



BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY, FLORIDA

315 HAVEN STREET
CLEARWATER, FLORIDA 33516

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February 28, 1979

Mr. Scott Wilson, Executive Director
Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, Fl. 33702

Dear Mr. Wilson:

Pursuant to our negotiations regarding the appeal of the Forest Lakes Development Order, please be advised that on Tuesday, February 27, 1979 the Board of County Commissioners formally adopted the Clarification of the Forest Lakes Development Order.

Attached you will find a certified copy of the resolution, a certified copy of the Master Development Plan (exhibit 1), the certified copy of the County's Comprehensive Road Plan (exhibit 2).

Hopefully, with the adoption of these materials, the appeal by the Tampa Bay Regional Planning Council will be withdrawn. Your cooperation and the cooperation of your staff in resolving this issue has been most appreciated.

Sincerely,


Fred Marquis
Interim County Administrator

Attachments

STATE OF FLORIDA
DEPARTMENT OF
COMMUNITY AFFAIRS
DIVISION OF LOCAL RESOURCE MANAGEMENT

BOB GRAHAM
Governor



JOHN M. DUGROVE
Secretary

CITY CLERK

FEB 21 1984

11:50 AM

February 20, 1984

Honorable Sandy J. Francisco
Mayor
City of Oldsmar
101 State Street, West
Oldsmar, FL 33557

Dear Mayor Francisco:

Re: Development Order Enforcement for the Forest Lakes
Development of Regional Impact

On May 19, 1981, the City Council of the City of Oldsmar adopted resolution #81-10, which constitutes the Development Order for the Forest Lakes Development of Regional Impact (DRI). The City's resolution approved the project with conditions. We are aware, that at the present time, the developer has attained permits for 204 units in the Phase I area of the Forest Lakes development. This phase was planned to contain 1,349 units. On February 21, 1984, the City will be considering a request for preliminary site plan approval of 800 units in the Phase II area of the project. It has recently come to our attention that the City is not enforcing several of the conditions in the development order (D.O.). The facts in the case, as we understand them are listed below:

1. The capacity of the City of Oldsmar sewage treatment plant and disposal facilities is one million gallons per day. These facilities are presently operating at capacity. The City's sewage treatment plant and disposal facilities will not have the capacity to accommodate the additional flow from the 800 units referred to above. Condition No. 12 (page 8) of the development order states that "No building permits will be issued for future development unless adequate sanitary sewerage facilities are available."

Honorable Sandy J. Francisco
February 20, 1984
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2. Condition No. 13 (pages 8 and 9) in the D.O. identifies the roadways which will be limiting factors in site plan approvals for the Forest Lakes project. One of the roadways listed is State Road 584. All traffic entering or leaving the site must utilize this roadway. The D.O. states that "No site plans shall be approved for Forest Lakes unless it is determined by the City in a written finding that the above roadways are operating at or above level of service 'C'...." According to the Florida Department of Transportation's 1983 traffic counts, State Road 584 is presently operating at Level of Service (LOS) "F" immediately to the west of the site, and at LOS "D" to the east of the site. Therefore, prior to approving any additional site plans, the D.O. requires the City Council to determine whether any improvements or new roads are necessary to avoid an undue burden on State Road 584 or any other roads listed in the D.O. that are not operating at LOS "C" or better. If any improvements are deemed to be necessary, the D.O. further requires that they shall be either substantially completed or programmed for construction by the expected date of completion for the development phase or portion under consideration.

3. As pointed out earlier, the City will soon be considering a request for preliminary site plan approval for 800 units in Phase II. Condition No. 16 (page 10) of the development order states that, "This development is being approved by the City Council subject to further review of Phases II and III...." Furthermore, Section 1 (page 12) reads,

"This Development Order grants conceptual approval of the Forest Lakes Development master plan subject to subsequent review as detailed in this order pursuant to Chapter 380, Florida Statutes, and constitutes final DRI approval of Phase I."

Section 2 of the D.O. (page 12) prohibits the commencement of construction in phases II or III until the developer has received an approved D.O. for the phase in which the construction is proposed and the appeal period has expired. To date, no DRI development order for the latter phases of this project has been issued.

It is the Department's opinion that further DRI review of Phases II and III of the Forest Lakes development is required by the development order prior to any construction in these phases. In addition, we believe that further review is needed particularly in the areas of sewage treatment capacity, transportation and protection of previously designated conservation (wetland) areas.

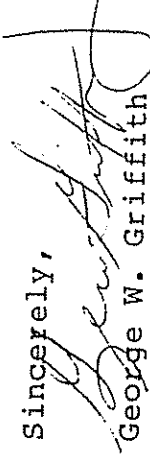
Honorable Sandy J. Francisco
February 20, 1984
Page Three

Please be aware, that permitting construction in violation of the existing DRI development order is a violation of State law, specifically Section 380.06, Florida Statutes. In addition, the Department has the authority to seek injunctive relief pursuant to Section 380.11, Florida Statutes, for violations of Chapter 380, F.S., or any orders issued thereunder.

A written response to this inquiry should be received by this office no later than March 5, 1984. Failure to respond by this date may result in appropriate judicial action being sought by this Department against the City and the developer. If you dispute the facts as outlined in this letter please indicate the basis of the dispute in your response.

Should you have any questions about this matter, please contact me or Blaine Oliver of this Bureau.

Sincerely,



George W. Griffith
Bureau Chief

GWG/BAO/bs.

cc: Ms. Sheila Benz
Mr. Don Stevenson
Mr. Hugh Williams
Mr. John Hubbard
Levitt Homes
Ms. Cheryl Mortenson

RESOLUTION NO. 81-11

A RESOLUTION AMENDING RESOLUTION 80-10 THAT BEING A DEVELOPMENT ORDER FOR THE FOREST LAKES DEVELOPMENT IN THE CITY OF OLDSMAR: PROVIDING FOR THE DENSITY OF THE PROJECT AND SPECIFYING CONDITIONS FOR THE DEVELOPMENT AND USE OF THE PROPERTY; PROVIDING FOR THE PROVISION OF MUNICIPAL SERVICES; PROVIDING FOR CONFLICT WITH CITY ORDINANCES OR REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of Oldsmar, Florida in session duly and regularly assembled did pass Resolution 81-10 on May 19, 1981, adopting a development order for the Forest Lakes Development, a Development of Regional Impact (DRI) located within the municipal boundaries of the City of Oldsmar, and

WHEREAS, two pertinent items which were omitted from the corrected document must be included to comply with requirements established under Section 380 of the Florida Statutes, the following items are to be considered below:

1. Under Section 13 of Resolution 81-10, please add "State Road 586 (from U.S. 19 to SR 584);" before "State Road 582 ...Line)" on page 8.
2. Under Section 12 of Resolution 81-10 and after the end of the first sentence, please add the following: "Capacity and line extension policies are in the process of being contractually agreed upon by the City of Oldsmar and CFS. This will tie the Forest Lakes DRI into the City of Oldsmar's sewerage treatment facility."

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA,

THIS 9 DAY OF June A.D. 1981.

