

#66



MANATEE COUNTY FLORIDA

January 23, 2013

Patricia A. Petruff
Dye, Deitrich, Petruff & St Paul, P.L.
The Riverview Center, Suite 300
1111 3rd Avenue West
Bradenton, Florida 34205

Re: **Tara DRI # 11 (TBRPC #66)**

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/PDC-96-03(G)(R9)/Ord10-50(EXT2)
DTS #: 20120462

Dear Ms. Petruff:

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,

Building and Development Services Department

Mailing Address: P. O. Box 1000 Street Address: 1112 Manatee Avenue West, Bradenton, FL 34206-1000

WEB: www.myanatee.org * PHONE: 941.748.4501 * FAX: 941.749-3071

LARRY BUSTLE * MICHAEL GALLAN * JOHN R. CHAPPIE * ROBIN DISABATINO * VANESSA BAUGH * CAROL WHITMORE
* BETSY BENAC

District 1
At Large

District 2

District 3

District 4

District 5

At Large

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 Tara 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 Tara 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, Wildfire extension (EO 11-128, 11-172, 11-202), and the additional Tropical Storm Debby and Isaac extensions (EO 12-140, 12-192, 12-217 and 12-199):

TARA DRI #11 - ORDINANCE 10-50

- The Phase III buildout date currently expires on 12/20/2019. With the additional 1 year and 121 day extension under the Tropical Storm Debby and Isaac Executive Orders pursuant to FS 252.363, the buildout date is extended to 04/20/2021.

- Section 20 – Termination:
 - A. This Development Order shall terminate on ~~January 28, 2015~~ 04/20/2021 unless otherwise extended by law. (This new date includes extensions pursuant to HB 7207, Wildfire extensions, and the additional 1 year and 121 day extension under Tropical Storm Debby and Isaac pursuant to FS 252.363)

TARA DRI #11 - ZONING ORDINANCE - PDR/PDC-96-03(G)(R9)

- The Phase III buildout date currently expires on 12/20/2019. With the additional 1 year and 121 day extension under the Tropical Storm Debby and Isaac Executive Orders pursuant to FS 252.363, the buildout date is extended to 04/20/2021.

Please accept this letter as confirmation of the extension. The extensions reflected above for the Tara 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 or amendment 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.

This approval of the extension of the development permits encompassed within the Tara DRI #11 shall not constitute a waiver by the County of any claims or defenses it may have in relation to any past, present or future causes of action related to the Tara DRI #11 under Bert J. Harris, Jr. Private Property Rights Protection Act, Section 70.001, F.S.

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

Sincerely,



Lisa Barrett
Planning Division Manager

/sa

cc: John Meyer, Tampa Bay Regional Planning Agency (email)
Sarah Schenk, County Attorney's Office (email)
Katie Labarr, AICP – Building and Development Services (email)

#66



MANATEE COUNTY FLORIDA

February 10, 2012

Patricia A. Petruff
Dye, Deitrich, Petruff & St Paul, P.L.
The Riverview Center, Suite 300
1111 3rd Avenue West
Bradenton, Florida 34205

Re: **Tara DRI # 11 – PDR/PDC-96-03(G)(R9)/ Ordinance 10-50 (DTS # 20110429)**
Request for Extension Pursuant to House Bill 7207 (HB 7207) & FS 252.363 - Tolling
& Extension of Permits

Dear Ms. Petruff:

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 Tara Development of Regional Impact (DRI). Manatee County has determined that if you make a proper application and meet the other requirements of the law,

Building and Development Services Department
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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 Tara DRI Ordinance 10-50 and its associated Zoning Ordinance/General Development Plan PDR/PDC-96-03(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:

TARA DRI #11 - ORDINANCE 10-50

- The Phase III buildout date currently expires on 01/28/2015. 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 12/20/2019.

TARA DRI #11 - ZONING ORDINANCE - PDR/PDC-96-03(G)(R9)

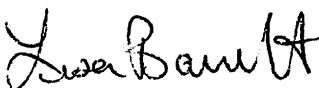
- The Phase III buildout date currently expires on 01/28/2015. With the additional 4 years under HB 7207 and 10 months and 21 day (326 days total) under the FS 252.363 extension, the buildout date is extended to 12/20/2019.

Please accept this letter as confirmation of the extension. The phase date extensions reflected above for the Tara 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.

This approval of the extension of the development permits encompassed within the Tara DRI #11 shall not constitute a waiver by the County of any claims or defenses it may have in relation to any past, present or future causes of action related to the Tara DRI #11 under Bert J. Harris, Jr. Private Property Rights Protection Act, Section 70.001, F.S.

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

Sincerely,



Lisa Barrett
Planning Manager

/sa

cc: John Meyer, Tampa Bay Regional Planning Agency (Email)
Katie LaBarr, AICP – Manatee County (Email)

MANATEE COUNTY
R. D. SHORE

MANATEE COUNTY ORDINANCE 10-50 (fka 09-64)
TARA-MANATEE, INC.

CLERK - 1 PM 3:41

CLERK - 1 PM 3:41
MANATEE COUNTY

#66
FILED
2010 OCT 28 AM 11:06
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS AMENDED; APPROVING A NOTICE OF PROPOSED CHANGE TO AMEND MAP H TO REDISTRIBUTE APPROVED DEVELOPMENT; ADDING ADULT ASSISTED LIVING FACILITY USE TO SUBPHASES III-R, III-U, III-AA, III-V, AND III-Z AND LIMITING THE SIZE OF THE ASSISTED LIVING FACILITY TO NO MORE THAN 300 BEDS; ADDING EXHIBIT D, AN UPDATED TABLE OF PERMITTED COMMERCIAL USES BY PARCEL; ADDING EXHIBIT E, A PROPOSED LAND USE EQUIVALENCY TABLE; EXTENDING THE PHASE III BUILDOUT DATE BY AN ADDITIONAL TWO-YEAR PERIOD TO 2015; CLARIFYING LOCATIONS WHERE MINI-WAREHOUSE CAN BE LOCATED (UP TO A MAXIMUM OF 115,000 SQUARE FEET), AND LIMITING THE USE TO A STORAGE-ONLY FACILITY; RECOGNIZING A PRIOR CONVERSION OF 36,869 SQUARE FEET OF RETAIL FOR 79 HOTEL ROOMS, WHICH HAVE SUBSEQUENTLY BEEN CONSTRUCTED; EXTENDING THE FREQUENCY OF REPORTING TO BIENNIAL; AND AMENDING EXHIBITS B (MAP H), C, AND D TO REFLECT THE ABOVE CHANGES; AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED; CODIFYING AND RESTATING THE EXISTING DEVELOPMENT ORDER FOR DRI #11; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lake Lincoln, LLC, the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Notice of Proposed Change Application requesting modifications to the Development Order for the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is John Agnelli; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Notice of Proposed Change Application pursuant to Section 380.06(19) (f)6, Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on September 9, 2010, and

WHEREAS, public hearings were held before the Board of County Commissioners on October 7, 2010, and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence and

any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report; and

WHEREAS, the Planning Commission recommended that the changes as described in the NOPC application be found to not create a substantial deviation in accordance with Section 380.06, Florida Statutes, and recommended adoption of Ordinance No. 10-50 with the modification that Subphase III-BB not be created (i.e., no residential or commercial entitlements can be transferred to Subphase III-BB, no access from SR 70 to Subphase III-BB and no wetland impacts within Subphase III-BB); and

WHEREAS, the Board of County Commissioners and Planning Commission have considered the testimony, reports, and other documentary evidence submitted at the public hearing by TARA, the TBRPC, the DCA, as well as Manatee County staff, agencies, and various persons in attendance at the public hearing; and

WHEREAS, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida,

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #11, ORDINANCE 06-35:

Ordinance 06-35 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the TARA 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:

The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for a Notice of Proposed Change requesting modification to the Development Order, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. All findings set forth in the preamble of this Ordinance are adopted as findings of fact.
- B. The Developer* of the Project* submitted to Manatee County a Notice of Proposed Change (NOPC), dated October 6, 2009, a copy of which is on file in the Planning Department.
- C. Tara requested approval in the NOPC application of amendments to the Tara DRI to:
 - 1. Add adult assisted living facilities to Subphases III-R, III-U, III-AA, III-V, III-BB and III-Z and limit the size of the assisted living facility to no more than 300 beds.
 - 2. Add Exhibit D, an updated table of permitted commercial uses by parcel.

3. Add Exhibit E a proposed Land Use Equivalency Table.
4. Extend the Phase III build-out date by an additional 2 year period (to 2015).
5. Clarify locations where a mini warehouse can be located (up to a maximum of 115,000 square feet) and limit the use to a storage only facility.
6. Recognize the prior conversion of 36,869 square feet of retail for 79 hotel rooms which have been subsequently constructed.
7. The addition of a Subphase III-BB to allow the transfer of commercial entitlements from Subphase III-R or III-Z and III-V or available residential units (or combination thereof) to the southwest corner of SR 70 and Tara Boulevard.
8. The addition of one access point on SR 70 associated with proposed Subphase III-BB.
9. To allow an approximate one acre impact to the wetland within the proposed Subphase III-BB site with corresponding mitigation.
10. The addition of an exhibit showing the location of the proposed wetland mitigation for the proposed Subphase III-BB.

D. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC as it relates to the real property described in Section 12 of this Ordinance as required by Section 380.06, Florida Statutes. The recommendation of the Planning Commission was rendered on September 9, 2010, following a public hearing.

E. The Planning Commission at their meeting on September 9, 2010 found the changes requested in the Notice of Proposed Change to be consistent with the Manatee County Comprehensive Plan and recommended to the Board that the applicant had rebutted the presumption by clear and convincing evidence that the proposed changes as described in the NOPC to the DRI Development Order would not constitute a substantial deviation in accordance with Section 380.06, Florida Statutes, with the modification that Subphase III-BB not be created (i.e., no residential or commercial entitlements can be transferred to Subphase III-BB, no adult assisted living facility use within the requested Subphase III-BB, no access on SR 70 for the requested Subphase III-BB, no wetland impacts within the requested Subphase III-BB).

F. The Board of County Commissioners held a public hearing on October 7, 2010 regarding the Notice of Proposed Change application requesting modifications to the Development Order to the DRI described herein, in accordance with the requirements of the Manatee County Land Development Code and the Manatee County Comprehensive Plan and has further considered the testimony, comments, and information received at the public hearing.

G. The following proposed changes requested in a Notice of Proposed Change to the DRI Development Order regarding the property described in Section 12 herein are found to be consistent with the requirements of the Manatee County Comprehensive Plan provided they proceed in accordance with the development conditions specified in Section 5:

- The amendment of Map H to redistribute approved development as follows:
 1. Add adult assisted living facilities to Subphases III-R, III-U, III-AA, III-V, and III-Z and limit the size of the assisted living facility to no more than 300 beds.

2. Add Exhibit D, an updated table of permitted commercial uses by parcel.
3. Add Exhibit E a proposed Land Use Equivalency Table.
4. Extend the Phase III build-out date by an additional 2 year period (to 2015).
5. Clarify locations where a mini warehouse can be located (up to a maximum of 115,000 square feet) and limit the use to a storage only facility.
6. Recognize the prior conversion of 36,869 square feet of retail for 79 hotel rooms which have been subsequently constructed.

H. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota – Manatee Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.7 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.

I. The real property involved in this development is located in Manatee County, Florida and is described in Section 12.

J. Construction of this project was previously begun and is currently developing in accordance with this Development Order.

K. The Tara development, as described in the Notice of Proposed Change application, is not located in an area of critical state concern.

L. The authorized agent and his address for the Project is John Agnelli of Lake Lincoln, LLC 3050 N. Horseshoe Drive, Suite 105, Naples, FL 34104.

M. The owner of the Property is Lake Lincoln, LLC, 3050 N. Horseshoe Drive, Suite 105, Naples, FL 34104.

N. A comprehensive review of the any unmitigated external or regional impact generated by the Project* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

SECTION 3. CONCLUSIONS OF LAW:

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

1. The changes requested in the NOPC application will not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan applicable to the area.
2. The changes requested in the NOPC application are (with the exception of the creation of Subphase III-BB to allow transfer of commercial entitlements from Subphase III-R, III-Z or III-V or available residential units (or a combination thereof) to the southwest corner of SR 70 and Tara Boulevard and with the exception of adding an adult assisted living facility use to the requested Subphase III-BB, excluding the access point for the requested Subphase III-BB to SR 70 and excluding the one acre impact to wetlands within the requested Subphase III-BB) are consistent with the Manatee County Land Development Code and are consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning

Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and the Manatee County Comprehensive Plan.

3. The changes requested in the NOPC application as described in Subparagraph A2 above and, as conditioned by this Development Order (with the exception of the creation of Subphase III-BB with no residential or commercial entitlements to be transferred to Subphase III-BB from other phases within the boundaries of the DRI, no access from SR 70 to requested Subphase III-BB and no associated wetland impacts within the requested Subphase III-BB), are consistent with the report and recommendations of the TBRPC approved on June 14, 2010 regarding this NOPC.
4. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.
5. The review by the County*, the TBRPC and other participating agents and interested citizens reveals that regional impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, subject to the terms and conditions of this Development Order and the ADA*. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
6. Pursuant to Section 380.06(19)3, Florida Statutes, the Developer* has submitted clear and convincing evidence to rebut the presumption that the changes proposed pursuant to the NOPC submitted on October 6, 2009 and approved pursuant to Ordinance 10-50, are a Substantial Deviation (with the exception of the creation of Subphase III-BB and with no residential or commercial entitlements transferred to Subphase III-BB, no access to SR 70 to the requested Subphase III-BB, no wetland impacts within the requested Subphase III-BB).
7. The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
8. TARA has shown that the proposed changes approved herein will not create any new external or regional impacts to adversely affect the DRI or the Region.
9. This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the Comprehensive Plan contained in this order are references to those particular sections.
10. TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to approval of the changes requested in the NOPC application (with the exception of the creation of Subphase III-BB and a transfer of either residential or commercial entitlements to the proposed Subphase III-BB, no access to SR 70 to the requested Subphase III-BB and no wetland impacts within the requested Subphase III-BB) in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

SECTION 4. DEVELOPMENT COMPONENTS

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office, Adult Assisted Living Facility, Mini Warehouse	N/A	399,631*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres
Hotel	79 Rooms	36,869	N/A

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996-2015
Residential dwelling units	719	299	1,701
Commercial, Office, Adult Assisted Living Facility, Mini Warehouse	84,901	10,100	0 -304,630*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center (COMPLETED)
Hotel			79 Rooms (36,869)* (Completed)

*Eighty-one (81) additional hotel rooms may be traded for 37,798 square feet of Commercial Use. The hotel use is only authorized to be built in Subphases III-U and III-AA.

