals.

G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; its heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process or construction drawing approval where site plans are not required.

I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:

1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or

2. Actual construction; or

3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or

4. A local development agreement as defined by Florida Statutes and the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.

J. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadway, drainage, water, sewer, communication, utilities, etc.).

K. "Master Development Order* (MDO*) shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.

L. "Master Development Plan*" shall be defined as Revised Map H, last revised on March 26, 2001 incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

LL. "Notice of Proposed Change" shall mean the NOPC submitted on November 22, 1994, the second NOPC submitted on July 15, 1996, the third NOPC submitted on September 1, 1999, and the fourth NOPC submitted on January 5, 2001 as amended and included as Exhibit "A".

M. "Owner*" shall mean Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Lawrence Lott Edge; their heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

N. "Post-Regional [illegible]

Exhibit A

Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.

P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised February 5, 2001.

R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, Section 26, Township 35 south, Range 18 east, lying south of the Braden River, Manatee County, Florida, containing 74.5 acres, more or less.

S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21, as amended. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order was the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA* are only those specifically recognized in the above-referenced Development Orders.

U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval* Process for the next Preliminary Site Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of

Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area is generally depicted on Map J ("Exhibit D") which was submitted with the ADA*.

W. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of Section 35, Township 35 South, Range 18 East, and the South ½ of the SW 1/4 of the SW 1/4 of Section 26, Township 35 South, Range 18 East, Manatee County, Florida, containing 63 acres, more or less.

Y. "Warranted*" shall mean a determination by the Manatee County Transportation Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statues, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Subsection 373.414.(12), Florida Statutes, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1, 1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended, or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

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

A.(1) The Development Order approval shall be limited to Table 1, as shown below:

TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY

	Residential
	University Parkway - one mile west of I-75, in southeastern Manatee County
Residential	699 Acres
Golf Course/Clubhouse	320 Acres
Open Space (Roads, Right-of-Way, etc.)	168.59 Acres
Residential Units	1,238 d.u.
Golf Course*	27 Holes
Country Club & Restaurant**	32,000Sq. Ft.
	December 30, 2007

* Includes related facilities typically associated with the function of a golf course
** Includes administrative offices and promotional center accessory to this development.

A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Level of Service Certificate which will expire at buildout date.

~~A.(3) Upon completion of the Unnamed Exclusive Golf and Country Club Project all property within the Unnamed Exclusive Golf and Country Club boundaries shall have been platted.~~ (Reserved)

A.(4) Development Order 93-21 Subsumed and superseded* all terms and conditions of the Preliminary Development Agreement with the Department of Community Affairs and the Circle-N-Bar Master Development Order* as applied to property referenced in Section 6.

TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club

Exhibit A

75, and the University Parkway and development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:

a. Subsequent to approval of the final plat for the 461st residential unit in the development, the Developer* selected Option 2 of Condition B.(1) of Ordinance 95-13 to mitigate the impacts.

TABLE 2
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB DEVELOPMENT

Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	Completed
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

b. **TRANSPORTATION MONITORING**

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to Final Site Plan approval for the 826th dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than tri-annually (every three years). If any report indicates that the total project P.M. peak-hour trips reach 75% of projected counts, counts will be required bi-annually (every two years). If

percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted*, prior to any further Final Site Plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

B.(2) The Developer* has provided a location for a bus stop along University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.

C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust, and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters , 62-302 and 62-25, F.A.C., as well as Manatee County requirements.

D.(2) The Developer* shall continue to conduct the approved comprehensive surface wate quality and quantity monitoring program approved by the County and the Environmenta Management Department (EMD) in accordance with Exhibit J. The program sha continue through one year beyond project buildout.

The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analysis shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit J, shall be submitted to the City of Bradenton and TBRPC for review and comment, and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this Development Order.

D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

D.(4) The Developer* shall continue to conduct the approved comprehensive ground water quality and quantity monitoring program as previously approved by EMD. The program shall continue through one year beyond project buildout. The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J.

All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

D.(5) The Wallace Tract*, and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1,187 acre shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.

D.(6) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.

D.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.

D.(9) The Conservation Areas* on site encompass approximately 30.49 acres as indicated on the attached Preservation/Conservation Map, revised Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of sub-phase in which the impact occurs. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival

include information on what Conservation Areas* and Preservation Areas* have beer impacted and the steps taken to mitigate the impacts and the results of the mitigatior monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails, and paths, as provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County, as a separate easement document acceptable to Manatee County, and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

TABLE 3
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS

TBRPC Conservation Area* except those located in Simms Tract*, or Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* or Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1♦	4:1♦

♦May be reduced in accordance with Section 719.8.5 of the Land Development Code.
•Ratio is Mitigated Wetland*: Disturbed Wetlands*.

D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District and Comprehensive Plan. Within one (1) year after D.O. approval, Manatee County Planning Director and Manatee County Environmental Management Department approved all such guidelines.

D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.

E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

E.(3) No discharges to groundwater shall be permitted on-site.

ECONOMICS

F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Fish and Wildlife Conservation Commission FWCC, the Environmental Management Department (EMD), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management, and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.

G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. (Completed) Said plan shall be prepared in consultation with the Florida Fish and Wildlife Conservation Commission, FDEP, and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall

for lost Wetlands*, if applicable, control of on-site water quality, maintenance o hydroperiods, and methods of Wetland* restoration and enhancement, if appropriate

In order to protect the natural values of Preservation Areas* on the referenced tracts the following shall be required at a minimum and incorporated into the preserve area plan:

a. No hydroperiod alteration shall be permitted in Preservation Areas*.

b. Dredging, filling, and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing, boardwalk locations, and passive recreational facilities approved by FWCC, FDEP, and Manatee County, as applicable.

c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks, and passive recreational facilities as permitted by FWCC, FDEP, and Manatee County.

d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.

e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources (DHR), and treatment of such resources shall be determined in cooperation with the DHR and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to Manatee County.

WASTEWATER

I.(1) Wastewater services shall be provided by Manatee County.

WATER

J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.

from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.

J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE

K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:

a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas;

b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and

c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;

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

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

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction;

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

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;

g. Institute and utilize recycling programs; and

h. Utilize energy efficient packaging or recyclable materials.

L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and the first annual report.

EDUCATION

M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.

N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

O.(1) Sheriff, emergency medical services, and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department prior to the issuance of this Development Order. (Exhibit I)

Exhibit A

O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or be in compliance with the Manatee County Comprehensive Plan and Land Development Code requirements.

GENERAL CONDITIONS

P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

P.(2) The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statues, to Manatee County and the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, September 27, 1997 and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of any conditions, or any terms or conditions of this Development Order. The annual report shall contain the following:

a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;

b. A summary comparison of development activity proposed and actually conducted for the year;

c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. An assessment of the Developer*'s and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC, or the Department of Community Affairs as being significant;

f. 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;

g. An indication of a change, if any, in local government jurisdiction for any portion of

h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes;

j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;

k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes; and

l. Reports or information pursuant to stipulations B(1), D(2), D(4), D(7), D(9), F(1), H(1), and L(2).

P.(3) Any changes in the Development from the parameters set forth in the Application* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.

P.(4) The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

P.(5) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that the original Development Order was issued on September 24, 1993. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

P.(6) This Development Order shall expire on July 8, 2012. Buildout shall be completed by December 30, 2007. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

P.(8) In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or TBRPC, the Developer shall pay all costs and fees of County Staff

at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal of behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

SECTION 5. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*), First (SR), Second (SRII). Third (SRIII) and Fourth (SRIV) Sufficiency Responses which shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

GENERAL PROJECT DESCRIPTION

The home sites will be clustered around the sites' natural features and the golf links planned for the community. (ADA*, pg. 12-1)

Infrastructure including water, sewer, and electricity, along with roadway paving, will be in place prior to homesite development. (ADA*, pg. 32-2)

All commercial areas will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA*, 12-1)

ENVIRONMENT AND NATURAL RESOURCES

Land

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA*, 14-2: SRII, pg A1-10)

Permanent erosion control features, such as permanent landscaping, will be incorporated into th project at the earliest practical time. (ADA*, pg. 14-2)

Water Quality

The surface water management system planned for this property will utilize Best Managemen Practices* to minimize adverse impacts to on and off-site water quality. Development on the property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality. (ADA*, Pg. 15-10, as amended)

When practical, conveyance within the drainage system will incorporate isolated Wetland* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable existing plant materials and Wetlands*. (ADA*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5)

Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA*, pg. 20-8)

Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA*, pg. 25-3)

The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting, and equipment. (ADA*, 25-3)

Irrigation of the clubhouse area as well as the golf course will be provided by non-potable water, or the use of deep wells, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advanced irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

Drainage

The total drainage flow going off-site will not be increased over pre-developed conditions, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA*, pg. 22-1)

The project will comply with the requirement of Chapter 62-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)

Water Supply

The Developer* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer* as each specific parcel of land is developed. (ADA*, pg. 23-4)

The Developer* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA*, 23-4)

Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill. (ADA*, pg. 24-3)

Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer*. (SRIV,pg.17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

SECTION 6. LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the ±1,187.59 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order.

SECTION 7. COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development* as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 8. RESTRICTIONS ON DOWN-ZONING

Prior to December 30, 2007, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the conditions underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer*; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 9. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners* and their successors in interest.

SECTION 10. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 11. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 12. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 13. SEVERABILITY

It is the intent of this development order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this development order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provisions or portions shall be deemed null and void but all remaining provisions and portions of this development order shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Secretary of State, provided, however, that the filing of Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 00-27 during the pendency of any appeal.

SECTION 15. AMENDMENT OF DEVELOPMENT ORDER

The previous development order for UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB which was adopted on September 27, 1993 and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of Developer, if such rights have been previously granted and not specifically herein or otherwise modified or amended.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida this the 24th day of April, 2001.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: _____
Joe McClash,
Chairman

ATTEST:

_____
R.B. SHORE
Clerk of the Circuit Court

SEAL

EXHIBITS A, C, D, E, F, G, H, I, AND K

ARE NOT ATTACHED, BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER FOR THE UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB.

EXHIBIT J

SURFACE AND GROUND WATER MONITORING PLANS
UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB
DEVELOPMENT OF REGIONAL IMPACT

This exhibit details the Surface and Ground Water Monitoring Plans required under Sections D.(2) and D.(4) of the Unnamed Exclusive Golf and Country Club Development Order. The Developer* shall have developed a monitoring plan addressing the criteria listed below within six months of approval of Ordinance 93-21.

a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.

b. Parametric coverage of the monitoring plan should include the following:

- specific conductance (field)
- temperature (field)
- dissolved oxygen (field)
- pH (field)
- flow rates (field)
- chlorides
- sulfates
- fluoride
- total dissolved solids
- total suspended solids
- ammonia
- nitrate
- nitrite
- total Kjeldahl nitrogen
- total nitrogen
- orthophosphate
- total phosphorous
- copper
- lead
- zinc
- mercury
- nickel
- arsenic
- cadmium
- chromium

- fecal coliform
- BOD-5
- primary organics (pesticides and herbicides)

c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a ½ inch or greater storm event using methodology approved by the U. S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.

d. The Developer* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.

e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County and the EMD.

f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

Any modifications to the above listed criteria shall be subject to review by the Manatee County Environmental Management Department, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.

PLANNING
MAY 04 2009
DEPARTMEN

EXHIBIT 2, SUBSTANTIAL DEVIATION CHART FOR DRI #202, UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB/ UNIVERSITY PARK GOLF AND COUNTRY CLUB/CIRCLE-N-BAR RANCH.

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/ Recreation	#Parking Spaces	See Retail	See Retail	N/A
	#Spectators	N/A	N/A	
	#Seats	N/A	N/A	
	Site Location Chngs	None	None	
	Acreage	320	320	
	External Veh. Trips	No Change	No Change	
	D.O. Conditions	No Change	No Change	
	ADA Representations	No Change	No Change	
Airports	NOT APPLICABLE			
Hospitals	NOT APPLICABLE			
Industrial	NOT APPLICABLE			
Mining Operations	NOT APPLICABLE			
Office	NOT APPLICABLE			
Petroleum/ Chemical Storage	NOT APPLICABLE			
Ports (marinas)	NOT APPLICABLE			
Residential	#Dwelling units	1,238	1,238	N/A
	Type of Dwelling units	Single Family Detached	Single Family Detached	
	#of lots	1,238	1,238	
	Acreage, including drainage, ROW, easements, etc.	699	699	
	Site location changes	NONE	NONE	
	#External Vehical Trips	2,305	2,305	
	D.O. Conditions	NO CHANGE	NO CHANGE	

Wholesale, retail, service	Acreage, including drainage, ROW, easements, etc.	Included in golf course clubhouse acreage. NO CHANGE	Included in golf course clubhouse acreage. NO CHANGE	
	Floor space (gsf)	32, 000 sf	32,000 sf	
	#Parking spaces	232 for Golf course, clubhouse & retail	232 for Golf course clubhouse & retail	
	#Employees			
	Site locational changes	NONE	NONE	
	#External Vehivcle Trips	Incluided in residential	Included in residential	
	D.O. Conditions	NO CHANGE	NO CHANGE	
	ADA Representations	NO CHANGE	NO CHANGE	
Hotel/Motel	NOT APPLICABLE-NONE		NOT APPLICABLE-NONE	
R.V. Park	NOT APPLICABLE-NONE		NOT APPLCABLE-NONE	
Open space	Acreage	488.59	488.59	N/A
	Site locational changes	NONE	NONE	
	Type of open space	Natural areas, roads, etc. NO CHANGE	Natural areas, roads, etc. NO CHANGE	
Preservation, buffer or special protection areas	Acreage	NO CHANGE	INCLUDED ABOVE.	N/A
	Site locational changes	NONE	NONE	
	Development of site proposed	NO	NO	
	D.O. Conditions	NO CHANGE	NO CHANGE	
	ADA Representation	NO CHANGE	NO CHANGE	

PLANNING
MAY 04 2009
DEPARTMENT

EXHIBIT 3

PRECISE LANGUAGE TO AMEND THE DEVELOPMENT ORDER FOR DRI #202, UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB/UNIVERSITY PARK GOLF AND COUNTRY CLUB/CIRCLE-N-BAR RANCH.

1. Amend recital #16 to delete the first two lines of this recital and replace said lines with the following language: "WHEREAS on April 24, 2001, the Board of County Commissioners adopted Ordinance #01-19 approving amendments to:
2. Add a new recital (new #17) as follows: "WHEREAS, the developers of Unnamed Exclusive Golf and Country Club have proposed the following changes to the Development Order:

a. Extend the Expiration Date by one year and one month and further adjust the date to formalize the three year extension granted by the Legislature in 2007 and implemented by Manatee County Board of County Commissioner's Resolution No. R-07-180.
b. Extend the Build Out Date by one year and one month and further adjust the date to formalize the three year extension granted by the Legislature in 2007 and implemented by Manatee County Board of County Commissioner's Resolution No. R-07-180.
c. Make the prohibition against down zoning date consistent with the Development Order Expiration Date.
d. Recognize that these changes are to be in addition to any extensions granted by the Legislature during the 2009 Legislative Session or subsequent Legislative Sessions.
e. Acknowledge that development rights approved by this Development Order continue in perpetuity for any and all portions of the development that have been platted.

3. Add a new recital (#18) as follows: "WHEREAS, the Florida Legislature has enacted, during its 2009 regular session, amendments to 380.06 (19) F.S. that grant additional time extension for the completion of approved Developments of Regional Impact, and"
4. Add a new recital (#19) as follows: "WHEREAS, the Tampa Bay Regional Planning Council's Annual Report Summary approved on November 10, 2008 affirmatively stated that the current Development Order expiration date is July 8, 2015, and"
5. Add a new recital (#20) as follows: "WHEREAS, the build out date and expiration date extension requested by the Notice of Proposed Change submitted on April 30, 2009 coupled with those approved by the Florida Legislature establish new build out and expiration dates of January 30, 2015 and August 7, 2019, respectively, and"
6. Insert "01-19" after "99-55" on line 4 of Finding of Fact H.
7. Replace "April 24, 2001" with the date of adoption of this NOPC on line 5 of Finding of Fact H.
8. In Development Order Condition P. (6) change: on line one, ~~"July 8, 2012"~~ to "~~August 7, 2016~~"; on line two, "December 30, 2007" to "~~January 30, 2012.~~"
9. In Section 8. Restrictions on Down-Zoning change "December 30, 2007" to "August 7, 2016."
10. Add the following new paragraph at the end of Section 8. Restrictions on Down-Zoning: "Notwithstanding the above expiration date the County acknowledges that aggregate development rights granted herein shall continue in perpetuity for any and all portions of the development and that future amendments shall not be unreasonably withheld when aggregate development rights are not increased."

(4/30/09)

EXHIBIT E - LEGAL DESCRIPTION

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2,699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1,349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1,374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1,346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N ½ OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1,380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N ½ OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1,981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1,333.96 FEET TO THE NORTHWEST CORNER OF THE S ½ OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2,840.13 FEET TO THE NORTHEAST CORNER OF SAID S ½ OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1,334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2,807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2,673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1,461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2,560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1,800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1,320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2,154.66 FEET TO THE POINT OF BEGINNING.
CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N ½ OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.
CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH ½ OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: TOGETHER WITH THAT PORTION OF THE UNNAMED EXCLUSIVE COUNTRY CLUB DESCRIBED AS THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.
CONTAINING 74.5 ACRES, MORE OR LESS.

ARVIDA TRACT: FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1,406.29 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1,354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 605.51 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1,320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WEST LINE A DISTANCE OF 2,560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE CONTINUE S 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2,561.09 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°48'59" A DISTANCE OF 192.91 FEET; THENCE N 17°33'00" E, A DISTANCE OF 68.92 FEET; THENCE N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EAST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THENCE S 00°26'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1,320.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 164.23 ACRES, MORE OR LESS.

LESS AND EXCEPT 21± ACRES FOR HONORE ROAD RIGHT OF WAY DEDICATED TO MANATEE COUNTY AS REQUIRED IN DEVELOPMENT OR DEED; AND

LESS AND EXCEPT THE FOLLOWING 13.8± ACRES DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 00°20'22" W, ALONG THE EAST LINE OF THE S.E. 1/4 OF SAID SECTION 35, A DISTANCE OF 1320.16 FEET TO THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 35 AND THE POINT OF BEGINNING; THENCE N 89°27'25" W, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4, A DISTANCE OF 1132.12 FEET TO AN INTERSECTION WITH A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1184, PAGE 3443 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 58°38'01" W, AT A DISTANCE OF 800.00 FEET; THENCE ALONG THE OUTLINE OF SAID PARCEL THE FOLLOWING THREE (3) COURSES: (1) NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'59", A DISTANCE OF 192.91 FEET TO A POINT OF TANGENCY; (2) N 17°33'00" E, A DISTANCE OF 68.92 FEET; (3) N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE S 89°27'25" E, A DISTANCE OF11.27 FEET; THENCE N 41°08'00" E, A DISTANCE OF 394.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°30'00", A DISTANCE OF 133.52 FEET TO A POINT OF TANGENCY; THENCE 62°22'00" E, A DISTANCE OF 84.95'; THENCE S 15°20'00" E, A DISTANCE OF 131.26'; THENCE S 48°35'00" E, A DISTANCE OF 163.63 FEET; THENCE S 78°20'00" E, A DISTANCE OF 155.00 FEET; THENCE S 70°00'00" E, A DISTANCE OF 306.75 FEET; THENCE S 72°19'56" E, A DISTANCE OF 154.48 FEET; THENCE S 00°20'22" E, A DISTANCE OF 273.93 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA;

THENCE N 89°17'25" W, ALONG SAID SOUTH LINE, A DISTANCE OF 183.57 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

EXHIBIT J

SURFACE AND GROUND WATER MONITORING PLANS
UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB
DEVELOPMENT OF REGIONAL IMPACT

This exhibit details the Surface and Ground Water Monitoring Plans required under Sections D.(2) and D.(4) of the Unnamed Exclusive Golf and Country Club Development Order. The Developer* shall have developed a monitoring plan addressing the criteria listed below within six months of approval of Ordinance 93-21.

a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.

b. Parametric coverage of the monitoring plan should include the following:

- specific conductance (field)
- temperature (field)
- dissolved oxygen (field)
- pH (field)
- flow rates (field)
- chlorides
- sulfates
- fluoride
- total dissolved solids
- total suspended solids
- ammonia
- nitrate
- nitrite
- total Kjeldahl nitrogen
- total nitrogen
- orthophosphate
- total phosphorous
- copper
- lead
- zinc
- mercury
- nickel
- arsenic
- cadmium
- chromium
- silver
- total coliform

- fecal coliform
- BOD-5
- primary organics (pesticides and herbicides)

c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a ½ inch or greater storm event using methodology approved by the U. S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.

d. The Developer* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.

e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County.

f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

Any modifications to the above listed criteria shall be subject to review by Manatee County, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.

RECEIVED
DEC - 8 2009
Tampa Bay Regional Planning Council

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 2nd day of December ,2009
R.B. SHORE
Clerk of Circuit Court
By: [signature] D.C.

#202

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

"TO SERVE WITH EXCELLENCE"

December 18, 2007

Patrick Neal
P.K. Neal and Associates
8210 Lakewood Ranch Boulevard
Bradenton, FL 34202-5157

Re: Unnamed Exclusive Golf & Country Club DRI – Extension of phase, buildout, and expiration dates

Dear Mr. Neal:

During the 2007 legislative session, Section 380.6(19)(c) Florida Statutes was amended to extend all , buildout, and expiration dates for DRI's that were under "active construction" as of July 1, 2007. Manatee County has determined that the Unnamed Exclusive Golf & Country Club DRI was under active construction on July 1st.

On October 9, 2007 the Board of County Commissioners adopted Resolution No. R-07-180 to recognize the automatic three-year extensions granted pursuant to the Section 380.06(19)(c) F.S. Accordingly, the following phase, buildout, and expiration dates for DRIs are extended for three years from their stated expiration dates:

A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;

B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and

C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

The Board also authorized the Planning Department to review all current DRI Development Orders and give notice of the extended dates for the DRI. Copies of this letter and the Resolution No. R-07-180 will be placed in all DRI files to document the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions. The extended dates for the Unnamed Exclusive Golf & Country Club DRI are set forth below:

Manatee County Ordinance 01-19 is now amended to read as follows:

SECTION 4. DEVELOPMENT CONDITIONS

A.(1) The Development Order approval shall be limited to Table 1, as shown below:

TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY

TYPE OF DEVELOPMENT:	Residential	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:		**1,187.59 Acres**
Residential		699 Acres
Golf Course/Clubhouse		320 Acres
Open Space (Roads, Right-of-Way, etc.)		168.59 Acres
Residential Units		1,238 d.u.
Golf Course*		27 Holes
Country Club & Restaurant**		32,000Sq. Ft.
BUILD-OUT DATE		December 30, ~~2007~~ 2010

GENERAL CONDITIONS

P.(6) This Development Order shall expire on July 8, ~~2012~~ 2015. Buildout shall be completed by December 30, ~~2007~~ 2010. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

Please contact me should you have any questions regarding the above information.

Sincerely,

Robert H. Pederson, AICP
Community Planning Administrator

Email: settlinger@comcast.net

#202

RESOLUTION NO. R-07-180

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AUTHORIZING THE EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR PROJECTS THAT ARE DEVELOPMENTS OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06(19)(c), FLORIDA STATUTES; AUTHORIZING AND DIRECTING THE PLANNING DIRECTOR TO CARRY OUT NECESSARY ACTIONS; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County, Florida, pursuant to Part II, Chapter 163, Florida Statutes, and Chapter 380, Florida Statutes, has issued development orders for developments of regional impact ("DRIs") for land development within the unincorporated areas of the County, with such stated expiration dates as are authorized and required pursuant to applicable law; and

WHEREAS, during the 2007 legislative session, the Florida Legislature amended Section 380.06(19)(c), Florida Statutes, to provide that *"In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection";* and

WHEREAS, in order to comply with the amendments to Section 380.06(19)(c), Florida Statutes, the Board wishes to adopt this Resolution to authorize and direct the Planning Director to memorialize such statutory extensions as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. EXTENSION OF PHASE, BUILDOUT AND EXPIRATION DATES FOR DRIS. The Board hereby recognizes the automatic three-year extension granted pursuant to Section 380.06(19)(c), Florida Statutes, for phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007. In order to comply with the letter and intent of such provision, the following phase, buildout, and expiration dates for such DRIs shall be deemed extended by a period of three years from their stated expiration dates:

A. Development order buildout dates for individual phases which, as of July 1, 2007, had not expired;

B. Site plans for such individual phases which, as of July 1, 2007, had not expired; and

R-07-180

C. Expiration dates, including without limitation expiration dates for certificates of level of service (CLOS) for such individual phases.

Any phase, buildout, or expiration date (including without limitation any CLOS expiration date) for any individual phase of a DRI which has, as of July 1, 2007, expired, shall not be revived and extended, notwithstanding that other phases of such DRI may be subject to a phase, buildout, or expiration date that did not expire as of such date.

SECTION 2. EXTENSION OF IMPROVEMENT COMPLETION DEADLINES. Deadlines for completion of individual improvements, or any other deadlines not specifically addressed in Section 1 above, shall be evaluated on a case-by-case basis to determine whether such deadlines should be extended in order to comply with Section 380.06(19)(c), Florida Statutes. An applicant bears the responsibility of identifying any such deadlines that it believes should be extended, and obtaining a written determination from the Planning Department, before any such deadlines should be treated as extended by the applicant.

SECTION 3. DIRECTION TO PLANNING DIRECTOR. The Board hereby authorizes and directs the Planning Director, and such other necessary County officers and staff, subject to and in accordance with the terms and conditions of this Resolution and Section 380.06(19)(c), Florida Statutes, to review existing DRI development orders and related approvals and to provide written notice to applicants of the extensions recognized in to Section 1. The Planning Director is also authorized to consider and act upon requests of DRI applicants for extensions of other deadlines pursuant to Section 2.

SECTION 4. INCORPORATION INTO BOARD APPROVALS. For any DRI affected by this Resolution, the Planning Director shall include in any future ordinance, development order or other approval submitted to the board, language and expiration dates to assure that the Board action provides for the recognition of the extensions provided pursuant to Section 380.06(19)(c), Florida Statutes, as implemented pursuant to this Resolution.

SECTION 5. EFFECT OF RESOLUTION. This Resolution adopted solely for the purpose of implementing the statutory extensions made pursuant to Section 380.06(19)(c), Florida Statutes. Accordingly, this Resolution (a) shall be construed in a manner consistent with the intent of such statutory provision, and (b) shall not be construed to confer extensions or other development rights beyond those authorized and required pursuant to such statutory provision.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

R-07-180

ADOPTED THIS 9TH DAY OF OCTOBER, 2007.

MANATEE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Chairman of the Board of County Commissioners

ATTEST:

R.B. SHORE, Clerk of the Circuit Court

By: _____
Deputy Clerk

MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT	Resolution No. R-07-180. Statutory extension of DRI phasing, buildout, and expiration dates	**TYPE AGENDA ITEM**	Consent
DATE REQUESTED	October 9, 2007	**DATE SUBMITTED/REVISED**	October 1, 2007
BRIEFINGS? Who?	None Required	**CONSEQUENCES IF DEFERRED**	Delay in notification to applicants and interested parties
DEPARTMENT/DIVISION	Planning/Community Planning	**AUTHORIZED BY TITLE**	Carol B. Clarke, AICP, Planning Director CBC
CONTACT PERSON TELEPHONE/EXTENSION	Robert H. Pederson, Community Planning Administrator. Ext. 6833	**PRESENTER/TITLE TELEPHONE/EXTENSION**	Robert H. Pederson, Community Planning Administrator. Ext. 6833
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Adoption of Manatee County Resolution R-07-180 authorizing the Planning Director to review DRI Development Orders and related approvals and to provide written notice to applicants of the extensions authorized by Section 380.06(19)(c), Florida Statutes

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

- Chapter 380.06 Florida Statutes

BACKGROUND/DISCUSSION

- During the 2007 legislative session, Section 380.06(19)(c) was amended to extend all phase, buildout, and expiration dates for DRIs that are under "active construction" on July 1, 2007.
- The amendment was in recognition of the real estate market conditions in Florida.
- The attached Resolution recognizes the automatic 3 years extensions and authorizes the Planning Director to review all current DRI Development Orders and notify the applicants of the extensions and the new phase, buildout, and expiration dates for their DRI.
- Copies of this Resolution will be placed in all DRI files to documents the extensions and all future NOPC or Substantial Deviation requests will recognize the extensions.