Andy J. Francisco

MAYOR, CITY OF OLDSMAR

ATTEST:

Kenneth H. Boy
CITY CLERK

RESOLUTION NO. 81-10

A RESOLUTION ADOPTING A DEVELOPMENT ORDER FOR THE FOREST LAKES DEVELOPMENT IN THE CITY OF OLDSMAR; PROVIDING FOR THE DENSITY OF THE PROJECT AND SPECIFYING CONDITIONS FOR THE DEVELOPMENT AND USE OF THE PROPERTY; PROVIDING FOR THE PROVISION OF MUNICIPAL SERVICES; PROVIDING FOR CONFLICT WITH CITY ORDINANCES OR REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to Section 380.06(7), Florida Statutes, CFS Services Corp. filed with Pinellas County an application for Development Approval (ADA) of a Development of Regional Impact, (DRI) the Board of County Commissioners of Pinellas County has heard at a public hearing held on January 16, 1979, the Application for Development Approval for Forest Lakes, a Development of Regional Impact consisting of a Residential Project of approximately 2,865 units, to be located in the City of Oldsmar, Pinellas County, Florida, and

WHEREAS, this Development Order specifically sets out the conditions of the proposed development. This DRI is consistent with current development activities in northern Pinellas County, the City of Oldsmar, and the adopted Comprehensive Land Use Plan, which provides for urban development in the East Lake Tarpon RPD zoned area, and

WHEREAS, the City of Oldsmar, hereafter referred to as the City, annexed the land which encompasses the DRI known as Forest Lakes, by Ordinance 80-24, the third reading of which occurred on December 16, 1980, and it is necessary for the said City to issue a Development Order on the said lands because of the fact that jurisdiction over the said lands now rests with the City, and

WHEREAS, the project known as Forest Lakes is compatible with existing plans of development for that area, and it is the recommendation of the Mayor that this Resolution constitute a Development Order and that it be approved by the City Council of the City of Oldsmar with the following provisions and following conditions as are hereinafter set forth

below:

1. The gross density shall be limited to 3.5 units per acre on the uplands as defined on the Master Concept Plan, which is understood by this Council to be subject to minor change.
2. The developer shall pay to the Pinellas County Board of County Commissioners the sum of \$3,500.00 for the purchase of one (1) "RM Young Wind Speed and Direction Instrument", which is to be substituted for a similar instrument currently under loan from EPA. The instrument will be utilized in the existing air quality station for this area. The unit will be purchased, operated and maintained by the appropriate public agency. Pinellas County will establish an escrow account earmarked for said purpose. These funds will be received before any site plan approvals are granted.
3. The developer will show proof of a contract for an archeological survey of the subject property by a qualified firm or individual (reviewed by Pinellas County and approved by the City of Oldsmar), before any major land alterations occur.
4. The developer shall contract with a qualified firm, agency or individual (reviewed by Pinellas County and approved by the City of Oldsmar), to establish an interior lake management plan of sufficient detail to allow the future proposed lakes to become functional biological units recognizing their primary purpose of providing retention. This plan shall be consistent with the best management practices accepted by the State of Florida.
5. The developer will contract with a qualified firm, agency or individual (reviewed by Pinellas County and approved by the City of Oldsmar) to conduct an appropriate survey of the site for endangered species, including, but not limited to, the southern Bald Eagle and shall allow the Pinellas County

Department of Environmental Management to conduct a similar survey, if requested, prior to any land alteration occurring in each phase of the continuing development. If such endangered species are found, the developer will secure approval, in writing, of the U.S. Department of Interior and Florida Fresh Water Fish and Game Commission prior to issuance of City of Oldsmar final administrative site plan approval in the area identified by the Interior Department to be the "critical zone". The developer will contact with a qualified firm, agency or individual (reviewed by Pinellas County and approved by the City of Oldsmar) to monitor the continuing status of the threatened species on or near the site.

6. An adequate area of upland vegetation and wildlife habitat shall be preserved in its natural state, as a prerequisite to final site plan approval of each additional phase of development to be approved by the Oldsmar City Council. In addition to the wetland areas set aside, there will be an adequate buffer area of transition, i.e. upland vegetation between these wetlands and developed area, the extent of which will be determined and agreed upon by the developer and the City during the site plan review process for each phase of development. Passive recreation may be considered a compatible use for these areas, depending upon agreed to intensity limitations.

7. The developer shall, to the extent set forth below, preserve in their natural state, the wetlands set aside as Preservation Areas, the limits of which will be determined by the City on a conceptual basis at the time the Master Drainage Plan is submitted and on an exact basis during the site plan review process. While preserving the dwelling unit count, it is also understood that the DRI Master Concept Plan is not site specific and shall not limit the protection of wetlands not identified by said plan. The seasonal hydroperiods in the wetlands must not be altered either through lowering of the water table or alteration of overland flow.

Specific detailed information will be required especially when proposed improvements disturb the confining "dish" layer beneath wetland areas in order to insure that the integrity of these wetlands is maintained after such approved improvements (particularly the bern design and construction).

It will be required that the criteria and requirement of Chapter 17-3, and Chapter 17-4 of the Rules of Florida DER shall be adhered to during development when approved.

The following are considered as "wetland", as defined by USDA Soil Conservation Service Soil Types, and also "wetlands" as defined by DER Chapter 17-4 are hereby made part of the Development Order:

- a) Astor (at)
- b) Astor (Au)
- c) Charlotte (Ch)
- d) Coastal Beach (Co)
- e) Felda (Fe)
- f) Fellowships (Fh)
- g) Manatee (Mn)
- h) Okeechobee (Ok)
- i) Pamlico (Pc)
- j) Placid (Pn)
- k) Pompano (Ps)
- l) Terra Ceia (Tc)
- m) Tidal Marsh (Td)
- n) Tidal Swamp (Ts)

Also being made a part of the Development Order is the "uplands" as defined by DER Chapter 17-4.

8. Prior to the recording or approval of any final plats or site plans of any portion of Forest Lakes, the developer shall enter into a written agreement with the Pinellas County Board of Public Instruction relative to the following matters:

A. Reserve for said School Board that certain 36 acre

school site which is depicted in the conceptual plan filed by the developer and heretofore agreed to be deeded to the said School Board for utilization as an elementary school site.

B. Said agreement shall specify the timing for the dedication of said school site in general accordance with proposals heretofore agreed to between developer and the School Board, with the understanding that the need for this facility will occur at or about the time of the generation of the agreed upon school age pupils residing in Forest Lakes. No final site plan for Forest Lakes shall be approved by the City until such agreement has been properly entered into.

C. Anything hereinabove contained to the contrary notwithstanding, the City reserves the right to decide and resolve any questions which cannot be resolved between the developer and the School Board.

9. As of December 13, 1977, the Lake Tarpon area of Pinellas County by way of a public referendum became a fire district known as the Tarpon Lake Fire Control District of which Forest Lakes is a part and subject to all controls/requirements as per state statute. The City of Oldsmar will provide fire protection services within its capabilities to the development.

10. Surface drainage shall be designed as to insure the maintenance of high quality water ratings. Lakes, streams and waterways shall be provided with dams, weirs or other control devices, and upland drainage to watercourses shall be so designed through the use of berms, dams, temporary ponding areas, water trenches or other devices to prevent the transmission of silts, sediments, nutrients, road oils or greases or other contaminants into major courses off the property.

A master plan of the total drainage system and devices to accomplish this end shall be submitted for approval to the Pinellas County Engineering Department and the Pinellas County Environmental Management Department, the City of Oldsmar, or such

other agencies to which the particular functions may be from time to time assigned. Approval of said master plan must be obtained prior to commencement of construction or changing of any land contour.

11. Although the City and County Water Systems have recorded a commitment against the water supply quantity projected to be available, the actual availability of an adequate, safe, potable water supply shall be a limiting factor in subsequent site plan approvals for Forest Lakes.

The developer shall provide a Potable Water Supply Plan for each remaining Phase Application for Development Approval. The Plan shall describe any expansion of maintenance to the Forest Lake potable water supply system necessary to service the phase under review, regardless of who the supplier may be. The plan shall be submitted by the developer pursuant to 22.F-1.24, FAC.