1. The Land Use Equivalency Matrix in Exhibit E allows the developer limited variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change process. The conversion formulas presented are based on p.m. peak hour trip generation factors.
2. In seeking approval of a specific Land Use Exchange, the Developer shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, solid waste disposal, mass transit, drainage, schools, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS). The Planning Director shall administratively review and approve all land use exchanges utilizing the LUEM.
3. An application for a Land Use Exchange must include a tracking chart which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan.
4. Each exchange request shall be provided to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs for review and approval a minimum of 14 days prior to approval by Manatee County. In addition, all future conversions shall be duly noted within the subsequent Biennial Report submitted for the project.

5. The Land Use Equivalency Matrix (LUEM) is included as Exhibit E of the Development Order.

SECTION 5. DEVELOPMENT CONDITIONS:

I. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the Developer.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Natural Resources Department (NRD) or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to County approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Natural Resources Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County NRD Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.
- E. As construction within each phase of the development is completed, the water quality monitoring program for the development may be modified at the request of the developer with NRD approval. Monitoring shall be terminated five (5) years following completion of the final phase of construction unless NRD has approved an earlier termination date.
- F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
- G. No destruction of wetlands (e.g. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be

either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.

- H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
- I. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
- J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
- K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
- L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.
- M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.
- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for Subphases III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.

The stormwater management system for Subphases III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.

- P. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells, which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data

acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.

- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Subphases III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the NRD with the initial Preliminary Site Plan for Phase III. (COMPLETED) Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria, which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

SECTION 6. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Project Management Department.
- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

SECTION 7. NOISE ABATEMENT

- A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner, which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase, which is affected by these noise standards.

SECTION 8. SCHOOL SITE

- A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order. The developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

SECTION 9. ROADWAY IMPROVEMENTS

- A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)
- B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
- (1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Subphases III-R, III-T, III-U, III-V, III-W, III-X, or III-Y. (COMPLETED)
 - (2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass. (COMPLETED)
- C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.
- D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be

utilized in the traffic study shall be approved by the County, TBRPC, FDOT and DCA. The results of this study shall be submitted to the County, DCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C. (COMPLETED)

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:

- (1) At the intersection of Tara Boulevard and State Road 70:
 - (a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet. COMPLETED
 - (b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included. COMPLETED
 - (c) An exclusive southbound right turn lane. The queue length shall be 185 feet. COMPLETED
 - (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane. COMPLETED
- (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. COMPLETED
- (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction. COMPLETED

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

- F. The developer initiated a transportation monitoring program in Year 2003. The findings were reported in each Annual Report beginning in Year 2003. They shall continue on a biennial basis beginning in Year 2010, until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or Construction Plans shall be issued if the transportation monitoring identifies a location with level of service below the level of service standard established for that location, and if the project's impact to that roadway is greater or equal to 5 percent of the level of service standard service-volume, and if no Funding Commitment (as identified below) for roadway improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380, Florida Statutes.

Transportation monitoring locations:

- (1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions). Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.

- (2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

SECTION 10. GENERAL CONDITIONS

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated June 2010) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit a biennial DRI report to Manatee County, the TBRPC, and the state land planning agency on the 13th day of November on even number years, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Six (6) copies of this report shall be submitted to the Manatee County Planning Director 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 BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The biennial report shall contain the information required by the state land planning agency to be included in the biennial report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS Failure to file a biennial report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
 - (a) East of the main entrance on SR 70
 - (b) Main entrance road near SR 70
 - (c) Between Braden River Road and the Braden River on SR 70
 - (d) East of U.S. 301 relocated on SR 70
 - (e) West of U.S. 301 relocated on SR 70
- (2) Traffic Monitoring as described in Section 9.F of this Development Order.

- E. In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or the 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 on 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 11. CONCURRENCY AND PHASING

- A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code (Ordinance 90-01, as amended.), which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a Final Plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II: 1995 through 2003

Phase III: 1996 through 2015

Preliminary site plans shall be valid as set forth in the LDC. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases, which have valid final site plans, and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on Exhibit B (Map H)

- (2) Phase I-N renamed as Phase III-T on Exhibit B (Map H)
- (3) Phase I-J renamed as Phase II-J on Exhibit B (Map H)

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

- D. The Certificate of Level of Service #01-077 shall be valid until January 28, 2015.

SECTION 12. LEGAL DESCRIPTION

- A. Development of TARA shall be restricted to the 1,124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A.P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE N.W. ¼ OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. ¼, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE S.E. ¼ OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE S.E. ¼, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53" W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01", 847.92 FT. TO THE P.C.C.

OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 318.70 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

SECTION 13. GENERAL

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, The Manatee County Comprehensive Plan and the Land Development Code shall control the construction of any defined terms and matters appearing in the development order.
- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
 - 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
 - 2. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
 - 3. The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.
 - 4. The application for a Substantial Deviation ADA dated October 23, 2002 together with supporting documents.
 - 5. The application for a Notice of Proposed Change dated August 26, 2004 together with supporting documents.
 - 6. Revised Exhibit B (Map H) (dated June, 2010) together with Exhibits A, C, D E.
 - 7. The Transportation Analysis dated October 10, 2000 and June, 2003.

8. The application for a Notice of Proposed Change dated, October 6, 2009, together with supporting documents.

- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

SECTION 14. RESTRICTION ON DOWN ZONING

A. The County may not downzone or reduce the intensity or unit density permitted by this Development Order prior to January 28, 2015 unless the County can demonstrate that:

1. Substantial changes in the conditions underlying the approval of the order have occurred; or
2. The order was based upon substantially inaccurate information provided by the Developer; or
3. The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" 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 development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS.

SECTION 15. BINDING ORDER UPON DEVELOPER

- A. This Development Order shall be binding upon the Developer and its successors in interest.

SECTION 16 . RENDITION

- A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

SECTION 17. NOTICE OF RECORDING

- A. The Developer shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, FS, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 18. SEVERABILITY

- A. 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 19. EFFECTIVE DATE

- A. This Ordinance 10-50 shall become effective upon the filing of a certified copy of the executed ordinance with the Department of State; provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes , shall suspend development authorization granted for this Development Order until the resolution of the appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 06-35 during pendency of any appeal.

SECTION 20. TERMINATION

- A. This Development Order shall terminate on January 28, 2015 unless otherwise extended by law.

ADOPTED with a quorum present and voting, this 7th day of October, 2010.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____

Donna G. Hayes, Chairman

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

By: _____

Deputy Clerk



EXHIBIT A

TABLE I

**SUMMARY OF NOISE LEVELS IDENTIFIED BY
ENVIRONMENTAL PROTECTION AGENCY
AS REQUISITE TO PROTECT PUBLIC
HEALTH AND WELFARE WITH AN
ADEQUATE MARGIN OF SAFETY**

EFFECT	LEVEL	AREA
Hearing Loss	$L_{eq(24)}$ 70 dB	All areas
Outdoor activity interference and annoyance	L_{dn} 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
	$L_{eq(74)}$ 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and annoyance	L_{dn} 45 dB	Indoor residential areas
	$L_{eq(24)}$ 45 dB	Other indoor areas with human activities such as schools, etc.

¹ $L_{eq(24)}$ represents the sound energy averaged over a 24-hour period while L_{dn} represents L_{eq} with a 10 dB nighttime weighting.



Revised October, 2010

EXHIBIT "C" to Map H
Parcel Breakdown by Phase

RESIDENTIAL				
PARCEL	NUMBER UNITS	PHASES		
		I COMPLETED*	II 2/95*-10/03*	III 9/96*-2015*
Phase I	719	719		
II-A	35		35	
II-B	49		49	
II-C	80		80	
II-D	69		69	
II-E	23		23	
II-F	27		27	
II-J	16		16	
III-A	20			20
III-B	76			76
III-C	46			46
III-D	97			97
III-F	187			187
III-G	47			47
III-H	120			120
III-I	208			208
III-J	19			19
III-K	128			128
III-L	188			188
III-M	36			36
III-N	227			227
III-O	38			38
III-P	39			39
III-Q	97			97
III-X	128			128

TOTAL	2,719	719	299	1,701
COMMERCIAL				
PARCEL	SQUARE FEET	PHASES		
		I COMPLETED*	II 2/95*-10/03*	III 9/96*-2015*
Phase I	84,901	84,901		
II-G	10,100		10,100	
III-AA	0-3,600			0-3,600
III-R	0-247,899***			0-247,899***
III-S	0			0
III-T	8,000**			8,000**
III-U	0-115,000**			0-115,000**
III-V	0-20,000**			0-20,000**
III-W	0-3,000**			0-3,000**
III-Y	0-18,800**			0-18,800**
III-Z	0-8,000**			0-8,000**
	436,500**	84,901	0-10,100	0-341,499**
OTHER				
III-E	Golf Course	18 Holes, Clubhouse, Maintenance		18 Holes, Clubhouse, Maintenance

* Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase.

** The Developer shall have the right to transfer all or part of building square footage between non-residential subphases as depicted on Map H. Any transferred square footage may be used for the uses as depicted on Exhibit D. In addition, the Developer has the right to utilize the LUEM to “exchange” land uses in accordance with the thresholds established pursuant to the LUEM provided the Developer demonstrates compliance with all other provisions of this ordinance.

*** The FAR on Subphase III-R shall not exceed 0.26.

Exhibit D
Revised, July 2010
Permitted Uses by Subphase
Uses proposed within this change are in Boldface Text

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
AGRICULTURAL USES				
Agricultural Research Facilities	X	X	X	X
Agriculture	P	P	X	X
Breeding Facility (non-wild, non-exotic)	X	X	X	X
Farming Service Establishments	P*	P	X	X
Kennels	X	X	X	X
Short Term Agricultural Uses	P	X	P	P
Stables or Equestrian Center:				
Public	X	X	X	X
Veterinary Hospitals	X	X	P	P
COMMERCIAL USES-RETAIL				
Auction Houses, Open	X	X	X	X
Auction Houses, Enclosed	X	X	X	X
Auction Houses, Auto	X	X	X	X
Building Materials Establishment	X	X	P	P
Retail Sales, Neighborhood Convenience	P**	P	P	P
Retail Sales, Neighborhood General	P	P	P	P
Drive-Thru Eating Establishment	X	P	P	P
Eating Establishment	P	P	P	P
Farm Equipment and Supply Establishment	X	X	P	P
Gas Pumps	X	P	P	P
MH/RV Sales, Rental, Leasing	X	X	P	P
General Retail Sales Uses	P	X	P	P
Service Station	X	P	P	P
COMMERCIAL USES-SERVICES				
Banking:				
Bank	P	P	P	P
Bank/Drive-Through	P*	P	P	P
Business Services	P	P	P	P

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
Health Services:				
Professional Office	P	P	P	P
Clinic	P	P	P	P
Veterinary Clinic	P*	P	P	P
Medical and Dental Laboratory	X	X	P	P
Nursing Home	X	P	P	P
Industrial Service Establishment	X	X	P	P
Lodging Places:				
Bed and Breakfast	X	P	P	P
Boarding House	X	P	X	X
Hospital Guest House	X	P	X	X
Hotels	X	X	X	P***
RV Park	X	X	P	P
Miscellaneous Services:				
Office	P	P	P	P
Car Wash, Self Service	X	X	P	P
Car Wash, Incidental	X	P	P	P
Car Wash, Full Service	X	X	P	P
Construction Service Establishment	X	X	P	P
Dry Cleaners, Neighborhood	X	P	P	P
Dry Cleaners, General	X	X	P	P
Dry Cleaners, Pick-up	P*	P	P	P
Food Catering	X	X	P	P
Funeral Chapel	X	P	P	P
Funeral Home	X	P	P	P
Lawn Care/Landscaping	X	X	P	P
Personal Service Establishment	P	P	P	P
Rental Service Establishment	X	X	P	P
Repair Service Establishment	P*	P	P	P
Motor Vehicle Repair:				
Neighborhood Serving	X	P	P	P
Community Serving	X	X	P	P
Major	X	X	P	X
Sign Painting Service	X	X	P	P

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
Taxi-Cab, Limousine Service	X	X	P	P
Wholesale Trade Establishment	X	X	P	P
COMMUNITY SERVICE USES				
Cultural Facilities	X	P	X	X
Emergency Shelters	X	X	X	X
Emergency Shelter Home	X	P	X	X
Outpatient Treatment Facility	X	X	X	X
Post Offices	X	P	X	X
Private Community Uses	X	P	X	X
Public Community Use	X	P	P	P
Public Use Facilities	X	P	P	P
Radio, TV, Communications, Microwave Facilities	X	P	P	P
Residential Treatment Facilities	X	P	X	X
Resource Recovery Facilities	X	X	X	X
Utility Use	P*	P	P	P
MISCELLANEOUS USES				
Flea Markets:				
Enclosed	X	X	P	P
Open	X	X	P	P
Outdoors Advertising Signs	X	X	P	P
Parking, Commercial	P	P	P	P
Towing Service and Storage Establishment	X	X	P	P
OPEN USE OF LAND - LIGHT				
Cemetery:				
Human	P*	P	X	X
Pet	P*	P	X	X
Game Preserve	X	X	X	X
Land Reserves, Public or Private	P	P	X	X
Tree Farm	X	P	X	X
Minor Earthmoving	P*	P	P	P
RECREATION USES:				
Low intensity Recreational Uses	P*	P	P	P
High Intensity Recreational Uses	X	X	P	P
Medium Intensity Recreational Uses	X	X	P	P