COUNTY ATTORNEY REVIEW

Check appropriate box	
☐	REVIEWED Written Comments:

APPROVED IN OPEN SESSION

OCT 0 9 2007

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

	☐ Attached ☐ Available from Attorney (Attorney's initials: _____)
☐	NOT REVIEWED (No apparent legal issues.)
	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
☒	OTHER The County Attorney's Office prepared the draft Resolution and has reviewed this agenda memorandum

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
• Resolution No. R- 07-180		• Please forward a copy of the adopted Resolution to: County Attorney's Office – Bill Clague Planning Department – Bobbi Roy	
COST:	N/A	SOURCE (ACCT # & NAME):	N/A
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A

#2020

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

certified mail #: 7000 0600 0024 5577 59

May 9, 2001

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

Re: Development Order for Unnamed Exclusive Golf and Country Club

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 01-19, the Development Order for the Unnamed Exclusive Golf and Country Club, as adopted in open session by the Manatee County Board of County Commissioners on April 24, 2001, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson, AICP
Community Planning Adminstrator

RHP/ks
Enlcosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

FILED FOR RECORD
MAY 2 3 52 PM '01

ORDINANCE 01-19

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (FORMALLY KNOWN AS CIRCLE-N-BAR RANCH) (ALSO KNOWN AS UNIVERSITY PARK COUNTRY CLUB) DEVELOPMENT OF REGIONAL IMPACT ORDINANCE 99-55); ALSO KNOWN AS DRI #12, (TBRPC DRI #202); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order* for the Circle N Bar DRI (MDO*) for the Arvida Corporation for a planned residential development, a planned commercial development, and a planned industrial development on approximately 1,134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals* (ADA*) could be submitted for the property subject to the MDO* encompassing, respectively: (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO*, in accordance with the Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country Club Associates (successor in interest to Arvida for the portion of the Circle-N-Bar DRI not included in the Arvida Corporate Park DRI), filed an Application for Development Approval* (ADA) of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order* with the Manatee County Board of County Commissioners, pursuant to Section 380.06, Florida Statutes. This Woodlands Country Club Associates ADA* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; and April 20, 1993 (which included amendments to add a 74.5 acre parcel known as the Simms Tract*); and

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TALLAHASSEE, FLORIDA

WHEREAS, on September 27, 1993, the Board of County Commissioners of Manatee County issued a Development of Regional Impact ("DRI") Development Order (Ordinance 93-21) to Woodland Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI; and

WHEREAS, upon adoption of Development Order, Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders; and

WHEREAS, on November 22, 1994, a request was made to amend the DRI to add back in the 164.23 acre parcel known as the Arvida Tract*); the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, on February 23, 1995, The Board of County Commissioners adopted Ordinance 95-13, approving amendments to add 164 acres and extend the buildout date by 2 years and 364 days to the Development Order for the Unnamed Exclusive Golf and Country Club, which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on July 8, 1997, The Board of County Commissioners adopted Ordinance 97-24, approving amendments to: extend the buildout and expiration dates; decrease the commercial acreage; and approve Development Order modifications to more accurately reflect the option selected to administer the transportation conditions and the status of compliance with certain conditions of approval; which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on January 25, 2000, the Board of County Commissioners adopted Ordinance 99-55, approving amendments to delete a proposed roadway connection within the project, revise the legal description and acreage totals to reflect the dedication of Honore Road right-of-way, and amend the traffic monitoring requirements.

WHEREAS, Crescent Resources, L.L.C., Arvida Corporate Park Associates, Woodlands Country Club Associates, and the Department of Community Affairs entered into an Agreement (DRI Agreement) dated November 8, 2000, authorizing the revision of the Unnamed Exclusive Golf and Country Club Development Order to remove approximately 15 acres, to eliminate the 40,000 square foot Commercial Village, and to reduce the size of the clubhouse and project related facilities from 35,000 to 32,000 square feet.

WHEREAS, development of the property is underway in accordance with the Development Order approvals referenced above; and

WHEREAS, said Unnamed Exclusive Golf and Country Club is a residential project on approximately one-thousand two-hundred two acres, located in south Manatee County, the legal description of which is attached as Exhibit "E"; and

WHEREAS, the developers of Unnamed Exclusive Golf and Country Club have proposed the following changes to the Development:

1.) Revise Map H and the legal description to reduce the project area from 1,201.37 to 1,187.6 acres;
2.) Delete the 40,000 square feet of approved neighborhood commercial space located adjacent to the clubhouse;
3.) Reduce the club house and accessory restaurant from 35,000 to 32,000 square feet in area.
4.) Amend Map C and Condition D.(9) to reduce the TBRPC Conservation areas for the project from 34.91 to 30.49 acres;
5.) Amend Condition P.(6) to clarify the Development Order expiration date;
6.) Eliminate specific conditions within the development order pertaining to platting [A.(3)] and recreational open space [N.(3)];
7.) Substitute new language for Wastewater Conditions I.(1) - (5);and
8.) Amend terminology and other provisions to reflect the above changes to this DRI.

WHEREAS, the above described changes, in cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for Unnamed Exclusive Golf and Country Club, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Notices of Proposed Changes (NOPC) for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on the NOPC with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on April 24, 2001, held duly noticed public hearings on said NOPC and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County and City agencies, the applicant, and the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance, NOPC, the recommendation and findings of the Planning Commission of Manatee County, and all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

A. The Developer* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 93-21, as amended by Ordinances 95-13, 97-24, and 99-55.

B. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised General Development Plan for the entire 1,202 acre project.

C. Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for a NOPC to a Development Order pursuant to Section 380.06, Florida Statutes.

D. The Board of County Commissioners held public a hearing on April 24, 2001 regarding the NOPC and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended) and has further considered the testimony, comments, and information received at the Public Hearing.

E. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

F. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.

G. This amended Development Order is issued based on information provided by the Developer* in the ADA*, as amended, information provided in the sufficiency responses, NOPCs, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions

listed in Section 4, the County has determined that adequate Levels of Service exist until December 30, 2007 for this project in each of these areas referenced in subsection 1.F., above.

H. The proposed changes to the Development of Regional Impact regarding the property described in Section 7 herein are found to be consistent with the requirements of the previously adopted Development Orders (Ordinance-93-21, Ordinance-95-13, 97-24, and 99-55), and the Manatee County Comprehensive Plan, provided all development after April 24, 2001 proceeds in accordance with the Development Conditions specified in Section 5 of this Development Order.

I. The "Developer*" submitted to Manatee County, Florida a NOPC identified in Section 1, which is incorporated herein by reference.

J. Upon adoption of Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Order.

K. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.

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

M. Authorized agent for Woodlands Country Club Associates, a Florida General Partnership; Island Investment Properties, Ltd., a Florida Limited Partnership; Kabara Corporation N.V., a Netherlands Antilles Corporation; and A.B. Simms; is Patrick K. Neal.

N. The Owners* of the property, which Woodlands Country Club Associates intends to develop, are Island Investment Properties, LTD., a Florida Limited Partnership; Kabara Corporation, N.V., a Netherlands Antilles Corporation; and W.T Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; and Lawrence Lott Edge.

O. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs in conjunction with the original Development Order, as amended, and the NOPC for Ordinance ~~99-55~~ 01-19.

P. The provisions of Transportation Condition B (1) a. have been complied with and fulfilled as follows:

Pursuant to the County Transportation Authority's* review and approval on February 7, 1994 of a Transportation Condition Option 2 Traffic Study, the requirement for "Dual left turn lanes eastbound I-75 East Ramps to northbound must have adequate storage lengths" (Transportation Condition, Table 2), was found to be not warranted.

The University Parkway and Project Entrance intersection improvements set forth in Transportation Condition, Table 2 have been constructed and are operational.

An area for a bus stop has been provided as required by Transportation Condition B. (2).

Therefore, all transportation facility conditions of the Development Order have been complied with by the Developer* and the Developer* has no further responsibility or liability for the provision of said facilities. The Developer* remains responsible for conducting transportation monitoring in accordance with B.(1).b.

Q. The Florida Department of Environmental Protection, in a letter dated February 5, 1996 (attached as Exhibit K) verified that it had completed a jurisdictional determination for the then Circle-N-Bar Ranch, J.D.-41-0000-3, now Unnamed Exclusive Golf and Country Club, and that said determination was still valid and would be valid until completion of the project. The letter also states that activities proposed within the boundaries of the revalidated jurisdictional determination shall continue to be reviewed under rules adopted pursuant to Sections 403.91 - 403.929 (1984 Supp, as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under Section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to Section 373.414(9). The applicant has not elected to have any activities reviewed under the new environmental resource rules. The original jurisdictional determination (letter to Robert M Rhodes, dated January 21, 1985) is included as part of exhibit.

SECTION 2. CONCLUSIONS OF LAW

A. Based upon the previous findings of fact and the following conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan (Ordinance 90-01, as amended*) and previously approved Development Orders.

2. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on March 8, 1993, regarding DRI #202, and on November 28, 1994, regarding the first NOPC, on August 16, 1996 regarding the second NOPC, on September 8, 1999 regarding the third NOPC, and on March 7, 2001Regarding the 4th NOPC.

3. Development Order Ordinance 93-21 superseded the Circle-N-Bar Master Development Order* and the portion approved as Arvida, with the exception of the 51.46 acres, which were part of the Arvida DRI and not a part of this Unnamed Exclusive Golf and Country Club DRI, or included as part of this Development Order.

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

C. That the review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* or NOPC is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.

D. Upon adoption of Ordinance 93-21 for the Unnamed Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.

E. Pursuant to Subsection 380.06(19)(c) and Paragraph 380.06(19)(e)3, Florida Statutes the changes proposed pursuant to the NOPC submitted on January 5, 2001 and approved with conditions pursuant to Ordinance 01-19 do not constitute a Substantial Deviation requiring further Development of Regional Impact Review.

SECTION 3. DEFINITIONS

Note: An asterisk (*) denotes that the word is defined.

A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).

B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992; and amendments submitted on April 20, 1993.

BB. "Arvida Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida, containing 150.45 acres more or less and more particularly described in Exhibit E.

C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on Revised "Map H", last revised on March 26, 2001, for the Unnamed Exclusive Golf and Country Club, and attached hereto as Exhibit B.

E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised February 5, 2001.

F. "County Transportation Authority*" shall be defined as the Manatee County Department of Transportation, or whatever County entity is responsible for roadway approvals.

G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; its heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process or construction drawing approval where site plans are not required.

I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:

1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or

2. Actual construction; or

3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or

4. A local development agreement as defined by Florida Statutes and the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.

J. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadway, drainage, water, sewer, communication, utilities, etc.).

K. "Master Development Order* (MDO*) shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.

L. "Master Development Plan*" shall be defined as Revised Map H, last revised on March 26, 2001 incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

LL. "Notice of Proposed Change" shall mean the NOPC submitted on November 22, 1994, the second NOPC submitted on July 15, 1996, the third NOPC submitted on September 1, 1999, and the fourth NOPC submitted on January 5, 2001 as amended and included as Exhibit "A".

M. "Owner*" shall mean Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Lawrence Lott Edge; their heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the

Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.

P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised February 5, 2001.

R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, Section 26, Township 35 south, Range 18 east, lying south of the Braden River, Manatee County, Florida, containing 74.5 acres, more or less.

S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21, as amended. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order was the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA* are only those specifically recognized in the above-referenced Development Orders.

U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval* Process for the next Preliminary Site Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in "Exhibit D", to below an Acceptable Level of Service*. Any such

Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area is generally depicted on Map J ("Exhibit D") which was submitted with the ADA*.

W. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of Section 35, Township 35 South, Range 18 East, and the South ½ of the SW 1/4 of the SW 1/4 of Section 26, Township 35 South, Range 18 East, Manatee County, Florida, containing 63 acres, more or less.

Y. "Warranted*" shall mean a determination by the Manatee County Transportation Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statues, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Subsection 373.414.(12), Florida Statutes, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1,1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended, or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

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

SECTION 4. DEVELOPMENT CONDITIONS

A.(1) The Development Order approval shall be limited to Table 1, as shown below:

TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY

TYPE OF DEVELOPMENT:	Residential	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:		**1,187.59 Acres**
Residential		699 Acres
Golf Course/Clubhouse		320 Acres
Open Space (Roads, Right-of-Way, etc.)		168.59 Acres
Residential Units		1,238 d.u.
Golf Course*		27 Holes
Country Club & Restaurant**		32,000Sq. Ft.
BUILD-OUT DATE		December 30, 2007

* Includes related facilities typically associated with the function of a golf course
** Includes administrative offices and promotional center accessory to this development.

A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Level of Service Certificate which will expire at buildout date.

~~A.(3) Upon completion of the Unnamed Exclusive Golf and Country Club Project all property within the Unnamed Exclusive Golf and Country Club boundaries shall have been platted.~~ (Reserved)

A.(4) Development Order 93-21 Subsumed and superseded* all terms and conditions of the Preliminary Development Agreement with the Department of Community Affairs and the Circle-N-Bar Master Development Order* as applied to property referenced in Section 6.

TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-

75, and the University Parkway and development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:

a. Subsequent to approval of the final plat for the 461st residential unit in the development, the Developer* selected Option 2 of Condition B.(1) of Ordinance 95-13 to mitigate the impacts.

TABLE 2
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB DEVELOPMENT

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW			
Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	Completed
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

b. **TRANSPORTATION MONITORING**

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to Final Site Plan approval for the 826th dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than tri-annually (every three years). If any report indicates that the total project P.M. peak-hour trips reach 75% of projected counts, counts will be required bi-annually (every two years). If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10

percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted*, prior to any further Final Site Plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

B.(2) The Developer* has provided a location for a bus stop along University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.

C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust, and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters , 62-302 and 62-25, F.A.C., as well as Manatee County requirements.

D.(2) The Developer* shall continue to conduct the approved comprehensive surface water quality and quantity monitoring program approved by the County and the Environmental Management Department (EMD) in accordance with Exhibit J. The program shall continue through one year beyond project buildout.

The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analysis shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit J, shall be submitted to the City of Bradenton and TBRPC for review and comment, and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this Development Order.

D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

D.(4) The Developer* shall continue to conduct the approved comprehensive ground water quality and quantity monitoring program as previously approved by EMD. The program shall continue through one year beyond project buildout. The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J.

All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

D.(5) The Wallace Tract*, and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1,187 acre shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.

D.(6) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.

D.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.

D.(9) The Conservation Areas* on site encompass approximately 30.49 acres as indicated on the attached Preservation/Conservation Map, revised Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of sub-phase in which the impact occurs. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall

include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails, and paths, as provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County, as a separate easement document acceptable to Manatee County, and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

TABLE 3
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS

	MITIGATION RATIOS⊙	
AREAS	HERBACEOUS	FORESTED
TBRPC Conservation Area* except those located in Simms Tract*, or Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* or Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1♦	4:1♦

♦May be reduced in accordance with Section 719.8.5 of the Land Development Code.
⊙Ratio is Mitigated Wetland*: Disturbed Wetlands*.

D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District and Comprehensive Plan. Within one (1) year after D.O. approval, Manatee County Planning Director and Manatee County Environmental Management Department approved all such guidelines.

D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.

E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

E.(3) No discharges to groundwater shall be permitted on-site.

ECONOMICS

F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Fish and Wildlife Conservation Commission FWCC, the Environmental Management Department (EMD), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management, and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.

G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. (Completed) Said plan shall be prepared in consultation with the Florida Fish and Wildlife Conservation Commission, FDEP, and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation

for lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods, and methods of Wetland* restoration and enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

a. No hydroperiod alteration shall be permitted in Preservation Areas*.

b. Dredging, filling, and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing, boardwalk locations, and passive recreational facilities approved by FWCC, FDEP, and Manatee County, as applicable.

c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks, and passive recreational facilities as permitted by FWCC, FDEP, and Manatee County.

d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.

e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources (DHR), and treatment of such resources shall be determined in cooperation with the DHR and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to Manatee County.

WASTEWATER

I.(1) Wastewater services shall be provided by Manatee County.

WATER

J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.

J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this Development Order, "non-potable" water is defined as water emanating

from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.

J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE

K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:

a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas;

b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and

c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;

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

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

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction;

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

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;

g. Institute and utilize recycling programs; and

h. Utilize energy efficient packaging or recyclable materials.

L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and the first annual report.

EDUCATION

M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.

N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

O.(1) Sheriff, emergency medical services, and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department prior to the issuance of this Development Order. (Exhibit I)

O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or be in compliance with the Manatee County Comprehensive Plan and Land Development Code requirements.

GENERAL CONDITIONS

P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

P.(2) The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statues, to Manatee County and the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, September 27, 1997 and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of any conditions, or any terms or conditions of this Development Order. The annual report shall contain the following:

a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;

b. A summary comparison of development activity proposed and actually conducted for the year;

c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. An assessment of the Developer*'s and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC, or the Department of Community Affairs as being significant;

f. 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;

g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes;

j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;

k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes; and

l. Reports or information pursuant to stipulations B(1), D(2), D(4), D(7), D(9), F(1), H(1), and L(2).

P.(3) Any changes in the Development from the parameters set forth in the Application* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.

P.(4) The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

P.(5) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that the original Development Order was issued on September 24, 1993. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

P.(6) This Development Order shall expire on July 8, 2012. Buildout shall be completed by December 30, 2007. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

P.(8) In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge

at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal of behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

SECTION 5. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*), First (SR), Second (SRII). Third (SRIII) and Fourth (SRIV) Sufficiency Responses which shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

GENERAL PROJECT DESCRIPTION

The home sites will be clustered around the sites' natural features and the golf links planned for the community. (ADA*, pg. 12-1)

Infrastructure including water, sewer, and electricity, along with roadway paving, will be in place prior to homesite development. (ADA*, pg. 32-2)

All commercial areas will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA*, 12-1)

ENVIRONMENT AND NATURAL RESOURCES

Land

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA*, 14-2; SRII, pg A1-10)

Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA*, pg. 14-2)

Water Quality

The surface water management system planned for this property will utilize Best Management Practices* to minimize adverse impacts to on and off-site water quality. Development on the property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality.
(ADA*, Pg. 15-10, as amended)

When practical, conveyance within the drainage system will incorporate isolated Wetland* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable existing plant materials and Wetlands*. (ADA*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5)

Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA*, pg. 20-8)

Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA*, pg. 25-3)

The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting, and equipment. (ADA*, 25-3)

Water

Irrigation of the clubhouse area as well as the golf course will be provided by non-potable water, or the use of deep wells, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advanced irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

Drainage

The totai drainage flow going off-site will not be increased over pre-developed conditions, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA*, pg. 22-1)

The project will comply with the requirement of Chapter 62-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)

Water Supply

The Developer* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer* as each specific parcel of land is developed. (ADA*, pg. 23-4)

The Developer* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA*, 23-4)

Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal household materials. (SR, pg. A1-46)

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill. (ADA*, pg. 24-3)

Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer*. (SRIV,pg.17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

SECTION 6. LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the ±1,187.59 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order.

SECTION 7. COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development* as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 8. RESTRICTIONS ON DOWN-ZONING

Prior to December 30, 2007, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the conditions underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer*; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 9. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners* and their successors in interest.

SECTION 10. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 11. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 12. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 13. SEVERABILITY

It is the intent of this development order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this development order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provisions or portions shall be deemed null and void but all remaining provisions and portions of this development order shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Secretary of State, provided, however, that the filing of Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 00-27 during the pendency of any appeal.

SECTION 15. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 12.

The previous development order for UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB which was adopted on September 27, 1993 and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of Developer, if such rights have been previously granted and not specifically herein or otherwise modified or amended.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida this the 24th day of April, 2001.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: _____
Joe McClash,
Chairman

ATTEST:

_____
R.B. SHORE
Clerk of the Circuit Court

BOARD OF COUNTY COMMISSIONERS MANATEE CO. FLA. SEAL

EXHIBITS A, C, D, E, F, G, H, I, AND K

ARE NOT ATTACHED, BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER FOR THE UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB.

EXHIBIT J

SURFACE AND GROUND WATER MONITORING PLANS
UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB
DEVELOPMENT OF REGIONAL IMPACT

This exhibit details the Surface and Ground Water Monitoring Plans required under Sections D.(2) and D.(4) of the Unnamed Exclusive Golf and Country Club Development Order. The Developer* shall have developed a monitoring plan addressing the criteria listed below within six months of approval of Ordinance 93-21.

a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.

b. Parametric coverage of the monitoring plan should include the following:

- specific conductance (field)
- temperature (field)
- dissolved oxygen (field)
- pH (field)
- flow rates (field)
- chlorides
- sulfates
- fluoride
- total dissolved solids
- total suspended solids
- ammonia
- nitrate
- nitrite
- total Kjeldahl nitrogen
- total nitrogen
- orthophosphate
- total phosphorous
- copper
- lead
- zinc
- mercury
- nickel
- arsenic
- cadmium
- chromium
- silver
- total coliform

- fecal coliform
- BOD-5
- primary organics (pesticides and herbicides)

c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a ½ inch or greater storm event using methodology approved by the U. S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.

d. The Developer* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.

e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County and the EMD.

f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

Any modifications to the above listed criteria shall be subject to review by the Manatee County Environmental Management Department, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.

RECEIVED
MAY 17 2001
Tampa Bay Regional
Planning Council

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO. FLA.
STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 7th day of May ,20 01
R.B. SHORE
Clerk of Circuit Court
By: D.C.

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO. FLA.
STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 26th day of April ,20 01
R.B. SHORE
Clerk of Circuit Court
By: D.C.

#202

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

December 28, 1999

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

Re: Development Order for Unnamed Exclusive Golf & Country Club, DRI # 12

Dear Mr. Meyer:

Enclosed is a copy of Map H, which is listed as Exhibit B in Ordinance 99-55, the amended Development Order for the Unnamed Exclusive Golf & Country Club DRI, as adopted in open session by the Manatee County Board of County Commissioners on December 14, 1999.

If I can be of further assistance, please contact me at (941)749-3070, extension 6829.

Sincerely,

Kim Sparks
Planning Technician

Enlcosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

202

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

CERTIFIED MAIL
P368 650 276

December 27, 1999

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

Re: Development Order for Unnamed Exclusive Golf & Country Club, DRI # 12

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 99-55, the amended Development Order for the Unnamed Exclusive Golf & Country Club DRI, as adopted in open session by the Manatee County Board of County Commissioners on December 14, 1999, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941)749-3070, extension 6833.

Sincerely,

Robert H. Pederson
Community Planning Adminstrator

RHP/ks
Enlcosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

ORDINANCE 99- 55

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (FORMALLY KNOWN AS CIRCLE-N-BAR RANCH) (ALSO KNOWN AS UNIVERSITY PARK COUNTRY CLUB) DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 93-21, AS AMENDED BY ORDINANCE 95-13); ALSO KNOWN AS DRI #12, (TBRPC DRI #202); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order* for the Circle N Bar DRI (MDO*) for the Arvida Corporation for a planned residential development, a planned commercial development, and a planned industrial development on approximately 1,134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals* (ADA*) could be submitted for the property subject to the MDO* encompassing, respectively: (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO*, in accordance with the Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country Club Associates (successor in interest to Arvida for the portion of the Circle-N-Bar DRI not included in the Arvida Corporate Park DRI), filed an Application for Development Approval* (ADA) of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order* with the Manatee County Board of County Commissioners, pursuant to Section 380.06, Florida Statutes. This Woodlands Country Club Associates ADA* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; and April 20, 1993 (which included amendments to add a 74.5 acre parcel known as the Simms Tract*); and

WHEREAS, on September 27, 1993, the Board of County Commissioners of Manatee County issued a Development of Regional Impact ("DRI") Development Order (Ordinance 93-21) to Woodland Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI; and

WHEREAS, upon adoption of Development Order, Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders; and

WHEREAS, on November 22, 1994, a request was made to amend the DRI to add back in the 164.23 acre parcel known as the Arvida Tract*); the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, on February 23, 1995, The Board of County Commissioners adopted Ordinance 95-13, approving amendments to add 164 acres and extend the buildout date by 2 years and 364 days to the Development Order for the Unnamed Exclusive Golf and Country Club, which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, on July 8, 1997, The Board of County Commissioners adopted Ordinance 97-24, approving amendments to: extend the buildout and expiration dates; decrease the commercial acreage; and approve Development Order modifications to more accurately reflect the option selected to administer the transportation conditions and the status of compliance with certain conditions of approval; which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, development of the property is underway in accordance with the Development Order approvals referenced above; and

WHEREAS, said Unnamed Exclusive Golf and Country Club is a multi-use project on approximately one-thousand two-hundred two acres, located in south Manatee County, the legal description of which is attached as Exhibit "E"; and

WHEREAS, the developers of Unnamed Exclusive Golf and Country Club have proposed the following changes to the Development:

1. Revise Map H to delete the roadway connection to Timberlake Drive, along the western property line;

2. Revise Map H to delete an existing project access roadway to University Parkway (located between Park Blvd. and Honore Ave.) and convert this access to emergency access only;

3 Amend the legal description & acreage totals to reflect the dedication of ± 21 acres of land to Manatee County for the Honore Avenue right-of-way; and
4. Amend Transportation Condition B.(1)b. to eliminate the requirement for annual traffic monitoring and allow traffic monitoring every 3 years.

WHEREAS, the above described changes, in cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for Unnamed Exclusive Golf and Country Club, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Notices of Proposed Changes (NOPC) for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on said NOPC with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on November 16, 1999 and December 14, 1999, held duly noticed public hearings on said NOPC and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County and City agencies, the applicant, and the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, NOPC, the recommendation and findings of the Planning Commission of Manatee County, and all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

   All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

A. The Developer* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 93-21, as amended by Ordinances 95-13 and 97-24.

B. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised General Development Plan for the entire 1,202 acre project.

C. Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for a NOPC to a Development Order pursuant to Section 380.06, Florida Statutes.

D. The Board of County Commissioners held public hearings on November 16, 1999 and December 14, 1999 regarding the NOPC and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended) and has further considered the testimony, comments, and information received at the Public Hearing.

E. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

F. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.

G. This amended Development Order is issued based on information provided by the Developer* in the ADA*, as amended, information provided in the sufficiency responses, NOPC's, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions listed in Section 4, the County has determined that adequate Levels of Service exist until December 30, 2007 for this project in each of these areas referenced in subsection 1.F., above.

H. The proposed changes to the Development of Regional Impact regarding the property described in Section 7 herein are found to be consistent with the requirements of the previously adopted Development Orders (Ordinance-93-21, Ordinance-95-13, and 97-24), and the Manatee County Comprehensive Plan, provided all development after December 14, 1999 proceeds in accordance with the Development Conditions specified in Section 5 of this Development Order.

I. The "Developer*" submitted to Manatee County, Florida a NOPC identified in Section 1, which is incorporated herein by reference.

J. Upon adoption of Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Order.

K. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.

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

M. Authorized agent for Woodlands Country Club Associates, a Florida General Partnership; Island Investment Properties, Ltd., a Florida Limited Partnership; Kabara Corporation N.V., a Netherlands Antilles Corporation; and A.B. Simms; is Patrick K. Neal.

N. The Owners* of the property, which Woodlands Country Club Associates intends to develop, are Island Investment Properties, LTD., a Florida Limited Partnership; Kabara Corporation, N.V., a Netherlands Antilles Corporation; and W.T Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; and Lawrence Lott Edge.

O. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs in conjunction with the original Development Order, as amended, and the NOPC for Ordinance 99-55.

P. The provisions of Transportation Condition B (1) a. have been complied with and fulfilled as follows:

Pursuant to the County Transportation Authority's* review and approval on February 7, 1994 of a Transportation Condition Option 2 Traffic Study, the requirement for "Dual left turn lanes eastbound I-75 East Ramps to northbound must have adequate storage lengths" (Transportation Condition, Table 2), was found to be not warranted.