No site plan shall be approved for Forest Lakes unless it is determined by the City in writing that the water demands generated by such approval would not cause the total anticipated demand to exceed the authorized supply of water available to the City system, (the County being the supplier of such water to the City). Such findings shall be a part of the authorization for any site plan approval for Forest Lakes, and shall include, but not be limited to: (1) The anticipated amount of water required, determined by multiplying the proposed number of dwelling units in the site plan by the standard impact factor utilized by the City Water System in accordance with the County's Managed Growth Program, which factor shall not exceed 300 gallons per dwelling unit per day; (2) The date this anticipated demand will be reached, based on the developer's estimated buildout period for the development proposed in the site plan; (3) The water supply source from which the additional water demand generated by the site plan approval will be met; (4) The projected excess capacity of the City Water System at the anticipated date of completion of the devel-

opment proposed in the site plan, and any commitments that have been made for the excess capacity; (5) Existing CUP granted by SWFWMD showing adequate water resources which are required to fulfill the additional water demand based on the data utilized in Findings 1 through 4.

Approval of a site plan pursuant to this provision does not constitute a binding commitment by the City for water supply. Water shall be supplied by the City pursuant to its capabilities and the availability of such water from the County water system, and no building permit shall be issued when anticipated demands are equal to or greater than the actual supply of water available to the City System. Water for non-potable needs shall be obtained from sewage effluent, shallow wells or the retention lake system where feasible. The distribution system for irrigation shall not be connected to any county or municipal water source.*Any existing deep irrigation wells may be used for general irrigation after review and approval by the City, so long as the impact on City Water System does not exceed the present impact, if any. Any alteration of the property caused by development shall not adversely affect the County's East Lake Road Wellfield, or portion thereof, through lowering of the Florida or surficial aquifer water levels which could lead to reduced productivity or encouraging salt water intrusion in the area. In addition, the developer will convey to the City of Oldsmar their rights in the Florida aquifer as well as certain real property for construction of wells, pipelines, etc.

Potable water supply for Forest Lakes shall be limited to its proportionate share of the capability of the City Water System. This limitation shall apply to any and all development and improvements of any kind or character placed upon the Forest Lakes site. No site plans shall be approved which would cause the development's water demand to exceed the authorized capability of the City at the time of request. Water demand

Capacity and line extension policies
are in the process of being contractually
agreed upon by the City of Oldsmar and
* CFS. This will be the Forest Lakes NPJ
into the City of Oldsmar's sewerage treatment
facility.

shall be calculated based upon the County's most current estimates of actual domestic and non-domestic water supply available to the City for use in the Forest Lakes development.

12. Sewage treatment and all appropriate facilities will be provided by the City of Oldsmar sewage treatment and disposal facilities, in accordance with plans and specifications approved by the City and the State Department of Environmental Regulation to serve all buildings within the development. All sanitary sewerage facilities, with the exception of building sewers, shall be installed in public easements or rights-of-way and conveyed to the City by a properly executed Bill of Sale with warranties. No building permits will be issued for future development unless adequate sanitary sewerage facilities are available. The development shall be required to connect to the City of Oldsmar sewage treatment plant. The developer and/or other property owners of the development shall be subject to payment of sewer connection fees and sewer service charges in accordance with the then existing policies and schedule of sewer rates and fees.

13. The developer will be required to dedicate by deed or plat, whichever appropriate, the right-of-way requirements depicted on the accompanying transportation network map, affixed to and made part of this development order.

In addition, the developer will be required to dedicate by plat all right-of-way as required by the City Subdivision Regulations and/or the City Zoning Regulations.

The capacity and loading of transportation facilities in the East Lake Tarpon area, inclusive of all intersections, including but not limited to East Lake Road (CR 77); State Road 584 (from U.S. 19 to the Hillsborough County Line); State Road 582 (between US 19 and Hillsborough County Line); and SR 580 (from US 19 to the Hillsborough County Line) shall be a limited factor in subsequent site plan approvals. No site plans shall be approved for Forest Lakes unless it is deter-

mined by the City in a written finding that the above roadways are operating at or above level of service "C" or that level of service established by Florida Department of Transportation. A site plan disapproval through this procedure may be appealed by the developer to the Oldsmar City Council. On appeal, the City Council may approve such site plan upon an affirmative finding that the aforesaid roadways shall not be unduly burdened, regardless of the present or projected level of service of any of said described roads. If any improvements or new roads are deemed necessary by the City Council to avoid such undue burden, then such improvements shall be either substantially completed or programmed for construction by the expected date of completion for the development phase or portion under construction. Determinations of the level of service of roadways shall be set forth in writing, and shall be based upon the most recent and best available transportation data, including but not limited to average daily traffic counts by Pinellas County and/or the Florida Department of Transportation; and to the extent that appropriate data is available, shall utilize the methodology contained in the Highway Capacity Manual - 1965. In making any determinations pursuant to this provision, the City shall consider applying proportionate uniform treatment in relation to other proposed developments in the area.

14. The designated thoroughfares to be located within the project as reflected on the conceptual site development plan shall be considered as public roads and will be dedicated without cost to the City by the developer from time to time as developer offers a plat of any portion thereof for final site plan approval or, if the developer so desires, at the time of completion of construction of any portion of such roads. As to those roads, or portions of such roads, which are to be constructed by developers as hereinafter set forth, such construction shall take place at such times as the devel-

oper deems appropriate and the construction shall be in full accordance with existing City subdivision regulations and with the City zoning regulations, or at the option of the City, construction shall be in accordance with those county standards and regulations in effect at the time commencement of such construction.

15. The developer agrees that land designated on the Master Drainage Plan as preservation area, which is subject to minor in-field change, will be restricted by appropriate legal instrument mutually satisfactory to the parties as open space perpetually or for a period of not less than ninety-nine (99) years. Such instrument shall be binding upon developer, its successors and assigns, shall constitute a covenant running with the land, and shall be recorded either prior to or at time of final site plan approval for site specific.

16. This development is being approved by the City Council subject to further review of Phases II and III pursuant to Chapter 22F-1.24, FAC. All requests for site plan approval shall include the proposed build-out period for the area covered by the proposed plan. In connection therewith, it is recognized by this the City Council that the Master Concept Plan submitted with the developer's application for DRI approval is a conceptual plan intended to portray a general idea or understanding of the proposed development and that upon preparation of more detailed and definite development plans some changes will likely occur. Such changes shall not require resubmission of the master plan so long as the concept set forth in the preliminary plan is in substantial compliance with the concept reflected in the master plan. On the other hand, if the preliminary development plan reflects any material and significant deviation from the terms and provisions of this resolution and development order or substantial departure from the concept of the site development plan submitted with the developer's DRI which is not appropriately addressed by

the City Council, then all development activity pertaining to the undeveloped and unplatted portions of the project shall terminate and shall bring about a retriggering of the DRI process as to such undeveloped portions of the project. It is understood and agreed that approval by the City Council of any such changes shall not be unreasonably withheld. Any changes which result from improvements to the development plan or which are required by any governmental agency having jurisdiction of the subject matter shall not be deemed to be material or significant deviation.

17. The City Council shall appoint the Mayor, the City Manager, or a designee, to be responsible for monitoring the Forest Lakes DRI.

18. This Resolution shall constitute a Development Order within the meaning of Florida Statutes and such Development Order shall take effect upon the passage of this Resolution by the City Council. The duration of this Development Order shall be a period of ten (10) years, provided that the effective period may be extended by the City Council upon demonstration of good cause. This development order shall terminate on the tenth anniversary of its passage by the City Council.

19. CFS Service Corporation, or its successors shall provide an annual report to the local official responsible for monitoring the DRI, the Tampa Bay Regional Planning Council, and the State Land Planning Agency no later than the first anniversary of the passage of this Development Order and each year thereafter until the termination of the Development Order. As a minimum, the Annual Report will include the following:

- a) Any changes in the proposed plan of development;
- b) Description of the development activities which have occurred over the previous year including a summary of the number, type and location of residential units and commercial structures;

- c) A description of development activity proposed for the next year;
- d) Estimations of DRI generated traffic along each corridor abutting the development;
- e) A statement setting forth names and addresses of any assignees or successors in interest to this Development Order.