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
Passive Recreational Use	P*	P	P	P
RESIDENTIAL USES				
Adult Assisted Living Facility	X	X	P	P#
Family Care Homes	X	P	X	X
Group Care Home, Large	P*	P	P	P
Group Care Home, Small	P*	P	P	P
Group Housing	X	P	X	X
Multiple Family Dwellings	X	X	X	X
Residential Care Facility, Large	P*	P	P	P
Residential Care Facility, Small	P*	P	P	P
Recovery Home, Large	P*	P	P	P
Recovery Home, Small	P*	P	P	P
Single-Family Attached Dwellings	X	X	X	X
Single Family Detached Dwellings	X	P+	X	X
Single-Family Semi-Detached Dwellings	X	X	X	X
Duplex Dwellings	X	P+	X	X
Triplex and Quadraplex Dwellings (multi-family, 4 units max)	X	X	X	X
RESIDENTIAL SUPPORT USES				
Churches or Other Place of Worship	P*	P	P	P
Day Care Center, Large	P*	P	P	P
Day Care Center, Medium	P*	P	P	P
Day Care Center, Small	X	P	X	X
Day Care Facilities (Accessory)	P*	P	P	P
Day Car Home	X	X	X	X
Schools, Elementary	X	P	X	X
Schools, High School	X	P	X	X
Schools, Middle	X	P	X	X
Schools of Special Education	P*	P	P	P
TRANSPORTATION FACILITIES				
Bus RR Passenger	P*	P	X	X
Heliport	X	X	P	P
Helistop	P*	P	X	X

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
WAREHOUSING				
Warehouse - Mini	P*	P-P*	P-P*	P-P*

P = Permitted

P* = With limitations, as specified in Section 704, conditional Use Criteria, The Amended Development Order, or elsewhere in the Code

P** = Neighborhood Convenience Retail Sales uses are permitted with the exception of Convenience Stores which are not allowed on Subphase III-Y

P*** = Hotel use is authorized to be developed only in Subphase III-U and III-I

P+ = Allowed with specific criteria per Table 6-1 in the Code

P# = Adult Assisted Living Facilities shall be limited to remaining commercial Subphases III-U, III-V, III-Z, III-AA

AP = Administrative Permit Required

EXHIBIT F LAND USE EQUIVALENCY TARA DRI June 2010																					
"A"	"B" EQUIVALENT USES																				
LAND USES THAT ARE TO BE TRADED	# OF SINGLE-FAMILY DWELLING UNITS	# OF MULTI-FAMILY APARTMENTS	# OF SQ. FT. RETAIL	# OF ALF BEDS	# OF SQ. FT. MINI-WAREHOUSE	# OF SQ.FT. OF OFFICE															
ONE SINGLE FAMILY DETACHED DWELLING UNIT	(1.00)	(1.45)	(321.00)	(6.00)**	(3259.00)	(546.00)															
MULTI FAMILY APARTMENT	(0.69)	(1.00)	(222.00)	(6.00)**	(2248.00)	(376.00)															
1000 SQ. FT.OF RETAIL	(3.13)	(4.54)	(1000.00)	(11.56)	(10179.00)	(1708.00)															
1 ALF Bed	(0.17)**	(0.17)**	(88.00)	(1.00)	(899.00)	(151.00)															
1000 SQ. FT. OF MINI-WAREHOUSE	(0.31)	(0.45)	(100.00)	(1.15)	(1000.00)	(171.00)															
1000 SQ. FT. OF OFFICE	(1.84)	(2.66)	(589.00)	(6.79)	(5979.00)	(1000.00)															
<p>* The calculations must always start in Column "A" and end in Column "B". Start in Column "A" at appropriate row, proceed horizontally, then vertically to the equivalent use in Column "B". The equivalent Column "B" land use is noted in the () at the intersection of the "traded land use" horizontal row, and the "equivalent uses" vertical column. For example, one Single Family Detached unit (Column "A", second row) can be traded into 321 sq. feet of Retail. The intersection of the Single Family Detached unit row, and the Retail column is 321 Sq. Feet.</p> <p>**Per Manatee County Land Development Code</p> <p>In order to preserve the multi-use nature of this development , land use exchanges will be limited so that the following minima and maxima for each land use will be observed:</p> <table><tr><td>Use</td><td>Min</td><td>Max</td></tr><tr><td>Commercial (sf)</td><td>255,300</td><td>514,200</td></tr><tr><td>Office (sf)</td><td>8,000</td><td>50,000</td></tr><tr><td>ALF (beds)</td><td>0</td><td>300</td></tr><tr><td>Mini-Warehouse (sf)</td><td>0</td><td>115,000</td></tr></table> <p>The proposed maximums have been established to not exceed any substantial deviation thresholds. A calculation to demonstrate this will be included with any application utilizing the LUEM.</p>							Use	Min	Max	Commercial (sf)	255,300	514,200	Office (sf)	8,000	50,000	ALF (beds)	0	300	Mini-Warehouse (sf)	0	115,000
Use	Min	Max																			
Commercial (sf)	255,300	514,200																			
Office (sf)	8,000	50,000																			
ALF (beds)	0	300																			
Mini-Warehouse (sf)	0	115,000																			

Exhibit E

DIMENSIONAL CHART

Uses	Height Maximum (ft.)	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)	Front (ft.)	Side (ft.)	Rear (ft.)
Single family detached	35	45-79	5,000	20/15 ^(a)	6	15
Single family detached	35	80 or greater	9,000	25/20 ^(a)	8	15
Zero lot line (SF detached)	35	45	5,000	20/15 ^(a)	0/10 ^(b)	15
Single family attached	35	25/35 ^(c)	2,500/3,500 ^(c)	20/15 ^(a)	0/10 ^(b)	15
Single family semi-detached	35	35	4,000	20/15 ^(a)	7.5	15
Duplex	35	70	8,000	20/15 ^(a)	8	15
Multi-family	3 stories/35			25	10 ^(d)	15 ^(d)
Commercial/office/hotel	3 stories/35	70	7,500	30 ^(e)	15 ^(e)	20 ^(e)
Park, recreation center	35	70	7,500	25	15	15
Parcel II-D Multi-family	2 stories/35			30	10/35 ^(f)	15
Single family	35	60	7,000	25	7.5	15
Parcel II-E	35	60	7,000	25	7.5	15

(a) Front setbacks for units with side entry garages.

(b) Applies to one side.

(c) Minimum width and size for corner or end units.

(d) Multi-family dwellings adjacent to single-family lots shall maintain a setback of 30' or an increase of 10' for every story over one, whichever is greater.

(e) Buildings shall be set back a minimum of 50' from any residential lot.

(f) Multi-family dwellings shall be set back 35' from any single family lot.

NOTE: The Planning Director has the right to determine a smaller setback when development parcel is adjacent to open space or non-residential uses.



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

OCTOBER, 20 10

R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

RECEIVED RECORD
R. B. SHORE

2010 NOV -1 PM 3:40

CLERK
DAWN K. ROBERTS
Interim Secretary of State
FLORIDA

October 29, 2010

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 26, 2010 and certified copies of Manatee County Ordinance Nos. 10-50 and PDR/PDC-96-03(G)(R9), which were filed in this office on October 28, 2010.

As requested, one date stamped copy is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282



#66

MANATEE COUNTY FLORIDA

Certified Mail # 7000 0520 0015 6095 8518

November 15, 2010

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

Re: Development Order for Tara-Manatee, Inc.

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 10-50, the DRI Development Order for Tara-Manatee, Inc., as adopted in open session by the Manatee County Board of County Commissioners on October 7, 2010, 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

FILED IN RECORD
A. D. SHORE

MANATEE COUNTY ORDINANCE 10-50 (fka 09-64)
TARA-MANATEE, INC.

FILED
2010 OCT 28 AM 11:04
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2010-10-28 PM 3:41

CAPITAL COUNTY
MANATEE COUNTY

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS AMENDED; APPROVING A NOTICE OF PROPOSED CHANGE TO AMEND MAP H TO REDISTRIBUTE APPROVED DEVELOPMENT; ADDING ADULT ASSISTED LIVING FACILITY USE TO SUBPHASES III-R, III-U, III-AA, III-V, AND III-Z AND LIMITING THE SIZE OF THE ASSISTED LIVING FACILITY TO NO MORE THAN 300 BEDS; ADDING EXHIBIT D, AN UPDATED TABLE OF PERMITTED COMMERCIAL USES BY PARCEL; ADDING EXHIBIT E, A PROPOSED LAND USE EQUIVALENCY TABLE; EXTENDING THE PHASE III BUILDOUT DATE BY AN ADDITIONAL TWO-YEAR PERIOD TO 2015; CLARIFYING LOCATIONS WHERE MINI-WAREHOUSE CAN BE LOCATED (UP TO A MAXIMUM OF 115,000 SQUARE FEET), AND LIMITING THE USE TO A STORAGE-ONLY FACILITY; RECOGNIZING A PRIOR CONVERSION OF 36,869 SQUARE FEET OF RETAIL FOR 79 HOTEL ROOMS, WHICH HAVE SUBSEQUENTLY BEEN CONSTRUCTED; EXTENDING THE FREQUENCY OF REPORTING TO BIENNIAL; AND AMENDING EXHIBITS B (MAP H), C, AND D TO REFLECT THE ABOVE CHANGES; AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED; CODIFYING AND RESTATING THE EXISTING DEVELOPMENT ORDER FOR DRI #11; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lake Lincoln, LLC, the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Notice of Proposed Change Application requesting modifications to the Development Order for the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is John Agnelli; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Notice of Proposed Change Application pursuant to Section 380.06(19) (f)6, Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on September 9, 2010, and

WHEREAS, public hearings were held before the Board of County Commissioners on October 7, 2010, and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence and

any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report; and

WHEREAS, the Planning Commission recommended that the changes as described in the NOPC application be found to not create a substantial deviation in accordance with Section 380.06, Florida Statutes, and recommended adoption of Ordinance No. 10-50 with the modification that Subphase III-BB not be created (i.e., no residential or commercial entitlements can be transferred to Subphase III-BB, no access from SR 70 to Subphase III-BB and no wetland impacts within Subphase III-BB); and

WHEREAS, the Board of County Commissioners and Planning Commission have considered the testimony, reports, and other documentary evidence submitted at the public hearing by TARA, the TBRPC, the DCA, as well as Manatee County staff, agencies, and various persons in attendance at the public hearing; and

WHEREAS, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida,

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI #11, ORDINANCE 06-35:

Ordinance 06-35 is hereby amended and restated in its entirety below. This Ordinance shall constitute the amended and restated Development Order for the TARA 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:

The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for a Notice of Proposed Change requesting modification to the Development Order, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. All findings set forth in the preamble of this Ordinance are adopted as findings of fact.
- B. The Developer* of the Project* submitted to Manatee County a Notice of Proposed Change (NOPC), dated October 6, 2009, a copy of which is on file in the Planning Department.
- C. Tara requested approval in the NOPC application of amendments to the Tara DRI to:
 1. Add adult assisted living facilities to Subphases III-R, III-U, III-AA, III-V, III-BB and III-Z and limit the size of the assisted living facility to no more than 300 beds.
 2. Add Exhibit D, an updated table of permitted commercial uses by parcel.

3. Add Exhibit E a proposed Land Use Equivalency Table.
4. Extend the Phase III build-out date by an additional 2 year period (to 2015).
5. Clarify locations where a mini warehouse can be located (up to a maximum of 115,000 square feet) and limit the use to a storage only facility.
6. Recognize the prior conversion of 36,869 square feet of retail for 79 hotel rooms which have been subsequently constructed.
7. The addition of a Subphase III-BB to allow the transfer of commercial entitlements from Subphase III-R or III-Z and III-V or available residential units (or combination thereof) to the southwest corner of SR 70 and Tara Boulevard.
8. The addition of one access point on SR 70 associated with proposed Subphase III-BB.
9. To allow an approximate one acre impact to the wetland within the proposed Subphase III-BB site with corresponding mitigation.
10. The addition of an exhibit showing the location of the proposed wetland mitigation for the proposed Subphase III-BB.

D. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the NOPC as it relates to the real property described in Section 12 of this Ordinance as required by Section 380.06, Florida Statutes. The recommendation of the Planning Commission was rendered on September 9, 2010, following a public hearing.

E. The Planning Commission at their meeting on September 9, 2010 found the changes requested in the Notice of Proposed Change to be consistent with the Manatee County Comprehensive Plan and recommended to the Board that the applicant had rebutted the presumption by clear and convincing evidence that the proposed changes as described in the NOPC to the DRI Development Order would not constitute a substantial deviation in accordance with Section 380.06, Florida Statutes, with the modification that Subphase III-BB not be created (i.e., no residential or commercial entitlements can be transferred to Subphase III-BB, no adult assisted living facility use within the requested Subphase III-BB, no access on SR 70 for the requested Subphase III-BB, no wetland impacts within the requested Subphase III-BB).

F. The Board of County Commissioners held a public hearing on October 7, 2010 regarding the Notice of Proposed Change application requesting modifications to the Development Order to the DRI described herein, in accordance with the requirements of the Manatee County Land Development Code and the Manatee County Comprehensive Plan and has further considered the testimony, comments, and information received at the public hearing.

G. The following proposed changes requested in a Notice of Proposed Change to the DRI Development Order regarding the property described in Section 12 herein are found to be consistent with the requirements of the Manatee County Comprehensive Plan provided they proceed in accordance with the development conditions specified in Section 5:

- The amendment of Map H to redistribute approved development as follows:
 1. Add adult assisted living facilities to Subphases III-R, III-U, III-AA, III-V, and III-Z and limit the size of the assisted living facility to no more than 300 beds.