The University Parkway and Project Entrance intersection improvements set forth in Transportation Condition, Table 2 have been constructed and are operational.

An area for a bus stop has been provided as required by Transportation Condition B. (2).

Therefore, all transportation facility conditions of the Development Order have been complied with by the Developer* and the Developer* has no further responsibility or liability for the provision of said facilities. The Developer* remains responsible for conducting transportation monitoring in accordance with B.(1).b.

Q. The Florida Department of Environmental Protection, in a letter dated February 5, 1996 (attached as Exhibit K) verified that it had completed a jurisdictional determination for the then Circle-N-Bar Ranch, J.D.-41-0000-3, now Unnamed Exclusive Golf and Country Club, and that said determination was still valid and would be valid until completion of the project. The letter also states that activities proposed within the boundaries of the revalidated jurisdictional determination shall continue to be reviewed under rules adopted pursuant to Sections 403.91 - 403.929 (1984 Supp, as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under Section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to Section 373.414(9). The applicant has not elected to have any activities reviewed under the new environmental resource rules. The original jurisdictional determination (letter to Robert M Rhodes, dated January 21, 1985) is included as part of exhibit.

SECTION 2. CONCLUSIONS OF LAW

A. Based upon the previous findings of fact and the following conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:

1. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan (Ordinance 90-01, as amended*) and previously approved Development Orders. The Master Development Order* provided the site with special exception status to the Comprehensive Plan for the 40,000 square foot Village Center relative to Commercial Locational Criteria.

2. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on March 8, 1993, regarding DRI #202, and on November 28, 1994, regarding the first NOPC, on August 16, 1996 regarding the second NOPC, and on September 8, 1999 regarding the third NOPC.

3. Development Order Ordinance 93-21 superseded the Circle-N-Bar Master Development Order* and the portion approved as Arvida, with the exception of the 51.46 acres, which were part of the Arvida DRI and not a part of this Unnamed Exclusive Golf and Country Club DRI, or included as part of this Development Order.

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

C. That the review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* or NOPC is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.

D. Upon adoption of Ordinance 93-21 for the Unnamed Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.

E. Pursuant to Subsection 380.06(19)(c) and Paragraph 380.06(19)(e)3, Florida Statutes the changes proposed pursuant to the NOPC submitted on September 1, 1999 and approved with conditions pursuant to Ordinance 99-55 do not constitute a Substantial Deviation requiring further Development of Regional Impact Review.

SECTION 3. DEFINITIONS

Note: An asterisk (*) denotes that the word is defined.

A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).

B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992; and amendments submitted on April 20, 1993.

BB. "Arvida Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida, containing 164.23 acres more or less and more particularly described in Exhibit E.

C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on Revised "Map H", last revised on October 28, 1999, for the Unnamed Exclusive Golf and Country Club, and attached hereto as Exhibit B.

E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised October 22, 1999.

F. "County Transportation Authority*" shall be defined as the Manatee County Department of Transportation, or whatever County entity is responsible for roadway approvals.

G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; its heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process or construction drawing approval where site plans are not required.

I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:

1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or

2. Actual construction; or

3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or

4. A local development agreement as defined by Florida Statutes and the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.

J. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadway, drainage, water, sewer, communication, utilities, etc.).

K. "Master Development Order* (MDO*) shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.

L. "Master Development Plan*" shall be defined as Revised Map H, last revised on October 28, 1999 incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

LL. "Notice of Proposed Change" shall mean the NOPC submitted on November 22, 1994, the second NOPC submitted on July 15, 1996, and the third NOPC submitted on September 1, 1999 as amended and included as Exhibit "A".

M. "Owner*" shall mean Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Lawrence Lott Edge; their heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.

P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C", last revised October 22, 1999.

R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, Section 26, Township 35 south, Range 18 east, lying south of the Braden River, Manatee County, Florida, containing 74.5 acres, more or less.

S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

T. Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21, as amended. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order was the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA* are only those specifically recognized in the above-referenced Development Orders.

U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval* Process for the next Preliminary Site Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in "Exhibit D", to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area is generally depicted on Map J ("Exhibit D") which was submitted with the ADA*.

W. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of Section 35, Township 35 South, Range 18 East, and the South ½ of the SW 1/4 of the SW 1/4 of Section 26, Township 35 South, Range 18 East, Manatee County, Florida, containing 63 acres, more or less.

Y. "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statues, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Subsection 373.414.(12), Florida Statutes, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1,1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended, or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

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

SECTION 4. DEVELOPMENT CONDITIONS

A.(1) The Development Order approval shall be limited to Option II from Table 1, 1,238 residential units.

TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY

TYPE OF DEVELOPMENT:	Multi-use (residential and commercial)	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:		**1,223 Acres**
Residential		755 Acres
Neighborhood Commercial		21 Acres
Village Center/Clubhouse/Retail		4.5 Acres
Golf Course		322 Acres
Open Space (Roads, Right-of-Way, etc.)		120.5 Acres
	Option I	**Option II**
Residential Units	1,038 d.u.	1,238 d.u.
Neighborhood Commercial		
Village Center	40,000 Sq. Ft.	40,000 Sq. Ft.
Other Comm.		0
Quality Restaurant (as defined by ITE)		0
Golf Course	27 Holes	27 Holes
Country Club & Restaurant	35,000 Sq. Ft.	35,000 Sq. Ft.
BUILD-OUT DATE	December 30, 2007	December 30, 2007

A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Level of Service Certificate which will expire at buildout date.

A.(3) Upon completion of the Unnamed Exclusive Golf and Country Club Project all property within the Unnamed Exclusive Golf and Country Club boundaries shall have been platted.

A.(4) Development Order 93-21 Subsumed and superseded* all terms and conditions of the Preliminary Development Agreement with the Department of Community Affairs and the Circle-N-Bar Master Development Order* as applied to property referenced in Section 6.

TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-75, and the University Parkway and development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:

a. Subsequent to approval of the final plat for the 461st residential unit in the development, the Developer* selected Option 2 of Condition B.(1) of Ordinance 95-13 to mitigate the impacts.

TABLE 2
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
DEVELOPMENT

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW			
Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	Completed
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

b. **TRANSPORTATION MONITORING**

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to Final Site Plan approval for the 826th dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan

approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than tri-annually (every three years). If any report indicates that the total project P.M. peak-hour trips reach 75% of projected counts, counts will be required bi-annually (every two years). If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted*, prior to any further Final Site Plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

B.(2) The Developer* has provided a location for a bus stop along University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.

C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust, and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 62-3, 62-302, and 62-25, F.A.C., as well as Manatee County requirements.

D.(2) The Developer* shall continue to conduct the approved comprehensive surface water quality and quantity monitoring program approved by the County and the Environmental Management Department (EMD) in accordance with Exhibit J. The program shall continue through one year beyond project buildout.

The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analysis shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit J, shall be submitted to the City of Bradenton and TBRPC for review and comment, and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this Development Order.

D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

D.(4) The Developer* shall continue to conduct the approved comprehensive ground water quality and quantity monitoring program as previously approved by EMD. The program shall continue through one year beyond project buildout. The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J.

All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

D.(5) The Wallace Tract*, and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1,223 acre development shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.

D.(6) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.

D.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with

Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.

D.(9) The Conservation Areas* on site encompass approximately 34.91 acres as indicated on the attached Preservation/Conservation Map, revised Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of sub-phase in which the impact occurs. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails, and paths, as provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County, as a separate easement document acceptable to Manatee County, and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

TABLE 3
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS

	MITIGATION RATIOS⊙	
AREAS	**HERBACEOUS**	**FORESTED**
TBRPC Conservation Area* except those located in Simms Tract*, or Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* or Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1♦	4:1♦

♦May be reduced in accordance with Section 719.8.5 of the Land Development Code.
⊙Ratio is Mitigated Wetland*: Disturbed Wetlands*.

D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District and Comprehensive Plan. Within one (1) year after D.O. approval, Manatee County Planning Director and Manatee County Environmental Management Department approved all such guidelines.

D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.

E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

E.(3) No discharges to groundwater shall be permitted on-site.

ECONOMICS

F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC), the Environmental Management Department (EMD), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management, and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.

G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. (Completed) Said plan shall be prepared in consultation with the Florida Game and Freshwater Fish Commission, FDEP, and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation for lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods, and methods of Wetland* restoration and enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

a. No hydroperiod alteration shall be permitted in Preservation Areas*.

b. Dredging, filling, and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing, boardwalk locations, and passive recreational facilities approved by FGFWFC, FDEP, and Manatee County, as applicable.

c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks, and passive recreational facilities as permitted by FGFWFC, FDEP, and Manatee County.

d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.

e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources (DHR), and treatment of such resources shall be determined in cooperation with the DHR and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to Manatee County.

WASTEWATER

I.(1) Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Works Department guidelines with several means of back-up, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability.

c. Wet wells to contain sewage line surcharges/overflows.

d. Emergency by-pass pumpouts for tank trucks.

e. 100 percent redundancy in lift station pumping equipment.

I.(2) The Developer* previously submitted to Manatee County a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan was approved by Manatee County, and identified the entity responsible for the monitoring and time schedule for conducting the inspections. Faulty

lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings, and repairs must be included in the annual report.

I.(3) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39).

I.(4) The Developer* shall not utilize on site wastewater treatment.

I.(5) Prior to any submittals to the Manatee County Development Review Committee, the Developer* shall provide a Conceptual Master Plan* for sanitary sewer for approval by the Planning Department. The sanitary sewer Conceptual Master Plan* shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source and discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserviced land holdings.

WATER

J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.

J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.

J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE

K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:

a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas;

b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and

c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;

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

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

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction;

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

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;

g. Institute and utilize recycling programs; and

h. Utilize energy efficient packaging or recyclable materials.

L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and the first annual report.

EDUCATION

M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.

N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.

N.(3) Recreation and open space areas shall be provided for golfers and non-golfers.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

O.(1) Sheriff, emergency medical services, and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department prior to the issuance of this Development Order. (Exhibit I)

O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or be in compliance with the Manatee County Comprehensive Plan and Land Development Code requirements.

GENERAL CONDITIONS

P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

P.(2) The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statues, to Manatee County and the Tampa Bay Regional Planning Council, the

State Land Planning Agency, and other agencies, as may be appropriate, September 27, 1997 and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of any conditions, or any terms or conditions of this Development Order. The annual report shall contain the following:

a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;

b. A summary comparison of development activity proposed and actually conducted for the year;

c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. An assessment of the Developer*'s and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC, or the Department of Community Affairs as being significant;

f. 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;

g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes;

j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;

k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes; and

l. Reports or information pursuant to stipulations B(1), D(2), D(4), D(7), D(9), F(1), H(1), I(2), and L(2).

P.(3) Any changes in the Development from the parameters set forth in the Application* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.

P.(4) The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

P.(5) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that the original Development Order was issued on September 24, 1993. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

P.(6) This Development Order shall expire 15 years from date of approval of this amended Development Order. Buildout shall be completed by December 30, 2007. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

P.(8) In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer

prefers to have outside counsel handle such appeal of behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

SECTION 5. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*), First (SR), Second (SRII). Third (SRIII) and Fourth (SRIV) Sufficiency Responses which shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

GENERAL PROJECT DESCRIPTION

The home sites will be clustered around the sites' natural features and the golf links planned for the community. (ADA*, pg. 12-1)

Infrastructure including water, sewer, and electricity, along with roadway paving, will be in place prior to homesite development. (ADA*, pg. 32-2)

All commercial areas will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA*, 12-1)

ENVIRONMENT AND NATURAL RESOURCES

Land

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA*, 14-2; SRII, pg A1-10)

Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA*, pg. 14-2)

Water Quality

The surface water management system planned for this property will utilize Best Management Practices* to minimize adverse impacts to on and off-site water quality. Development on the property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality.
(ADA*, Pg. 15-10, as amended)

When practical, conveyance within the drainage system will incorporate isolated Wetland* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable existing plant materials and Wetlands*. (ADA*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5)

Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA*, pg. 20-8)

Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA*, pg. 25-3)

The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting, and equipment. (ADA*, 25-3)

Water

Irrigation of the clubhouse area as well as the golf course will be provided by non-potable water, or the use of deep wells, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advanced irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

Drainage

The total drainage flow going off-site will not be increased over pre-developed conditions, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA*, pg. 22-1)

The project will comply with the requirement of Chapter 62-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)

Water Supply

The Developer* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer* as each specific parcel of land is developed. (ADA*, pg. 23-4)

The Developer* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA*, 23-4)

Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal household materials. (SR, pg. A1-46)

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill. (ADA*, pg. 24-3)

Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer*. (SRIV,pg.17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

SECTION 6. LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the 1,202 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order.

SECTION 7. COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development* as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 8. RESTRICTIONS ON DOWN-ZONING

Prior to December 30, 2007, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the conditions underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer*; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 9. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners* and their successors in interest.

SECTION 10. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 11. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 12. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 13. SEVERABILITY

It is the intent of this development order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this development order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provisions or portions shall be deemed null and void but all remaining provisions and portions of this development order shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Secretary of State, provided, however, that the filing of Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order.

SECTION 15. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 12.

The previous development order for UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB which was adopted on September 27, 1993 and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of Developer, if such rights have been previously granted and not specifically herein or otherwise modified or amended.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida this the 14th day of December, 1999.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: _____
Chairman

ATTEST:

R.B. SHORE
Clerk of the Circuit Court

EXHIBIT A
Ordinance 99-55 - Unnamed Exclusive Golf & Country Club

OCKUNZZI & ASSOCIATES **727-595-7006**
1516 First Street, Suite Three **727-595-8568 FAX**
Indian Rocks Beach, Florida 33785 **ockunzzi1@aol.com**

September 15, 1999

Mr. Charles Gauthier, AICP
Chief, Bureau of Local Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

SUBJECT: Changes to NOPC for Unnamed Exclusive Golf and Country Club, DRI #202, Manatee County.

Dear Mr. Gauthier:

Please accept the following amendments to the above referenced NOPC which was submitted on August 6, 1999.

NOPC Question 5. A third change to the Development Order is requested. This change involves adjustment of the projects legal description and acreage totals to comport with the dedication of approximately 21 acres of land to Manatee County. To accommodate this change, the project's legal description (see Map H inset) and land use acreage totals on Map H and in the body of the Development Order have been modified (included in the original NOPC application).

A revised Map H is enclosed which incorporates the revised legal description and a clarification requested by Manatee County. The clarification, which is highlighted, is a "note" regarding the provision of "24 hour emergency access" at the former location of the Timber Lake Drive Extension.

NOPC Question 13b A revised legal description is incorporated on Map H.

A copy of the 1998 Annual Report's Traffic Monitoring Study was previously sent, via facsimile, to Mr. Neuse of your staff.

Thank you for your consideration of these NOPC amendments. Please call if you have any questions or need additional information.

Sincerely,

William Ockunzzi
enclosure: Revised Map H.

cc: Carol Clarke and Norm Luppino, Manatee County; John Meyer, TBRPC; Mark Neuse, DCA; Pat Neal; Tom McCollum.
nopc9

Affirmative Action Equal Opportunity Employer
Licensed Real Estate Corporation #CQ-1005971

CPD 99-55

OCKUNZZI & ASSOCIATES
1516 First Street, Suite Three
Indian Rocks Beach, Florida 33785

727-595-7006
727-595-8568 FAX
ockunzzi1@aol.com

August 6, 1999

Bur P Planning

PLANNING
AUG 0 9 199
DEPARTMEN

Mr. Charles Gauthier, AICP
Chief, Bureau of Local Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

SUBJECT: NOPC for Unnamed Exclusive Golf and Country Club, DRI #202 Manatee County.

Dear Mr. Gauthier:

Please find enclosed a Notice of Proposed Change (NOPC) for the above reference DRI. The changes we are requesting are as follows:

1. A modification to Map H to eliminate a local subdivision street segment based on the developer's desire to select the residential option (200 units in lieu of 48,000 s.f. of commercial development) for a portion of the development. Pertinent facts supporting this request for deletion of this subdivision street segment are as follows:

A. The street segment was intended to service the proposed commercial development which is now being abandoned as an option. The segment was needed to support commercial development which, based on developer commitments, would not have access to University Parkway (county line road). Because the adjacent parcel will develop with residential uses the street segment is no longer necessary.

B. At no time did any traffic analysis associated with any DRI approval submitted to the Department, TBRPC or Manatee County ever assign regional of local traffic trips to the street segment to be deleted from Map H.

C. The street segment is not necessary for local or regional traffic trips.

D. The street segment has not been constructed. Actual trips generated by the development to date are far below projected trips for the project in total and ingress and egress points specifically. From a traffic perspective the street segment is not needed.

E. Elimination of the street segment will allow the entirely of Unnamed Exclusive... to develop as a homogenous residential community. The street segment was designed to serve as a "buffer" IF the 48,000 s.f. of commercial development were to be developed on the adjacent parcels. This physical and aesthetic barrier is not appropriate or desired now that the adjacent parcel is proposed to be continuation the existing residential neighborhood / community.

F. Even though the street segment will be deleted from Map H, provisions for ingress and egress by emergency vehicles consistent with Manatee County policy will be provided.

FORM RPM-BSP-PROPCHANGE-1

EFFECTIVE DATE
11/20/90

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

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

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

1. I, William Ockuzzi, the undersigned owner/authorized representative of Woodlands Country Club Assoc. (developer), hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Windward Executive Golf and Country Club (DRI #207) (original & current project names) development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Manatee County (local government), to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

July 30 1991 (Date)

(Signature)

G. Because the street segment has not been relied upon to accommodate "regional" trips it cannot be considered a regional facility and, therefore, this change cannot be considered substantial.

H. The elimination of this unconstructed local street segment from Map H is the equivalent of a local street ROW "vacation" by a city or county government.

2. A modification to the requirement for annual monitoring of traffic to monitoring every three years unless Manatee County requires more frequent monitoring is requested because the recent annual monitoring reports have demonstrated that actual traffic generated by this development is far below projected trips. The actual count is 85% below projected trips. Given such a reduction in actual trips the requirement for annual traffic counts is an unnecessary and unwarranted expense to the developer. Language proposed herein would allow Manatee County to require traffic counts more frequently than every three years if the County determined more frequent counts were warranted.

We look forward to the Department's favorable consideration of the proposed amendments. Please contact me if you have any questions or need any additional information.

Sincerely,

William Ockunzzi

enc. NOPC application
cc: Carol Clarke, Manatee County w/enc. and review fee check
Norm Luppino, Manatee County w/enc.
John Meyer, TBRPC, w/enc. and review fee check
John Czerepak, FDOT, w/enc.
Mark Neuse, DCA, w/enc.
Patrick K. Neal, w/enc.
Tom McCollum, w/enc.
Roy Chapman, w/enc.
nopc5

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB, DRI #202
NOTIFICATION OF PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI)

2. **Applicant (name, address, phone).**
   Woodlands Country Club Associates.
   Attn: Patrick K. Neal
   3711 Cortez Road West
   Bradenton, Florida 34210
3. **Authorized Agent (name, address, phone).**
   William A. Ockunzzi
   Ockunzzi & Associates
   1516 First Street, Suite Three
   Indian Rocks Beach, Florida 33785
   727-595-7006 office phone
   727-444-2840 mobile phone
   727-595-8568 FAX
4. **Location (City, County, Township/Range/Section) of approved DRI and proposed change.**
   Unnamed Exclusive... is located in Manatee County, Florida in all or portions of Sections 25, 26, 35, and 36; Township 35; Range 18 East.
5. **Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.**

Two changes to the Development Order are requested as described below.

The first change involves a modification to the currently approved Map H to delete the Timber Lake Drive Extension (extreme southwest corner of the project). The change is proposed and necessary for the following reasons:

1. The Developer is proposing to elect Option II (200 residential units) in lieu of Option I (48,000 s.f. of commercial) for the parcel serviced by the Timber Lake Drive Extension. Because the Developer committed to no additional access points to University Parkway to service commercial development on the subject parcel it was necessary, at the time, provide for the possible construction of a Timber Lake Drive Extension to provide access to the potential commercial uses. Because the Developer desires to elect the residential development option (Option II) provided for in Section 4,A.(1) of the Development Order it is necessary to delete the Timber Lake Drive Extension to enhance the integrity of the residential communities impacted by the proposed Timber Lake Drive Extension..
2. No traffic trips were assigned to the Timber Lakes Drive Extension in any of the traffic analyses prepared for this project for any DRI or Manatee County approvals. All project traffic has always be projected to enter or leave the development via the University Parkway entrances. Therefore, the Timber Lakes Drive Extension, with no projected or approved regional or local traffic trips cannot be considered a facility with any state,

regional, or local importance relative to traffic capacity considerations. For all intents and purposes the facility does not exist with regard to any projections of traffic. Furthermore, the facility does not now physically exist, and therefore is not a factor in current traffic calculations, trip distribution, etc. Please see attached correspondence from Roy Chapman, P.E., project traffic engineer.

3. Failure to delete the Timber Lake Drive Extension from the road network will require the continuation of a facility that, if constructed, will be divisive to the "sense of community" and amenities created within the Unnamed Exclusive... development. The Timber Lake Drive Extension, if constructed, will create a barrier within the homogenous neighborhood created within the Unnamed Exclusive... development and separate one portion of the community from majority of the project. Creation of an isolated neighborhood within a development is not consistent with sound planning principles and practices.
4. Because no regional traffic trips have been assigned to the Timber Lakes Drive Extension this facility does not rise to any level of regional or statewide significance that would justify its continued existence on Map H or consideration of this proposed change as a Substantial Deviation.
5. The developers of Unnamed Exclusive... desire to have the Timber Lake Drive Extension deleted from the state, regional and local road networks to solidify, support, and foster the continued success of their individual communities and neighborhoods.
6. There are no overriding public safety, convenience, traffic, or other reasons to warrant continuing the Timber Lakes Drive Extension as part of the regional, statewide or local road network to the detriment of the desires of the Unnamed Exclusive.... community.
7. An emergency vehicles only connection will replace the Timber Lakes Drive Extension to assure that adequate alternate emergency ingress and egress to Unnamed Exclusive... is provided.

The second change involves changing the currently required traffic monitoring from annual counts to counts every three years (next counts to be submitted with the year 2001 Annual Report). The basis of this requested change is that traffic actually generated by the development is far below projected trip generation rates and is unlikely to achieve projected rates. Therefore traffic monitoring every three years (next monitoring in 2001) at which time it is recommended that Manatee County thereafter have the option of requiring more frequent counts (annually or every second year). Based on the traffic counts conducted for the 1998 Annual Report it appears obvious that requiring annual counts creates the need for an expense by the developer and review agencies that is unnecessary.

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

A revised Map H is attached.

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.**

The Substantial Deviation Determination Chart is not enclosed because "No change" is the applicable response to all categories.

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

Manatee County Ordinance 93-21 adopted on September 27, 1993 constitutes the original Development Order for DRI #202, Unnamed Exclusive Golf and Country Club.

Manatee County Ordinance 95-13 adopted on February 23, 1995.

Manatee County Ordinance 97-24 adopted on July 8, 1997.

There has been no change in the local government with jurisdiction.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval of issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.**

Manatee County Ordinance 95-13, adopted on February 23, 1995, authorized and approved the addition of 164.23 acres of land to the originally approved DRI #202. This additional acreage did not result in or authorize any increase in development totals for the project. All development totals remained as approved in the original Development Order. This additional land was incorporated into a revised Map H which was approved as part of Ordinance 95-13.

9. **Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.**

The proposed change is a map change and traffic monitoring condition change only. No change to approved development totals is proposed.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06 (19)(e)2., F.S. YES_____NO_XX_

10. **Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.**

No change to the currently approved buildout date, December 30, 2007, is proposed. This is a single phase project.

11. **Will the proposed change require an amendment to the local government comprehensive plan?**

No.

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

12. **An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.**

Please see revised Map H, attached.

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

Please see attached Precise Language. PLEASE NOTE: Manatee County requires that the entire Development Order, with the proposed changes be readopted to simplify Development Order administration and management. Only the sections with changes are attached as Exhibit 2.

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

Please see attached Precise Language.

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

No change to the legal description is proposed.

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

Development has commenced.

d. **A proposed amended development order termination date that reasonable reflects the time required to complete the development;**

No change to the currently approved buildout date is proposed.

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

No change to the date, November 30, 2012, until which the project should be immune to down zoning , unit density reduction, or intensity reduction is proposed.

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

A change from annual traffic monitoring to monitoring every three years or as required by Manatee County is proposed.

nopc2
8/6/99

RS&H

Architectural, Engineering, Planning and Environmental Services

Reynolds, Smith and Hills, Inc.
1715 N. Westshore Boulevard, Suite 500
Tampa, Florida 33607-3999
813-289-5550
Fax: 813-289-0263

FL Cert Nos AACC01886 • EB0005620 • LCCC00210

July 28, 1999

Mr. William Ockunzzi
Ockunzzi & Associates
1516 First Street, Suite Three
Indian Rocks Beach, FL 33785

Re: DRI No. 202, Exclusive Golf and Country Club, Manatee County

Dear Mr. Ockunzzi:

This letter is to confirm traffic assignment assumptions made for the above captioned Development of Regional Impact (DRI). The traffic assignment for this development provided with the DRI/Application for Development Approval assigned all external project trips through its main entrance to University Parkway. No trips were assigned to the "Timber Lake Drive Extension".

As you are aware "Timber Lake Drive Extension" currently does not exist. Traffic counts were taken at the project entrance to University Parkway in September 1998. The PM peak hour total for entering and exiting traffic was 185 vehicles. The DRI approval (see ADA traffic analysis) included 1,038 net external PM peak hour trips and an additional 222 pass-by trips for a total of 1,260 trips at the project entrance. The counted trips were therefore approximately 15 percent of the total trips analyzed and approved for this DRI, even though 53% of the residential units approved for the project were built at the time of the traffic count.

The driveway count therefore fully includes all traffic existing the Exclusive Golf and County Club DRI and these trips are significantly below the number allowed by the DRI Development Order.

Please call if you have any questions regarding the above.

Sincerely,

Reynolds, Smith and Hills, Inc.

Roy E. Chapman, PE
Vice President
FL Cert. No. PE0034438

cc: Patrick Neal

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ORDINANCE 99-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY GRANTING AMENDMENTS TO ORDINANCE 93-21, AS AMENDED, THE DEVELOPMENT ORDER FOR THE UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB DEVELOPMENT OF REGIONAL IMPACT #202.

WHEREAS, on September 27, 1993, the Board of County Commissioners (BOCC) of Manatee County issued a Development of Regional Impact (DRI) Development Order, Ordinance 93-21 (the "Development Order"), to Woodlands Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI: and,

WHEREAS, Ordinance 93-21 was amended pursuant to Ordinance 95-13, adopted on February 23, 1995, and Ordinance 97-24, adopted on July 8, 1997; and,

WHEREAS, applicant has requested that the Development Order be amended to: 1), modify Map H to delete the street segment known as the "Timber Lake Drive Extension"; and, 2), modify the required frequency of traffic counts to once every third year; and,

WHEREAS, the above changes to the Development Order will not increase or change any approved development totals for Unnamed Exclusive Golf and Country Club; impact any lands set aside for special protection; or increase any projected impacts of the approved development totals; and,

WHEREAS, deletion of the street segment known as the Timber Lake Drive Extension from Map H will facilitate the applicant's selection (as provided for in Development Order Condition, Section 4, A.(1)) of approved development Option II (200 residential units) in lieu of Option I (48,000 s.f. of commercial development) for the parcels served by the subject street segment; and,

WHEREAS, requiring traffic counts every third year is consistent with results of traffic counts included in all previous Annual Reports which document that traffic actually generated by the development is substantially less than traffic approved and projected for the development; and,

WHEREAS, the Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT:

1. The following sections of Manatee County Ordinance 93-21, as amended, the Unnamed Exclusive Golf and Country Club DRI Development Order, are hereby amended to read in their entirety as follows:

2. The BOCC finds that the proposed changes to Map H; and Development Order provision in Section 1; Section 2; Section 3; and, Section 4, B. (1) b.1; are not a Substantial Deviation individually or in combination with all other approved Development Order amendments; that the amended Map H and traffic monitoring condition do not increase the amount of or the impacts of

the approved development totals; and, that conditions in the Development Order continue to adequately address and mitigate the impacts of the approved development totals.