20. All proposed substantial and material changes to the DRI for which this Development Order has been approved shall be submitted to the City Council for a substantial deviation determination prior to implementation of such changes by the developer. The term "substantial deviation" means any change to a previously approved DRI which creates a reasonable likelihood of an additional significant regional impact which was not previously reviewed by the City Council or the Tampa Bay Regional Planning Council.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. This Resolution, together with the appropriate attachments and exhibits thereto, shall constitute a Development Order within the meaning of Florida Statutes and this Development Order grants conceptual approval of the Forest Lakes Development master plan subject to subsequent review as detailed in this order pursuant to Chapter 22F-1.24, FAC and Chapter 380, F.S. and constitutes final DRI approval of Phase I.

Section 2. Development shall not commence on Phases II or III until the developer has received an approved Development Order from the City Council for the phase in which the development is proposed and the appeal period provided by Chapter 380.07, F.S. has expired. Detailed site plans for review and approval shall be submitted to the City Council in accordance with the City of Oldsmar zoning regulations. Specific phase review will include, but will not be limited to the

following pursuant to Chapter 380.06(8), F.S.

- a) Transportation
- b) Lake Management
- c) Potable Water

Section 3. That the agreements and exhibits as required by Chapter 380, Florida Statutes, and as attached hereto (developer's conceptual master plan) is hereby declared to be a part of this Resolution and Development Order as though set out in full in this Resolution.

In view of negotiations between the City and the developer subsequent to the public hearing in this matter in order to clarify and resolve the terms and conditions of this Agreement, it is understood and agreed that this Resolution and Development Order embodies the entire contractual arrangement between the parties and no changes shall subsequently be made herein except by further written amendment to this agreement.

Section 4. All conditions, restrictions, stipulations and safeguards contained in this Resolution and Development Order may be enforced by either party hereto by action at law or equity.

It is hereby declared that the terms and conditions set out in this document, as agreed upon by the developer and the City, constitute a basis upon which the developer and City may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order.

All dedications or donations contemplated to be made by the developer herein shall be with full warranty of title and be free and clear of all liens and encumbrances.

Section 5. This Resolution and Development Order shall not be construed as superseding any statute, County ordinance, City ordinance or regulation, or agreements previously entered into; and in the event of conflict, such statute, County ordinance, City ordinance or regulation shall control. This Develop-

ment Order shall stay in effect for a period of ten (10) years from and after the date hereof. During this period, the developer shall annually provide the City of Oldsmar, Pinellas County, Tampa Bay Regional Planning Council, and the Division of State Planning with a summary of completed construction and an estimate of proposed construction over the remaining life of the Development Order. Accordingly, if any section, sentence, clause, phrase or word is for any reason held or declared to be invalid, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Resolution and Development Order and it shall be construed to have been the intent to pass this Resolution and Development Order without such invalid or inoperative part therein and the remainder, exclusive of such parts, shall be deemed and held to be valid as if such parts had not been included therein.

Section 6. This Resolution and Development Order shall be recorded in the Official Record Book of the Clerk of the Circuit Court and shall be binding upon the developer, CFS Service Corp., its successors and assigns. In accordance with Chapter 380.07, Florida Statutes, a copy of this Resolution and Development Order shall be sent to the Division of State Planning, the Tampa Bay Regional Planning Council, and the owner.

This Resolution and Development Order shall not be construed as an agreement on the part of the City to exempt the developer, its successors and assigns from the operation of any ordinance or regulation now in effect or hereinafter adopted by the City for the purpose of protection of public health, welfare and safety, which said ordinance or regulation shall be generally and equally applicable throughout the City of Oldsmar, and which said ordinance or regulation is not calculated to impair or otherwise frustrate the project herein approved.

OFFICE OF
THE CITY ATTORNEY
City of Oldsmar
P.O. Box 100
101 West State Street
Oldsmar, Florida 33557

The developer, by signing this document in the space

hereinafter provided, signifies its approval and assent to the provisions hereof.

Section 7. This Resolution shall become effective immediately upon passage and adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA, THIS 19 DAY OF May . A.D., 1981.

ATTEST:

Kamileyn May
City Clerk

Sandy J. Francisco
MAYOR

PASSED ON FIRST READING:

PASSED ON SECOND READING:

PASSED ON THIRD READING: 5-19-81

A RESOLUTION OF THE PINELLAS COUNTY
BOARD OF COUNTY COMMISSIONERS; ~~SECOND~~
CLARIFICATION OF THE INTENT OF THE
FOREST LAKES DEVELOPMENT ORDER ~~ISSUED~~
JANUARY 16, 1979

WHEREAS, the Pinellas County Board of County Commissioners has further assessed the Forest Lakes A.D.A. and development order and issues the following findings of fact;

- A. WHEREAS, Condition No. 10 of the Forest Lakes development order, as issued January 16, 1979 by the Pinellas County Board of County Commissioners, requires approval of a Master Plan of the total drainage system prior to commencement of construction or changing of any land contour; and
- B. WHEREAS, Pinellas County is currently under contract with the Engineering Firm of Henningson, Durhman and Richardson to prepare a Master Drainage Plan for the entire Eastlake Tarpon area; and
- C. WHEREAS, Pinellas County drainage plan for the Eastlake Tarpon area will provide information necessary for the completion of a drainage plan for all of Forest Lakes; and
- D. WHEREAS, It is unreasonable for the County to require Forest Lakes to duplicate the work of Henningson, Durhman and Richardson outside the project boundaries; and
- E. WHEREAS, The developers of Forest Lakes have to date been unable to comply with the provisions set forth in Condition 10 of the original development order as Pinellas County is unable to provide detailed offsite drainage information; and
- F. WHEREAS, The developers have assured Pinellas County that the Forest Lakes Drainage Plan will be completed no later than six months from the date of this resolution; and
- G. WHEREAS, The developers have appealed to Pinellas County to allow certain limited development in Phase I prior to completion of both the Pinellas County and Forest Lakes Master Drainage Plans; and
- H. WHEREAS, After due consideration, the Pinellas County Board of County Commissioners finds merit in the technical and economic basis for the request; and
- I. WHEREAS, All other outstanding conditions of the January 16 development order to approve Phase I have been generally satisfied; and

J. WHEREAS, The intent of the February 27, 1979 clarification resolution adopted by Pinellas County was to allow development in Phase I of Forest Lakes that would not commit overall drainage improvements in Phases II and III, until completion and approval of an overall Master Drainage Plan,

NOW, THEREFORE, BE IT RESOLVED By the Pinellas County Board of County Commissioners, that the development of Forest Lakes may commence in accordance with the stipulations and limitations contained herein during the preparation of the Forest Lakes Master Drainage Plan,

BE IT FURTHER RESOLVED, That the Pinellas County Board of County Commissioners, in regular session duly assembled, this 8th day of April, 1980, does hereby approve certain modifications to the land contours and residential construction not to exceed 28 dwelling units in the location shown on the attached map (made a part of this resolution),

BE IT FURTHER RESOLVED, That no additional construction or land alteration shall be permitted until the Master Drainage Plans are completed and approved according to Condition No. 10 of the original Development Order for all of Phase I and that part of Phase II which affects Phase I drainage. It is understood that the Master Drainage Plan for Forest Lakes shall be submitted to Pinellas County no later than six months from the date of this resolution.