2. Add Exhibit D, an updated table of permitted commercial uses by parcel.
 3. Add Exhibit E a proposed Land Use Equivalency Table.
 4. Extend the Phase III build-out date by an additional 2 year period (to 2015).
 5. Clarify locations where a mini warehouse can be located (up to a maximum of 115,000 square feet) and limit the use to a storage only facility.
 6. Recognize the prior conversion of 36,869 square feet of retail for 79 hotel rooms which have been subsequently constructed.
- H. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota – Manatee Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.7 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.
- I. The real property involved in this development is located in Manatee County, Florida and is described in Section 12.
- J. Construction of this project was previously begun and is currently developing in accordance with this Development Order.
- K. The Tara development, as described in the Notice of Proposed Change application, is not located in an area of critical state concern.
- L. The authorized agent and his address for the Project is John Agnelli of Lake Lincoln, LLC 3050 N. Horseshoe Drive, Suite 105, Naples, FL 34104.
- M. The owner of the Property is Lake Lincoln, LLC, 3050 N. Horseshoe Drive, Suite 105, Naples, FL 34104.
- N. A comprehensive review of the any unmitigated external or regional impact generated by the Project* has been conducted by the departments of Manatee County, the Planning Commission, the Board of County Commissioners, and the Tampa Bay Regional Planning Council.

SECTION 3. CONCLUSIONS OF LAW:

- A. Based upon the previous findings of fact and the following conditions of this Development Order, the Board of County Commissioners of Manatee County concluded that:
1. The changes requested in the NOPC application will not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan applicable to the area.
 2. The changes requested in the NOPC application are (with the exception of the creation of Subphase III-BB to allow transfer of commercial entitlements from Subphase III-R, III-Z or III-V or available residential units (or a combination thereof) to the southwest corner of SR 70 and Tara Boulevard and with the exception of adding an adult assisted living facility use to the requested Subphase III-BB, excluding the access point for the requested Subphase III-BB to SR 70 and excluding the one acre impact to wetlands within the requested Subphase III-BB) are consistent with the Manatee County Land Development Code and are consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning

Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and the Manatee County Comprehensive Plan.

3. The changes requested in the NOPC application as described in Subparagrah A2 above and, as conditioned by this Development Order (with the exception of the creation of Subphase III-BB with no residential or commercial entitlements to be transferred to Subphase III-BB from other phases within the boundaries of the DRI, no access from SR 70 to requested Subphase III-BB and no associated wetland impacts within the requested Subphase III-BB), are is consistent with the report and recommendations of the TBRPC approved on June 14, 2010 regarding this NOPC.
4. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.
5. The review by the County*, the TBRPC and other participating agents and interested citizens reveals that regional impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, subject to the terms and conditions of this Development Order and the ADA*. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.
6. Pursuant to Section 380.06(19)3, Florida Statutes, the Developer* has submitted clear and convincing evidence to rebut the presumption that the changes proposed pursuant to the NOPC submitted on October 6, 2009 and approved pursuant to Ordinance 10-50, are a Substantial Deviation (with the exception of the creation of Subphase III-BB and with no residential or commercial entitlements transferred to Subphase III-BB, no access to SR 70 to the requested Subphase III-BB, no wetland impacts within the requested Subphase III-BB).
7. The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
8. TARA has shown that the proposed changes approved herein will not create any new external or regional impacts to adversely affect the DRI or the Region.
9. This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the Comprehensive Plan contained in this order are references to those particular sections.
10. TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to approval of the changes requested in the NOPC application (with the exception of the creation of Subphase III-BB and a transfer of either residential or commercial entitlements to the proposed Subphase III-BB, no access to SR 70 to the requested Subphase III-BB and no wetland impacts within the requested Subphase III-BB) in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

SECTION 4. DEVELOPMENT COMPONENTS

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office, Adult Assisted Living Facility, Mini Warehouse	N/A	399,631*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres
Hotel	79 Rooms	36,869	N/A

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996-2015
Residential dwelling units	719	299	1,701
Commercial, Office, Adult Assisted Living Facility, Mini Warehouse	84,901	10,100	0 -304,630*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center (COMPLETED)
Hotel			79 Rooms (36,869)* (Completed)

*Eighty-one (81) additional hotel rooms may be traded for 37,798 square feet of Commercial Use. The hotel use is only authorized to be built in Subphases III-U and III-AA.

1. The Land Use Equivalency Matrix in Exhibit E allows the developer limited variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change process. The conversion formulas presented are based on p.m. peak hour trip generation factors.
2. In seeking approval of a specific Land Use Exchange, the Developer shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, solid waste disposal, mass transit, drainage, schools, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service Compliance (CLOS). The Planning Director shall administratively review and approve all land use exchanges utilizing the LUEM.
3. An application for a Land Use Exchange must include a tracking chart which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan.
4. Each exchange request shall be provided to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs for review and approval a minimum of 14 days prior to approval by Manatee County. In addition, all future conversions shall be duly noted within the subsequent Biennial Report submitted for the project.

5. The Land Use Equivalency Matrix (LUEM) is included as Exhibit E of the Development Order.

SECTION 5. DEVELOPMENT CONDITIONS:

I. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the Developer.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Natural Resources Department (NRD) or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to County approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Natural Resources Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County NRD Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.
- E. As construction within each phase of the development is completed, the water quality monitoring program for the development may be modified at the request of the developer with NRD approval. Monitoring shall be terminated five (5) years following completion of the final phase of construction unless NRD has approved an earlier termination date.
- F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
- G. No destruction of wetlands (e.g. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be

either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.

- H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
- I. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
- J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
- K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
- L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.
- M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.
- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for Subphases III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.

The stormwater management system for Subphases III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.

- P. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells, which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data

acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.

- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Subphases III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the NRD with the initial Preliminary Site Plan for Phase III. (COMPLETED) Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria, which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

SECTION 6. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Project Management Department.
- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

SECTION 7. NOISE ABATEMENT

- A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner, which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase, which is affected by these noise standards.

SECTION 8. SCHOOL SITE

- A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order. The developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

SECTION 9. ROADWAY IMPROVEMENTS

- A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)
- B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
- (1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Subphases III-R, III-T, III-U, III-V, III-W, III-X, or III-Y. (COMPLETED)
 - (2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass. (COMPLETED)
- C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.
- D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be

utilized in the traffic study shall be approved by the County, TBRPC, FDOT and DCA. The results of this study shall be submitted to the County, DCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C. (COMPLETED)

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:

- (1) At the intersection of Tara Boulevard and State Road 70:
 - (a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet. COMPLETED
 - (b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included. COMPLETED
 - (c) An exclusive southbound right turn lane. The queue length shall be 185 feet. COMPLETED
 - (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane. COMPLETED
- (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. COMPLETED
- (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction. COMPLETED

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

- F. The developer initiated a transportation monitoring program in Year 2003. The findings were reported in each Annual Report beginning in Year 2003. They shall continue on a biennial basis beginning in Year 2010, until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or Construction Plans shall be issued if the transportation monitoring identifies a location with level of service below the level of service standard established for that location, and if the project's impact to that roadway is greater or equal to 5 percent of the level of service standard service-volume, and if no Funding Commitment (as identified below) for roadway improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380, Florida Statutes.

Transportation monitoring locations:

- (1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions). Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.

- (2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

SECTION 10. GENERAL CONDITIONS

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated June 2010) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit a biennial DRI report to Manatee County, the TBRPC, and the state land planning agency on the 13th day of November on even number years, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Six (6) copies of this report shall be submitted to the Manatee County Planning Director 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 BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The biennial report shall contain the information required by the state land planning agency to be included in the biennial report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS Failure to file a biennial report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
 - (a) East of the main entrance on SR 70
 - (b) Main entrance road near SR 70
 - (c) Between Braden River Road and the Braden River on SR 70
 - (d) East of U.S. 301 relocated on SR 70
 - (e) West of U.S. 301 relocated on SR 70
- (2) Traffic Monitoring as described in Section 9.F of this Development Order.

- E. In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or the 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 on 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 11. CONCURRENCY AND PHASING

- A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code (Ordinance 90-01, as amended.), which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a Final Plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II: 1995 through 2003

Phase III: 1996 through 2015

Preliminary site plans shall be valid as set forth in the LDC. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases, which have valid final site plans, and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on Exhibit B (Map H)

- (2) Phase I-N renamed as Phase III-T on Exhibit B (Map H)
- (3) Phase I-J renamed as Phase II-J on Exhibit B (Map H)

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

- D. The Certificate of Level of Service #01-077 shall be valid until January 28, 2015.

SECTION 12. LEGAL DESCRIPTION

- A. Development of TARA shall be restricted to the 1,124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE N.W. ¼ OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. ¼, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE S.E. ¼ OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE S.E. ¼, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53" W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01", 847.92 FT. TO THE P.C.C.

OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

SECTION 13. GENERAL

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, The Manatee County Comprehensive Plan and the Land Development Code shall control the construction of any defined terms and matters appearing in the development order.
- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
 - 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
 - 2. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
 - 3. The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.
 - 4. The application for a Substantial Deviation ADA dated October 23, 2002 together with supporting documents.
 - 5. The application for a Notice of Proposed Change dated August 26, 2004 together with supporting documents.
 - 6. Revised Exhibit B (Map H) (dated June, 2010) together with Exhibits A, C, D E.
 - 7. The Transportation Analysis dated October 10, 2000 and June, 2003.

8. The application for a Notice of Proposed Change dated, October 6, 2009, together with supporting documents.
- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

SECTION 14. RESTRICTION ON DOWN ZONING

- A. The County may not downzone or reduce the intensity or unit density permitted by this Development Order prior to January 28, 2015 unless the County can demonstrate that:
 1. Substantial changes in the conditions underlying the approval of the order have occurred; or
 2. The order was based upon substantially inaccurate information provided by the Developer; or
 3. The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" 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 development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS.

SECTION 15. BINDING ORDER UPON DEVELOPER

- A. This Development Order shall be binding upon the Developer and its successors in interest.

SECTION 16 .RENDITION

- A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

SECTION 17. NOTICE OF RECORDING

- A. The Developer shall record a notice of adoption of this Development Order as required pursuant to Chapter 380, FS, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 18. SEVERABILITY

- A. 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 19. EFFECTIVE DATE

- A. This Ordinance 10-50 shall become effective upon the filing of a certified copy of the executed ordinance with the Department of State; provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes , shall suspend development authorization granted for this Development Order until the resolution of the appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance 06-35 during pendency of any appeal.

SECTION 20. TERMINATION

- A. This Development Order shall terminate on January 28, 2015 unless otherwise extended by law.

ADOPTED with a quorum present and voting, this 7th day of October, 2010.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____

Donna G. Hayes, Chairman

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

By: _____

Deputy Clerk



EXHIBIT A**TABLE I**

**SUMMARY OF NOISE LEVELS IDENTIFIED BY
ENVIRONMENTAL PROTECTION AGENCY
AS REQUISITE TO PROTECT PUBLIC
HEALTH AND WELFARE WITH AN
ADEQUATE MARGIN OF SAFETY**

EFFECT	LEVEL	AREA
Hearing Loss	$L_{eq(24)}$ 70 dB	All areas
Outdoor activity interference and annoyance	L_{dn} 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
	$L_{eq(74)}$ 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and annoyance	L_{dn} 45 dB	Indoor residential areas
	$L_{eq(24)}$ 45 dB	Other indoor areas with human activities such as schools, etc.

¹ $L_{eq(24)}$ represents the sound energy averaged over a 24-hour period while L_{dn} represents L_{eq} with a 10 dB nighttime weighting.

Revised October, 2010

EXHIBIT “C” to Map H
Parcel Breakdown by Phase

RESIDENTIAL				
PARCEL	NUMBER UNITS	PHASES		
		I COMPLETED*	II 2/95*-10/03*	III 9/96*-2015*
Phase I	719	719		
II-A	35		35	
II-B	49		49	
II-C	80		80	
II-D	69		69	
II-E	23		23	
II-F	27		27	
II-J	16		16	
III-A	20			20
III-B	76			76
III-C	46			46
III-D	97			97
III-F	187			187
III-G	47			47
III-H	120			120
III-I	208			208
III-J	19			19
III-K	128			128
III-L	188			188
III-M	36			36
III-N	227			227
III-O	38			38
III-P	39			39
III-Q	97			97
III-X	128			128

TOTAL	2,719	719	299	1,701
COMMERCIAL				
PARCEL	SQUARE FEET	PHASES		
		I COMPLETED*	II 2/95*-10/03*	III 9/96*-2015*
Phase I	84,901	84,901		
II-G	10,100		10,100	
III-AA	0-3,600			0-3,600
III-R	0-247,899***			0-247,899***
III-S	0			0
III-T	8,000**			8,000**
III-U	0-115,000**			0-115,000**
III-V	0-20,000**			0-20,000**
III-W	0-3,000**			0-3,000**
III-Y	0-18,800**			0-18,800**
III-Z	0-8,000**			0-8,000**
	436,500**	84,901	0-10,100	0-341,499**
OTHER				
III-E	Golf Course	18 Holes, Clubhouse, Maintenance		18 Holes, Clubhouse, Maintenance

* Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase.

** The Developer shall have the right to transfer all or part of building square footage between non-residential subphases as depicted on Map H. Any transferred square footage may be used for the uses as depicted on Exhibit D. In addition, the Developer has the right to utilize the LUEM to “exchange” land uses in accordance with the thresholds established pursuant to the LUEM provided the Developer demonstrates compliance with all other provisions of this ordinance.