SECTION 1. FINDINGS OF FACT.

1. The preceding recitals are recognized, accepted, and incorporated as "Findings of Fact."

2. "R. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs in conjunction with the original Unnamed Exclusive Golf and County Club Application for Development Approval, as amended, and Notices of Proposed Change (NOPC) for Development Order amendments approved pursuant to Manatee County Ordinances 95-13; 97-24; and 99-__."

SECTION 2. CONCLUSIONS OF LAW.

1. "A.3. The Development is consistent with the reports and recommendations of the Manatee County Planning Commission and Tampa Bay Regional Planning Council issued in conjunction with their review and approval of the development proposed in the Application for Development Approval, as amended, and NOPCs approved pursuant to Manatee County Ordinances 95-13; 97-24; and 99-__."

SECTION 3. DEFINITIONS.

1. "B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992 and NOPC amendments submitted on April 20, 1993, November 22, 1994, and August 6, 1999; and included as Exhibit "A.""

2. "D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown as Revised "Map H", last revised on _____, 1999 for the Unnamed Exclusive Golf and Country Club.

3. "L. "Master Development Plan*" shall be defined as Revised Map H, last revised on _____, 1999 incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1, Option II."

SECTION 4. DEVELOPMENT CONDITIONS.

1. "o. TRANSPORTATION MONITORING. One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to final site plan approval for the 826 dwelling unit, which ever comes first, a transportation

monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. Hereafter, traffic counts shall be required every third year commencing in 2001. Manatee County, based on written Findings of Fact, may require traffic counts every second year or annually for inclusion in the applicable Annual Report if it is demonstrated that actual traffic from the development is exceeding or likely to exceed, in excess of the substantial deviation criteria, PM traffic trips projected in the ADA, as amended.

3. All other provisions of Development Order Ordinance 93-21, as amended by Ordinances 95-13; 97-24; and 99-__ shall remain if full force and effect. In the event there is an inconsistency between the terms of this Ordinance and the Ordinances previously adopted and referenced above, the terms of this Ordinance shall control.

4. This Ordinance shall take effect upon all of the following occurring:
   (1) Execution,
   (2) Receipt of official acknowledgement from the Department of State that this ordinance has been filed, and
   (3) Any appeal of this ordinance has finally been resolved or the time for appeal expires, if no appeal is taken, whichever comes first.

ADOPTED AND APPROVED, BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, WITH A QUORUM PRESENT AND VOTING ON THE ___ DAY OF _____, 1999.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY:_____
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

BY_____

nopc6
8/6/99

(1a) UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB (DRI)

A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE S 89°57'09" E (WITH BEARINGS REFERENCED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 5280.00 FEET TO THE SE CORNER OF SAID SECTION 25; THENCE S 89°58'01" E, A DISTANCE OF 1,318.81 FEET TO THE SOUTHWEST CORNER OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 30; THENCE S 89°58'11" E, A DISTANCE OF 1,321.47 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 30; THENCE S 89°58'49" E, A DISTANCE OF 1,346.85 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 30; THENCE S 89°58'17" E, A DISTANCE OF 1,346.04 FEET TO THE SOUTHWEST CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 29; THENCE S 89°58'00" E, A DISTANCE OF 1,346.85 FEET TO THE SOUTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 29; THENCE S 89°58'00" E, A DISTANCE OF 1,346.85 FEET TO THE SOUTHWEST CORNER OF THE SAID S 1/2 OF THE SW 1/4 OF THE SW 1/4; THENCE S 89°58'49" E, A DISTANCE OF 1,346.85 FEET TO THE SE CORNER OF SAID SECTION 29; THENCE S 00°07'12" E, A DISTANCE OF 1,320.54 FEET TO THE NORTHWEST CORNER OF THE E 1/2 OF THE NW 1/4 OF SAID SECTION 32; THENCE S 89°51'56" E, A DISTANCE OF 1,320.73 FEET TO THE NORTHEAST CORNER OF THE W 1/2 OF THE NW 1/4 OF SAID SECTION 32; THENCE S 89°51'56" E, A DISTANCE OF 1,320.73 FEET TO THE NORTHWEST CORNER OF THE NE 1/4 OF SAID SECTION 32; THENCE S 89°51'56" E, A DISTANCE OF 2697.89 FEET TO THE NORTHEAST CORNER OF THE NW 1/4 OF SAID SECTION 32; THENCE S89°51'56"E, ALONG THE NORTH LINE OF SAID NW 1/4, A DISTANCE OF 2633.73 FEET TO A POINT THAT IS 30.00 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 33; THENCE S 00°04'48" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 2372.53 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 00°04'48" E, A DISTANCE OF 1.64 FEET TO A POINT THAT IS 30.00 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 36; THENCE S 00°03'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 1,320.84 FEET; THENCE S 89°57'09" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 25, A DISTANCE OF 30.00 FEET TO THE EAST LINE OF SAID SECTION 26; THENCE CONTINUE S 89°57'09" W, A DISTANCE OF 1,320.84 FEET TO THE WEST LINE OF A 100 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT; THENCE S 00°03'22" E, ALONG SAID WEST LINE, A DISTANCE OF 1,980.00 FEET; THENCE S 89°57'09" W, A DISTANCE OF 1,320 FEET; THENCE S 00°03'22" E, A DISTANCE OF 1,320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 26; THENCE N 89°57'09" W, A DISTANCE OF 2,640.85 FEET TO THE POINT OF BEGINNING.

CONTAINING 577.34 ACRES, MORE OR LESS.

TOGETHER WITH AND INCLUDING ALL THAT PART OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 36, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 46.7 ACRES, MORE OR LESS.

(1b) LEGAL DESCRIPTION: WALLACE TRACT (INCLUDED IN DRI) (DRI)

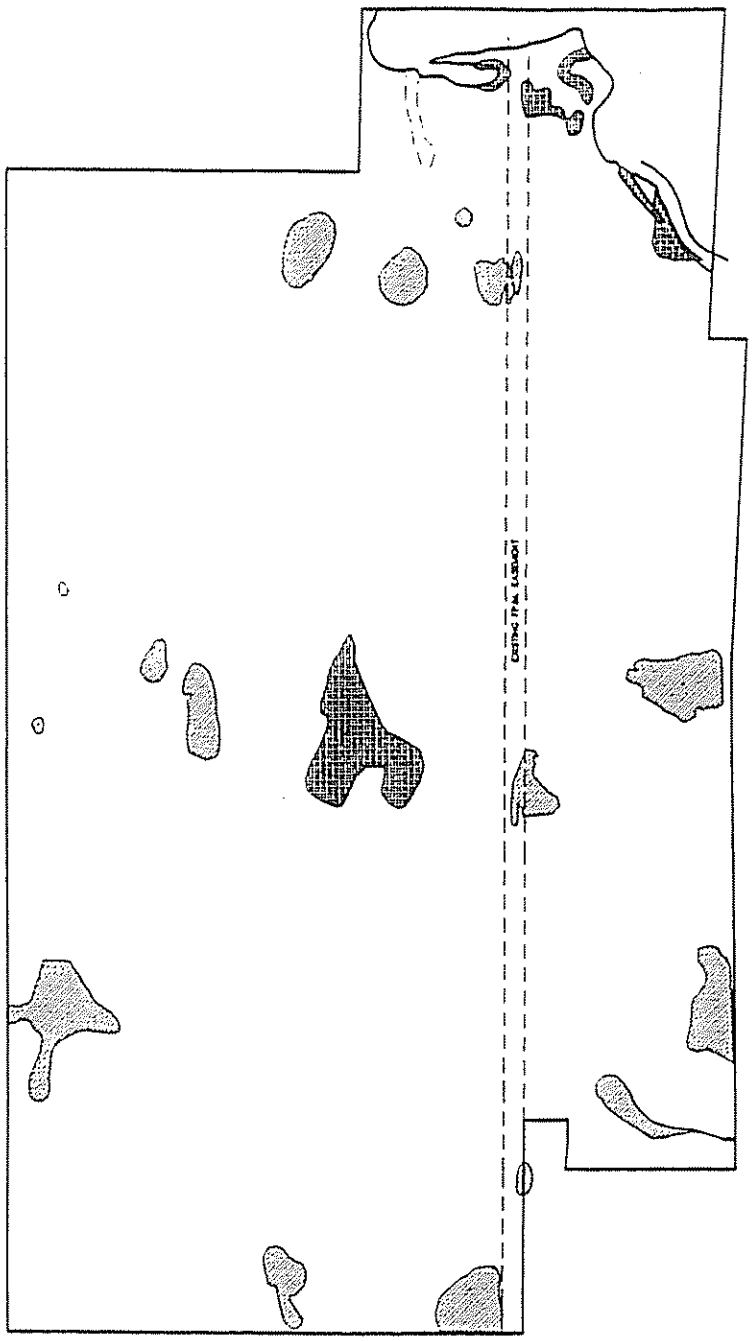
TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, CONTAINING 43 ACRES MORE OR LESS.

THAT PORTION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE CENTERLINE OF THE BRADEN RIVER, LYING AND BEING IN MANATEE COUNTY, FLORIDA

CONTAINING 74.5 ACRES, MORE OR LESS.

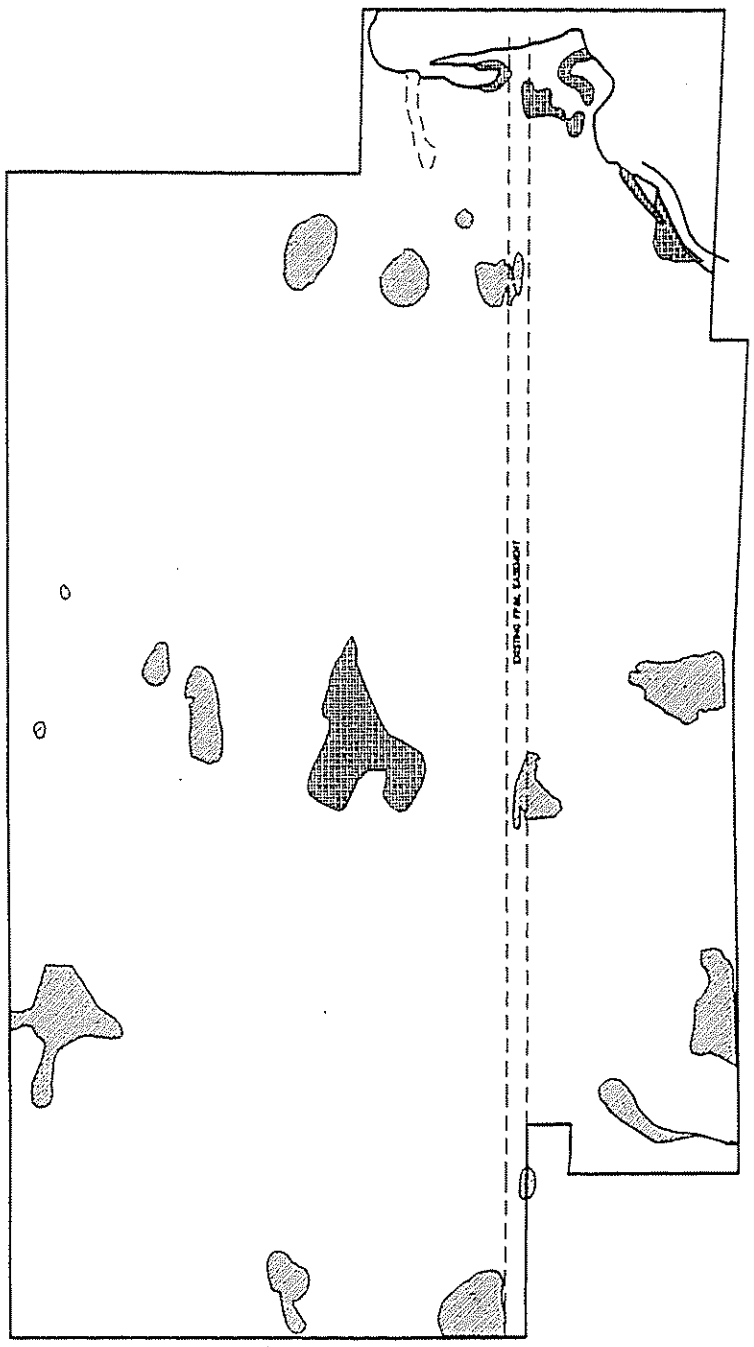
(1c) UNIVERSITY PARK COUNTRY CLUB EXPANSION PARCEL

FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST RUN S 89°57'09" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 36, A DISTANCE OF 1,658.59 FEET TO THE EAST LINE OF A 1498 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1194, PAGE 1178, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 00°17'22" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1,284.46 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 26; THENCE S 89°57'11" W, CONTINUING ALONG SAID SOU



PRESERVATION AND CONSERVATION MAP
FOR
UNIVERSITY PARK COUNTRY CLUB
LOCATED IN
SECTIONS 33, 34, 35 & 36, TOWNSHIP 30 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

EXHIBIT C



PRESERVATION AREA

CONSERVATION AREA

CAD file name: X:\Acad\UPCC\Cons-maps.dwg
Plot date and time: 19990901.1071

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PRESERVATION AND CONSERVATION MAP
FOR
UNIVERSITY PARK COUNTRY CLUB
LOCATED IN
SECTIONS 25, 26, 35 & 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST
MANATEE COUNTY, FLORIDA

Essig, Hillis & Shorts, Inc.

SHEET 1

EXHIBITS D, F, G, H, I, AND K

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER FOR THE UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB.

Ordinance 99-55 - Unnamed Exclusive Golf and Country Club (DRI #12)

EXHIBIT E

GENERAL DEVELOPMENT PLAN PARCEL:

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2,699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1,349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1,374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1,346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N ½ OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1,380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N ½ OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1,981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1,333.96 FEET TO THE NORTHWEST CORNER OF THE S ½ OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2,840.13 FEET TO THE NORTHEAST CORNER OF SAID S ½ OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1,334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2,807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2,673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1,461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2,560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1,800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1,320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2,154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N ½ OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH ½ OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: TOGETHER WITH THAT PORTION OF THE UNNAMED EXCLUSIVE COUNTRY CLUB DESCRIBED AS THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.

CONTAINING 74.5 ACRES, MORE OR LESS.

ARVIDA TRACT: FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1,406.29 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1,354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 605.51 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1,320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WEST LINE A DISTANCE OF 2,560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE CONTINUE S 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2,561.09 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°48'59" A DISTANCE OF 192.91 FEET; THENCE N 17°33'00" E, A DISTANCE OF 68.92 FEET; THENCE N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EAST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THENCE S 00°26'00" W,

CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1,320.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 164.23 ACRES, MORE OR LESS.

LESS AND EXCEPT 21± ACRES FOR HONORE ROAD RIGHT OF WAY DEDICATED TO MANATEE COUNTY AS REQUIRED IN DEVELOPMENT OR DEED.

EXHIBIT J

SURFACE AND GROUND WATER MONITORING PLANS
UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB
DEVELOPMENT OF REGIONAL IMPACT

This exhibit details the Surface and Ground Water Monitoring Plans required under Sections D.(2) and D.(4) of the Unnamed Exclusive Golf and Country Club Development Order. The Developer* shall have developed a monitoring plan addressing the criteria listed below within six months of approval of Ordinance 93-21.

a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.

b. Parametric coverage of the monitoring plan should include the following:

- specific conductance (field)
- temperature (field)
- dissolved oxygen (field)
- pH (field)
- flow rates (field)
- chlorides
- sulfates
- fluoride
- total dissolved solids
- total suspended solids
- ammonia
- nitrate
- nitrite
- total Kjeldahl nitrogen
- total nitrogen
- orthophosphate
- total phosphorous
- copper
- lead

- zinc
- mercury
- nickel
- arsenic
- cadmium
- chromium
- silver
- total coliform
- fecal coliform
- BOD-5
- primary organics (pesticides and herbicides)

c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a ½ inch or greater storm event using methodology approved by the U. S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.

d. The Developer* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.

e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County and the EMD.

f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

Any modifications to the above listed criteria shall be subject to review by the Manatee County Environmental Management Department, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.

STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 17th day of December 1999.
R. B. SHORE
Clerk of Circuit Court
By: Linda L. Keaney D.C.

=202
TB-

MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT

CERTIFIED MAIL
Z 747 175 295

July 14, 1997

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Fl 33702

Re: Development Order for Unnamed Exclusive Golf and Country Club, File No. ADA-890-009, NOPC

Dear Ms. Greene:

Enclosed is a certified copy of Ordinance 97-24, the development order for Unnamed Exclusive Golf and Country Club, as adopted in open session by the Manatee County Board of County Commissioners on July 8, 1997, as required by Rule 9J-2.025(5), Florida Administrative Code.

If I can be of further assistance, please contact me at (941) 749-3070, extension 6833.

Sincerely,

Robert H. Pederson
Community Planning Administrator

RHP/jy
Enclosure

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida Tel. (941) 749-3070 • FAX: (941) 749-3071
P.O. Box 1000 • Bradenton, Florida 34206-1000

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Attraction/Recreation	# Parking Spaces # Spectators # Seats Site locational changes Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	None	None	N/A
Airports	Runway (length) Runway (strength) Terminal (gross square feet) # Parking Spaces # Gates Apron Area (gross square feet) Site locational changes Airport Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	None	None	N/A
Hospitals	# Beds # Parking Spaces Building (gross square feet) Site locational changes Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	None	None	N/A

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Industrial	Acreage, including drainage, ROW, easements, etc. # Parking Spaces Building (gross square feet) # Employees Chemical storage (barrels and lbs.) Site locational changes # External Vehicle Trips D.O. conditions ADA representations	None	None	N/A
Mining Operations	Acreage mined (year) Water Withdrawal (Gal/day) Size of Mine (acres), including drainage, ROW, easements, etc. Site locational changes # External Vehicle Trips D.O. conditions ADA representations	None	None	N/A
Office	Acreage, including drainage, ROW, easements, etc. Building (gross square feet) # Parking Spaces # Employees Site locational changes # External Vehicle Trips D.O. conditions ADA representations	None	None	N/A

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN		ORIGINAL PLAN		PREVIOUS D.O. CHANGE + DATE
Petroleum/Chem. Storage	Storage Capacity (barrels and/or lbs.) Distance to Navigable Waters (feet) Site locational changes Facility Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	None		None		N/A
Port (Marinas)	# boats, wet storage # boats, dry storage Dredge and fill (cu. yds.) Petroleum storage (gals.) Site locational changes Port Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	None		None		N/A
Residential	# dwelling units Type of dwelling units # lots Acreage, including drainage, ROW, easements, etc. Site locational changes # External Vehicle Trips D.O. conditions	<u>Option I</u> 1,038 S.F 755 ac 1,193 Added acreage no change	<u>Option II</u> 1,238 S.F. 776 ac 1,193 Added acreage no change	<u>Option I</u> 1,038 S.F 615 N/A 1,193 no change	<u>Option II</u> 1,238 S.F. 636 N/A 1,193 no change	N/A

NOV 11 '94 04:24PM WADE-TRIM

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN		PREVIOUS D.O. CHANGE + DATE
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc. Floor space (gross square feet) # Parking Spaces # Employees Site locational changes # External Vehicle Trips D.O, conditions ADA representations	No Change	Option I 21 ac 88,000 400 --- --- inc. in res. N/A N/A	Option II 10 ac 40,000 400 --- --- inc. in res. N/A N/A	N/A
Hotel/Motel	# Rental Units Floor space (gross square feet) # Parking Spaces # Employees Site locational changes Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations	None	None		N/A
R.V. Park	Acreage, including drainage, ROW, easements, etc. # Parking Spaces Buildings (gross square feet) # Employees Site locational changes # External Vehicle Trips D.O. conditions ADA representations	None	None		N/A

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Open Space (All natural and vegetated non-impervious surfaces)	Acreage Site locational changes Development of site proposed D.O. conditions ADA representations	395 Added open space Golf, drainage; natural No change No change	357 None Golf, drainage; natural No change No change	N/A
Preservation, Buffer, or Special Protection Areas	Acreage Site locational changes Development of site proposed D.O. conditions ADA representations	80.16 None None No change, Added Acreage No change	50.54 None None No change No change	

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

ORDINANCE 95-13

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY GRANTING AMENDMENTS TO ORDINANCE 93-21, THE DEVELOPMENT ORDER FOR THE UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, on September 27, 1993, the Board of County Commissioners of Manatee County ("Board") issued a Development of Regional Impact ("DRI") Development Order, Ordinance 93-21 ("the Development Order"), to Woodlands Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI; and

WHEREAS, the applicant has requested that the Development Order be amended to add 164 acres to the Development Order with no increase in approved development totals and extend buildout from December 31, 2001 to December 30, 2004; and

WHEREAS, the additional acreage to be added was formerly a part of the Arvida Corporate Park (herein after Arvida) DRI development (Manatee County Resolution R-86-259 as amended by R-93-174 and R-90-54); and

WHEREAS, the additional acreage will be developed as single family residential, golf course, and neighborhood commercial/professional; and

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT:

Exhibits A-H
in NOPC file.

D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown as Revised "Map H", last revised on December 22, 1994, for the Unnamed Exclusive Golf and Country Club.

L. "Master Development Plan*" shall be defined as Revised Map H, last revised on December 22, 1994 incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

SECTION 4. DEVELOPMENT CONDITIONS

A.(1) The Development Order approval shall be limited to Option II from Table 1, 1,238 residential units. Currently the proposal to allow commercial on University Parkway is not consistent with the Comprehensive Plan as the site is designated RES-6 and does not meet locational criteria. The applicant may apply for a Comprehensive Plan amendment and rezone and general development plan amendment to allow the commercial development referenced in Option I on University Parkway without requiring an amendment to the D.O. which would permit such commercial development. Any such Comprehensive Plan amendment and rezone/general development plan shall be reviewed for consistency with all the existing criteria in the Comprehensive Plan and Land Development Code. All or a portion of the "Other Commercial Development" and "Quality Restaurant" referenced in Option I may be allowed subject to the above with a commensurate and proportionate reduction in the two hundred (200) residential units allowed in Option II. The Board and staff have not reviewed any such plan amendment or rezone/development plan and have not determined whether Option I development is appropriate other than that the state and regional traffic considerations have been met.

An Application* for development under Option I must include an amended General Development Plan and Land Use and Phasing Schedule reallocation of commercial square footage and a request for an amended Certificate of Level of Service Compliance. A proposal for development under Option I shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan.

TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY

TYPE OF DEVELOPMENT:	Mixed-use (residential and commercial)	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:		**1,223 Acres**
Residential		755 Acres
Neighborhood Commercial		21 Acres
Village Center/Clubhouse/Retail		10 Acres
Golf Course		322 Acres
Open Space (Roads, Right-of-Way, etc.)		133 Acres
	Option I	**Option II**
Residential Units	1,038 d.u.	1,238 d.u.
Neighborhood Commercial		
Village Center	40,000 Sq. Ft.	40,000 Sq. Ft.
Other Comm.	40,000 Sq. Ft.	0
Quality Restaurant (as defined by ITE)	8,000 Sq. Ft.	0
Golf Course	27 Holes	27 Holes
Country Club & Restaurant	35,000 Sq. Ft.	35,000 Sq. Ft.
BUILD-OUT DATE	December 30, 2004	December 30, 2004

D.(9) The Conservation Areas* on site encompass approximately 34.91 acres as indicated on the attached Preservation/Conservation Map, revised Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of sub-phase in which the impact occurs. A mitigation priority shall be the addition of littoral shelves to the stormwater ponds proposed for the northeast portion of the Simms Tract* with appropriate credits afforded to the Developer*. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails and paths, as is provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development wetland Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

TABLE 3

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS

	MITIGATION RATIOS•	
AREAS	**HERBACEOUS**	**FORESTED**
TBRPC Conservation Area* except those located in Simms Tract* or Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* or Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1 ◆	4:1 ◆

◆ May be reduced in accordance with Section 719.8.5 of the Land Development Code.

•Ratio is Mitigated Wetland*: Disturbed Wetlands*.

P.(6) This Development Order shall expire 15 years form date of approval of the NOPC. Buildout shall be completed by December 30, 2004. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

SECTION 6. LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the 1223 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order amendment.

3. All other provisions of Development Order Ordinance 93-21, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Ordinance and the Ordinance referred to above, the terms of this Ordinance shall control.

ORDINANCE 97-24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (FORMALLY KNOWN AS CIRCLE-N-BAR RANCH); ALSO KNOWN AS UNIVERSITY PARK DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 93-21, AS AMENDED BY ORDINANCE 95-13); ALSO KNOWN AS DRI #202; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order* for the Circle N Bar DRI (MDO*) for the Arvida Corporation for a planned residential development, a planned commercial development, and a planned industrial development on approximately 1,134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals* (ADA*) could be submitted for the property subject to the MDO* encompassing, respectively: (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO*, in accordance with the Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country Club Associates (successor in interest to Arvida for the portion of the Circle-N-Bar DRI not included in the Arvida Corporate Park DRI), filed an Application for Development Approval* (ADA) of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order* with the Manatee County Board of County Commissioners, pursuant to Section 380.06, Florida Statutes. This Woodlands Country Club Associates ADA* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; and April 20, 1993 (which included amendments to add a 74.5 acre parcel known as the Simms Tract*); and

WHEREAS, on September 27, 1993, the Board of County Commissioners of Manatee County issued a Development of Regional Impact ("DRI") Development Order (Ordinance 93-21) to Woodland Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI; and

WHEREAS, upon adoption of Development Order, Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders; and

WHEREAS, on November 22, 1994, a request was made to amend the DRI to add back in the 164.23 acre parcel known as the Arvida Tract*); the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, on February 23, 1995, The Board of County Commissioners adopted Ordinance 95-13, approving amendments to add 164 acres and extend the buildout date by 2 years and 364 days to the Development Order for the Unnamed Exclusive Golf and Country Club, which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, development of the property is underway in accordance with the Development Order approvals referenced above; and

WHEREAS, said Unnamed Exclusive Golf and Country Club is a MULTI-USE PROJECT on approximately one-thousand two-hundred twenty-three acres, located in south Manatee County, the legal description of which is attached as Exhibit "E"; and

WHEREAS, the developers of Unnamed Exclusive Golf and Country Club have proposed the following changes to the Development:

1) extend the buildout and expiration dates;
2) decrease the commercial acreage;
3) approve Development Order modifications to more accurately reflect the status of the option selected to administer the transportation conditions and the status of compliance with certain conditions of approval; and

WHEREAS, the above described changes, in cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for Unnamed Exclusive Golf and Country Club, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Notices of Proposed Changes (NOPC) for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on said NOPC with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on June 24, 1997 and July 8, 1997, held a duly noticed public hearing on said NOPC and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County and City agencies, the applicant, and the review and report of the Manatee County Planning Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, NOPC, the recommendation and findings of the Planning Commission of Manatee County, and all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

B. The Developer* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 93-21, as amended by Ordinance 95-13.

C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised General Development Plan for the entire 1,223 acre project and to provide for an option for an alternative second means of access.

D. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for a NOPC to a Development Order pursuant to Section 380.06, Florida Statutes.

E. The Board of County Commissioners held a public hearing on June 24, 1997 and July 8, 1997 regarding the NOPC and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended) and has further considered the testimony, comments, and information received at the Public Hearing.

F. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

G. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.

H. This amended Development Order is issued based on information provided by the Developer* in the ADA*, as amended, information provided in the sufficiency responses, NOPC's, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions listed in Section 4, the County has determined that adequate Levels of Service exist until December 30, 2007 for this project in each of these areas referenced in subsection 1.G., above.

I. The proposed changes to the Development of Regional Impact regarding the property described in Section 7 herein are found to be consistent with the requirements of the previously adopted Development Orders (Ordinance-93-21 and Ordinance-95-13), and the Manatee County Comprehensive Plan, provided all development after July 8, 1997 proceeds in accordance with the Development Conditions specified in Section 5 of this Development Order.