Commissioner _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____ and upon roll call, the vote was:

(Ayes:

(Nays:

(Absent and not voting:

Attachments

A RESOLUTION OF THE PINELLAS COUNTY BOARD OF COUNTY
COMMISSIONERS FORMALLY CLARIFYING THE INTENT OF THE
FOREST LAKES DEVELOPMENT ORDER ISSUED JANUARY 16,
1979

WHEREAS, the Pinellas County Board of County Commissioners has reviewed the Forest Lakes Application for Development Approval and issues the following findings of fact:

- A. The proposed development is not in an area of critical state concern designated pursuant to the provisions of s.380.05, Florida Statutes.
- B. Pinellas County has considered the State Comprehensive Plan and has determined that the Forest Lakes development does not unreasonably interfere with the goals and objectives of said Plan.
- C. The proposed development as amended herein is consistent with the report and recommendations of the TBRPC submitted pursuant to 380.06 (8), Florida Statutes.
- D. This development shall proceed in three phases according to the Approved Master Plan attached hereto and referred to as Exhibit 1.
- E. All ADA questions are sufficiently addressed by the Application for Development Approval as revised and in conditions set forth in this development order, and will not be subject to further phase review pursuant to 380.06(8) with exception of the following:
 - (1) Transportation
 - (2) Lake Management
 - (3) Potable Water

and,

WHEREAS, the Pinellas County Board of County Commissioners has made the following conclusions of law:

- A. This development order grants conceptual approval of the Forest Lakes development Master Plan subject to subsequent limited review as detailed in this order pursuant to Chapter 22F-1.24, F.A.C. and Chapter 380, F.S.
- B. This development order constitutes final DRI approval of Phase I as described in the revised ADA.
- C. Development shall not commence on Phases II or III until the developer has received an approved development order from Pinellas County for the Phase in which development is proposed and the appeal period provided by Chapter 380.07, Florida Statutes, has expired. Detailed site plans of the approved phase shall be submitted for review and approval to Pinellas County in accordance with the Pinellas County Zoning Regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Pinellas County Board of County Commissioners, Florida, in Public Meeting, duly constituted and assembled this 27th day of February, 1979, in consideration of the Development of Regional Application for Development Approval submitted by CFS Service Corporation, hereby orders the Forest Lakes ADA approved subject to conditions, restrictions and limitations listed below. This approval constitutes a clarification of the intent of the Development Order issued to CFS Service Corporation on January 16, 1979.

1. Approved Master Development Plan

Approval of the Master Development Plan shall be contingent upon the developers conformance to the revised Application for Development Approval in terms of maximum number, type and phasing of residential dwelling units, commercial and public structures. (Said revised Application for Development Approval, dated October 6, 1978, is incorporated by reference and is modified by the Approved Master Development Plan referred to as Exhibit 1.)

2. Review and Approval of Remaining Phases

Phased applications for development approval shall be prepared and submitted for review prior to the development of Phases II and III pursuant to Chapter 22F-1.24 F.A.C. and shall specifically address the following regional issues:

- (a) Transportation
- (b) Potable Water
- (c) Lake Management

3. Lake Management Plan

Page 1, Item 4, which now reads: "This plan is to be submitted to Pinellas County for review and approval on an annual basis until the total buildout of the project is complete."
Is intended to read: "This plan shall be consistent with the best management practices accepted by the State of Florida."

4. Potable Water Supply

A. Page 4, Item 11, Paragraph 1, which now reads: "...an adequate, safe, potable, water supply may be a limiting factor..."
Is intended to read: "...an adequate and safe potable water supply shall be a limiting factor..."

B. The following modifying language should be added to Paragraph 2 of Item 11 in acknowledgement of the phased D.O.:

"The developers shall provide a Potable Water Supply Plan for each remaining Phase Application for Development Approval. The Plan shall describe any expansion of maintenance to the Forest Lakes potable water supply system necessary to service the Phase under review, regardless of who the supplier may be. The Plan shall be submitted by the developer pursuant to 22.F-1.24, F.A.C."

C. Page 4, Item 11, Paragraph 2, first sentence which now reads: "No site plan shall be approved for Forest Lakes unless it is determined by County Administration that the ..."

Is intended to read: "No site plan shall be approved for Forest Lakes unless it is determined by the County Administrator in writing that the..."

5. Wastewater Treatment

Page 5, Item 12, last sentence which now reads: "Upon completion of Regional Wastewater Facilities, the interim treatment and disposal facilities shall be removed. The developer and/or other property owners..."

Is intended to read: "Upon completion ... shall be removed and the development shall be required to connect to the treatment facility designated by the North Pinellas 201 Facility Plan. Until such facility is completed and assigned responsibility for regional wastewater treatment, the developer and/or other property owners..."

6. Transportation

A. Page 5, Item 13; the first sentence is modified to read: "... made part of this development order as Exhibit 2."

B. Page 6, Paragraph 2 which now reads: "The capacity and loading of transportation facilities in the East Lake Tarpon area..."
Is intended to read: "The capacity and loading of transportation facilities in the East Lake Tarpon area, inclusive of all intersections,"

C. Page 6, paragraph 2 which now reads: "State Road 584 (between S.R. 580 and U.S. 19)"

Is intended to read: "State Road 584 from U.S. 19 to the Hillsborough County Line"

D. Page 6, paragraph 2 which now reads: "S.R. 580 (to U.S. 19) shall be a limiting factor..."

is intended to read: "S.R. 580 from U. S. 19 to the Hillsborough County Line shall be a limiting factor..."

U.K. 86
E. Page 6, paragraph 2, which in part reads: "No site plans shall be approved for Forest Lakes unless it is determined by Pinellas County that the expected trips to be generated by such approval would not cause the roadways to operate below the level of service for said roadways commensurate with design policy of Florida Department of Transportation (F.DOT)." :

is intended to read: "No site plan shall be approved...unless it is determined by the County Administrator in a written finding that the above roadways are operating at or above level of service C or that level of service established by the Florida Department of Transportation."

7. General

U.K. 86
A. Page 7, Item 16, first sentence which now reads: "This development is being approved by this Board under existing zoning ordinances which require...plans by the developer for approval by Pinellas County."

is intended to read: "This development is being approved subject to further review of Phases II and III pursuant to Chapter 22F-1.24, Part II, Florida Administrative Code."

U.K. 86
B. Page 7, Item 16, middle of paragraph which now reads: "the site development plan...which is not subsequently approved by this Board..."
is intended to read: "the site development plan...which is not appropriately addressed by this Board..."

C. Page 7, seventh line from bottom which now reads: "...withheld and that any changes..."

is intended to read: "withheld. Any changes..."

D. Page 7, Item 16: The last sentence shall be deleted. The jurisdiction for determining substantial deviation is legislatively documented. Therefore, this sentence is unnecessary.

U.K. 86
E. Page 9, paragraph 1: This paragraph shall be deleted. In acknowledgement of the phased D.O. for Forest Lakes, the review of site plans by the Tampa Bay Regional Planning Council is unnecessary.

8. This clarifying resolution is hereby incorporated into and made a part of the Forest Lakes Development Order issued by this Commission on January 16, 1979.

Commissioner Malchon offered the foregoing resolution and moved its adoption, which was seconded by Commissioner Tyndall, upon the roll call the vote was:

Ayes: Wornicki, Chesnut, Malchon and Tyndall.

Nays: None.

Absent and not voting: Rainey.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

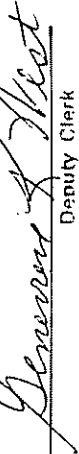
By 
Attorney

I, HAROLD MULLENDORE, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida.

Witness my hand and seal of said county

this 27th day of February A.D. 19 74.

HAROLD MULLENDORE, Clerk of the Circuit Court Ex-Officio to Clerk to the Board of County Commissioners, Pinellas County, Florida.

By 
Deputy Clerk

LET IT BE KNOWN, pursuant to Section 380.06(7), Florida Statutes, CFS Service Corp. filed with Pinellas County an application for Development Approval of a Development of Regional Impact, the Board of County Commissioners of Pinellas County has heard at a public hearing held on January 16, 1979, the Application for Development Approval for Forest Lakes, a Development of Regional Impact consisting of a Residential Project of approximately 2,900 units, to be located in Pinellas County through 1990.