*** The FAR on Subphase III-R shall not exceed 0.26.

Exhibit D
Revised, July 2010
Permitted Uses by Subphase
Uses proposed within this change are in Boldface Text

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
AGRICULTURAL USES				
Agricultural Research Facilities	X	X	X	X
Agriculture	P	P	X	X
Breeding Facility (non-wild, non-exotic)	X	X	X	X
Farming Service Establishments	P*	P	X	X
Kennels	X	X	X	X
Short Term Agricultural Uses	P	X	P	P
Stables or Equestrian Center:				
Public	X	X	X	X
Veterinary Hospitals	X	X	P	P
COMMERCIAL USES-RETAIL				
Auction Houses, Open	X	X	X	X
Auction Houses, Enclosed	X	X	X	X
Auction Houses, Auto	X	X	X	X
Building Materials Establishment	X	X	P	P
Retail Sales, Neighborhood Convenience	P**	P	P	P
Retail Sales, Neighborhood General	P	P	P	P
Drive-Thru Eating Establishment	X	P	P	P
Eating Establishment	P	P	P	P
Farm Equipment and Supply Establishment	X	X	P	P
Gas Pumps	X	P	P	P
MH/RV Sales, Rental, Leasing	X	X	P	P
General Retail Sales Uses	P	X	P	P
Service Station	X	P	P	P
COMMERCIAL USES-SERVICES				
Banking:				
Bank	P	P	P	P
Bank/Drive-Through	P*	P	P	P
Business Services	P	P	P	P

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
Health Services:				
Professional Office	P	P	P	P
Clinic	P	P	P	P
Veterinary Clinic	P*	P	P	P
Medical and Dental Laboratory	X	X	P	P
Nursing Home	X	P	P	P
Industrial Service Establishment	X	X	P	P
Lodging Places:				
Bed and Breakfast	X	P	P	P
Boarding House	X	P	X	X
Hospital Guest House	X	P	X	X
Hotels	X	X	X	P***
RV Park	X	X	P	P
Miscellaneous Services:				
Office	P	P	P	P
Car Wash, Self Service	X	X	P	P
Car Wash, Incidental	X	P	P	P
Car Wash, Full Service	X	X	P	P
Construction Service Establishment	X	X	P	P
Dry Cleaners, Neighborhood	X	P	P	P
Dry Cleaners, General	X	X	P	P
Dry Cleaners, Pick-up	P*	P	P	P
Food Catering	X	X	P	P
Funeral Chapel	X	P	P	P
Funeral Home	X	P	P	P
Lawn Care/Landscaping	X	X	P	P
Personal Service Establishment	P	P	P	P
Rental Service Establishment	X	X	P	P
Repair Service Establishment	P*	P	P	P
Motor Vehicle Repair:				
Neighborhood Serving	X	P	P	P
Community Serving	X	X	P	P
Major	X	X	P	X
Sign Painting Service	X	X	P	P

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
Taxi-Cab, Limousine Service	X	X	P	P
Wholesale Trade Establishment	X	X	P	P
COMMUNITY SERVICE USES				
Cultural Facilities	X	P	X	X
Emergency Shelters	X	X	X	X
Emergency Shelter Home	X	P	X	X
Outpatient Treatment Facility	X	X	X	X
Post Offices	X	P	X	X
Private Community Uses	X	P	X	X
Public Community Use	X	P	P	P
Public Use Facilities	X	P	P	P
Radio, TV, Communications, Microwave Facilities	X	P	P	P
Residential Treatment Facilities	X	P	X	X
Resource Recovery Facilities	X	X	X	X
Utility Use	P*	P	P	P
MISCELLANEOUS USES				
Flea Markets:				
Enclosed	X	X	P	P
Open	X	X	P	P
Outdoors Advertising Signs	X	X	P	P
Parking, Commercial	P	P	P	P
Towing Service and Storage Establishment	X	X	P	P
OPEN USE OF LAND - LIGHT				
Cemetery:				
Human	P*	P	X	X
Pet	P*	P	X	X
Game Preserve	X	X	X	X
Land Reserves, Public or Private	P	P	X	X
Tree Farm	X	P	X	X
Minor Earthmoving	P*	P	P	P
RECREATION USES:				
Low intensity Recreational Uses	P*	P	P	P
High Intensity Recreational Uses	X	X	P	P
Medium Intensity Recreational Uses	X	X	P	P

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
Passive Recreational Use	P*	P	P	P
RESIDENTIAL USES				
Adult Assisted Living Facility	X	X	P	P#
Family Care Homes	X	P	X	X
Group Care Home, Large	P*	P	P	P
Group Care Home, Small	P*	P	P	P
Group Housing	X	P	X	X
Multiple Family Dwellings	X	X	X	X
Residential Care Facility, Large	P*	P	P	P
Residential Care Facility, Small	P*	P	P	P
Recovery Home, Large	P*	P	P	P
Recovery Home, Small	P*	P	P	P
Single-Family Attached Dwellings	X	X	X	X
Single Family Detached Dwellings	X	P+	X	X
Single-Family Semi-Detached Dwellings	X	X	X	X
Duplex Dwellings	X	P+	X	X
Triplex and Quadraplex Dwellings (multi-family, 4 units max)	X	X	X	X
RESIDENTIAL SUPPORT USES				
Churches or Other Place of Worship	P*	P	P	P
Day Care Center, Large	P*	P	P	P
Day Care Center, Medium	P*	P	P	P
Day Care Center, Small	X	P	X	X
Day Care Facilities (Accessory)	P*	P	P	P
Day Car Home	X	X	X	X
Schools, Elementary	X	P	X	X
Schools, High School	X	P	X	X
Schools, Middle	X	P	X	X
Schools of Special Education	P*	P	P	P
TRANSPORTATION FACILITIES				
Bus RR Passenger	P*	P	X	X
Heliport	X	X	P	P
Helistop	P*	P	X	X

USES	Subphase III-Y	Subphase III-W	Subphase III-R	REMAINING COMMERCIAL
WAREHOUSING				
Warehouse - Mini	P*	P-P*	P-P*	P-P*

P = Permitted

P* = With limitations, as specified in Section 704, conditional Use Criteria, The Amended Development Order, or elsewhere in the Code

P** = Neighborhood Convenience Retail Sales uses are permitted with the exception of Convenience Stores which are not allowed on Subphase III-Y

P*** = Hotel use is authorized to be developed only in Subphase III-U and III-I

P+ = Allowed with specific criteria per Table 6-1 in the Code

P# = Adult Assisted Living Facilities shall be limited to remaining commercial Subphases III-U, III-V, III-Z, III-AA

AP = Administrative Permit Required

EXHIBIT F LAND USE EQUIVALENCY TARA DRI June 2010						
"A"	"B"					
	EQUIVALENT USES					
LAND USES THAT ARE TO BE TRADED	# OF SINGLE-FAMILY DWELLING UNITS	# OF MULTI-FAMILY APARTMENTS	# OF SQ. FT. RETAIL	# OF ALF BEDS	# OF SQ. FT. MINI-WAREHOUSE	# OF SQ. FT. OF OFFICE
ONE SINGLE FAMILY DETACHED DWELLING UNIT	(1.00)	(1.45)	(321.00)	(6.00)**	(3259.00)	(546.00)
MULTI FAMILY APARTMENT	(0.69)	(1.00)	(222.00)	(6.00)**	(2248.00)	(376.00)
1000 SQ. FT. OF RETAIL	(3.13)	(4.54)	(1000.00)	(11.56)	(10179.00)	(1708.00)
1 ALF Bed	(0.17)**	(0.17)**	(88.00)	(1.00)	(899.00)	(151.00)
1000 SQ. FT. OF MINI-WAREHOUSE	(0.31)	(0.45)	(100.00)	(1.15)	(1000.00)	(171.00)
1000 SQ. FT. OF OFFICE	(1.84)	(2.66)	(589.00)	(6.79)	(5979.00)	(1000.00)
* The calculations must always start in Column "A" and end in Column "B". Start in Column "A" at appropriate row, proceed horizontally, then vertically to the equivalent use in Column "B". The equivalent Column "B" land use is noted in the () at the intersection of the "traded land use" horizontal row, and the "equivalent uses" vertical column. For example, one Single Family Detached unit (Column "A", second row) can be traded into 321 sq. feet of Retail. The intersection of the Single Family Detached unit row, and the Retail column is 321 Sq. Feet.						
**Per Manatee County Land Development Code						
In order to preserve the multi-use nature of this development, land use exchanges will be limited so that the following minima and maxima for each land use will be observed:						
Use	Min	Max				
Commercial (sf)	255,300	514,200				
Office (sf)	8,000	50,000				
ALF (beds)	0	300				
Mini-Warehouse (sf)	0	115,000				
The proposed maximums have been established to not exceed any substantial deviation thresholds. A calculation to demonstrate this will be included with any application utilizing the LUEM.						

Exhibit E

DIMENSIONAL CHART

Uses	Height Maximum (ft.)	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)	Front (ft.)	Side (ft.)	Rear (ft.)
Single family detached	35	45-79	5,000	20/15 ^(a)	6	15
Single family detached	35	80 or greater	9,000	25/20 ^(a)	8	15
Zero lot line (SF detached)	35	45	5,000	20/15 ^(a)	0/10 ^(b)	15
Single family attached	35	25/35 ^(c)	2,500/3,500 ^(c)	20/15 ^(a)	0/10 ^(b)	15
Single family semi-detached	35	35	4,000	20/15 ^(a)	7.5	15
Duplex	35	70	8,000	20/15 ^(a)	8	15
Multi-family	3 stories/35			25	10 ^(d)	15 ^(d)
Commercial/office/hotel	3 stories/35	70	7,500	30 ^(e)	15 ^(e)	20 ^(e)
Park, recreation center	35	70	7,500	25	15	15
Parcel II-D Multi-family	2 stories/35			30	10/35 ^(f)	15
Single family	35	60	7,000	25	7.5	15
Parcel II-E	35	60	7,000	25	7.5	15

(a) Front setbacks for units with side entry garages.

(b) Applies to one side.

(c) Minimum width and size for corner or end units.

(d) Multi-family dwellings adjacent to single-family lots shall maintain a setback of 30' or an increase of 10' for every story over one, whichever is greater.

(e) Buildings shall be set back a minimum of 50' from any residential lot.

(f) Multi-family dwellings shall be set back 35' from any single family lot.

NOTE:

The Planning Director has the right to determine a smaller setback when development parcel is adjacent to open space or non-residential uses.



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

OCTOBER 20 10

R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.

RECEIVED

NOV 17 2010

Tampa Bay Regional
Planning Council



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

November, 20 10
R. J. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.



MANATEE COUNTY GOVERNMENT

#66

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

December 17, 2007

Patrica A. Petruff, Esq.
Dye, Deitrich, Petruff & St. Paul, P.L.
1111 3rd Ave. West, Suite 300
Bradenton, FL 34205

Re: Tara DRI#11 – Extension of phase, buildout, and expiration dates

Dear Ms. Petruff:

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 TARA 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

1112 Manatee Avenue West • Fourth Floor • Bradenton, Florida • Tel. (941) 749-3070

P.O. Box 1000 • Bradenton, Florida 34206-1000

NOPC or Substantial Deviation requests will recognize the extensions. The extended dates for the TARA DRI are set forth below:

Manatee County Ordinance 06-35 TARA-Manatee, Inc. is now amended to read as follows:

SECTION 2. CONCLUSIONS OF LAW:

- (D) TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	436,500*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996-2010 <u>2013</u>
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	10,100	0 -341,499*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

SECTION 9. CONCURRENCY AND PHASING

- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II: 1995 through 2003

Phase III: 1996 through 2010 2013

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases which have valid final site plans and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on Map H
- (2) Phase I-N renamed as Phase III-T on Map H
- (3) Phase I-J renamed as Phase II-J on Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

The Certificate of Level of Service #97-007 shall be valid until January 28, 2010 2013.

SECTION 19. TERMINATION.

This development order shall terminate on January 28, ~~2010~~ 2013 unless otherwise extended by law.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'R. H. Pederson', written in a cursive style.

Robert H. Pederson, AICP
Community Planning Administrator

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

- 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 <i>CBC</i>
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	APPROVED IN OPEN SESSION
<input type="checkbox"/>	REVIEWED Written Comments: OCT 09 2007

**BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**

	<input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input checked="" type="checkbox"/>	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:	
<ul style="list-style-type: none"> Resolution No. R- 07-180 		<ul style="list-style-type: none"> 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



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

#66
—

Certified Mail # 7000 0520 0015 6095 9935

June 29, 2006

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

Re: Development Order for Tara-Manatee, Inc. Development of Regional Impact

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 06-35, the DRI Development Order for Tara-Manatee, Inc., as adopted in open session by the Manatee County Board of County Commissioners on May 9, 2006 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 Administrator

RHP/br
Enclosure

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ORDINANCE 06-35
TARA-MANATEE, INC.

2006 MAY 23 AM 8:50

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, SUBSTANTIAL DEVIATION FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS AMENDED; ADD 75,000 SQUARE FEET OF COMMERCIAL DEVELOPMENT TO THE PROJECT TOTAL; AMEND EXHIBIT C AND MAP H TO REFLECT THE ABOVE CHANGE; AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED; CODIFYING AND RESTATING THE EXISTING DEVELOPMENT ORDER FOR DRI #11; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CIRCUIT COURT
MANATEE CO. FLORIDA

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Substantial Deviation to the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petruff, Esq.; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Substantial Deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on April 8, 2004, and

WHEREAS, public hearings were held before the Board of County Commissioners on April 27, 2004, May 18, 2004 and May 25, 2004, and

WHEREAS, the Board of County Commissioners initially denied the request of TARA-MANATEE, INC. for the additional 75,000 square feet of commercial development, and

WHEREAS, MANATEE COUNTY and TARA-MANATEE, INC. entered into a dispute resolution proceeding DR-04-02 pursuant to Sec 70.51, Fla. Statutes, and

WHEREAS, such DISPUTE RESOLUTION PROCEEDING resulted in the PROPOSAL FOR SETTLEMENT AND OFFER TO COMPROMISE dated February 14, 2006, and

WHEREAS, upon publication and furnishing of due notice a public hearing on these proceedings was held before the Board of County Commissioners of Manatee County, Florida on May 4 and 9, 2006, and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence and any member

FILED
2006 MAY 18 AM 8:48
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the Substantial Deviation; and

WHEREAS, the Board of County Commissioners and Planning Commission have considered the testimony, reports, and other documentary evidence submitted at the public hearing by TARA, the TBRPC, the DCA, as well as Manatee County staff, agencies, and various persons in attendance at the public hearing; and

WHEREAS, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, in a regular meeting assembled this, 9th day of May, 2006 as follows:

SECTION 1. FINDINGS OF FACT:

- A. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.5.2 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.
- B. The real property involved in this development is located in Manatee County, Florida and is described in Section 10.
- C. Construction of this project was previously begun and is currently developing in accordance with this Development Order.
- D. Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:
 - (1) is not located in an area of critical state concern, and
 - (2) does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
 - (3) is consistent with local land development regulations; and
 - (4) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council on file in these proceedings, and is consistent with that report.
- E. The applicant requests approval of an amendment to the Tara DRI to add 75,000 square feet of commercial development and amend Map H and Exhibit C to reflect this change.