J. The "Developer*" submitted to Manatee County, Florida a NOPC and sufficiency responses identified in Section 1, which are incorporated herein by reference.

K. Upon adoption of Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Order.

L. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.

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

N. The authorized agent for Woodlands Country Club Associates, a Florida General Partnership; Island Investment Properties, Ltd., a Florida Limited Partnership; Kabara Corporation N.V., a Netherlands Antilles Corporation; and A.B. Simms; is Patrick K. Neal.

O. The Owners* of the property, which Woodlands Country Club Associates intends to develop, are Island Investment Properties, LTD., a Florida Limited Partnership; Kabara Corporation, N.V., a Netherlands Antilles Corporation; and W.T Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; and Lawrence Lott Edge.

P. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs in conjunction with the original Development Order, as amended, and the NOPC for Ordinance 97-24.

R. The provisions of Transportation Condition B (1) a. have been complied with and fulfilled as follows:

> Pursuant to the County Transportation Authority's* review and approval on February 7, 1994 of a Transportation Condition Option 2 Traffic Study, the requirement for "Dual left turn lanes eastbound I-75 East Ramps to northbound must have adequate storage lengths" (Transportation Condition, Table 2), was found to be not warranted.
>
> The University Parkway and Project Entrance intersection improvements set forth in Transportation Condition, Table 2 have been constructed and are operational.
>
> An area for a bus stop has been provided as required by Transportation Condition B. (2).

Therefore, all transportation facility conditions of the Development Order have been complied with by the Developer* and the Developer* has no further responsibility or liability for the provision of said facilities. The Developer* remains responsible for conducting transportation monitoring in accordance with B.(1).b.

S. The Florida Department of Environmental Protection, in a letter dated February 5, 1996 (attached as Exhibit K) verified that it had completed a jurisdictional determination for the then Circle-N-Bar Ranch, J.D.-41-0000-3, now Unnamed Exclusive Golf and Country Club, and that said determination was still valid and would be valid until completion of the project. The letter also states that activities proposed within the boundaries of the revalidated jurisdictional determination shall continue to be reviewed under rules adopted pursuant to Sections 403.91 - 403.929 (1984 Supp, as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under Section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to Section 373.414(9). The applicant has not elected to have any activities reviewed under the new environmental resource rules. The original jurisdictional determination (letter to Robert M Rhodes, dated January 21, 1985) is included as part of exhibit.

SECTION 2. CONCLUSIONS OF LAW

A. Based upon the previous findings of fact and the following conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:

1. The Development will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.

2. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan (Ordinance 90-01, as amended*) and previously approved Development Orders. The Master Development Order* provided the site with special exception status to the Comprehensive Plan for the 40,000 square foot Village Center relative to Commercial Locational Criteria.

3. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on March 8, 1993, regarding DRI #202, and on November 28, 1994, regarding the first NOPC, and on August 16, 1996 regarding the second NOPC.

4. Development Order Ordinance 93-21 superseded the Circle-N-Bar Master Development Order* and the portion approved as Arvida, with the exception of the 51.46 acres, which were part of the Arvida DRI and not a part of this Unnamed Exclusive Golf and Country Club DRI, or included as part of this Development Order.

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

C. That the review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* or NOPC is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.

D. Upon adoption of Ordinance 93-21 for the Unnamed Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.

E. Pursuant to Subsection 380.06(19)(c) and Paragraph 380.06(19)(e)3, Florida Statutes the changes proposed pursuant to the NOPC submitted on July 15, 1996 and approved with conditions pursuant to Ordinance 97-24 do not constitute a Substantial Deviation requiring further Development of Regional Impact Review.

SECTION 3. DEFINITIONS

Note: An asterisk (*) denotes that the word is defined.

A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).

B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992; and amendments submitted on April 20, 1993.

BB. "Arvida Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida, containing 164.23 acres more or less and more particularly described in Exhibit E.

C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on Revised "Map H", last revised on June 6, 1997, for the Unnamed Exclusive Golf and Country Club, and attached hereto as Exhibit B.

E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C".

F. "County Transportation Authority*" shall be defined as the Manatee County Department of Transportation, or whatever County entity is responsible for roadway approvals.

G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; its heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process or construction drawing approval where site plans are not required.

I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:

1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or

2. Actual construction; or

3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT

of behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

SECTION 5. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*), First (SR), Second (SRII). Third (SRIII) and Fourth (SRIV) Sufficiency Responses which shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

GENERAL PROJECT DESCRIPTION

The home sites will be clustered around the sites' natural features and the golf links planned for the community. (ADA*, pg. 12-1)

Infrastructure including water, sewer, and electricity, along with roadway paving, will be in place prior to homesite development. (ADA*, pg. 32-2)

All commercial areas will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA*, 12-1)

ENVIRONMENT AND NATURAL RESOURCES

Land

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA*, 14-2; SRII, pg A1-10)

Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA*, pg. 14-2)

Water Quality

The surface water management system planned for this property will utilize Best Management Practices* to minimize adverse impacts to on and off-site water quality. Development on the property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality.
(ADA*, Pg. 15-10, as amended)

When practical, conveyance within the drainage system will incorporate isolated Wetland* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable existing plant materials and Wetlands*. (ADA*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5)

Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA*, pg. 20-8)

Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA*, pg. 25-3)

The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting, and equipment. (ADA*, 25-3)

Water

Irrigation of the clubhouse area as well as the golf course will be provided by non-potable water, or the use of deep wells, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advanced irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

Drainage

The total drainage flow going off-site will not be increased over pre-developed conditions, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA*, pg. 22-1)

The project will comply with the requirement of Chapter 62-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)

Water Supply

The Developer* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer* as each specific parcel of land is developed. (ADA*, pg. 23-4)

The Developer* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA*, 23-4)

Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal household materials. (SR, pg. A1-46)

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill. (ADA*, pg. 24-3)

Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer*. (SRIV,pg.17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

SECTION 6. LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the 1223 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order.

SECTION 7. COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development* as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 8. RESTRICTIONS ON DOWN-ZONING

Prior to December 30, 2007, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the conditions underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer*; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 9. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners* and their successors in interest.

SECTION 10. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 11. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 12. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 13. SEVERABILITY

It is the intent of this development order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this development order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provisions or portions shall be deemed null and void but all remaining provisions and portions of this development order shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Secretary of State, provided, however, that the filing of Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order.

SECTION 15. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 14.

The previous development order for UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB which was adopted on September 27, 1993 and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of Developer, if such rights have been previously granted and not specifically herein or otherwise modified or amended.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida this the 8th day of July, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____
Chairman

ATTEST:

BY: _____

R.B. SHORE
Clerk of the Circuit Court

Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or

4. A local development agreement as defined by Florida Statutes and the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.

J. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadway, drainage, water, sewer, communication, utilities, etc.).

K. "Master Development Order* (MDO*) shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.

L. "Master Development Plan*" shall be defined as Revised Map H, last revised on June 6, 1997 incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

LL. "Notice of Proposed Change" shall mean the NOPC submitted on November 22, 1994 and the second NOPC submitted on July 15, 1996, as amended and included as Exhibit "A".

M. "Owner*" shall mean Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Lawrence Lott Edge; their heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.

P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C".

R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, Section 26, Township 35 south, Range 18 east, lying south of the Braden River, Manatee County, Florida, containing 74.5 acres, more or less.

S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21, as amended. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order was the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA* are only those specifically recognized in the above-referenced Development Orders.

U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval* Process for the next Preliminary Site Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in "Exhibit D", to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area is generally depicted on Map J ("Exhibit D") which was submitted with the ADA*.

W. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of Section 35, Township 35 South, Range 18 East, and the South 1/2 of the SW 1/4 of the SW 1/4 of Section 26, Township 35 South, Range 18 East, Manatee County, Florida, containing 63 acres, more or less.

Y. "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statues, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Subsection 373.414.(12), Florida Statutes, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1,1986. In the event the aforesaid jurisdictional determination expires, is

withdrawn, or is otherwise no longer valid or binding, then any new, amended, or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

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

SECTION 4. DEVELOPMENT CONDITIONS

A.(1) The Development Order approval shall be limited to Option II from Table 1, 1,238 residential units. Currently the proposal to allow commercial development on University Parkway is not consistent with the Comprehensive Plan as the site is designated RES-6 and does not meet locational criteria. The applicant may apply for a Comprehensive Plan amendment, rezone, and General Development Plan amendment to allow the commercial development referenced in Option I on University Parkway without requiring an amendment to the D.O. which would permit such commercial development. Any such Comprehensive Plan amendment, rezone, and General Development Plan shall be reviewed for consistency with all the existing criteria in the Comprehensive Plan and Land Development Code. All or a portion of the "Other Commercial Development" and "Quality Restaurant" referenced in Option I may be allowed subject to the above with a commensurate and proportionate reduction in the two hundred (200) residential units allowed in Option II. The Board and staff have not reviewed any such plan amendment, rezone, or development plan and have not determined whether Option I development is appropriate other than that the state and regional traffic considerations have been met.

An Application* for development under Option I must include an amended General Development Plan and Land Use and Phasing Schedule, reallocation of commercial square footage, and a request for an amended Certificate of Level of Service Compliance. A proposal for development under Option I shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan.

TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY

	Multi-use (residential and commercial)	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:		**1,223 Acres**
Residential		755 Acres
Neighborhood Commercial		21 Acres
Village Center/Clubhouse/Retail		~~10~~ 4.5 Acres
Golf Course		322 Acres
Open Space (Roads, Right-of-Way, etc.)		~~133~~ 120.5 Acres
	Option I	**Option II**
Residential Units	1,038 d.u.	1,238 d.u.
Neighborhood Commercial		
Village Center	40,000 Sq. Ft.	40,000 Sq. Ft.
Other Comm.	40,000 Sq. Ft.	0
Quality Restaurant (as defined by ITE)	8,000 Sq. Ft.	0
Golf Course	27 Holes	27 Holes
Country Club & Restaurant	35,000 Sq. Ft.	35,000 Sq. Ft.
BUILD-OUT DATE	December 30, 20047	December 30, 20047

A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Level of Service Certificate which will expire at buildout date.

A.(3) Upon completion of the Unnamed Exclusive Golf and Country Club Project all property within the Unnamed Exclusive Golf and Country Club boundaries shall have been platted.

A.(4) Development Order 93-21 Subsumed and superseded* all terms and conditions of the Preliminary Development Agreement with the Department of Community Affairs and the Circle-N-Bar Master Development Order* as applied to property referenced in Section 6.

TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-75, and the University Parkway and development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:

a. Subsequent to approval of the final plat for the 461st residential unit in the development, the Developer* selected Option 2 of Condition B.(1) of Ordinance 95-13 to mitigate the impacts.

TABLE 2
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB DEVELOPMENT

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW			
Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	~~466~~ Completed
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

b. TRANSPORTATION MONITORING

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to Final Site Plan approval for the 826th dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the

results of the counts and development generated traffic. Said counts shall not be required more frequently than bi-annually. If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted*, prior to any further Final Site Plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

B.(2) The Developer* has provided a location for a bus stop along University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.

C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust, and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 62-3, 62-302, and 62-25, F.A.C., as well as Manatee County requirements.

D.(2) The Developer* shall continue to conduct the approved comprehensive surface water quality and quantity monitoring program approved by the County and the Environmental Management Department (EMD) in accordance with Exhibit J. The program shall continue through one year beyond project buildout.

The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analysis shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit J, shall be submitted to the City of Bradenton and TBRPC for review and comment, and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this Development Order.

D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

D.(4) The Developer* shall continue to conduct the approved comprehensive ground water quality and quantity monitoring program as previously approved by EMD. The program shall continue through one year beyond project buildout. The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J.

All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

D.(5) The Wallace Tract*, and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1,223 acre development shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.

D.(6) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.

D.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland*

mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.

D.(9) The Conservation Areas* on site encompass approximately 34.91 acres as indicated on the attached Preservation/Conservation Map, revised Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of sub-phase in which the impact occurs. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails, and paths, as provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County, as a separate easement document acceptable to Manatee County, and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

TABLE 3

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS

	MITIGATION RATIOS●	
AREAS	HERBACEOUS	FORESTED
TBRPC Conservation Area* except those located in Simms Tract*, or Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* or Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1 ◆	4:1 ◆

◆May be reduced in accordance with Section 719.8.5 of the Land Development Code.

●Ratio is Mitigated Wetland*: Disturbed Wetlands*.

D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District and Comprehensive Plan. Within one (1) year after D.O. approval, Manatee County Planning Director and Manatee County Environmental Management Department approved all such guidelines.

D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.

E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

E.(3) No discharges to groundwater shall be permitted on-site.

ECONOMICS

F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC), the Environmental Management Department (EMD), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management, and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.

G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. (Completed) Said plan shall be prepared in consultation with the Florida Game and Freshwater Fish Commission, FDEP, and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation for lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods, and methods of Wetland* restoration and enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

a. No hydroperiod alteration shall be permitted in Preservation Areas*.

b. Dredging, filling, and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing, boardwalk locations, and passive recreational facilities approved by FGFWFC, FDEP, and Manatee County, as applicable.

c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks, and passive recreational facilities as permitted by FGFWFC, FDEP, and Manatee County.

d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.

e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources (DHR), and treatment of such resources shall be determined in cooperation with the DHR and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to Manatee County.

WASTEWATER

I.(1) Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Works Department guidelines with several means of back-up, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability.

c. Wet wells to contain sewage line surcharges/overflows.

d. Emergency by-pass pumpouts for tank trucks.

e. 100 percent redundancy in lift station pumping equipment.

I.(2) The Developer* previously submitted to Manatee County a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan was approved by Manatee County, and identified the entity responsible for the monitoring and time schedule for conducting the inspections. Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings, and repairs must be included in the annual report.

I.(3) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39).

I.(4) The Developer* shall not utilize on site wastewater treatment.

I.(5) Prior to any submittals to the Manatee County Development Review Committee, the Developer* shall provide a Conceptual Master Plan* for sanitary sewer for approval by the Planning Department. The sanitary sewer Conceptual Master Plan* shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source and discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserviced land holdings.

WATER

J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.

J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.

J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE

K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:

a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas;

b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and

c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;

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

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

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction;

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

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;

g. Institute and utilize recycling programs; and

h. Utilize energy efficient packaging or recyclable materials.

L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and the first annual report.

EDUCATION

M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.

N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.

N.(3) Recreation and open space areas shall be provided for golfers and non-golfers.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

O.(1) Sheriff, emergency medical services, and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department prior to the issuance of this Development Order. (Exhibit I)

O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or be in compliance with the Manatee County Comprehensive Plan and Land Development Code requirements.

GENERAL CONDITIONS

P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

P.(2) The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statues, to Manatee County and the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, September 27, 1997 and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of any conditions, or any terms or conditions of this Development Order. The annual report shall contain the following:

a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;

b. A summary comparison of development activity proposed and actually conducted for the year;

c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. An assessment of the Developer*'s and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC, or the Department of Community Affairs as being significant;

f. 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;

g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and

j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes.

k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes; and

l. Reports or information pursuant to stipulations B(1), D(2), D(4), D(7), D(9), F(1), H(1), I(2), and L(2).

P.(3) Any changes in the Development from the parameters set forth in the Application* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.

P.(4) The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

P.(5) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that the original Development Order was issued on September 24, 1993. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

P.(6) This Development Order shall expire 15 years from date of approval of this amended Development Order. Buildout shall be completed by December 30, 2007. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

P.(8) In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal

4. This Ordinance shall take effect upon all of the following occurring:

(1) Execution,

(2) Receipt of official acknowledgement from the Department of State that this ordinance has been filed, and

(3) Any appeal of this ordinance has finally been resolved or the time for appeal expires, if no appeal is taken, whichever occurs first.

ADOPTED AND APPROVED, by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting on the 23 day of February, 1995.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

BY: _____
SUSAN G. ROMINE DEPUTY CLERK

FORM RPM-BSP-PROPCHANGE-1

EFFECTIVE DATE
11/20/90

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

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

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

1. I, William A. Ockwell, the undersigned owner/authorized representative of Woodlands Country Club Associat (developer)

hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Unnamed Exclusive Golf and Country Club (DRI #202) (original & current project names)

development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Manatee County, (local government)

to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

9/30/94 (Date)

(Signature)

EXHIBIT A
PAGE 1 OF 13

NOTICE OF PROPOSED CHANGE
DRI #202, Unnamed Exclusive Golf and Country Club;
Manatee County, Florida.

2. **Applicant (name, address, phone).**

for: Unnamed Exclusive Golf and Country Club. DRI #202
Woodlands Country Club Associates.
Attn. Patrick K. Neal
3711 Cortez Road West
Bradenton, Florida 34210
813-756-0677

3. **Authorized Agent (name, address, phone).**

For Unnamed Exclusive...
William A. Ockunzzi
Ockunzzi & Associates
147 147th Avenue
Madeira Beach, Florida 33708
813-786-0456 813-393-2658 (FAX)

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

Unnamed Exclusive... is located in Manatee County, Florida.
Unnamed Exclusive is located in all or portions of Sections 25, 26, 35, and 36;
Township 35 South; Range 18 East.

5. **Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.**

Unnamed Exclusive... is proposing to add approximately 164.23 acres of land to its approved DRI Development Order. This additional land, herein after referred to as the "First Addition", will not result in any increase or decrease to the approved development totals. Ingress and egress points for Unnamed Exclusive... will not change as a result of this added land. Development Order conditions will not change with the exception of Conditions D.(9) and P.(6). Condition D.(9) is changed to reflect additional conservation area acreage and Condition P. (6) is changed to reflect an expiration date of "15 years from the date of approval of the NOPC." rather than from the date of approval of the original Development Order, which was September 27, 1993.

The First Addition to Unnamed Exclusive... will be used to accommodate approved land uses (residential, open space, and recreation). Because no overall increase in development totals is being requested, the net result is a decrease in intensity and density of Unnamed Exclusive... For example, the approved units per acre will decrease from 1.17 units/acre to 1.01 units/acre.

Because this land was included in the Arvida... DRI all land based questions were fully and satisfactorily addressed. Existing conditions in the Unnamed Exclusive... Development Order are, at minimum, equal to the conditions addressing this land in the Arvida... Development Order. In this regard it should be noted that the land being added to Unnamed Exclusive... has the following composition.

1. The entire acreage has been used for agricultural purposes (grazing and pasture lands, and certain agricultural crops, etc.) since at least 1956 (pasture improved).
2. The land use/land cover inventory is as set forth below:

Improved pasture:	92 acres
Unimproved pasture:	72 acres
Total.	164 acres

3. The land has no SWFWMD or DEP jurisdictional wetlands. Wetland areas 1,2, and 5 identified in the Arvida... Development Order for "special planning and development considerations" (Arvida... condition # D. (1)) constitute "conservation" areas pursuant to the Unnamed Exclusive... Development Order (condition #D.(9)) and will remain undisturbed or mitigated as provided by the condition now in force. Wetland areas 1,2, and 5 have been denoted as "conservation areas" on revised Map H which is included herein in section 5

Furthermore, because this additional acreage was approved for commercial, office, and research and technology park land uses within Arvida...and because this acreage will be substantially down zoned when the acreage becomes part of Unnamed Exclusive..., there will be an overall net decrease in development impacts to the area.

No changes to the phasing schedule (single phase only) or the commencement date (development has commenced) are proposed for Unnamed Exclusive... The representations included in the Unnamed Exclusive... Application for Development Approval and Development Order remain unchanged.

Arvida..., which is proposing to abandon it's Development Order, will delete the 164.23 acres. Arvida will also delete the development totals planned for the acreage and further reduce overall development for the remainder of the Arvida... project.

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

A Revised "Map H" for Unnamed Exclusive.. is included herein in section 5

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.**

   The completed Substantial Deviation Determination Chart for Unnamed Exclusive... is included herein in section 6

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

   for Unnamed Exclusive...

   Manatee County Ordinance 91-21 adopted on September 27, 1993 constitutes the original Development Order. There have been no amendments and there has been no change in the local government with jurisdiction.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.**

   No lands have been purchased or optioned within 1/4 mile of Unnamed Exclusive... other than the 164.23 acres that are the subject of this NOPC. The transfer of the property from Arvida... to Unnamed Exclusive... and reduction in development totals are contingent upon approval of the Application for Rezoning, this NOPC and the Abandonment of Arvida... Adjacent, non-project land uses are shown in section 7

9. **Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06 (19) (b), Florida Statutes.**

The changes to Unnamed Exclusive... and Arvida... are shown below to demonstrate that the changes to each project do not exceed the requirements of 380.06 (19) (b), Florida Statutes.

Criterion in 380.06 (19)(b)	Unnamed Exclusive...	Arvida...
1. Parking	No change, less.	Reduction, less.
2. Runway or Terminal	Not applicable.	Not applicable.
3. Hospital beds	Not applicable.	Not applicable.
4. Industrial Development Area.	Not applicable.	Actually a decrease of 56.75 acres or 100%
5. Mining acreage.	Not applicable.	Not applicable.
6. Office Development.	Not applicable.	Actually a decrease of 496,000 S.F. or 93%
7. Chemical or Petroleum Storage	Not applicable.	Not applicable.
8. Water Port or Wet Storage.	Not applicable.	Not applicable.
9. Number of dwelling Units	No increase or change.	Not applicable.
10. Commercial Development.	No increase or change.	Actually a decrease of 622,900 S.F.or 75.6%
11. Hotel or Motel Units.	Not applicable.	Actually a decrease 94 rooms or 38%
12. Recreational Vehicle Park.	Not applicable.	Not applicable.
13. Open space.	Actually an increase of approximately 23 acres or 70%.	A decrease because land is transferred to Unnamed Exclusive...
14. Multiuse Development.	Even with the added acreage the change is less than 100%. Most of the change is in added open space/ recreation.	All land uses are reduced. The open space is, in effect, transferred to Unnamed Exclusive...
15. External Vehicle Trips.	No change.	Reduction from 4112 to 2519(39%) peak hour trips.
16. Areas Set Aside for Special Protection.	No change.	No change.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06 (19) (e) 2., F.S.

YES___ NO xxxx

The land to be added to Unnamed Exclusive... has been previously reviewed pursuant to the review and approval of the Arvida... DRI and is and will be controlled by Development Order conditions in the Unnamed Exclusive... DRI that are equal to or more stringent than the equivalent conditions in the Arvida... Development Order. In effect, the impacts of each DRI are reduced or unchanged. The overall impacts to the area are reduced as a result of the changes.

10. **Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.**

The buildout date for Unnamed Exclusive... is extended to December 30, 2004 from December 31, 2001. There is no phasing in Unnamed Exclusive...

11. **Will the proposed change require an amendment to the local government comprehensive plan?**

No changes to the Manatee County Comprehensive Plan are required.

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

12. **An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.**

Please see revised Map H for Unnamed Exclusive... (section 5).

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

Please see Exhibit 1F for the precise language changes proposed for the Development Order amendment for Unnamed Exclusive...

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

These items are fully addressed in sections 5 and 8.

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

An updated legal description for Unnamed Exclusive... is included on revised Map H (section 5) included herein.

An updated legal description for Arvida... is included on revised Map H in the Application for Abandonment (Exhibit 2C.)

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

No change to the commencement date for Unnamed Exclusive... (development has commenced) is requested.

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

The expiration date of the Unnamed Exclusive... Development Order is changed to 15 years from the date of approval of this NOPC. The original Development Order expired 15 years from the date of approval of the Development Order or September 27, 2008.

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

The date until which Manatee County agrees that changes to the Unnamed Exclusive... DRI shall not be subject to down-zoning, unit density reduction or intensity reduction from the changes requested by the NOPC is changed to 10 years from the date the NOPC becomes final.

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

No change to the specifications for the Unnamed Exclusive... annual report is requested.

(1) LEGAL DESCRIPTI
(1a) UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB (DRI #202)

A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM) A DISTANCE OF 2699.49 FEET TO THE W ¼ OF SAID SECTION 35; THENCE N 00°00'58" W A DISTANCE OF 1349.81 FEET TO THE NORTHWEST CORNER OF THE SW ¼ OF THE NW ¼ OF SAID SECTION 35; THENCE S 89°55'17" E A DISTANCE OF 1374.87 FEET TO THE SOUTHWEST CORNER OF THE NE ¼ OF THE NW ¼ OF SAID SECTION 35; THENCE N 00°05'44" W A DISTANCE OF 1346.55 FEET TO THE SOUTHWEST CORNER OF THE SE ¼ OF THE SW ¼ OF SAID SECTION 26; THENCE N 00°45'13" E A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N ½ OF THE SW ¼ OF THE SW ¼ OF SAID SECTION 26; THENCE N 88°58'20" W A DISTANCE OF 1300.83 FEET TO THE SOUTHWEST CORNER OF THE SAID N ½ OF THE SW ¼ OF THE SW ¼; THENCE N 00°03'48" E A DISTANCE OF 1981.78 FEET TO THE W ¼ CORNER OF SAID SECTION 26; THENCE N 00°07'13" E A DISTANCE OF 1333.98 FEET TO THE NORTHWEST CORNER OF THE S ½ OF THE NW ¼ OF SAID SECTION 26; THENCE S 89°13'01" E A DISTANCE OF 2640.13 FEET TO THE NORTHEAST CORNER OF SAID S ½ OF THE NW ¼; THENCE S 01°26'26" W A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE ¼ OF SAID SECTION 26; THENCE S 89°12'40" E A DISTANCE OF 2607.89 FEET TO THE NORTHWEST CORNER OF THE SW ¼ OF SAID SECTION 25; THENCE S89°11'03" E ALONG THE NORTH LINE OF SAID SW ¼ A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.53 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'27" E AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 1481.89 FEET; THENCE N 89°27'25" W AND PARALLEL TO THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 35, A DISTANCE OF 303.58 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE, CONTINUE N 89°27'25" W A DISTANCE OF 1513.84 FEET TO THE WEST LINE OF A 150 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT; THENCE S 00°26'00" W ALONG SAID WEST LINE, A DISTANCE OF 2560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1800.00 FEET; THENCE S 00°26'00" W A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF THE SW ¼ OF SAID SECTION 35; THENCE N 89°28'17" W A DISTANCE OF 2154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.84 ACRES, MORE OR LESS.

TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N ½ OF THE NE ¼ OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

(1b) LEGAL DESCRIPTION WALLACE TRACT

TOGETHER WITH THE NW ¼ OF THE NW ¼ OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH ½ OF THE SW ¼ OF THE SW ¼ OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, CONTAINING 83 ACRES, MORE OR LESS.

(1c) LEGAL DESCRIPTION BIMMS TRACT

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE CENTERLINE OF THE BRADEN RIVER, LYING AND BEING IN MANATEE COUNTY, FLORIDA.