WHEREAS, this Development Order specifically sets out the conditions of the proposed development. This D.R.I. is consistent with current development activities in northern Pinellas County and the adopted Comprehensive Land Use Plan, which provides for urban development in the East Lake Tarpon R.P.D. zoned area.

WHEREAS, this project known as Forest Lakes is compatible with existing plans of development for that area, it is the recommendation of the Planning Department that this application for Development Authorization (A.D.A.) and accompanying Development Order as approved by the Board of County Commissioners subject to the following conditions

1. The gross density shall be limited to 3.5 units per acre on the uplands as defined on the Master Concept Plan, which is understood by this Board to be subject to minor change.

2. The developer shall pay to the Pinellas County Board of County Commissioners in the sum of \$3,500 for the purchase of one (1) "RM Young Wind Speed and Direction Instrument", which is to be substituted for a similar instrument currently under loan from E.P.A. The instrument will be utilized in the existing air quality station for this area. The unit will be purchased, operated and maintained by appropriate public agency. Pinellas County will establish an escrow account "earmarked" for said purpose. These funds will be received before any site plan approvals are granted.

3. The developer will show proof of contract for an archaeological survey of the subject property by a qualified firm or individual (approved by Pinellas County) before any major land alterations occurs.

4. The developer shall contract with a qualified firm, agency or individual (approved by Pinellas County) to establish an interior lake management plan of sufficient detail to allow the future proposed lakes to become functional biological units recognizing their primary purpose of providing retention. This plan is to be submitted to Pinellas County for review and approval on an annual basis until the total buildout of the project is complete.

5. The developer will contract with a qualified firm, agency or individual (approved by Pinellas County) to conduct an appropriate survey of the site for endangered species,

including, but not limited to, the southern Bald Eagle and shall allow the Pinellas County Dept. of Environmental Management to conduct a similar survey, if requested, prior to any land alteration occurring in each phase of the continuing development. If such endangered species are found, the developer will secure approval, in writing, of the U.S. Department of Interior and Florida Fresh Water Fish and Game Commission prior to issuance of Pinellas County final administrative site plan approval in the area identified by the Interior Department to be the "critical zone". The developer will then contract with a qualified firm, agency or individual (approved by Pinellas County) to monitor the continuing status of the threatened species on or near the site.

6. An adequate area of upland vegetation and wildlife habitat shall be preserved in its natural state, as a prerequisite to final site plan approval of each additional phase of development to be approved by the Board of County Commissioners. In addition to the wetland areas set aside, there will be an adequate buffer area of transition, i.e. upland vegetation between these wetlands and developed areas, the extent of which will be determined and agreed upon by the developer during the site plan review process for each phase of development. Passive recreation may be considered a compatible use for these areas, depending on agreed to intensity limitations.

7. The developer shall, to the extent set forth below, preserve in their natural state, the wetlands set aside as Preservation Areas, the limits of which will be determined by the County on a conceptual basis at the time the Master Drainage Plan is submitted and on an exact basis during the site plan review process. While preserving the dwelling unit count, it is also understood that the D.R.I. Master Concept Plan is not site specific and shall not limit the protection of wetlands not identified by said plan. The seasonal hydroperiods in the wetlands must not be altered either through lowering of the water table or alteration of overland flow.

Specific detailed information will be required especially when proposed improvements disturb the confining "dish" layer beneath wetland areas in order to insure that the integrity of these wetlands is maintained after such approved improvements (particularly the berm design and construction).

It will be required that the criteria and requirements of Chapter 17-3, and Chapter 17-4 of the Rules of Florida D.E.R. shall be adhered to during development when approved.

The following are considered as "wetlands", as defined by U.S.D.A. Soil Conservation Service Soil Types, and also "wetlands" as defined by D.E.R. Chapter 17-4 are hereby made part of this Development Order.

a.) Astor (At)

- b.) Astor (Au)
- c.) Charlotte (Ch)
- d.) Coastal Beach (Co)
- e.) Felda (Fe)
- f.) Fellowships (Fh)
- g.) Manatee (Mn)
- h.) Okeechobee (Ok)
- i.) Pamlico (Pc)
- j.) Placid (Pn)
- k.) Pompano (Ps)
- l.) Terra Ceia (Tc)
- m.) Tidal Marsh (Td)
- n.) Tidal Swamp (Ts)

Also, being made part of the Development Order is the "uplands" as defined by D.E.R.
Chapter 17-4.

8. Prior to the recording or approval of any final plats or site plans of any portion of Forest Lakes, the developer shall enter into a written agreement with the Pinellas County Board of Public Instructions relative to the following matters:

a. Reserve for said School Board of that certain 36 acre school sites which is depicted in the conceptual plan filed by the developer and heretofore agreed to by said School Board for utilization as elementary school sites.

b. Said agreement shall specify the timing for the dedication of said school sites in general accordance with proposals heretofore agreed to between developer and the School Board, with the understanding that the need for this facility will occur at or about the time of the generation of the agreed upon school age pupils residing in Forest Lakes. No final site plans for Forest Lakes shall be approved by this board until such agreement has been properly entered into.

c. Anything hereinabove contained to the contrary notwithstanding, this Board reserves the right to decide and resolve any questions which cannot be resolved between developer and the School Board.

9. As of December 13, 1977, the Lake Tarpon area of Pinellas County by way of a public referendum became a fire district known as the Tarpon Lake Fire Control District of which Forest Lakes is part of and subject to all controls/requirements as per state status.

10. Surface drainage shall be so designed as to insure the maintenance of high quality water ratings. Lakes, streams, and waterways shall be provided with dams, weirs, or other control devices, and upland drainage to watercourses shall be so designed through the use of berms, dams, temporary ponding areas, water trenches, or other devices to prevent the transmission of silts, sediments, nutrients, road oils or greases, or other contaminants into major water courses off the property. A master plan of the total drainage system and devices to accomplish this end shall be submitted for approval to the Pinellas County Engineering Department and the Pinellas County Environmental Management Department, or such other agencies to which the particular functions may be from time to time assigned. Approval of said master plan must be obtained prior to commencement of construction or changing of any land contour.

11. Although the County Water System has recorded a commitment against the water supply quantity projected to be available, the actual availability of an adequate, safe, potable, water supply may be a limiting factor in subsequent site plan approvals for Forest Lakes.

No site plan shall be approved for Forest Lakes unless it is determined by County Administration that the water demands generated by such approval would not cause the total anticipated demand to exceed the authorized supply of water available to the County system. Such findings shall be a part of the authorization for any site plan approval for Forest Lakes, and shall include: 1) The anticipated amount of water required, determined by multiplying the proposed number of dwelling units in the site plan by the standard impact factor utilized by the County Water System in accordance with the County's Managed Growth Program which factor shall not exceed 300 gallons per dwelling unit per day; 2) The date this anticipated demand will be reached, based on the developer's estimated buildout period for the development proposed in the site plan; 3) The water supply source from which the additional water demand generated by the site plan approval will be met; 4) The projected excess capacity of the County Water System at the anticipated date of completion of the development proposed in the site plan, and any commitments that have been made for the excess capacity; 5) Existing C.U.P. granted by S.W.F.W.M.D. showing adequate water resources which are required to fulfill the additional water demand based on the data utilized in Findings 1 through 4.

Approval of a site plan pursuant to this provision does not constitute a binding commitment by the County for water supply. Water shall be supplied by Pinellas County pursuant to its adopted Managed Growth Program, and no building permits shall be issued when anticipated demands are equal to or greater than the actual supply of water available

to the County system. Water for nonpotable needs shall be obtained from sewage effluent, shallow wells or the retention lake system where feasible. The distribution system for irrigation shall not be connected to any county or municipal water source. Any existing deep irrigation wells may be used for general irrigation after review and approval by the County, so long as the impact on County Water System does not exceed the present impact, if any. Any alteration of the property caused by development shall not adversely affect the County's East Lake Road Wellfield, or portion thereof through lowering of the Florida or surficial aquifer water levels which could lead to reduced productivity or encouraging salt water intrusion in the area. In addition, the developer will convey to Pinellas County their rights in the Florida aquifer as well as certain real property for construction of wells, pipelines etc.