SECTION 2. CONCLUSIONS OF LAW:

- (A) The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
- (B) TARA has shown that the proposed changes approved herein will not create any new external or regional impacts to adversely affect the DRI or the Region.
- (C) This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the Comprehensive Plan contained in this order are references to those particular sections.
- (D) TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	436,500*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996-2010
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	10,100	0 -341,499*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

*Either a 160 room hotel or two 80 room hotels may be traded for 74,667 square feet of Commercial Use. The hotel use is only authorized to be built in Subphase III-U or Subphase III-L.

SECTION 3. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the applicant.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Environmental Management Department or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to EMD approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Environmental Management Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County Environmental Management Director, the violation constitutes a peril to life or property, the

developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.

- E. The water quality monitoring program shall be continued throughout the construction phases of the project and for five (5) years after the completion of construction for each phase.
- F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
- G. No destruction of wetlands (e.g. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.
- H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
- I. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
- J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
- K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
- L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.
- M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.

- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for Parcels III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.

The stormwater management system for parcels III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.

- P. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.
- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Phase III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the Environmental Management Department with the initial Preliminary Site Plan for Phase III. Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

SECTION 4. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY.

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Project Management Department.
- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

SECTION 5. NOISE ABATEMENT.

- A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase which is affected by these noise standards.

SECTION 6. SCHOOL SITE.

- A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order. The developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

SECTION 7. ROADWAY IMPROVEMENTS.

- A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)

- B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
- (1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Phases III-R, III-T, III-U, III-V, III-W, III-X or III-Y. (COMPLETED)
 - (2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass. (COMPLETED)
- C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.
- D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be utilized in the traffic study shall be approved by the County, TBRPC, FDOT and DCA. The results of this study shall be submitted to the County, DCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized.

It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

- E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:
- (1) At the intersection of Tara Boulevard and State Road 70:
 - (a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet. COMPLETED
 - (b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included. COMPLETED
 - (c) An exclusive southbound right turn lane. The queue length shall be 185 feet. COMPLETED
 - (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane. COMPLETED

- (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. COMPLETED
- (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction. COMPLETED

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

- F. The developer shall initiate a transportation monitoring program in Year 2003 with the findings reported in each Annual Report beginning in Year 2003 and continuing on an annual basis until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or Construction Plans shall be issued if the transportation monitoring identifies a location with level of service below the level of service standard established for that location, and if the project's impact to that roadway is greater or equal to 5 percent of the level of service standard service-volume, and if no Funding Commitment (as identified below) for roadway improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380, Florida Statutes.

Transportation monitoring locations:

- (1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions). Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.
- (2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

SECTION 8. GENERAL CONDITIONS

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated June 2003) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit an annual DRI report to Manatee County, the TBRPC, and the state land planning agency annually on the 13th day of November, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Six (6) copies of this report shall be submitted to the Manatee County Planning Director 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 BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The annual report shall contain the information required by the state land planning agency to be included in the annual report which information is described in the rules and regulations promulgated by that

agency, pursuant to Section 380.06(18), FS Failure to file an annual report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
 - (a) East of the main entrance on SR 70
 - (b) Main entrance road near SR 70
 - (c) Between Braden River Road and the Braden River on SR 70
 - (d) East of U.S. 301 relocated on SR 70
 - (e) West of U.S. 301 relocated on SR 70
- (2) Traffic Monitoring as described in Section 7.F of this Development Order.

- E. In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or the 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 on 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 9. CONCURRENCY AND PHASING

- A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a Final Plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.

- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II: 1995 through 2003

Phase III: 1996 through 2010

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases which have valid final site plans and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on Map H
- (2) Phase I-N renamed as Phase III-T on Map H
- (3) Phase I-J renamed as Phase II-J on Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

- D. The Certificate of Level of Service #97-007 shall be valid until January 28, 2010.

SECTION 10. LEGAL DESCRIPTION.

A. Development of TARA shall be restricted to the 1,124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE N.W. ¼ OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. ¼, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE S.E. ¼ OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE S.E. ¼, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53" W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01", 847.92 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID

POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

SECTION 11. GENERAL.

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, shall control the construction of any defined terms and matters appearing in the development order.
- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
 - 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
 - 2. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
 - 3. The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.

4. The application for a Substantial Deviation ADA dated October 23, 2002 together with supporting documents.
 5. The application for a Notice of Proposed Change dated August 26, 2004 together with supporting documents.
 6. Revised Map H (dated April, 2006) together with Exhibits A, B, and C.
 7. The Transportation Analysis dated October 10, 2000.
- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

SECTION 12. RESTRICTION ON DOWN ZONING.

- A. The County may not downzone or reduce the intensity or unit density permitted by the order prior to January 28, 2010 unless the County can demonstrate that:
1. Substantial changes in the conditions underlying the approval of the order have occurred; or
 2. The order was based upon substantially inaccurate information provided by the Developer; or
 3. The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" 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 development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS.

SECTION 13. BINDING ORDER UPON DEVELOPER.

- A. This development order shall be binding upon the Developer and its successors in interest.

SECTION 14. RENDITION.

- A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

SECTION 15. NOTICE OF RECORDING.

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

SECTION 16. SEVERABILITY.

- A. 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 17. EFFECTIVE DATE.

- A. This development order shall become effective upon filing with the Secretary of State, provided, however, that the filing of a Notice of Appeal to Section 380.07, FS, stays the effectiveness of this development order.

SECTION 18. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

- A. The previous development order for TARA which was adopted on November 30, 2004 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.

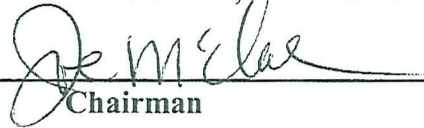
SECTION 19. TERMINATION.

- A. This development order shall terminate on January 28, 2010 unless otherwise extended by law.

ADOPTED with a quorum present and voting, this 9th day of May, 2006.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: _____


Chairman

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



BY: _____


Deputy Clerk

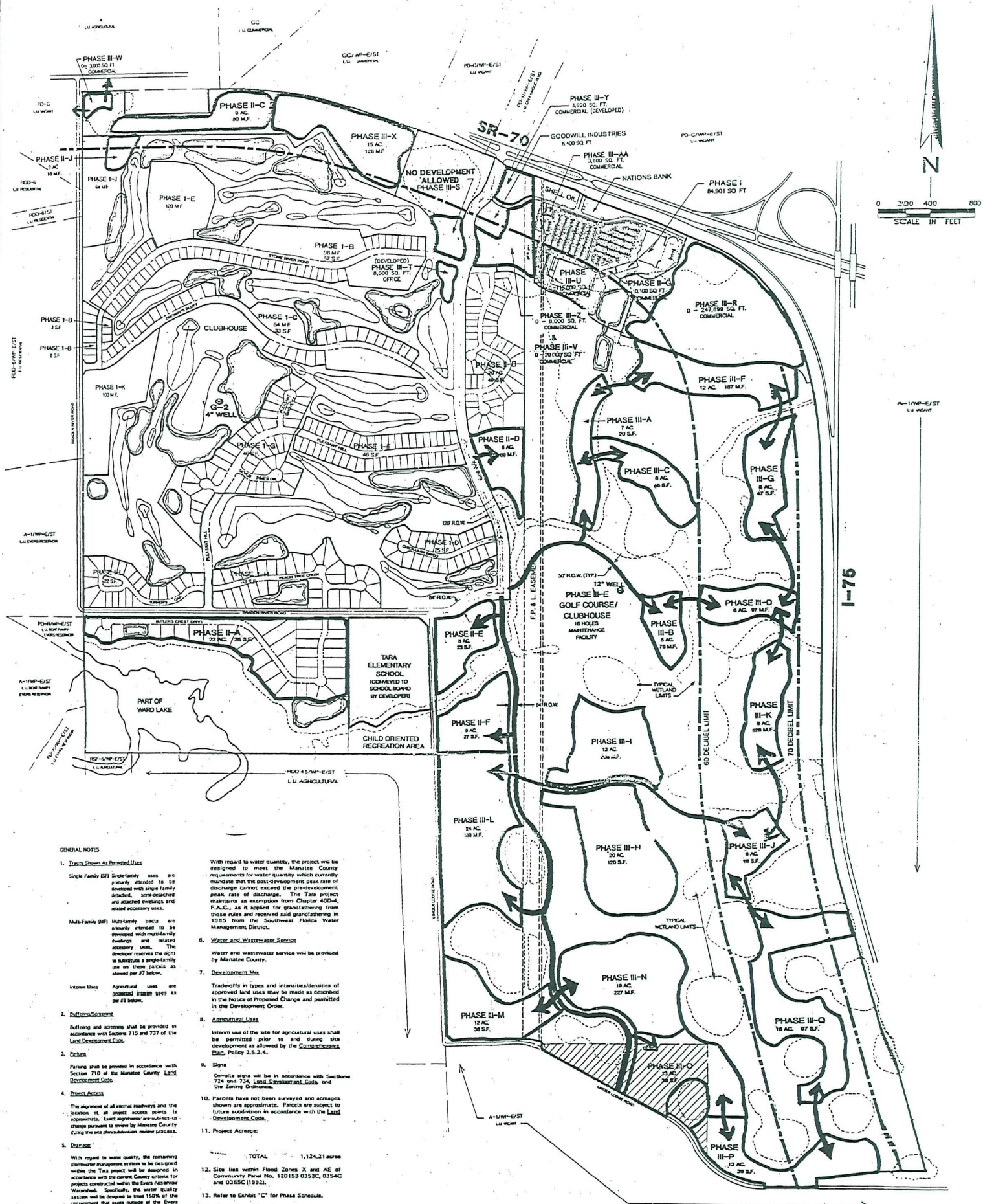
EXHIBIT A

TABLE I

**SUMMARY OF NOISE LEVELS IDENTIFIED BY
ENVIRONMENTAL PROTECTION AGENCY
AS REQUISITE TO PROTECT PUBLIC
HEALTH AND WELFARE WITH AN
ADEQUATE MARGIN OF SAFETY**

EFFECT	LEVEL	AREA
Hearing Loss	$L_{eq(24)}$ 70 dB	All areas
Outdoor activity interference and annoyance	L_{dn} 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
	$L_{eq(74)}$ 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and annoyance	L_{dn} 45 dB	Indoor residential areas
	$L_{eq(24)}$ 45 dB	Other indoor areas with human activities such as schools, etc.

¹ $L_{eq(24)}$ represents the sound energy averaged over a 24-hour period while L_{dn} represents L_{eq} with a 10 dB nighttime weighting.



REVISED MAP H MASTER DEVELOPMENT PLAN

for

TARA

SECTION 13, 14, 23 & 24, TWP. 35 S. RGE. 18 E.,
MANATEE COUNTY, FLORIDA

REVISED APRIL, 2006 (ADD 75,000 SQ. FT. TO PHASE III R
REVISED AUGUST, 2004 (PHASE I-H + I-H TO PHASE III)
APPROVED REVISION JULY, 2004
REVISED AUGUST 28, 1998
REVISED MARCH 10, 2004
REVISED AUGUST 9, 1996 (REMOVE II-Y)

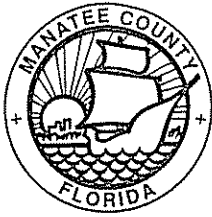
LOMBARDO & SKIPPER, INC.
Consulting Engineers, Surveyors & Planners

P.O. Box 55 • 825-4th Street West • Palmetto, Florida 34221 • (813) 722-4561 • 748-0600



DATE: FEBRUARY 2, 1993 REVISED MARCH 20, 1996

ORD. 0035, EXHIBIT "B"



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

66

Certified Mail # 7000 0600 0024 5577 1873

December 15, 2004

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

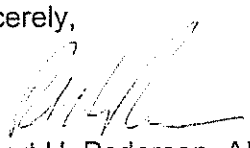
Re: Development Order for Tara-Manatee, Inc.

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 04-68 the Development Order for the Tara-Manatee, Inc. Development of Regional Impact, as adopted in open session by the Manatee County Board of County Commissioners on ^{November} ~~December~~ 30, 2004, 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 Administrator

RHP/ks
Enclosure

FILED FOR RECORD
R. B. SHORE

2004 DEC 14 AM 9:01

MANATEE COUNTY ORDINANCE 04-68
TARA-MANATEE, INC.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, SUBSTANTIAL DEVIATION FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS AMENDED; TO MOVE SUBPHASES II-H AND II-I INTO PHASE III AND RENAME THEM III-Z AND III-AA RESPECTIVELY; AMEND EXHIBIT C TO COMPLY WITH THE APPROVED MAP H; AMEND MAP H TO REFLECT THE ABOVE CHANGES, AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED; CODIFYING AND RESTATING THE EXISTING DEVELOPMENT ORDER FOR DRI #11; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Substantial Deviation to the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petruff, Esq.; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Substantial Deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on November 4, 2004 and before the Board of County Commissioners of Manatee County, Florida on November 30, 2004; and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the Substantial Deviation; and

WHEREAS, the Board of County Commissioners and Planning Commission have considered the testimony, reports, and other documentary evidence submitted at the public hearing by TARA, the TBRPC, the DCA, as well as Manatee County staff, agencies, and various persons in attendance at the public hearing; and

WHEREAS, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, in a regular meeting assembled this, 30th day of November, as follows:

SECTION 1. FINDINGS OF FACT:

- A. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.5.2 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.
- B. The real property involved in this development is located in Manatee County, Florida and is described in Section 10.
- C. Construction of this project was previously begun and is currently developing in accordance with this Development Order.
- D. Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:
 - (1) is not located in an area of critical state concern, and
 - (2) does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
 - (3) is consistent with local land development regulations; and
 - (4) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council on file in these proceedings, and is consistent with that report.
- E. The applicant previously submitted and received approval of a Transportation Analysis in accordance with Section 7.D of the Development Order (Ordinance 98-34) dated September 22, 1998.
- F. The applicant requests approval of an amendment to the Tara DRI to move Subphases II-H and II-I to Phase III and rename them III-Z and III-AA, respectively, amend Exhibit C to comply with the approved Map H, and amend Map H to reflect the above changes.