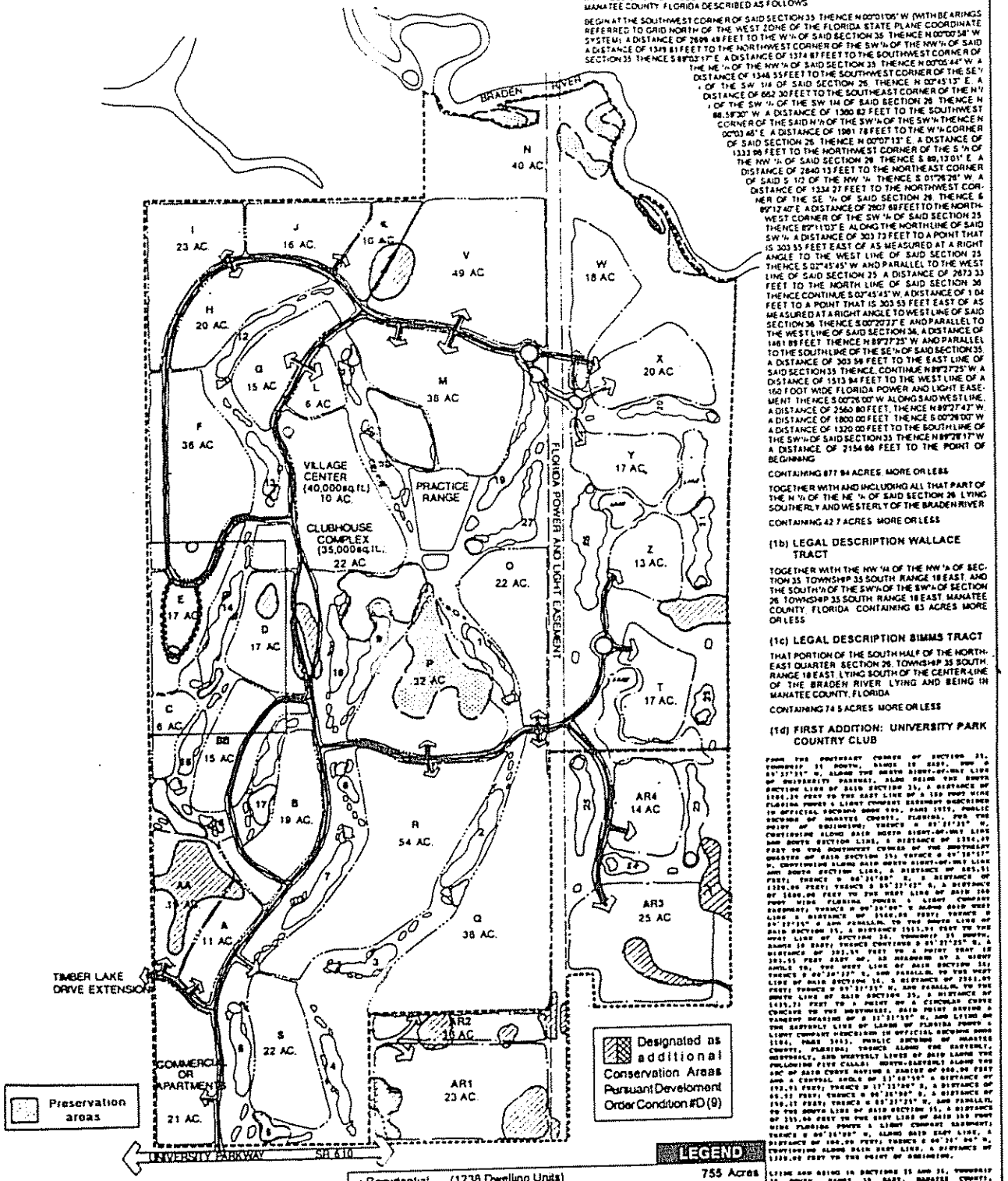
CONTAINING 74.5 ACRES, MORE OR LESS.

(1d) FIRST ADDITION: UNIVERSITY PARK COUNTRY CLUB

FROM THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN S 89°37'25" W, ALONG THE SOUTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALONG BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1068.39 FEET TO THE EAST LINE OF A 150 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 109, PAGE 1059, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; FOR THE POINT OF BEGINNING; THENCE S 00°33'38" E, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1351.69 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE S 89°38'57" W, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 805.51 FEET; THENCE S 00°35'08" E, A DISTANCE OF 1320.00 FEET; THENCE S 89°37'42" W, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 150 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°35'08" W ALONG SAID WEST LINE A DISTANCE OF 2560.80 FEET TO THE NORTH LINE OF SAID SECTION 35; A DISTANCE 1513.91 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE CONTINUE S 01°27'25" W, A DISTANCE OF 202.55 FEET TO A POINT THAT IS 202.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'27" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2551.69 FEET; THENCE S 01°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1415.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEING A RADIUS BEARING OF S 12°33'53" E, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1104, PAGE 1013, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 950.00 FEET AND A CENTRAL ANGLE OF 13°10'56" A DISTANCE OF 292.91 FEET; THENCE N 12°33'53" E, A DISTANCE OF 69.51 FEET; THENCE N 04°26'06" E, A DISTANCE OF 350.17 FEET; THENCE N 85°33'54" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 255.00 FEET TO THE WEST LINE OF SAID 150 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'06" W, ALONG SAID EAST LINE, A DISTANCE OF 100.00 FEET; THENCE S 89°33'54" E, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 101.23 ACRES, MORE OR LESS.



LEGEND

• Residential	(1238 Dwelling Units)	755 Acres
• Commercial	(40,000 sq. ft. commercial 8,000 sq. ft. restaurant or apartments 200 units)	21 Acres
• Village Center	(40,000 sq. ft. commercial)	10 Acres
• 27 Hole Golf Course	(clubhouse, restaurant, driving range, tees greens, fairways, roughs, drainage & natural areas)	322.26 Acres
• Roadways		68 Acres
• Others*	(*includes easements, jurisdictional areas conservation areas, misc. open space other than golf course)	64.64 Acres

WADE TRIM, INC.

REVISED 10/4/94 12/21/94

EXCLUSIVE GOLF & COUNTRY CLUB
MANATEE COUNTY, FLORIDA
PREPARED FOR: WOODLANDS COUNTRY CLUB ASSOCIATES

CONCEPTUAL MASTER DEVELOPMENT PLAN

MAP H

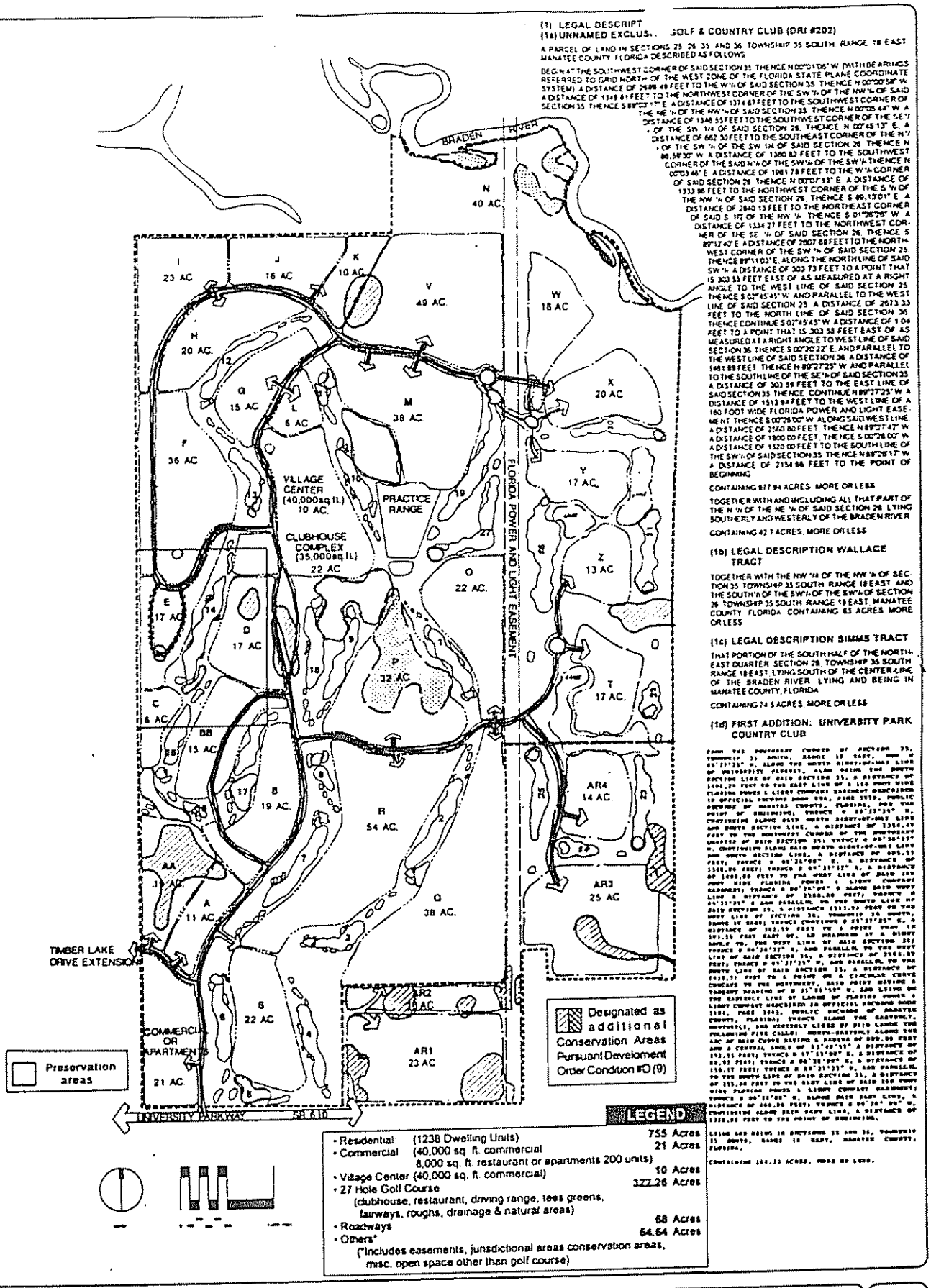
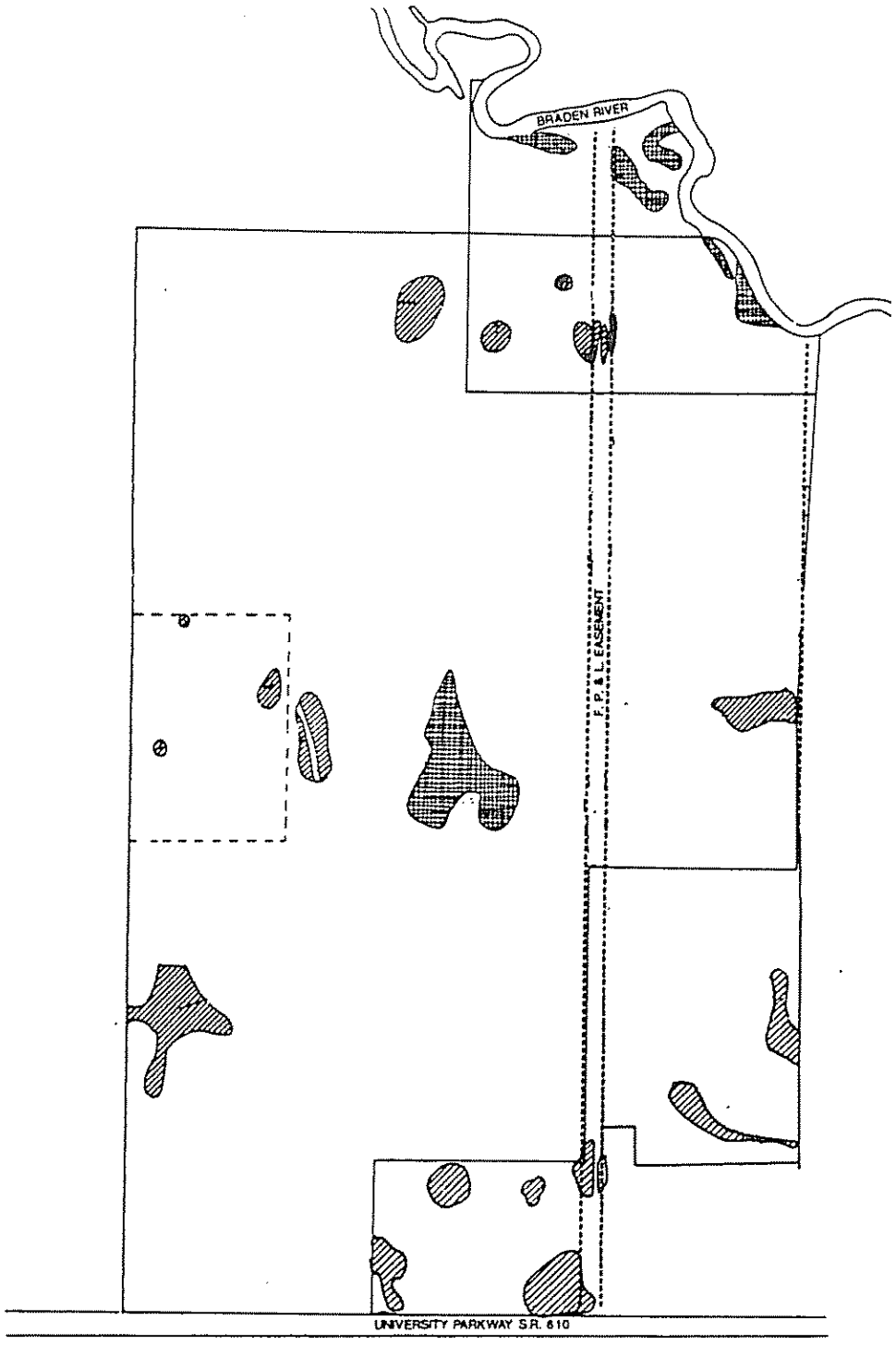


EXHIBIT B
Page 1 of 1



LEGEND

Conservation Areas to remain undisturbed. 34.91 ac.

Preservation areas to remain undisturbed. 22.33 ac.

Wade-Trim	REVISED 4/2/93 12/22/94 2/8/95	UNNAMED EXCLUSIVE GOLF CLUB MANATEE COUNTY FLORIDA PREPARED FOR: WOODLANDS COUNTRY CLUB ASSOCIATES	PRESERVATION/CONSERVATION AREAS	MAP C

REVISED EXHIBIT C
PAGE 1 OF 1

LEGAL DESCRIPTION FOR ORD-95-13:

REVISED GENERAL DEVELOPMENT PLAN PARCEL:

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2840.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE SW 1/4 OF THE

SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: TOGETHER WITH THAT PORTION OF THE UNNAMED EXCLUSIVE COUNTRY CLUB DESCRIBED AS THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.

CONTAINING 74.5 ACRES, MORE OR LESS.

ARVIDA TRACT: FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1406.29 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 605.51 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WEST LINE A DISTANCE OF 2560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE CONTINUE S 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2561.09 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°48'59" A DISTANCE OF 192.91 FEET; THENCE N 17°33'00" E, A DISTANCE OF 68.92 FEET; THENCE N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EAST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THENCE S 00°26'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 164.23 ACRES, MORE OR LESS.

2021 SBV TBC RT -C

MANATEE COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

October 7, 1993

SENT: VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Ms. Julia Greene
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702

Dear Ms. Greene:

Please find enclosed a certified copy of Manatee County Ordinance 93-21, the Development Order for Unnamed Exclusive Golf and Country Club, which was approved by the Manatee County Board of County Commissioners in open session on September 27, 1993 for.

This copy is hereby rendered pursuant to Rule 9J-2.025, Florida Administrative Code.

If you have any questions, please call (813) 749-3070. Thank you for your attention to this matter.

Sincerely,

Betsy Benac
Community Planning Administrator

BB/jy
Enclosure

1112 Manatee Avenue West • Suite 803 • Bradenton, Florida Tel. (813) 748-4501 • FAX: (813) 749-3071

P.O. Box 1000 • Bradenton, Florida 34206-1000

ORDINANCE 93-21

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL* (ADA*) FILED BY WOODLANDS COUNTRY CLUB ASSOCIATES, FOR UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB FORMALLY KNOWN AS CIRCLE-N-BAR RANCH; ALSO KNOWN AS UNIVERSITY PARK DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI #202; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order* for the Circle N Bar DRI (MDO*) for the Arvida Corporation for a planned residential development, a planned commercial development and a planned industrial development on approximately 1134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals* (ADA*) could be submitted for the property subject to the MDO* encompassing, respectively: (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO*, in accordance with the aforesaid Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country Club Associates (successor in interest to Arvida for the portion of the Circle-N-Bar DRI not included in the Arvida Corporate Park DRI filed an Application for Development Approval* of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order* with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes. This ADA* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; and April 20, 1993 which included amendments to add a 74.5 acre parcel known as the Simms Tract*, the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, development of the property is underway in accordance with Preliminary Development Agreements* with the Department of Community Affairs dated January 26, 1990, October 18, 1990 and December 11, 1992; and

WHEREAS, said Unnamed Exclusive Golf and Country Club was proposed to be a MULTI USE PROJECT on approximately one thousand fifty-eight and a half acres, located in south Manatee County, the legal description of which is attached as Exhibit "E"; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider and approve Applications for Development Approval* for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, the Planning Commission of Manatee County has reviewed the Application for Development Approval* and has filed a recommendation on said Application* with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on June 24, 1993, August 26, 1993, September 23, 1993 and September 27, 1993, held a duly noticed public hearing on said Application for Development Approval* and has solicited, received and considered all testimony reports, comments, evidence and recommendations from interested citizens, County and City agencies, and the applicant, as well as the review and report of the Manatee County Planning Permitting and Inspections Department; and whereas,

WHEREAS, upon adoption of this Development Order for the Unnamed Exclusive Golf and Country Club DRI, the MDO* shall be Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI development orders; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS 27th DAY OF SEPTEMBER, 1993, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, Application for Development Approval*, the recommendation and findings of the Planning Commission of Manatee County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. All "WHEREAS" clauses contained in Section 1 of this Ordinance are adopted as findings of fact.

B. The Developer* has received County approvals for and has commenced development in several subphases of the development consistent with the Preliminary Development Agreements*.

C. An application has been submitted to Manatee County and is being processed concurrently with this Application* to rezone the Simms Tract* from A-1 to PDR and to approve a revised general development plan for the 1058.5 acre project.

D. The Board of County Commissioners of said County has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for an Application for Development Approval* pursuant to Section 380.06, Florida Statutes. The report was rendered on September 27, 1993, following public hearing and recommended adoption by the Planning Commission.

E. The Board of County Commissioners held a public hearing on June 24, 1993, August 26, 1993, September 23, 1993 and September 27, 1993 regarding the said DRI and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of Manatee County The Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended) and has further considered the testimony, comments and information received at the Public Hearing.

F. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

G. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.

H. This Development Order is issued based on information provided by the Developer* in the ADA*, as amended, and information provided in the sufficiency responses, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions listed in Section 4, the County has determined that adequate Levels of Service exist for this project in each of these areas referenced in subsection 1.G above.

I. The proposed Development of Regional Impact regarding the property described in Section 7 herein is found to be consistent with the requirements of the Circle-N-Bar Master Development Order*, the Preliminary Development Agreements* with the Department of Community Affairs, and The Manatee County Comprehensive Plan, provided it proceeds in accordance with the Development Conditions specified in Section 5 of this Development Order.

J. The "Developer*" submitted to Manatee County, Florida an Application for Development Approval* (ADA*), and sufficiency Responses identified in Section 1, which are incorporated herein by reference.

K. This Development Order is consistent with the Circle N Bar Master Development Order* (R-84-69) originally adopted on May 15, 1984 and amended on September 26, 1986 to the extent it applies to the legal description in Section 6.

L. This Development Order is consistent with the intent of the Preliminary Development Agreements* and all Manatee County Development Approvals* granted pursuant thereto.

M. The Arvida portion of the Master Development Order* is not subject to any requirement or condition imposed by this Ordinance. Upon adoption of this Development Order for the Unnamed Exclusive Golf and Country Club DRI, the MDO* shall be Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Order.

N. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.

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

P. The authorized agent for Woodlands Country Club Associates, a Florida General Partnership; Island Investment Properties, Ltd., a Florida Limited Partnership; Kabara Corporation N.V., a Netherlands Antilles Corporation; and A.B. Simms, is Patrick K. Neal.

Q. The Owners* of the property, which Woodlands Country Club Associates intends to develop, are Island Investment Properties, LTD., a Florida Limited Partnership; Kabara Corporation, N.V., a Netherlands Antilles Corporation; and W.T Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Arthur Benjamin Simms, IV; Jane Griffin Simms; Anne Woodruff Simms; Lawrence Lott Edge; and Sarah Edge Shuler.

R. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs.

SECTION 2. CONCLUSIONS OF LAW

A. Based upon the previous findings of fact and the following conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:

1. The Development will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.

2. Through having limited special exception status for the issue specifically addressed in the Master Development Order* and the condition contained herein, the Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan, Ordinance 90-01, as amended*, and the Master Development Order*. The Master Development Order* provides the site with special exception status to the Comprehensive Plan for the 40,000 Square Foot Village Center relative to Commercial Locational Criteria.

3. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on March 8, 1993, regarding DRI #202.

4. This Development Order supersedes the Circle N Bar Master Development Order* and the portion approved as Arvida is not included as part of this Development Order.

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

C. That the review by the County, the TBRPC and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the Master Development Order* R-84-69. To the extent that the ADA* is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.

D. Upon adoption of this Ordinance and Development Order for the Unnamed Golf and Country Club DRI, the MDO* shall be Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.

SECTION 3. DEFINITIONS

Note: An asterisk (*) denotes that the word is defined.

A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).

B. "Application*" and "Application for Development Approval*" or "ADA*" shall mean Unnamed Exclusive Golf and County Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992 and amendments submitted on April 20, 1993 and included as Exhibit "A."

C. "Best Management Practices*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

D. "Conceptual Master Plan*" shall mean a graphic depiction of the development described in the DRI Application* and shown as "Map H" of Exhibit B of the Unnamed Exclusive Golf and Country Club Master Development Plan*.

E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C"

F. "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; it heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process and/or construction drawing approval where site plans are not required.

I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, and/or any combination of the following:

1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or

2. Actual construction; or

3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or

4. A local development agreement as defined by Florida Statutes and the Land Development Code reviewed and approved by the Bureau of State Planning and amended into the Development Order the next time the Development Order is amended for any other purpose. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.

J. "Horizontal Development*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development*, e.g., roadway, drainage, water, sewer, communication, utilities, etc.

K. "Master Development Order* (MDO*) shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.

L. "Master Development Plan*" shall be defined as Map H incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

M. "Owner*" shall mean Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Arthur Benjamin Simms, IV; Jane Griffin Simms; Anne Woodruff Simms; Lawrence Lott Edge; and Sarah Edge Shuler; it heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.

P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C"

R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, section 26, township 35 south, range 18 east, lying south of the Braden River. Lying and being in Manatee County, Florida. Containing 74.5 acres, more or less.

S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order is the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA* are only those specifically recognized in the above-referenced Development Orders.

U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval* Process for the next Preliminary Site Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service* on any of the roadway segments or intersections within the Transportation Impact Area* as generally identified in "Exhibit D", to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic and traffic anticipated from prior Development Approvals*.

V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area is generally depicted on Map J ("Exhibit D") which was based on data submitted with the ADA*.

W."Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of section 35, township 35 south, range 18 east, and the south 1/2 of the SW 1/4 of the SW 1/4 of section 26, Township 35 South, Range 18 east, Manatee County, Florida. Containing 63 acres, more or less.

Y. "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All planned and reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 17-4, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was preformed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statues, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Section 30, Chapter 93-213, Laws of Florida, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1,1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

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

SECTION 4. DEVELOPMENT CONDITIONS

A.(1) The Development Order approval shall be limited to Option II from Table 1, 1,238 residential units. Currently the proposal to allow commercial on University Parkway is not consistent with the Comprehensive Plan as the site is designated RES-6 and does not meet locational criteria. The applicant may apply for a Comprehensive Plan amendment and rezone and general development plan amendment to allow the commercial development referenced in Option I on University Parkway without requiring an amendment to the D.O which would permit such commercial development. Any such Comprehensive Plan amendment and rezone/general development plan shall be reviewed for consistency with all the existing criteria in the Comprehensive Plan and Land Development Plan. All or a portion of the "Other Commercial Development" and "Quality Restaurant" referenced in option I may be allowed subject to the above with a commensurate and proportionate reduction in the two hundred (200) residential units allowed in option II. The Board and staff have not reviewed any such plan amendment or rezone/development plan and have not determined whether Option 1 development is appropriate other than that the state and regional traffic considerations have been met.

An Application* for development under Option I must include an amended General Development Plan and Land Use and Phasing Schedule reallocation of commercial square footage and a request for an amended Certificate of Level of Service Compliance. A proposal for development under Option I shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan.

TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY

TYPE OF DEVELOPMENT:	Mixed-use (residential and commercial)	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:		**1,058.5 Acres**
Residential		683.5 Acres
Neighborhood Commercial		21 Acres
Village Center/Clubhouse/Retail		10 Acres
Golf Course		250 Acres
Open Space (Roads, Right-of-Way, etc.)		94 Acres
	Option I	**Option II**
Residential Units	1,038 d.u.	1,238 d.u.
Neighborhood Commercial		
Village Center	40,000 Sq. Ft.	40,000 Sq. Ft.
Other Comm.	40,000 Sq. Ft.	0
Quality Restaurant (as defined by ITE)	8,000 Sq. Ft.	0
Golf Course	27 Holes	27 Holes
Country Club & Restaurant	35,000 Sq. Ft.	35,000 Sq. Ft.
BUILD-OUT DATE	December 31, 2001	December 31, 2001

A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Development Order. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police and other emergency services and is hereby issued a Level of Service Certificate which will expire at buildout date.

A.(3) Upon completion of the Unnamed Exclusive Golf and Country Club Project all property within the Unnamed Exclusive Golf and Country Club boundaries shall have been platted.

A.(4) This Development Order Subsumes and supersedes* all terms and conditions of the Preliminary Development Agreement with the Department of Community Affairs and the Circle N Bar Master Development Order* as applied to property referenced in Section 6.

TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-75, and University Parkway and the development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:

a. Prior to the approval of the final plat for the 461st residential unit in the development, the Developer* shall select one of the options listed below to mitigate these impacts and the mitigation shall be completed in compliance with the option selected:

1. Option 1

Any approval of this development shall require Funding Commitments* for the roadway improvements listed in Table 2. Without Funding Commitments* for these improvements, no final site plan or final subdivision plat shall be approved.

2. Option 2

In the event that Funding Commitments* for transportation improvements are only adequate to permit approval of a portion (subphase) of the development, the capacity and loading of transportation facilities listed in Table 2 and referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphases thresholds have been specifically identified in Table 2. The Developer* may choose to generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MPO"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Chapter 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of the Project plus that to be generated by the next portion for which the Developer* is seeking approval and other Development Approvals*. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Table 2) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections referenced in Table 2 at an Acceptable Level of Service*. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted transportation engineering practices. With respect to phases or subphases which require transportation improvements which are not the subject of Funding Commitments*, said phase or subphase shall not be approved. At the time of Preliminary Site Plan* approval for each subphase, the Developer* shall submit to the County a limited transportation study which shows the distribution on the Transportation Impact Area* of projected P.M. peak hour external trips for the current subphase plus all previously approved subphases and all other Development Approvals* to demonstrate which improvements listed in Table 2 are required. In the event that such new analysis demonstrates the need for alternative improvements or different subphase thresholds, the Development Order may be amended to reflect such analysis after appropriate review by the County.

3. Option 3

If the Manatee County Comprehensive Plan is amended to allow mitigation for transportation impacts as provided by subsequent state rule-making and County implementation, the Developer* may request to provide such mitigation consistent with statutory requirements,

administrative rules and the Manatee County Comprehensive Plan through an application for amendment to the General Development Plan. Application for said amendment shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan. Neither the Board nor the County staff has reviewed any such Comprehensive Plan amendment or General Development Plan amendment as to this project and gives no opinion on such at this time. If the General Development Plan is amended, compliance with this option may serve to mitigate the impact of the development on the regionally significant roadway system and may satisfy the requirements of the Adequate Public Facilities Ordinance with regard to transportation facilities. The Developer* shall be entitled to receive credit against impact fees in accordance with the provisions of the Manatee County Land Development Code.

TABLE 2

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB

DEVELOPMENT

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW			
Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	466
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

b. TRANSPORTATION MONITORING

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to final site plan approval for the 826 dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than semi-annually. If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted*, prior to any further final site plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run/Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

B.(2) The Developer* shall provide for a bus stop at a location on University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.

C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 17-3, 17-302, and 17-25, F.A.C., as well as Manatee County requirements.

D.(2) Within six months of approval of this Development Order, the Developer* shall implement a comprehensive surface water quality and quantity monitoring program approved by the County and the Environmental Action Commission (EAC). This program shall also be submitted to the City of Bradenton for review and comment. The surface water monitoring program shall provide for the monitoring of surface water during periods of construction and shall continue through one year beyond project buildout. In addition, the surface water monitoring program required pursuant to this condition shall include an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical methods and reporting requirements consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit J, shall be submitted to the City of Bradenton and TBRPC for review and comment and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this Development Order.