Potable water supply for Forest Lakes shall be limited to its proportionate share of the production capability of the Pinellas County Water System as authorized by the Southwest Florida Water Management District or its successor agency. This limitation shall apply to any and all development and improvements of any kind or character placed upon the Forest Lakes site. No site plans shall be approved which would cause the development's water demand to exceed the authorized production capability of Pinellas County at the time of request. Water demand shall be calculated based upon the County's most current estimates of actual domestic and non-domestic water use in Forest Lakes.

12. Sewage treatment and all appropriate facilities will be provided by an interim sewage treatment and disposal facilities, in accordance with plans and specifications approved by Pinellas County Sewer System and State Department of Environmental Regulation to serve all buildings within the development, as per agreement (June 12, 1978). All sanitary sewerage facilities, with exception to "building sewers", shall be installed in public easements or right-of-way conveyed to Pinellas County. Adequate land sites will be made available for interim disposal of treated effluent. No building permits will be issued for future development unless adequate sanitary sewerage facilities are available. Upon completion of Regional Wastewater Facilities the interim treatment and disposal facilities shall be removed. The developer and/or other property owners of the development shall be subject to payment of sewer connection fees and sewer service charges in accordance with County's policies and Schedule of Sewer Rates and Fees.

13. The developer will be required to dedicate by deed or plat, whichever appropriate, the right-of-way requirements depicted on the accompanying transportation network map, affixed to and made part of this development order.

In addition, the developer will be required to dedicate by plat all rights-of-way as required by the Pinellas County Subdivision Regulations and/or the Pinellas County Zoning Regulations.

The capacity and loading of transportation facilities in the East Lake Tarpon area, including but not limited to East Lake Road (CR 77); State Road 586 (between SR 584 and US 19); State Road 584(between SR 580 and US 19); State Road 582 (between US 19 and Hillsborough County line); and SR 580 (to US 19) shall be a limiting factor in subsequent site plan approvals. No site plans shall be approved for Forest Lakes unless it is determined by Pinellas County that the expected trips to be generated by such approval would not cause the roadways to operate below the Level of Service for said roadways commensurating with design policy of Florida Department of Transportation (F.D.O.T.). A site plan disapproval through this procedure may be appealed by the developer to the Board of County Commissioners. On appeal, the Board of County Commissioners may approve such site plan upon an affirmative finding that the aforesaid roadways shall not be unduly burdened regardless of the present or projected level of service of any of said described roads. If any improvements or new roads are deemed necessary by the Board of County Commissioners to avoid such undue burden, then such improvements shall be either substantially completed or programmed for construction by the expected date of completion for the development phase or portion under consideration. Determinations of the Level of Service of roadways shall be set forth in writing, and shall be based upon the most recent and best available transportation data, including but not limited to average daily traffic counts by Pinellas County and/or the Florida Department of Transportation; and to the extent that appropriate data is available, shall utilize the methodology contained in the Highway Capacity Manual - 1965. In making any determinations pursuant to this provision, the County shall consider applying proportionate uniform treatment in relation to other proposed developments in the area.

14. The designated thoroughfares to be located within the project as reflected on the conceptual site development plan shall be considered as public roads and will be dedicated without cost to the County by the developer from time to time as the developer offers a plat of any portion thereof for final site plan approval or, if developer so desires, at the time of completion of construction of any portion of such roads. As to those roads, or portions of such roads, which are to be constructed by developers as hereinafter set forth, such construction shall take place at such times as the developer deems appropriate and the construction shall be in full accordance with existing county subdivision regulations and for the Pinellas County zoning regulations, or

at the option of the Pinellas County, construction shall be in accordance with those county standards and regulations in effect at the time commencement of such construction.

15. The developer agrees that land designated on the Master Drainage Plan as preservation area, which is subject to minor in-field change, will be restricted by appropriate legal instrument mutually satisfactory to the parties as open space perpetually or for a period of not less than ninety-nine (99) years. Such instrument shall be binding upon developer, its successors and assigns, shall constitute a covenant running with the land, and shall be recorded either prior to or at time of final site plan approval for site specific.

16. This development is being approved by this Board under existing zoning ordinances which require subsequent submissions of preliminary development plans and final development plans by the developer for approval by Pinellas County. All requests for site plan approval shall include the proposed build-out period for the area covered by the proposed plan. In connection therewith, it is recognized by this Board that the Master Concept Plan submitted with the developer's application for D.R.I. approval is a conceptual plan intended to portray a general idea or understanding of the proposed development and that upon preparation of more detailed and definitive development plans some changes will likely occur. Such changes shall not require resubmission of the master plan so long as the concept set forth in the preliminary plan is in substantial compliance with the concept reflected in the master plan. On the other hand, if the preliminary development plan reflects any material and significant deviation from the terms and provisions of this resolution and development order or substantial departure from the concept of the site development plan submitted with the developer's D.R.I., which is not subsequently approved by this Board, then all development activity pertaining to the undeveloped and unplatted portions of the project shall terminate and shall bring about a retriggering of the D.R.I. process as to such undeveloped portions of the project. It is understood and agreed that approval by this Board of any such changes shall not be unreasonably withheld and that any changes which result from improvements in the development plan or which are required by any governmental agency having jurisdiction of the subject matter shall not be deemed to be material or significant deviations. In the event the developer and this Board should disagree as to whether or not proposed changes are material and significant deviations from this resolution and development order, or from the developer's site development plan, then the question shall be submitted to the State Division of Planning, or successor agency, for its recommendation and decision.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Pinellas County in public meeting assembled that the agreements and exhibits are required by Chapter 380 Florida Statutes and as attached hereto (developer's conceptual master plan) is hereby declared to be a part of this Resolution and Development Order as though set out in full in this Resolution.

In view of negotiations between the County and the developer subsequent to the public hearing (January 16, 1979) in this matter in order to clarify and resolve the terms and conditions of this agreement, it is understood and agreed that this Resolution and Development Order embodies the entire contractual arrangement between the parties and no changes shall subsequently be made herein except by further written amendment to this agreement.

All conditions, restrictions, stipulations and safeguards contained in this Resolution and Development Order may be enforced by either party hereto by action at law or equity and all costs of such proceedings, including a reasonable attorney's fees should be paid by the defaulting party.

It is hereby declared that the terms and conditions set out in this document, as agreed upon by the developer and the County, constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order.

All dedications or donations contemplated to be made by the developer herein shall be with full warranty of title and be free and clear of all liens and encumbrances.

This Resolution and Development Order shall not be construed as superseding any statute, County ordinance or regulation, or agreements previously entered into; and in the event of conflict, such statute, County ordinance or regulation shall control. This development order shall stay in effect for a period of ten (10) years from and after the date hereof. During this period, the developer shall annually provide Pinellas County, Tampa Bay Regional Planning Council, and the Division of State Planning with a summary of completed construction and an estimate of proposed construction over the remaining life of the development order. Accordingly, if any section, sentence, clause, phrase, or word is for any reason held or declared to be invalid, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Resolution and Development Order and it shall be construed to have been the intent to pass this Resolution and Development Order without such invalid or inoperative part therein and the remainder, exclusive of such part or parts, shall be deemed and held to be valid as if such parts had not been included therein.

All site plans/plats and additional information pertinent to phases I, II, and III of Forest Lakes, will be transmitted to the Tampa Bay Regional Planning Council, at time of submittal for review and comment.