SECTION 2. CONCLUSIONS OF LAW:

- (A) The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
- (B) TARA has shown that the proposed changes approved herein will not create any new external or regional impacts to adversely affect the DRI or the Region.
- (C) This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the Comprehensive Plan contained in this order are references to those particular sections.

- (D) TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	361,500*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II COMPLETED	PHASE III 1996-2007
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	10,100	0 - 266,499*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

*Either a 160 room hotel or two 80 room hotels may be traded for 74,667 square feet of Commercial Use. The hotel use is only authorized to be built in Subphase III-U.

SECTION 3. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the applicant.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Environmental Management Department or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to EMD approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Environmental Management Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County...

Management Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.

- E. The water quality monitoring program shall be continued throughout the construction phases of the project and for five (5) years after the completion of construction for each phase.
- F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
- G. No destruction of wetlands (e.g. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.
- H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
- I. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
- J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
- K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
- L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.
- M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.

- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for Parcels III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.

The stormwater management system for parcels III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.
- P. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.
- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Phase III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998, Exhibit B) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the Environmental Management Department with the initial Preliminary Site Plan for Phase III. Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

SECTION 4. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY.

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Project Management Department.
- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

SECTION 5. NOISE ABATEMENT.

- A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase which is affected by these noise standards.

SECTION 6. SCHOOL SITE.

- A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order. The developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

SECTION 7. ROADWAY IMPROVEMENTS.

- A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)

B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:

- (1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Phases III-R, III-T, III-U, III-V, III-W, III-X or III-Y. (COMPLETED)
- (2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass. (COMPLETED)

C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.

D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be utilized in the traffic study shall be approved by the County, TBRPC, FDOT and DCA. The results of this study shall be submitted to the County, DCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:

(1) At the intersection of Tara Boulevard and State Road 70:

- (a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet. COMPLETED
- (b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included. COMPLETED
- (c) An exclusive southbound right turn lane. The queue length shall be 185 feet. COMPLETED
- (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane. COMPLETED

- (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. COMPLETED
- (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction. COMPLETED

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

- F. The developer shall initiate a transportation monitoring program in Year 2003 with the findings reported in each Annual Report beginning in Year 2003 and continuing on an annual basis until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or Construction Plans shall be issued if the transportation monitoring identifies a location with level of service below the level of service standard established for that location, and if the project's impact to that roadway is greater than or equal to 5 percent of the level of service standard service-volume, and if no Funding Commitment (as identified below) for roadway improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380, Florida Statutes.

Transportation monitoring locations:

- (1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions. Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.
- (2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

SECTION 8. GENERAL CONDITIONS

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated June 2003) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit an annual DRI report to Manatee County, the TBRPC, and the state land planning agency annually on the 13th day of November, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Six (6) copies of this report shall be submitted to the Manatee County Planning Director 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 BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The

annual report shall contain the information required by the state land planning agency to be included in the annual report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS. Failure to file an annual report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
 - (a) East of the main entrance on SR 70
 - (b) Main entrance road near SR 70
 - (c) Between Braden River Road and the Braden River on SR 70
 - (d) East of U.S. 301 relocated on SR 70
 - (e) West of U.S. 301 relocated on SR 70

- (2) Traffic Monitoring as described in Section 7.F of this Development Order.

E. In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or the 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 on 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.

F. Pursuant to the project timing established in Tara Development Order, Phase II has expired. There shall be no further site plans approved for any subphase within Phase II unless a DRI amendment permits a time extension for Phase II.

SECTION 9. CONCURRENCY AND PHASING

- A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a Final Plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the

requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.

- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II: 1995 through 2003

Phase III: 1996 through 2007

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases which have valid final site plans and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on Map H
- (2) Phase I-N renamed as Phase III-T on Map H
- (3) Phase I-J renamed as Phase II-J on Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

- D. The Certificate of Level of Service #97-007 shall be valid until January 28, 2007.

SECTION 10. LEGAL DESCRIPTION.

- A. Development of TARA shall be restricted to the 1,124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE N.W. ¼ OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. ¼, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE S.E. ¼ OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE S.E. ¼, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53"

W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01", 847.92 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. STA. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE ¼ OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE

OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

SECTION 11. GENERAL.

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, shall control the construction of any defined terms and matters appearing in the development order.

- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
1. The "Application for Development Approval" together with supporting documents submitted by TARA.
 2. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
 3. The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.
 - D. The application for a Substantial Deviation ADA dated October 23, 2002 together with supporting documents.
 - E. The application for a Notice of Proposed Change dated August 26, 2004 together with supporting documents.
 6. Revised Map H (dated August 2004) together with Exhibits A, B, and C.
 7. The Transportation Analysis dated October 10, 2000.
- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

SECTION 12. RESTRICTION ON DOWN ZONING.

- A. The County may not downzone or reduce the intensity or unit density permitted by the order prior to November 13, 2007 unless the County can demonstrate that:
1. Substantial changes in the conditions underlying the approval of the order have occurred; or
 2. The order was based upon substantially inaccurate information provided by the Developer; or
 3. The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" 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 development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS.

SECTION 13. BINDING ORDER UPON DEVELOPER.

- A. This development order shall be binding upon the Developer and its successors in interest.

SECTION 14. RENDITION.

- A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

SECTION 15. NOTICE OF RECORDING.

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

SECTION 16. SEVERABILITY.

- A. 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 17. EFFECTIVE DATE.

- A. This development order shall become effective upon filing with the Secretary of State, provided, however, that the filing of a Notice of Appeal to Section 380.07, FS, stays the effectiveness of this development order.

SECTION 18. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

- A. The previous development order for TARA which was adopted on May 25, 2004 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.

SECTION 19. TERMINATION.

- A. This development order shall terminate on November 13, 2007 unless otherwise extended by law.

ADOPTED with a quorum present and voting, this 30th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: [Signature]

Chairman



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

By: [Signature]



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 15th day of December, 2004

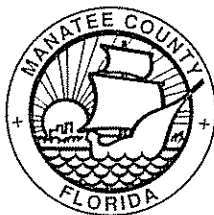
R.B. SHORE
Clerk of Circuit Court
By: [Signature]



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 15th day of December, 2004

R.B. SHORE
Clerk of Circuit Court
By: [Signature]



MANATEE COUNTY GOVERNMENT

#66

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0600 0024 5577 1996

June 16, 2004

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

Re: Development Order for Tara-Manatee, Inc.

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 04-33, the Development Order for Tara-Manatee, Inc., as adopted in open session by the Manatee County Board of County Commissioners on May 25, 2004, 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 Administrator

RHP/ks
Enclosure

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AMENDING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, AND APPROVING A SUBSTANTIAL DEVIATION TO THE TARA DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, WHICH AMENDS, REPLACES AND SUPERSEDES ORDINANCE 01-44, DRI #11, AS AMENDED; TO ADD 10 ADDITIONAL HOTEL ROOMS (EQUIVALENT TO 4,667 SQUARE FEET); THE AUTHORIZATION TO CONSTRUCT EITHER TWO 80-ROOM HOTELS OR A SINGLE 160-ROOM HOTEL; APPROVE THE ABILITY TO TRANSFER SQUARE FOOTAGE BETWEEN NON-RESIDENTIAL SUBPHASES, AMEND MAP H TO REFLECT THE ABOVE CHANGES, AND VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES, AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Substantial Deviation to the Tara DRI (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petrucci, Esq.; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Substantial Deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on April 8, 2004 and before the Board of County Commissioners of Manatee County, Florida on April 27, 2004, May 18, 2004, and May 25, 2004; and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination, and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the Substantial Deviation; and

WHEREAS, the Board of County Commissioners and Planning Commission have considered the testimony, reports, and other documentary evidence submitted at the public hearing by TARA, the TBRPC, the DCA, as well as Manatee County staff, agencies, and various persons in attendance at the public hearing; and

WHEREAS, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, in a regular meeting assembled this, 18th day of May, as follows:

SECTION 1. FINDINGS OF FACT:

- A. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald and Sarasota Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.5.2 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.
- B. The real property involved in this development is located in Manatee County, Florida and is described in Section 10.
- C. Construction of this project was previously begun and is currently developing in accordance with this Development Order.
- D. Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:
 - (1) is not located in an area of critical state concern, and
 - (2) does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
 - (3) is consistent with local land development regulations; and
 - (4) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council on file in these proceedings, and is consistent with that report.
- E. The applicant previously submitted and received approval of a Transportation Analysis in accordance with Section 7.D of the Development Order (Ordinance 98-34) dated September 22, 1998.
- F. The applicant requests approval of an amendment to the Tara DRI to add 10 additional hotel rooms (equivalent to 4,667 square feet) and the ability to build two-80 room hotels or one 160- room hotel.

SECTION 2. CONCLUSIONS OF LAW:

- (A) The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that:
- (B) TARA has shown that the proposed changes approved herein will not create any new external or regional impacts to adversely affect the DRI or the Region.
- (C) This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the

Comprehensive Plan contained in this order are references to those particular sections.

- (D) TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	361,500*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II 1995-2003	PHASE III 1996-2007
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	0 - 13,700	0 - 262,899*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

*Either a 160 room hotel or two 80 room hotels may be traded for 74,667 square feet of Commercial Use. The hotel use is only authorized to be built in Subphase III-U.

SECTION 3. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the applicant.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Environmental Management Department or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to EMD approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Environmental Management Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County Environmental

Management Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.

- E. The water quality monitoring program shall be continued throughout the construction phases of the project and for five (5) years after the completion of construction for each phase.
- F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
- G. No destruction of wetlands (e.g. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.
- H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
- I. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
- J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
- K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
- L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.
- M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.

- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for Parcels III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.

The stormwater management system for parcels III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.
- P. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.
- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Phase III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998, Exhibit B) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the Environmental Management Department with the initial Preliminary Site Plan for Phase III. Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

SECTION 4. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY.

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Project Management Department.
- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

SECTION 5. NOISE ABATEMENT.

- A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen bterms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase which is affected by these noise standards.

SECTION 6. SCHOOL SITE.

- A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order. The developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

SECTION 7. ROADWAY IMPROVEMENTS.

- A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)

- B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
- (1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Phases III-R, III-T, III-U, III-V, III-W, III-X or III-Y. (COMPLETED)
 - (2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass. (COMPLETED)
- C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.
- D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be utilized in the traffic study shall be approved by the County, TBRPC, FDOT and DCA. The results of this study shall be submitted to the County, DCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

- E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:
- (1) At the intersection of Tara Boulevard and State Road 70:
 - (a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet. COMPLETED
 - (b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included. COMPLETED
 - (c) An exclusive southbound right turn lane. The queue length shall be 185 feet. COMPLETED
 - (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane. COMPLETED

- (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction. COMPLETED
- (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction. COMPLETED

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

- F. The developer shall initiate a transportation monitoring program in Year 2003 with the findings reported in each Annual Report beginning in Year 2003 and continuing on an annual basis until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or Construction Plans shall be issued if the transportation monitoring identifies a location with level of service below the level of service standard established for that location, and if the project's impact to that roadway is greater than or equal to 5 percent of the level of service standard service-volume, and if no Funding Commitment (as identified below) for roadway improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380, Florida Statutes.

Transportation monitoring locations:

- (1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions. Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.
- (2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

SECTION 8. GENERAL CONDITIONS

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated June 2003) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit an annual DRI report to Manatee County, the TBRPC, and the state land planning agency annually on the 13th day of November, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Six (6) copies of this report shall be submitted to the Manatee County Planning Director 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 BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any

such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The annual report shall contain the information required by the state land planning agency to be included in the annual report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS. Failure to file an annual report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
 - (a) East of the main entrance on SR 70
 - (b) Main entrance road near SR 70
 - (c) Between Braden River Road and the Braden River on SR 70
 - (d) East of U.S. 301 relocated on SR 70
 - (e) West of U.S. 301 relocated on SR 70
 - (2) Traffic Monitoring as described in Section 7.F of this Development Order.
- E. In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or the 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 on 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.
- F. Pursuant to the project timing established in Tara Development Order, Phase II has expired. There shall be no further site plans approved for any subphase within Phase II unless a DRI amendment permits a time extension for Phase II.

SECTION 9. CONCURRENCY AND PHASING

- A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a Final Plat approval which was not

required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.

- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II: 1995 through 2003

Phase III: 1996 through 2007

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases which have valid final site plans and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on Map H
- (2) Phase I-N renamed as Phase III-T on Map H
- (3) Phase I-J renamed as Phase II-J on Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

- D. The Certificate of Level of Service #97-007 shall be valid until January 28, 2007.

SECTION 10. LEGAL DESCRIPTION.

- A. Development of TARA shall be restricted to the 1,124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE

S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE N.W. ¼ OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. ¼, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE S.E. ¼ OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE S.E. ¼, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53" W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01", 847.92 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. STA. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T.

OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

SECTION 11. GENERAL.

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, shall control the construction of any defined terms and matters appearing in the development order.
- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
 - 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
 - 2. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
 - 3. The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.
 - 4. Revised Map H (dated August 28, 1998) together with Exhibits A, B, and C.
 - 5. The Transportation Analysis dated October 10, 2000.
- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

SECTION 12. RESTRICTION ON DOWN ZONING.