D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. Littoral shelves shall be constructed in the stormwater ponds northeast of the Honore Avenue Extension on the Simms Tract*. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

D.(4) Within six months of approval of this Development Order, the Developer* shall implement a comprehensive ground water quality and quantity monitoring program approved by the County and the Environmental Action Commission (EAC). This program shall also be submitted to the City of Bradenton for review and comment. The surface water monitoring program shall provide for the monitoring of ground water during periods of construction and continue through one year beyond project buildout. In addition, the ground water monitoring program required pursuant to this condition shall include an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical methods and reporting requirements. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

The Developer* shall implement a comprehensive ground water quality and quantity monitoring program within 6 months of this Development Order and continue through one year beyond project buildout.

D.(5) The Wallace Tract*, and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1058.5 acre development shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.

D.(6) The Developer* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.

D.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 17-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.

D.(9) The Conservation Areas* on site encompass approximately 28.21 acres as indicated on the attached Preservation/Conservation Map, Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of the sub-phase in which the impact occurs. A mitigation priority shall be the addition of littoral shelves to the stormwater ponds proposed for the northeast portion of the Simms Tract* with appropriate credits afforded to the Developer*. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails and paths, as is provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development wetland Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

TABLE 3

UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS

	MITIGATION RATIOS●	
AREAS	**HERBACEOUS**	**FORESTED**
TBRPC Conservation Area* except those located in Simms Tract*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1 ♦	4:1 ♦

♦ May be reduced in accordance with Section 719.8.5 of the Land Development Code.

●Ratio is Mitigated Wetland*: Disturbed Wetlands*.

D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District Comprehensive Plan and shall be submitted within one (1) year after D.O. approval. Manatee County Planning Director and Manatee County Environmental Action Commission shall approve all such guidelines.

D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm Water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.

E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

E.(3) Pursuant to Rule 17-28.700, FAC, no discharges to groundwater shall be permitted on-site.

ECONOMICS

F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.003-.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC), the Environmental Action Commission (EAC), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.

G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. Said plan shall be prepared in consultation with the Florida Game and Freshwater Fish Commission, FDEP and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation for lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods and methods of Wetland* restoration/enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

a. No hydroperiod alteration shall be permitted in Preservation Areas*.

b. Dredging, filling and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing and boardwalk locations and passive recreational facilities approved by FGFWFC, FDEP and Manatee County, as applicable.

c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks and passive recreational facilities as permitted by FGFWFC, FDEP and Manatee County.

d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.

e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and treatment of such resources shall be determined in cooperation with the DHR, TBRPC and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to TBRPC and Manatee County.

WASTEWATER

I.(1) Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Utilities Department guidelines with several means of back-up, to provide assurance against equipment failure and discharge to the environment. These shall include:

a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.

b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability.

c. Wet wells to contain sewage line surcharges/overflows.

d. Emergency by-pass pumpouts for tank trucks.

e. 100 percent redundancy in lift station pumping equipment.

I.(2) The Developer* shall submit to Manatee County prior to June 30, 1994, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by Manatee County, and should identify the entity responsible for the monitoring and time schedule for conducting the inspections. Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings and repairs must be included in the annual report.

I.(3) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39).

I.(4) The Developer* shall not utilize on site wastewater treatment.

I.(5) Prior to any submittals to the Manatee County Development Review Committee, the Developer* shall provide a Conceptual Master Plan* for sanitary sewer for approval by the Planning, Permitting and Inspections Department. The sanitary sewer Conceptual Master Plan* shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source/discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserviced land holdings.

WATER

J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.

J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall

pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer* to use spray effluent.

J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.

SOLID WASTE

K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:

a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas;

b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange and treatment; and

c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:

a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery and co-generation, where economically feasible;

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

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

d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction.

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

f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;

g. Institute and utilize recycling programs; and

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

L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use and encourage conservation for project businesses and first annual report.

EDUCATION

M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.

N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.

N.(3) Recreation and open space areas shall be provided for golfers and non-golfers.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

O.(1) Sheriff, emergency medical services and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department prior to the issuance of this Development Order. (Exhibit I)

O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC.

GENERAL CONDITIONS

P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

P.(2) The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statues, to Manatee County and the Tampa Bay Regional Planning Council, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the effective date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of Manatee County Planning, Permitting and Inspections Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of any conditions, or any terms or conditions of this Development Order. The annual report shall contain the following:

a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;

b. A summary comparison of development activity proposed and actually conducted for the year;

c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;

d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;

e. An assessment of the Developer*'s and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC or the Department of Community Affairs as being significant;

f. 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;

g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

h. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

i. A statement that all persons have been sent copies of the annual report in conformance with Sub-sections 380.06(14) and (16), Florida Statutes; and

j. A copy of any recorded 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 Sub-section 380.06(14)(d), Florida Statutes.

k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes; and

l. Reports and/or information pursuant to stipulations B(1), D(2), D(4), D(7), D(9), F(1), H(1), I(2), and L(2).

P.(3) Any changes in the Development from the parameters set forth in the Application* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.

P.(4) The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

P.(5) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this Development Order is issued. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

P.(6) This Development Order shall expire 15 years from date of approval. Buildout shall be complete December 31, 2001. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.

P.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

SECTION 5. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*), First (SR), Second (SRII). Third (SRIII) and Fourth (SRIV) Sufficiency Responses which shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

GENERAL PROJECT DESCRIPTION

The home sites will be clustered around the sites' natural features and the golf links planned for the community. (ADA*, pg. 12-1)

Infrastructure including water, sewer and electricity, along with roadway paving, will be in place prior to homesite development. (ADA*, pg. 32-2)

All commercial area will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA*, 12-1)

ENVIRONMENT AND NATURAL RESOURCES

Land

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA*, 14-2; SRII, pg A1-10)

Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA*, pg. 14-2)

Water Quality

The surface water management system planned for this property will utilize Best Management Practices* to minimize adverse impacts to on- and off-site water quality. Development on the property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality.
(ADA*, Pg. 15-10, as amended)

When practical, conveyance within the drainage system will incorporate isolated Wetland* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable existing plant materials and Wetlands*. (ADA*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5)

Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA*, pg. 20-8)

Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA*, pg. 25-3)

The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting and equipment. (ADA*, 25-3)

Water

Irrigation of the clubhouse area as well as the golf course will be provided by non-potable water, or the use of deep wells, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advanced irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

Drainage

The total drainage flow going off-site will not be increased over pre-developed conditions, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA*, pg. 22-1)

The project will comply with the requirement of Chapter 17-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)

Water Supply

The Developer* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer* as each specific parcel of land is developed. (ADA*, pg. 23-4)

The Developer* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA*, 23-4)

Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal household materials. (SR, pg. A1-46)

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill. (ADA*, pg. 24-3)

Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer*. (SRIV,pg.17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

SECTION 6. LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the 1,058.5 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order.

SECTION 7. COMMENCEMENT OF DEVELOPMENT

Physical development of the project not included as part of the Preliminary Development Agreement shall commence within three (3) years of approval of this Development Order unless the time period for commencement is extended by the Board of County Commissioners; however, no Development Approval* not included as part of the PDA* shall occur until the expiration of the appropriate appeal for this Development Order. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development* as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 8. RESTRICTIONS ON DOWN-ZONING

For ten (10) years from the date upon which this order becomes final and the appeal period has ended, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the conditions underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer*; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

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

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes, (Supp. 1988).

SECTION 9. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners*.

SECTION 10. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 11. RENDITION

The Planning, Permitting and Inspections Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval effective date of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 12. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Permitting and Inspection Department a copy of the recorded notice.

SECTION 13. EFFECTIVE DATE

This Ordinance shall take effect upon being signed by the Chairman of the Board of County Commissioners and the expiration of any appropriate appeal period.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida this 27th day of September, 1993.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____
Chairman

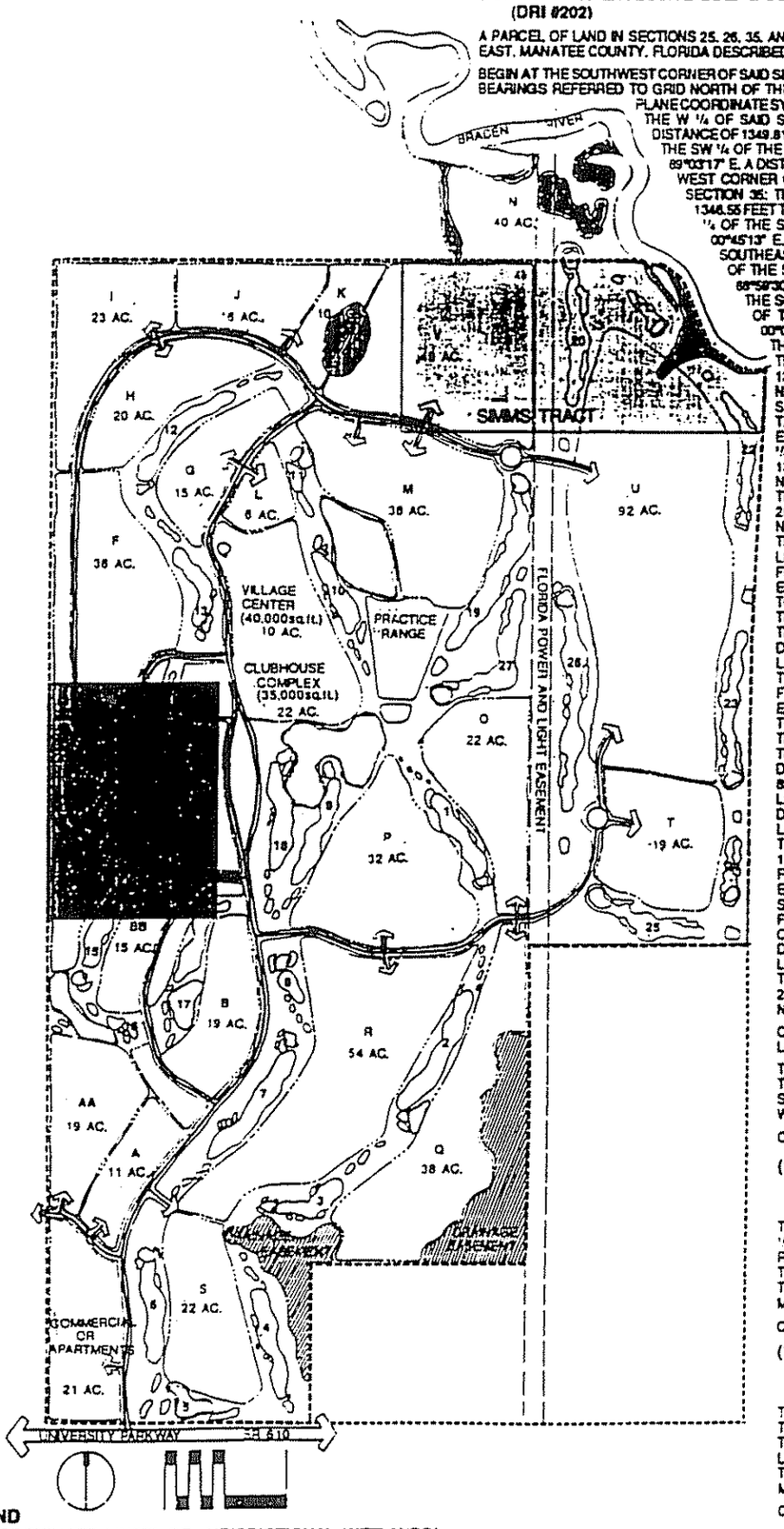
ATTEST: R.B. SHORE
Clerk of the Circuit Court

_____

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of ORDINANCE NO. 93-24 adopted by the Board of County Commissioners of said County on the 27th day of Sept., 1993, this 5th day of Oct., 1993, in Bradenton, Florida.
without exhibits
R. B. Shore
Clerk of Circuit Court
By: _____ D.C.

EXHIBIT "A" - SEPARATE BOOK

UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB



(1) LEGAL DESCRIPTION

(1a) UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB (DRI #202)

A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'05" W. (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 2699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W. A DISTANCE OF 1349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E. A DISTANCE OF 1374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W. A DISTANCE OF 1346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E. A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°58'30" W. A DISTANCE OF 1360.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4 THENCE N 00°03'46" E. A DISTANCE OF 1981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E. A DISTANCE OF 1333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E. A DISTANCE OF 2640.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF THE NW 1/4; THENCE S 01°28'26" W. A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E. A DISTANCE OF 2807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE 89°11'03" E. ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W. AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2573.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W. A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E. AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 1461.89 FEET; THENCE N 89°27'25" W. AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE, CONTINUE N 89°27'25" W, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF A 100 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1600.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

(1b) LEGAL DESCRIPTION WALLACE TRACT (Included in DRI #202)

TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 63 ACRES MORE OR LESS.

(1c) LEGAL DESCRIPTION SIMMS TRACT (To be added)

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE CENTER-LINE OF THE BRADEN RIVER, LYING AND BEING IN MANATEE COUNTY, FLORIDA.

CONTAINING 74.5 ACRES, MORE OR LESS.

LEGEND

▩ APPROXIMATE LIMITS OF JURISDICTIONAL WETLANDS/ CONSERVATION AREAS TO BE MAINTAINED IN A NATURAL CONDITION, SUBJECT TO VERIFICATION OF BOUNDARIES.

ESTIMATED DEVELOPMENT ACREAGE

•RESIDENTIAL: (1038 DWELLING UNITS)	536 ACRES
•COMMERCIAL: (40,000 sq. ft. COMMERCIAL) (8,000 sq. ft. RESTAURANT) OR APARTMENTS: (200 UNITS)	21 ACRES
•VILLAGE CENTER: (40,000 sq. ft. COMMERCIAL)	10 ACRES
•27 HOLE GOLF COURSE (CLUBHOUSE, RESTAURANT, DRIVING RANGE, TEES, GREENS, FAIRWAYS, ROUGHS, DRAINAGE & NATURAL AREAS)	296 ACRES
•ROADWAYS	54 ACRES
•OTHERS (DRAINAGE EASEMENTS, OPEN SPACE & NATURAL AREAS)	38 ACRES

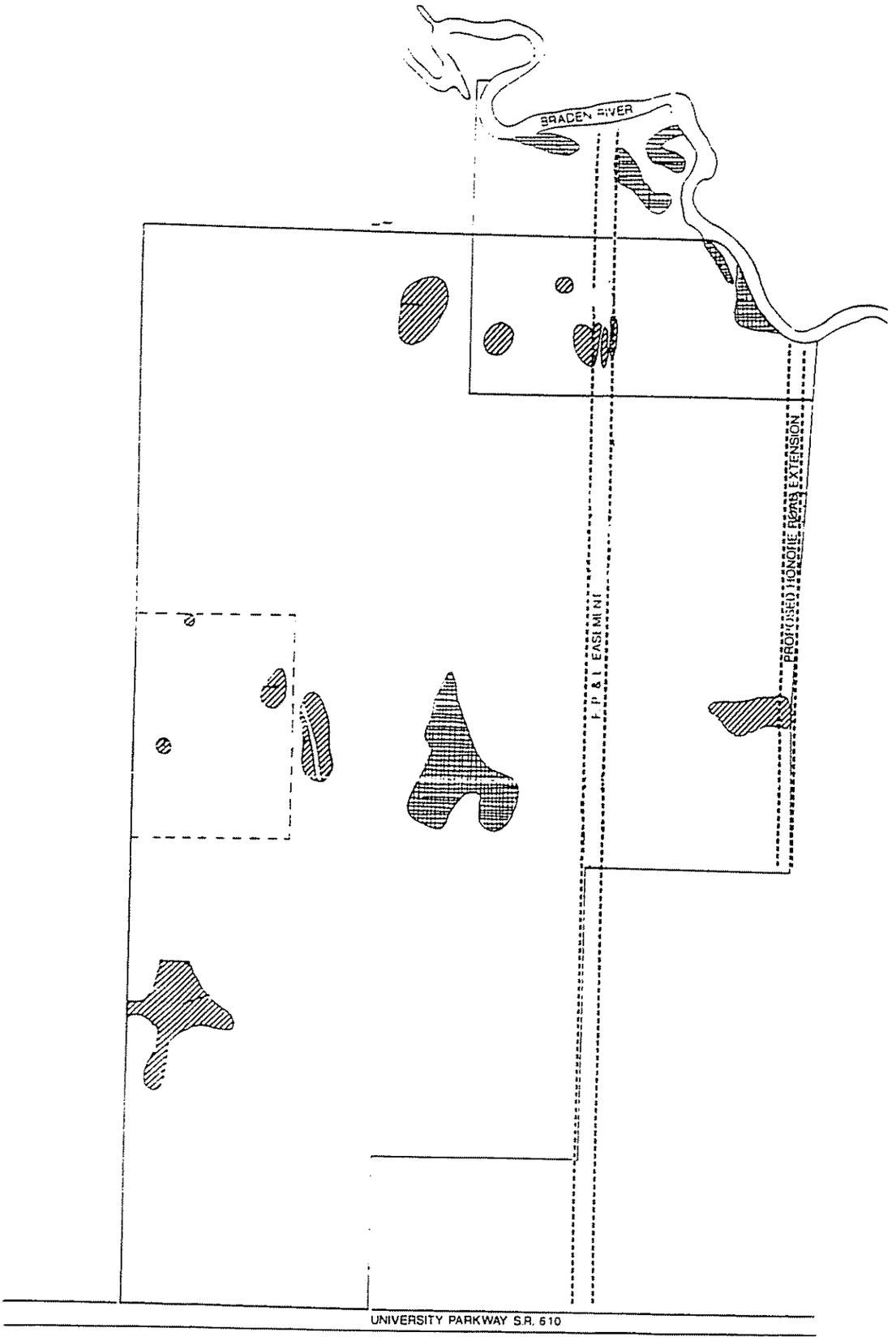
WADE TRIM, INC.

REVISED 3/26/93

UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB
MANATEE COUNTY, FLORIDA
PREPARED FOR: WOODLANDS COUNTRY CLUB ASSOCIATES

CONCEPTUAL MASTER DEVELOPMENT PLAN AND LEGAL DESCRIPTIONS

MAP M



LEGEND

Conservation Areas to remain undisturbed. 26.21 ac. (30.4%)

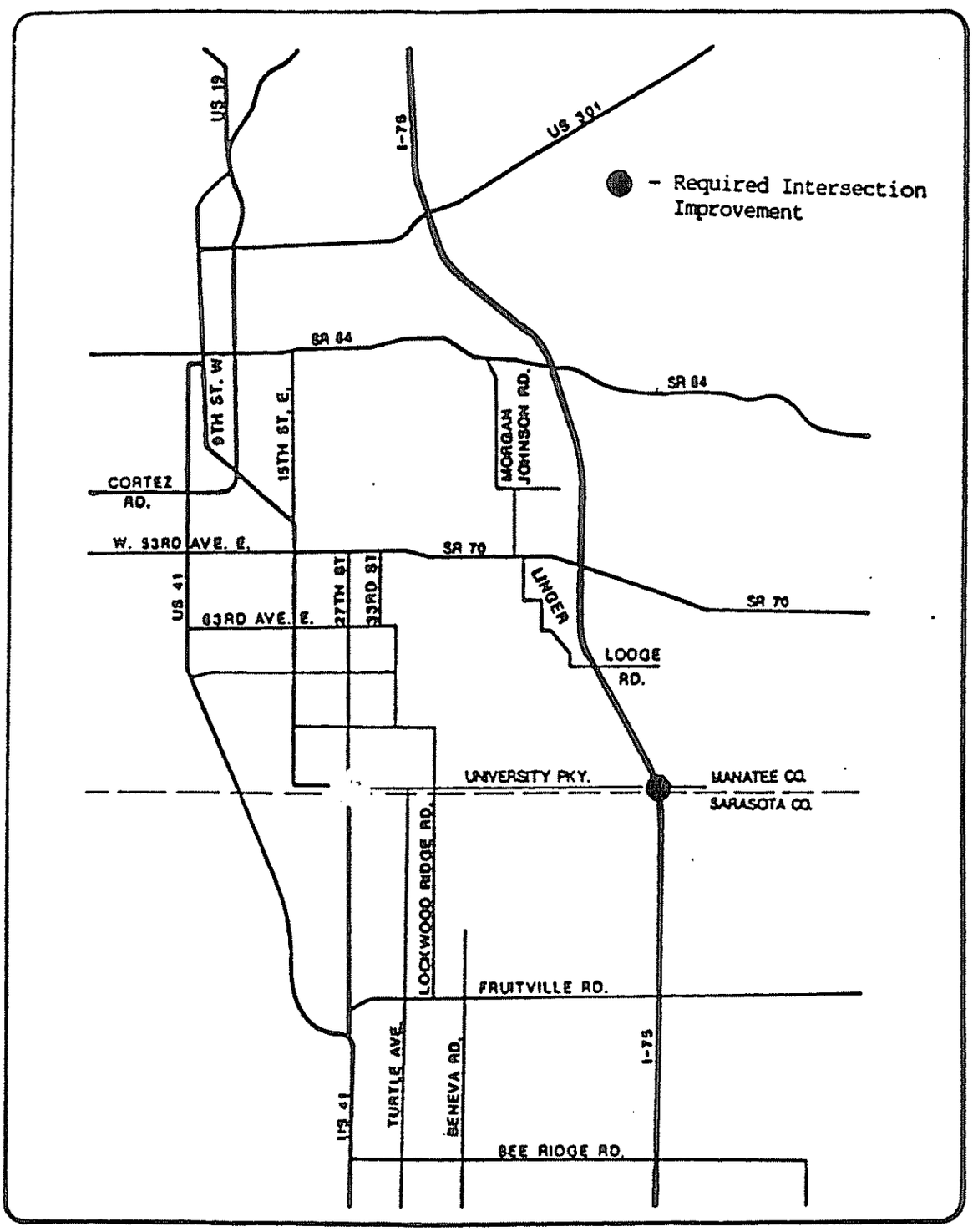
Preservation areas to remain undisturbed. 22.33 ac. (25.8%)

SCALE: 1" = 400'-0"

Wade-Trim	REVISED 4/2/93	UNNAMED EXCLUSIVE GOLF CLUB MANATEE COUNTY FLORIDA PREPARED FOR: WOODLANDS COUNTRY CLUB ASSOCIATES	PRESERVATION/CONSERVATION AREAS	FIGURE 1

CONSERVATION/PRESERVATION MAP

TRANSPORTATION MAP



TRANSPORTATION IMPACT AREA MAP
EXHIBIT "D"

LEGAL DESCRIPTION

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2840.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE CENTER LINE OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.

CONTAINING 74.5 ACRES, MORE OR LESS.

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301-8241

BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

January 21, 1985

Robert M. Rhodes, Esquire
Messer, Rhodes and Vickers
P. O. Box 1876
Tallahassee, Florida 32302-1876

Dear Mr. Rhodes:

RE: Circle-N-Bar Ranch,
JD-41-0000-3

This letter is to confirm the status of the jurisdictional determination issued by Suzanne Walker in a letter dated July 20, 1984 and aerial photograph dated August 15, 1984. (Your letter dated October 15, 1984 also requested grandfather status for your DRI project under 403.905(6), Florida Statutes. That request is under a different review process and you will be notified regarding the outcome of that review at a later date.)

Department personnel conducted a site visit and jurisdictional assessment on the property south and west of the Braden River and north of proposed State Road 610 at the Manatee/Sarasota County line, Sections 26 and 35, Township 35 South, Range 18 East, Manatee County.

As a result of that visit and assessment, a jurisdictional line was established as reflected in the material attached hereto, areas outlined in green. Areas outlined in red in Exhibit I are designated as described in the July 20, 1984 letter attached hereto as Exhibit II. No additional areas on the property were reviewed by DER for the jurisdictional determination covered by the July 20, 1984 letter.

Pursuant to Florida Administrative Code Rule 17-4.022(8), as to the property labelled Circle-N-Bar Ranch, the foregoing jurisdictional determination is validated as a binding statement of the extent of the Department's jurisdiction in regard to any future dredging or filling conducted in, on, or over the waters of the State.

WETLAND EXEMPTION
EXHIBIT "F"

This letter constitutes final agency action unless a person substantially affected by this action requests an administrative hearing. Persons whose substantial interests are affected by this Order (letter) have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative determination (hearing) on the decision. The petition must conform to the requirements of Chapters 17-103 and 28-5, F.A.C., and must be filed (received) with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301, within fourteen (14) days of this notice. Failure to file a petition within the fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

If a formal proceeding pursuant to Section 120.57(1) is requested, at such formal hearing all parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination of witnesses and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. If an informal proceeding is requested, the agency will, in accordance with its rules of procedure, give affected persons or parties or their counsel an opportunity, at a convenient time and place, to present to the agency or hearing officer written or oral evidence in opposition to the agency's action or refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction, pursuant to Section 120.57(2), Florida Statutes.

The hearing process is designed to formulate agency action. Accordingly, the Department's final action as a result of a hearing may be different from the position taken by it in this stage. Therefore, any person who may wish to contest the Department's ultimate decision must petition for hearing within the fourteen day period described above.

Sincerely,

Suzanne P. Walker

Suzanne P. Walker, Chief
Bureau of Permitting

SPW/jk

Attachment

cc: Bill Kutash
Mark Latch

The attached maps have been marked to correspond with the text above. All areas of concern are identified by red letters. The approximate dredge and fill permitting jurisdiction is marked in black. Please initial both copies and return one copy to this office. If you have any questions, please call me or Mark Latch at 904/488-0130.

Sincerely,

Suzanne P. Walker

Suzanne P. Walker, Chief
Bureau of Permitting

SPW/jk

cc: Bill Kutash, DER, Tampa
Sandy Young/Ross McWilliams
Bruce Franklin

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301-8241

BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

July 20, 1984

Bob Rhodes
Messer, Rhodes, and Vickers
P. O. Box 1876
Tallahassee, Florida 32302

Dear Mr. Rhodes:

As you requested in our meeting of May 21, 1984 my staff has evaluated jurisdiction on the property known variously as IIP Kabara, Cypress Lakes, and Circle N-Bar Ranch. The area is located between the Braden River and S.R. 610 in Sections 26 and 35, Township 35 South, Range 18 East, Manatee County.

In making this determination, the information developed during the June 14, 1984 site visit by members of my staff and our Tampa district office and the hydrologic data concerning groundwater levels were reviewed. In all discussions that follow, the letter designations refer to the same areas as the March 5, 1982 letter from William B. Carey to Bruce Franklin. The same designations are used on the aerial photographs. Each area will be discussed separately unless two or more areas are connected.

1. Area A is a large grass pond that frequently contains water. Although the drainage area from the pond to the culverts under and south of S. R. 610 was vegetated by some plants on the current vegetation list, the preponderance of vegetation was not listed. The culverts under S.R. 610 showed some stain lines and other indications that there was occassional water flow. However, examination of the groundwater data and survey elevations indicated that flow from the pond area is very infrequent. This area was determined not to be within the dredge and fill permitting jurisdiction of the Department.

2. Areas B and C are connected and are similar to Area A. These areas were determined not to be within the dredge and fill permitting jurisdiction of the Department.

RECEIVED JUL 25 1984

3. Area D is a hardwood forest area with a small associated meadow. Although there are many plant species present that are tolerant of wet conditions, the dominant plant community is not made up of listed species. In addition, there was no indication of flow through the area. This area was determined not to be within the dredge and fill permitting jurisdiction of the Department.

4. Area E is a freshwater marsh that discharges to the northeast through a ditch. Although the ditch and the marsh were vegetated with listed plant species, neither a vegetated connection or hydrologic connection could be found between the marsh and the ditch. The dredge and fill permitting jurisdiction would extend up the ditch from the Braden River to the southernmost crossing of the ditch, or approximately the 16 ft. contour. The marsh itself was determined not to be within the dredge and fill permitting jurisdiction of the Department.

5. Areas F and G were determined to be connected by listed vegetation as well as hydrologically. Area G is contiguous with the Braden River. Areas F and G were determined to be within the dredge and fill permitting jurisdiction of the Department.

6. Area H is contiguous with the Braden River and is vegetated by listed vegetation and is therefore within the dredge and fill permitting jurisdiction of the Department.

7. Area I is a steep-sided ditch that is connected to the Braden River and is vegetated with listed vegetation. The dredge and fill permitting jurisdiction in this area is limited to the vegetated ditch and is approximated by the 16 ft. contour.