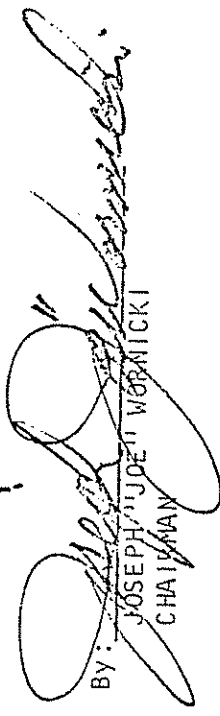
This Resolution and Development Order shall be recorded in the Official Record Book of the Clerk of the Circuit Court and shall be binding upon the developer, CFS Service Corp., its successors and assigns. In accordance with Chapter 380.07, Florida Statutes, a copy of this Resolution and Development Order shall be sent to the Division of State Planning, the Tampa Bay Regional Planning Council, and the owner.

This Resolution and Development Order shall not be construed as an agreement on the part of Pinellas County to exempt the developer, its successors and assigns from the operation of any ordinance or regulation now in effect or hereinafter adopted by the County for the purpose of protection of public health, welfare and safety, which said ordinance or regulation shall be generally and equally applicable throughout Pinellas County, and which said ordinance or regulation is not calculated to impair or otherwise frustrate the project herein approved.

The developer, by signing this document in the space hereinafter provided, signifies its approval and assent to the provisions hereof.

PASSED AND DULY ADOPTED THIS 16th day January A.D. 1979.

BOARD OF COUNTY COMMISSIONERS OF
PINELLAS COUNTY, FLORIDA

BY: 
JOSEPH "JOE" WORNICKI
CHAIRMAN

ATTEST:

HAROLD MULLENDORE, Clerk of the Circuit
Court and ex officio Clerk of the Board
of County Commissioners of Pinellas
County, Florida

By: 
Deputy Clerk

The developer does hereby approve and assent to the terms, conditions and provisions of the above and foregoing Resolution and Development Order and does acknowledge that the same is binding upon developer, its successors and assigns. Developer further consents to the recording of this Resolution and Development Order in the Public Records of Pinellas County, Florida.

Witnessed By:

Gay Russell
Kathleen S. Moore

By: John R. Mudge
President

(CORPORATE SEAL)

Attest:

Michael A. [Signature]
As Secretary

Exhibit A2

Approved General Site Development Plan

Color Codes

General Phase I:	yellow, orange and light blue.
General Phase II:	red.
General Phase III:	pink.
General Phase IV:	brown.
Out Parcels:	orange; labeled Out Parcels.
Tidal Soils:	includes areas color coded green.
Salt Barrens:	includes areas color coded white.

General Phase 1 Sub-Phases

Color coded: yellow, orange and light blue

	<u>Sub-phase pocket #</u>	<u>Acreage</u>	<u>Density</u>	<u>Units</u>	<u>Use</u>
	50	45.10	6.0	270	SFD
	61	21.30	--	--	Commercial
	62	59.46	--	--	Commercial
	63a	6.54	--	--	Commercial
	69	15.00	--	--	Elem. Sch.
	72	4.45	--	--	Golf Course
	74	66.40	8.0	531	SFA
	75	19.83	8.0	158	SFA
	76	3.08	--	--	Commercial
	77	6.49	--	--	Commercial
Complete	78	21.20	3.7	78	SFD
	79	8.08	20.0	161	MF
	80	6.43	--	--	Commercial
	81	12.04	--	--	Commercial
	82	33.02	3.7	122	SFD
	83	90.31	16	1,434	Res/Com.
	84	26.73	20.0	534	MF
	85	17.29	--	--	Commercial
	86	68.02	16	1,079	Res/Com.
	87	16.52	--	--	Commercial
	89	.75	--	--	Fire Sta.
	91	19.02	6.0	144	SFD
Vested	92	55.65	3.7	206	SFD
Vested	95	48.55	3.7	179	SFD
	96	28.92	8.0	231	SFA
	97	55.97	3.7	207	SFD
	98	15.57	8.0	124	SFA

General Phase 1 Sub-Phases (cont.)

Color coded: yellow, orange and light blue

	<u>Sub-phase pocket #</u>	<u>Acreage</u>	<u>Density</u>	<u>Units</u>	<u>Use</u>
Vested	99	11.38	8.0	91	SFA
	100	3.00	8.0	24	SFA
Vested	101	29.48	12.0	353	MF
	102	15.00	--	--	Elem. Sch.
	103	17.92	--	--	Recreation
Vested	104	11.12	8.0	88	SFA
	105	8.04	--	--	Yacht Club
	106	14.76	18.0	265	MF
	107	3.26	8.0	26	SFA
	108	1.02	--	--	Boat Lift
	109	46.27	3.7	171	SFD
	110	<u>20.00</u>	<u>8.0</u>	<u>160</u>	<u>SFD</u>
	TOTALS	952.97		6,636	
COMPLETE/VESTED	LESS	162.67		917	
	<u>NET</u>	<u>790.30</u>		<u>5,719</u>	

Exhibit A2

General Phase 2 Sub-Phases

Color coded: red

<u>Sub-phase pocket #</u>	<u>Acreage</u>	<u>Density</u>	<u>Units</u>	<u>Use</u>
1	33.78	6.0	202	SFD
2	12.56	6.0	75	SFD
3	34.17	8.0	273	SFA
5	20.56	18.0	369	MF
6	10.21	--	--	Recreation
7	13.95	6.0	83	SFD
8	15.53	15.0	232	MF
9	44.47	8.0	355	SFA
10	11.45	10.0	114	MF
11	41.32	6.0	248	SFD
12	6.83	--	--	Munic./Commercial
13	15.00	--	--	Elementary Sch.
14	43.76	6.0	262	SFD
15	13.07	6.0	78	SFD
34	4.00	--	--	Commercial
35	12.48	--	--	Recreation
36	1.00	--	--	Fire Station
44	28.28	--	--	Commercial
45	20.34	12.0	244	MF
46	<u>10.28</u>	--	<u>--</u>	Commercial
TOTALS	393.04		2,535	

Exhibit A2

General Phase 3 Sub-Phases

Color coded: pink

<u>Sub-phase pocket #</u>	<u>Acreage</u>	<u>Density</u>	<u>Units</u>	<u>Use</u>
4	24.42	8.0	194	SFA
16	8.08	10.0	80	SFA
17	21.74	10.0	217	SFA
18	17.62	18.0	317	MF
19	24.60	10.0	246	SFA
20	5.65	--	--	Recreation
21	1.83	--	--	Commercial
22	27.28	18.0	491	MF
23	10.28	8.0	82	SFA
24	13.07	8.0	104	SFA
25	20.49	18.0	368	MF
26	32.24	15.0	484	MF
27	12.37	--	--	Recreation
28	40.40	6.0	242	SFD
29	67.44	15.0	1,011	MF
30	36.65	8.0	293	Medical Co-op
31	18.21	--	--	Office Park
32	15.46	8.0	123	SFA
33	11.09	15.0	166	MF
37	1.98	--	--	Commercial
38	<u>12.37</u>	--	<u>--</u>	Med. Facilities
TOTALS	423.27		4,418	
	423.27		4,418	

Exhibit A2

General Phase 4 Sub-Phases

Color coded: brown

<u>Sub-phase pocket #</u>	<u>Acreage</u>	<u>Density</u>	<u>Units</u>	<u>Use</u>
39	118.95	--	--	Industrial Park
40	71.06	10.00	710	MF
41	32.91	--	--	Office Park
42	31.65	--	--	Commercial
43	12.19	--	--	Commercial
47	26.18	--	--	High School
48	7.22	--	--	Mass Transit Ter.
49	<u>63.14</u>	.37	<u>22</u>	Ranchettes
TOTALS	363.30		732	