8. Areas K and L are large ponding areas that may infrequently discharge through Area J to a ditch vegetated by listed plants that is contiguous with Cedar Creek. The dominant plant community in Area J or in the connection between Area J and Area K is not made up of listed species. Examination of the groundwater data and survey elevations indicated that flow through Area J is very infrequent. The dredge and fill permitting jurisdiction of the Department is limited to the ditch, north of the northern property boundary.

EXHIBIT G: REVISED MASTER SURFACE WATER MANAGEMENT PLAN (MAP) LOCATED IN ORIGINAL DEVELOPMENT ORDER FILE.

AGREEMENT

THIS AGREEMENT, made and entered as of this 6th day of November, 1991, by WOODLANDS COUNTRY CLUB MANAGEMENT, INC., a Florida Corporation, as Managing Partner for WOODLANDS COUNTRY CLUB ASSOCIATES, a Florida General Partnership, hereinafter referred to as "DEVELOPER" and THE SCHOOL BOARD OF MANATEE COUNTY, FLORIDA, hereinafter referred to as "SCHOOL BOARD".

WITNESSETH:

WHEREAS, Section 380.06(15)(e)(2), Florida Statutes, authorizes approval of Development of Regional Impacts (DRI) by a local government only if adequate provisions for the public facilities necessary to accommodate the impacts of the proposed development are made, and

WHEREAS, Section 235.193, Florida Statutes, requires consideration of the effect of new residential development upon local public school facilities; and

WHEREAS, Section 230.22, Florida Statutes, empowers the SCHOOL BOARD to perform duties and exercise responsibilities which it may find necessary for the improvement of the district school system; and

WHEREAS, Section 230.23, Florida Statutes, empowers the SCHOOL BOARD as the entity responsible for receiving money and purchasing public school property to ensure that adequate educational facilities are provided for the district's school children; and

WHEREAS, Section 163.3177(10)(h), Florida Statutes, requires that public facilities be provided concurrently with the impact of development; and

WHEREAS, Policies 13.1.5.1 and 13.1.7.5 of the Manatee County Comprehensive Plan requires coordination between Manatee County and the SCHOOL BOARD to ensure that the increased demand for public educational services generated by development is met; and

WHEREAS, Section 909.4.1 - 909.4.3 of the Manatee County Comprehensive Zoning and Land Development Code requires coordination between Manatee County and the SCHOOL BOARD to ensure that residential development should be located in an area in which public schools are or will be available and adequate for the uses proposed or that the developer provide adequate assurance or provision, through developer land dedication or monetary contributions, of public schools to meet the needs related to the development; and

WHEREAS, Section 736.3.22 of the Manatee County Comprehensive Zoning and Land Development Code requires that all Developments of Regional Impact work with the SCHOOL BOARD to identify all educational impacts and to ensure mitigation of those impacts.

WHEREAS, Island Investment Properties, Ltd., a Florida Limited Partnership, Kabara N.V., a Netherland Antelles Corporation authorized to do business in Florida, Tidelands Investment Company, a Delaware Corporation, and Erop Corporation, a Florida corporation are the owners ("Owners") of the real property described in attached Exhibit A and known as unnamed Country Club (DRI #202), hereinafter "Development" located in Manatee County, Florida, which property is subject to a Master Development Order rendered by Manatee County, a political subdivision of the State of Florida, (R-84-69 as amended); and

WHEREAS, WOODLANDS COUNTRY CLUB ASSOCIATES, ("Developer") is the developer of the Development, and is responsible for complying with applicable rules and regulations pertaining to the Development; and

WHEREAS, the Developer elects to satisfy school site requirements pursuant to the Manatee County Comprehensive Plan and Manatee County Land Development Code by entering into this Agreement for the payment of an amount of money to the SCHOOL BOARD to be utilized to offset the cost of purchasing land to provide additional educational site acreage which the parties agree will be required and made necessary by the Development; and

WHEREAS, the schedule and method of payment of such money and its utilization as provided herein for school site purchase/expansion are agreed upon as appropriate under the circumstances of the Development of ADA #202 as presently proposed by the Developer.

NOW, THEREFORE,

IN CONSIDERATION of the mutual covenants contained herein, the parties agree as follows:

1. The Developer shall pay to the SCHOOL BOARD the amount of $20,000.00 within forty-five (45) days of signing this Agreement. Should Manatee County deny a DRI Development Order for ADA #202, "Unnamed Country Club", then within sixty (60) days of said denial, the SCHOOL BOARD shall refund the amount of $20,000.00 to Developer.

2. Before the preliminary plan approval of each phase of the Development, the SCHOOL BOARD will review the proposed plan pursuant to the County's Land Development Code and will evaluate the number of students in utilizing the school system from existing phases in the Development. The number of students will be based on school attendance records. If the number of students from the Development at any one time exceeds fifty (50) students, then the Owners and the Developer will be required to mitigate the

educational impacts of all students exceeding fifty (50) students, before final site plan approval of that phase, according to the following methodology:

Number of Students x .021 Acres per Student x $20,000.00 Cost of Land per acre = Developer Contribution.

3. Nothing stated herein shall waive the rights of the parties to seek judicial review of this Agreement.

4. The SCHOOL BOARD agrees that payment in accordance with this Agreement satisfies the consideration of present educational impacts of the development as proposed under the provisions mandated in Sections 380.06(15)(e)(2), 235.193, 230.22, 230.23, 163.3177(10)(h), Florida Statutes, Policies 13.1.5.1 and 13.1.7.5 of the Manatee Comprehensive Plan, Section 909.4.1 - 909.4.3 and 736.22.1 of the Manatee County Land Development Code and also presently satisfies the Developer's entire obligation regarding public education contained in Master DRI Development Order (R84-69 as amended).

5. The SCHOOL BOARD agrees that compliance with the terms of this Agreement will exempt the Owners and Developer from all existing or future educational site dedication requirements, impact fee, or ordinance required of Developer for the purpose of satisfying educational impacts of the Development. This provision is not an exemption to the payment of ad valorem taxes for

educational purposes. Further, this provision is not an exemption from payment by future property owners of any legally imposed impact fees assessed due to a change of use of their property such as the addition of bedrooms.

6. Upon execution of this Agreement by the Owners, Developer, and the SCHOOL BOARD, the SCHOOL BOARD or its designee shall issue a letter to the Manatee County Board of County Commissioners that a stipulation incorporating and requiring fulfillment of this Agreement will adequately mitigate the Owners and Developer's related educational impacts of the Development as presently proposed.

7. This Agreement shall be binding upon and the benefits hereof inure to the respective successors and assigns of the Parties.

IN WITNESS WHEREOF, the parties have fully executed this Agreement on the day and year below stated.

Signed, Sealed and Delivered
in the Presence of:

THE SCHOOL BOARD OF
MANATEE COUNTY, FLORIDA

By: Karen Carlson

Attest:

Superintendent

Approved as to form.
11/5/91 GWS

WOODLANDS COUNTRY CLUB ASSOCIATES, LIMITED, a Florida General Partnership
By its Managing Partner
WOODLANDS COUNTRY CLUB MANAGEMENT, INC., a Florida corporation,

By: _____
Patrick K. Neal

(SEAL)

STATE OF FLORIDA
COUNTY OF MANATEE

Before me personally appeared KAREN VAN NESS, Chairman, and GENE WITT, Superintendent of the School Board of Manatee County, Florida, known to me to be the persons described in and who executed the foregoing Agreement and acknowledged to me that they executed same for the purposes herein expressed.

Witness my hand and official seal this 6th day of November, 1991.

_____
Notary Public
My commission expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAY 7 1992
BONDED THRU GENERAL INS. UND.

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 22 day of OCTOBER, 1991, by PATRICK K. NEAL as PRESIDENT of Woodlands Country Club Mgmt. Inc., on behalf of said partnership.

_____
Notary Public
My commission expires: 2/23/92
PEGGY CARLOS

ISLAND INVESTMENT PUBLIC SAFETY PRO RATA SHARE IMPACT FEE AGREEMENT FOR EMERGENCY MEDICAL SERVICES; POLICE PROTECTION

THIS AGREEMENT, made and entered into, as of this _____ day of _____, 1993, by ISLAND INVESTMENT PROPERTIES, LTD., a Florida Limited Partnership ("Island"); KABARA CORPORATION, N.V., a Netherlands Antilles Corporation ("Kabara"); WILLIAM T. HARRISON, JR., as Trustee under Land Trust Agreement dated January 24, 1986, and under deed recorded in Official Records Book 1135, page 285, Public Records of Manatee County, Florida ("Trustee"); and WOODLANDS COUNTRY CLUB ASSOCIATES, a Florida General Partnership ("Developer") (Island, Kabara, Trustee, and Developer being collectively referred to herein as "Island Investment"); and THE COUNTY OF MANATEE, a Subdivision of the State of Florida ("Manatee County").

W I T N E S S E T H:

WHEREAS, Island Investment is the owner of certain property located in Manatee County described on the attached Exhibit "A," which Developer is developing as the Unnamed Exclusive Golf and Country Club (aka University Park) Development of Regional Impact (the "Project"); and

WHEREAS, Manatee County issued a Development Order approving the Application for Master Development Approval (ADA) for a Development of Regional Impact (DRI #12 - Resolution R-84-69) for the Project and approved rezoning ordinances for the lands of the Project (Z-84-81 and PDR-89-05(Z)); and

WHEREAS, the Department of Community Affairs has entered into a Preliminary Development Agreement with Island Investment to allow the development of 795 dwelling units prior to issuance of a Final Development Order; and

WHEREAS, under Section 2, paragraph 1 of the Police Protection Subsection of Ordinance Z-84-81, the impacts of the development upon Sheriff's Department services shall be identified in advance of development by the developer using methodology acceptable to, and utilized generally by, the County; and

WHEREAS, in Section 2, paragraph 2 of The Fire Protection/Emergency Services Subsection of Ordinance Z-84-81, Island Investment was required to contribute a pro rata share of the cost of a site for constructing and equipping the emergency medical services portion of a public services building; and

WHEREAS, on January 13, 1991 the Board of County Commissioners approved an Impact Fee agreement for Emergency Medical Services for 3450 dwelling units and 40,000 square feet of commercial/ professional (The 1991 Fee Agreement); and

WHEREAS, pursuant The 1991 Fee Agreement, the developer has paid $9,189.28 for 515 residential units previously approved pursuant to the Preliminary Development Agreement; and

WHEREAS, Island Investment has a pending Development of Regional Impact (DRI) and revised Conceptual Site Plan approval for 1238 dwelling units and 40,000 square feet of commercial/professional; and

WHEREAS, Island Investment now wishes to amend the Fee Agreement dated January 13, 1991 and retain credit for the 515 units, for which Island Investment has previously contributed; and

WHEREAS, the parties have further agreed upon the cost for a site and to construct and equip the Emergency Medical Services portion of the public services building and the cost of the Sheriff's Department portion of the public services building, the proportionate share to be borne by the Project as proposed in the DRI, and the timing of said contribution payments by Island Investment, and that such payments shall fully satisfy all of Island Investment's responsibilities and obligations with regard to the Emergency Medical Services and the Sheriff's Department portion of the public services building for the Project; and

WHEREAS, Island Investment's pro rata share to satisfy all of Island Investment's remaining responsibilities and obligations with regard to the Emergency Medical Services portion of the public services building referenced under Section 2 of the Fire Protection/Emergency Services Subsection of zoning ordinance Z-84-81 for the remaining unpaid 720 dwelling units and 40,000 square feet of commercial/office shall be $16,275.00; and

WHEREAS, Island Investment's pro rata share to satisfy all of Island Investment's responsibilities and obligations with regard to the police protection portion of the public services building referenced under Section 2 under the heading of Police Protection of zoning ordinance Z-84-81 for the Project shall be $29,360.00.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. To satisfy all of Island Investment's remaining obligations with regard to Emergency Medical Services, pursuant to Section 2, paragraphs 1 and 2 of the Fire Protection/Emergency Services Subsection, ordinance Z-84-81, Island Investment shall make the following payment to Manatee County for allocation to the Emergency Medical Services Department of Manatee County: A payment of $16,275.00, adjusted for inflation as set forth below, prior to the next Final Plat approval for the Project or the impact fees for Emergency Medical Services component for the remaining units of the project whichever is greater.

   The $16,210.00 shall be adjusted to compensate for inflation, based on changes in the Consumer Price Index for Urban Consumers, between August 1, 1993 and the date of payment.

2. To satisfy all of Island Investment's obligation with regard to police protection pursuant to Section 2, paragraph 1 of the Police Protection Subsection, Ordinance Z-84-81, Island Investment shall make the following payment to Manatee County for allocation to the Sheriff's Department of Manatee County: A payment of $29,360.00, adjusted for inflation as set forth below, prior to the next Final Plat approval for the Project or the impact fees for the Law Enforcement component, whichever is greater.

   The $29,243.00 shall be adjusted to compensate for inflation, based on the Consumer Price Index for Urban Consumers between August 1, 1993 and the date of payment.

3. Island Investment shall satisfy its obligation to make the payments outlined in paragraphs 1. and 2. by remitting a certified or bank cashier's check made payable to Manatee County.

4. Island Investment shall be entitled to Emergency Medical Services/Police Protection impact fee credit for payments made to Manatee County pursuant to paragraphs 1. and 2. of this Agreement for all building permits obtained after execution of this Agreement.

5. Any contribution not expended or encumbered for professional services, construction or acquisition of Public Safety facilities to serve this project within ten (10) years after the payment shall be returned to Island Investment or its designee. Any credit for impact fees received, pursuant to paragraph 8. of this Agreement, shall be deducted from the amount returned, pursuant to this section.

6. The County agrees that this Agreement constitutes and satisfies Island Investment's entire obligation for Emergency Medical Services regarding Emergency Medical Services and Police Protection for the Project as set forth in the proposed DRI, provided that the Agreement does not address or satisfy Island Investment's obligations regarding Fire Protection.

7. The terms and conditions of this Agreement shall inure to the benefit of, and be binding upon, the heirs, personal representatives, successors and assigns of the parties hereto. Each party covenants and represents to the others that it is validly organized and existing under the Laws of Florida, that it has full power and authority to enter this Agreement and comply with the terms hereof, and that the persons executing this Agreement on behalf of such party have been duly and properly authorized to sign on behalf of such party.

8. This agreement amends the 1991 Fee Agreement in its entirety.

IN WITNESS WHEREOF, the parties have executed and caused to be executed this Agreement in duplicate as of the day and year first above written.

WITNESSES:

WOODLANDS COUNTRY CLUB ASSOCIATES,
a Florida General Partnership
By: Woodlands Country Club Management, Inc., a Florida Corporation, as General Partner

_____
Signature of Witness

_____
Print/Type Name of Witness

By: _____
James R. Schier, as President of Woodlands Country Club Management, Inc.

_____
Signature of Witness

Print/Type Name of Witness

ISLAND INVESTMENT PROPERTIES, LTD.,
a Florida Limited Partnership
By: Suncoast Realty Management Company, a Florida Corporation, as General Partner

_____
Signature of Witness

_____
Print/Type Name of Witness

By: _____
James R. Schier, as President of Suncoast Realty Management Company

_____
Signature of Witness

_____
Print/Type Name of Witness

KABARA CORPORATION, N. V.,
a Netherlands Antilles Corporation

_____
Signature of Witness

_____
Print/Type Name of Witness

By: _____
William T. Harrison, Jr., as its Attorney-in-Fact

_____
Signature of Witness

_____
Print/Type Name of Witness

_____
Signature of Witness

_____
Print/Type Name of Witness

WILLIAM T. HARRISON, JR., as Trustee aforesaid and not Individually

_____
Signature of Witness

_____
Print/Type Name of Witness

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on _____ (date), before me, the undersigned Notary, personally appeared James R. Schier, as President of Woodlands Country Club Manatee, Inc., a Florida Corporation and General Partner of **WOODLANDS COUNTRY CLUB ASSOCIATES**, a Florida General Partnership, personally known to me to be the person whose name is subscribed to the within and annexed instrument as a party thereto, executed the same, and that said affiant subscribed his name to this Agreement, and he acknowledged, not under oath, that he executed the foregoing instrument for and on behalf of the corporation and the partnership as such officer for the purposes therein expressed and that he was duly authorized by the corporation and the partnership to do so.

SEAL

_____
Signature of Person Taking Acknowledgement

_____
Type Name

My Commission Expires:

_____
Title or Rank

Commission No.:

_____
Serial Number, if any

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on _____ (date), before me, the undersigned Notary, personally appeared William T. Harrison, Jr., as Attorney-in-Fact for **KABARA CORPORATION N.V.**, a Netherlands Antilles Corporation, on behalf of the corporation, personally known to me to be the person whose name is subscribed to the within and annexed instrument as a party thereto, executed the same, and that said affiant subscribed his name to the annexed instrument, and he acknowledged, not under oath, that he executed the foregoing instrument for and on behalf of the corporation as its authorized agent for the purposes therein expressed and that he was duly authorized by the corporation and the partnership to do so.

SEAL

_____
Signature of Person Taking Acknowledgement

_____
Type Name

My Commission Expires:

_____
Title or Rank

Commission No.:

_____
Serial Number, if any

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on _____ (date), before me, the undersigned Notary, personally appeared James R. Schier, as President of Suncoast Realty Management Company, Inc., a Florida Corporation and a General Partner of **ISLAND INVESTMENT PROPERTIES, LTD.**, a Florida Limited Partnership, personally known to me to be the person whose name is subscribed to the within and annexed instrument as a party thereto, executed the same, and that said affiant subscribed his name to the annexed instrument, and he acknowledged, not under oath, that he executed the foregoing instrument for and on behalf of the corporation as such officer for the purposes therein expressed and that he was duly authorized by the corporation and the partnership to do so.

SEAL

_____
Signature of Person Taking Acknowledgement

_____
Type Name

My Commission Expires:

_____
Title or Rank

Commission No.:

_____
Serial Number, if any

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on _____ (date), before me, the undersigned Notary, personally appeared William T. Harrison, Jr., as Trustee aforesaid and not Individually, personally known to me to be the person whose name is subscribed to the within and annexed instrument as a party thereto, executed the same, and that said affiant subscribed his name to the annexed instrument, and he acknowledged, not under oath, that he executed the foregoing instrument for the purposes therein expressed.

SEAL

_____
Signature of Person Taking Acknowledgement

_____
Type Name

My Commission Expires:

_____
Title or Rank

Commission No.:

_____
Serial Number, if any

COUNTY OF MANATEE, FLORIDA, by and through its Board of County Commissioners

By: _____
Lari Ann Harris, Chairman

ATTEST:

_____
R. B. Shore
Clerk of the Circuit Court

EXHIBIT "A"

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2840.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

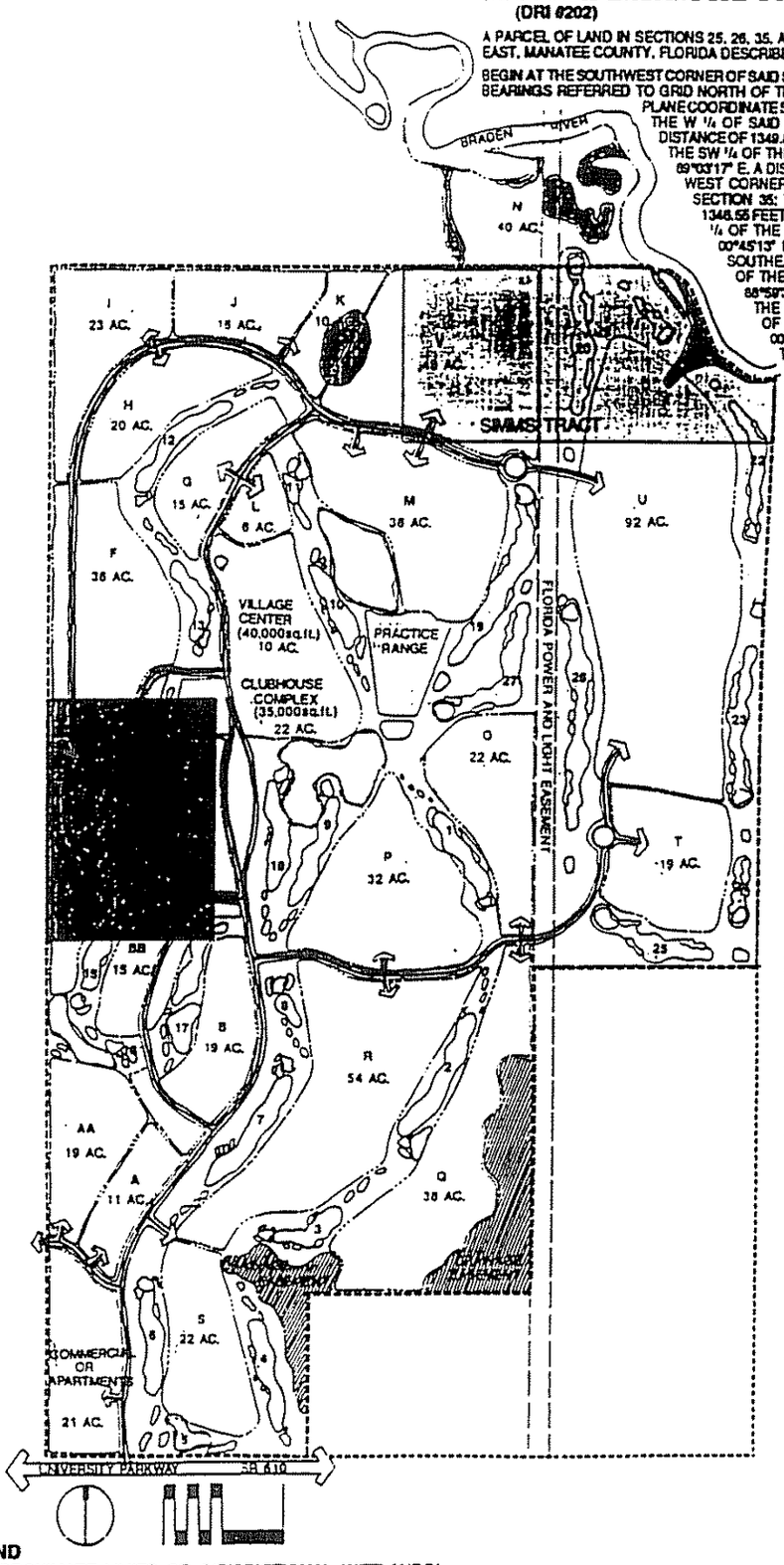
CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE CENTER LINE OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.

CONTAINING 74.5 ACRES, MORE OR LESS.

EXHIBIT "A"

UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB



LEGEND

▩ APPROXIMATE LIMITS OF JURISDICTIONAL WETLANDS/ CONSERVATION AREAS TO BE MAINTAINED IN A NATURAL CONDITION, SUBJECT TO VERIFICATION OF BOUNDARIES.

ESTIMATED DEVELOPMENT ACREAGE

•RESIDENTIAL: (1038 DWELLING UNITS)	636 ACRES
•COMMERCIAL: (40,000 sq. ft. COMMERCIAL) (5,000 sq. ft. RESTAURANT) OR APARTMENTS: (200 UNITS)	21 ACRES
•VILLAGE CENTER: (40,000 sq. ft. COMMERCIAL)	10 ACRES
•27 HOLE GOLF COURSE (CLUBHOUSE, RESTAURANT, DRIVING RANGE,TEES,GREENS, FAIRWAYS, ROUGHS, DRAINAGE & NATURAL AREAS)	298 ACRES
•ROADWAYS	54 ACRES
•OTHERS (DRAINAGE EASEMENTS, OPEN SPACE & NATURAL AREAS)	38 ACRES

(1) LEGAL DESCRIPTION
(1a) UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB (DRI #202)

A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'05" W. (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 2699.49 FEET TO THE W ¼ OF SAID SECTION 35; THENCE N 00°00'58" W. A DISTANCE OF 1349.81 FEET TO THE NORTHWEST CORNER OF THE SW ¼ OF THE NW ¼ OF SAID SECTION 35; THENCE S 89°03'17" E. A DISTANCE OF 1374.57 FEET TO THE SOUTHWEST CORNER OF THE NE ¼ OF THE NW ¼ OF SAID SECTION 35; THENCE N 00°05'44" W. A DISTANCE OF 1346.55 FEET TO THE SOUTHWEST CORNER OF THE SE ¼ OF THE SW ¼ OF SAID SECTION 26; THENCE N 00°45'13" E. A DISTANCE OF 652.30 FEET TO THE SOUTHEAST CORNER OF THE N ½ OF THE SW ¼ OF THE SW ¼ OF SAID SECTION 26; THENCE N 88°58'30" W. A DISTANCE OF 1350.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N ½ OF THE SW ¼ OF THE SW ¼ THENCE N 00°03'46" E. A DISTANCE OF 1961.78 FEET TO THE W ¼ CORNER OF SAID SECTION 26; THENCE N 00°07'13" E. A DISTANCE OF 1333.96 FEET TO THE NORTHWEST CORNER OF THE S ½ OF THE NW ¼ OF SAID SECTION 26; THENCE S 89°13'01" E. A DISTANCE OF 2640.13 FEET TO THE NORTHEAST CORNER OF SAID S ½ OF THE NW ¼; THENCE S 01°28'28" W. A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE ¼ OF SAID SECTION 26; THENCE S 89°12'40" E. A DISTANCE OF 2807.69 FEET TO THE NORTHWEST CORNER OF THE SW ¼ OF SAID SECTION 25; THENCE 89°11'03" E. ALONG THE NORTH LINE OF SAID SW ¼, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W. AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W. A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E. AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1481.88 FEET; THENCE N 89°27'25" W. AND PARALLEL TO THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 36; THENCE, CONTINUE N 89°27'25" W. A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF A 100 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W. ALONG SAID WEST LINE, A DISTANCE OF 2550.80 FEET; THENCE N 89°27'42" W. A DISTANCE OF 1800.00 FEET; THENCE S 00°26'00" W. A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF THE SW ¼ OF SAID SECTION 35; THENCE N 89°28'17" W. A DISTANCE OF 2154.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N ½ OF THE NE ¼ OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

(1b) LEGAL DESCRIPTION
WALLACE TRACT
(Included in DRI #202)

TOGETHER WITH THE NW ¼ OF THE NW ¼ OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH ½ OF THE SW ¼ OF THE SW ¼ OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 63 ACRES MORE OR LESS.

(1c) LEGAL DESCRIPTION
SIMMS TRACT
(To be added)

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE CENTER-LINE OF THE BRADEN RIVER, LYING AND BEING IN MANATEE COUNTY, FLORIDA.

CONTAINING 74.5 ACRES, MORE OR LESS.

WADE TRIM, INC.

REVISED 3/26/93

UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB
MANATEE COUNTY, FLORIDA
PREPARED FOR: WOODLANDS COUNTRY CLUB ASSOCIATES

CONCEPTUAL MASTER DEVELOPMENT PLAN AND LEGAL DESCRIPTIONS

MAP M

PUBLIC SAFETY AGREEMENT
EXHIBIT "I"

EXHIBIT J

SURFACE WATER MONITORING PLAN
UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB
DEVELOPMENT OF REGIONAL IMPACT

This exhibit details the Surface Water Monitoring Plan required under section D.(1) of the Unnamed Exclusive Golf and Country Club Development Order. The Developer* shall develop a monitoring plan addressing the criteria listed below within six months of approval of this Development Order.

a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.

b. Parametric coverage of the monitoring plan should include the following:

- specific conductance (field)
- temperature (field)
- dissolved oxygen (field)
- pH (field)
- flow rates (field)
- chlorides
- sulfates
- fluoride
- total dissolved solids
- total suspended solids
- ammonia
- nitrate
- nitrite
- total Kjeldahl nitrogen
- total nitrogen
- orthophosphate
- total phosphorous
- copper
- lead
- zinc
- mercury
- nickel
- arsenic
- cadmium
- chromium
- silver
- total coliform
- fecal coliform
- BOD-5
- primary organics (pesticides and herbicides)

c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a 1/2 inch or greater storm event using methodology approved by the U. S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.

d. The Developer* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.

e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County and the EAC.

f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

Any modifications to the above listed criteria shall be subject to review by the Manatee County Environmental Action Commission, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.