- A. The County may not downzone or reduce the intensity or unit density permitted by the order prior to November 13, 2007 unless the County can demonstrate that:
 - 1. Substantial changes in the conditions underlying the approval of the order have occurred; or
 - 2. The order was based upon substantially inaccurate information provided by the Developer; or
 - 3. The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or

ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" 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 development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on part of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS.

SECTION 13. BINDING ORDER UPON DEVELOPER.

- A. This development order shall be binding upon the Developer and its successors in interest.

SECTION 14. RENDITION.

- A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

SECTION 15. NOTICE OF RECORDING.

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

SECTION 16. SEVERABILITY.

- A. 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 17. EFFECTIVE DATE.

- A. This development order shall become effective upon filing with the Secretary of State, provided, however, that the filing of a Notice of Appeal to Section 380.07, FS, stays the effectiveness of this development order.

SECTION 18. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

- A. The previous development order for TARA which was adopted on August 28, 2001 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.

SECTION 19. TERMINATION.

- A. This development order shall terminate on November 13, 2007 unless otherwise extended by law.

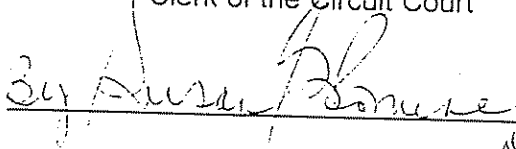
ADOPTED with a quorum present and voting, this 25th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 

Chairman

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





RESIDENTIAL				
PARCEL	NUMBER UNITS	PHASES		
		I COMPLETED*	II 2/95*-10/03*	III 9/96*-10/07*
Phase I	719	719		
II-A	35		35	
II-B	49		49	
II-C	80		80	
II-D	69		69	
II-E	23		23	
II-F	27		27	
II-J	16		16	
III-A	20			20
III-B	76			76
III-C	46			46
III-D	97			97
III-F	187			187
III-G	47			47
III-H	120			120
III-I	208			208
III-J	19			19
III-K	128			128
III-L	188			188
III-M	36			36
III-N	227			227
III-O	38			38
III-P	39			39
III-Q	97			97
III-X	128			128
TOTAL	2,719	719	299	1,701

COMMERCIAL				
PARCEL	SQUARE FEET	PHASES		
		I COMPLETED*	II 2/95*-10/03*	III 9/96*-10/07*
Phase I	84,901	84,901		
II-G	10,100		10,100	
II-H	Expired**		Expired**	
II-I	0-3,600		0-3,600	
III-R	0 - - 162,899**			0 - 162,899**
III-S	0			0
III-T	0 - 8,000**			0 - 8,000**
III-U	0 - 100,000**			0 - 100,000**
III-V	0 - 11,000			0-11,000
III-W	0-3,000**			0-3,000**
III-Y	0- 18,800**			0- 18,800**
	361,500**	84,901	0 - 13,700	0 - 262,899**
OTHER				
III-E	Golf Course	18 Holes, Clubhouse, Maintenance		18 Holes, Clubhouse, Maintenance

* Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase.

** Developer reserves the right to transfer all or part of the building square footage between non-residential subphases but in no case can the overall development exceed 361,500 square feet. Any transferred square footage may be used as commercial as noted in Attachment B.

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USES	PARCEL III-Y	PARCEL III-W	PARCEL III-R	REMAINING COMMERCIAL
AGRICULTURAL USES				
Agricultural Research Facilities	X	X	X	X
Agriculture	P	P	X	X
Breeding Facility (non-wild, non-exotic)	X	X	X	X
Farming Service Establishments	P*	P	X	X
Kennels	X	X	X	X
Short Term Agricultural Uses	P	X	P	P
Stables or Equestrian Center:				
Public	X	X	X	X
Veterinary Hospitals	X	X	P	P
COMMERCIAL USES - RETAIL				
Auction Houses, Open	X	X	<u>X</u>	X
Auction Houses, Enclosed	X	X	<u>X</u>	X
Auction Houses, Auto	X	X	X	X
Building Materials Establishment	X	X	<u>P</u>	P
Retail Sales, Neighborhood Convenience	P**	P	<u>P</u>	P
Retail Sales, Neighborhood General	P	P	<u>P</u>	P
Drive-Thru Eating Establishment	X	P	<u>P</u>	P
Eating Establishment	P	P	<u>P</u>	P
Farm Equipment and Supply Establishment	X	X	<u>P</u>	P
Gas Pumps	X	P	<u>P</u>	P
MH/RV Sales, Rental, Leasing	X	X	<u>P</u>	P
General Retail Sales Uses	P	X	<u>P</u>	P
Service Station	X	P	<u>P</u>	P
COMMERCIAL USES - SERVICES				
Banking:				
Bank	P	P	P	P

USES	PARCEL III-Y	PARCEL III-W	PARCEL III-R	REMAINING COMMERCIAL
Bank/Drive-Through	P*	P	<u>P</u>	P
Business Services	P	P	<u>P</u>	P
Health Services:				
Professional Office	P	P	<u>P</u>	P
Clinic	P	P	<u>P</u>	P
Veterinary Clinic	P*	P	<u>P</u>	P
Medical and Dental Laboratory	X	X	<u>P</u>	P
Nursing Home	X	P	<u>P</u>	P
Industrial Service Establishment	X	X	<u>P</u>	P
Lodging Places:				
Bed and Breakfast	X	P	<u>P</u>	P
Boarding House	X	P	<u>X</u>	X
Hospital Guest House	X	P	<u>X</u>	X
Hotels	X	X	<u>X</u>	P***
RV Park	X	X	<u>P</u>	P
Miscellaneous Services:				
Office	P	P	<u>P</u>	P
Car Wash, Self Service	X	X	<u>P</u>	P
Car Wash, Incidental	X	P	<u>P</u>	P
Car Wash, Full Service	X	X	<u>P</u>	P
Construction Service Establishment	X	X	<u>P</u>	P
Dry Cleaners, Neighborhood	X	P	<u>P</u>	P
Dry Cleaners, General	X	X	<u>P</u>	P
Dry Cleaners, Pick-up	P*	P	<u>P</u>	P
Food Catering	X	X	<u>P</u>	P
Funeral Chapel	X	P	<u>P</u>	P
Funeral Home	X	P	<u>P</u>	P
Lawn Care/Landscaping	X	X	<u>P</u>	P
Personal Service Establishment	P	P	<u>P</u>	P
Rental Service Establishment	X	X	<u>P</u>	P

USES	PARCEL III-Y	PARCEL III-W	PARCEL III-R	REMAINING COMMERCIAL
Repair Service Establishment	P*	P	<u>P</u>	P
Motor Vehicle Repair:				
Neighborhood Serving	X	P	<u>P</u>	P
Community Serving	X	X	<u>P</u>	P
Major	X	X	<u>P</u>	X
Sign Painting Service	X	X	<u>P</u>	P
Taxi-Cab, Limousine Service	X	X	<u>P</u>	P
Wholesale Trade Establishment	X	X	<u>P</u>	P
COMMUNITY SERVICE USES				
Cultural Facilities	X	P	<u>X</u>	X
Emergency Shelters	X	X	<u>X</u>	X
Emergency Shelter Home	X	P	<u>X</u>	X
Outpatient Treatment Facility	X	X	<u>X</u>	X
Post Offices	X	P	<u>X</u>	X
Private Community Uses	X	P	<u>X</u>	X
Public Community Use	X	P	<u>P</u>	P
Public Use Facilities	X	P	<u>P</u>	P
Radio, TV, Communications, Microwave Facilities	X	P*	<u>P</u>	P
Residential Treatment Facilities	X	P*	<u>X</u>	X
Resource Recovery Facilities	X	X	<u>X</u>	X
Utility Use	P*	P	<u>P</u>	P
MISCELLANEOUS USES				
Flea Markets:				
Enclosed	X	X	<u>P</u>	P
Open	X	X	<u>P</u>	P
Outdoor Advertising Signs	X	X	<u>P</u>	P
Parking, Commercial	P	P	<u>P</u>	P
Towing Service and Storage Establishment	X	X	<u>P</u>	P

USES	PARCEL III-Y	PARCEL III-W	PARCEL III-R	REMAINING COMMERCIAL
OPEN USES OF LAND - LIGHT				
Cemetery:				
Human	P*	P	<u>X</u>	X
Pet	P*	P	<u>X</u>	X
Game Preserve	X	X	<u>X</u>	X
Land Reserves, Public or Private	P	P	<u>X</u>	X
Tree Farm	X	P	<u>X</u>	X
Minor Earthmoving	P*	P	<u>P</u>	P
RECREATION USES				
Low Intensity Recreational Uses	P*	P	<u>P</u>	P
High Intensity Recreational Uses	X	X	<u>P</u>	P
Medium Intensity Recreational Uses	X	X	<u>P</u>	P
Passive Recreational Use	P*	P	<u>P</u>	P
RESIDENTIAL USES				
Family Care Homes	X	P	<u>X</u>	X
Group Care Home, Large	P*	P	<u>P</u>	P
Group Care Home, Small	P*	P	<u>P</u>	P
Group Housing	X	P	<u>X</u>	X
Residential Care Facility, Large	P*	P	<u>P</u>	P
Residential Care Facility, Small	P*	P	<u>P</u>	P
Recovery Home, Large	P*	P	<u>P</u>	P
Recovery Home, Small	P*	P	<u>P</u>	P
Single Family Detached Dwellings	X	P+	<u>X</u>	X
Duplex Dwellings	X	P+	<u>X</u>	X
RESIDENTIAL SUPPORT USES				
Churches or Other Place Of Worship	P*	P	<u>P</u>	P
Day Care Center, Large	P*	P	<u>P</u>	P
Day Care Center, Medium	P*	P	<u>P</u>	P
Day Care Center, Small	X	P	<u>X</u>	X

USES	PARCEL III-Y	PARCEL III-W	PARCEL III-R	REMAINING COMMERCIAL
Day Care Facilities (Accessory)	P*	P	<u>P</u>	P
Schools, Elementary	X	P	<u>X</u>	X
Schools, High School	X	P	<u>X</u>	X
Schools, Middle	X	P	<u>X</u>	X
Schools of Special Education	P*	P	<u>P</u>	P
TRANSPORTATION FACILITIES				
Bus RR Passenger	P*	P	<u>X</u>	X
Heliport	X	X	<u>P</u>	P
Helistop	P*	P	<u>X</u>	X
WAREHOUSING				
Warehouse - Mini	P*	P	<u>P</u>	P

P = Permitted

P* = With limitations, as specified in Section 704, conditional Use Criteria, or elsewhere in the Code

P** = Neighborhood Convenience Retail Sales uses are permitted with the exception of Convenience Stores which are not allowed on Parcel III-Y

P*** = Hotel use is authorized to be developed only in Subphase III-U.

X = Uses not allowed

+ = Allowed with specific criteria per Table 6-1 in the Code



UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
I, _____, Clerk of Court, do hereby 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

JUNE, 2004

By _____
Clerk of Court

By Nancy Harris 20.



MANATEE COUNTY GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

Certified Mail # 7000 0600 0034 5577 3198

September 4, 2001

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

Re: Development Order for Tara-Manatee, Inc.

Dear Mr. Meyer:

Enclosed is a certified copy of Ordinance 01-44, the Development Order for Tara-Manatee, Inc., as adopted in open session by the Manatee County Board of County Commissioners on August 28, 2001, as required by Rule 9J-2.025(5), Florida Administrative Code.

If you need further assistance, please contact Misty Servia at (941) 749-3070, extension 6839.

Sincerely,

Norm Luppino

Norm Luppino
Planning Manager

NL/ks
Enclosure

MANATEE COUNTY ORDINANCE 01-44
TARA-MANATEE, INC.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT, WHICH AMENDS, REPLACES AND SUPERSEDES ORDINANCE 98-34, DRI #11, AS AMENDED; FINDING THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County a Transportation Analysis for a Development of Regional Impact (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petruff, Esq.; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to approve new stipulations to the Development Order resulting from review of the Transportation Analysis pursuant to Section 380.06 (19), Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on August 9, 2001 and before the Board of County Commissioners of Manatee County, Florida on August 28, 2001, and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the Transportation Analysis; and

WHEREAS, the Board of County Commissioners and Planning Commission have considered the testimony, reports, and other documentary evidence submitted at said public hearing by TARA, the TBRPC, the DCA, as well as Manatee County staff agencies and various persons in attendance at said public hearing; and

WHEREAS, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, in a regular meeting assembled this 28th day of August, as follows:

SECTION 1. FINDINGS OF FACT:

- A. Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, and Sarasota Herald Tribune, newspapers of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.5.2 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.
- B. The real property involved in this development is located in Manatee County, Florida and is described in Section 10.
- C. Construction of this project was previously begun and is currently developing in accordance with this Development Order.
- D. Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:
 - (1) is not located in an area of critical state concern, and
 - (2) does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
 - (3) is consistent with local land development regulations; and
 - (4) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council on file in these proceedings, and is consistent with that report.
- E. The applicant has submitted a Transportation Analysis in accordance with Section 7.D of the Development Order (Ordinance 98-34) dated September 22, 1998.

SECTION 2. CONCLUSIONS OF LAW:

- (A) The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that
- (B) TARA has shown that the changes resulting from review of the transportation analysis are not a substantial deviation.
- (C) This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the Comprehensive Plan contained in this order are references to those particular sections.
- (D) TARA sustained and proved all the material allegations and assertions made in the Transportation Analysis and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said application. The Board previously approved and granted TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	361,500*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II 1995-2003	PHASE III 1996-2007
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	13,700 - 17,700	258,899 - 262,899*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

*One 150 Room Resort Hotel may be traded for 70,000 sq. feet of commercial use

SECTION 3. WATER QUALITY, QUANTITY, AND ENVIRONMENT

A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the applicant.

B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.

C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Environmental Management Department or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to EMD approval.

D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Environmental Management Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County Environmental Management Director, the violation constitutes a peril to life or property, the

developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.

E. The water quality monitoring program shall be continued throughout the construction phases of the project and for five (5) years after the completion of construction for each phase.

F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.

G. No destruction of wetlands (i.e. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.

H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.

I. Construction of the proposed drainage system shall be certified by the engineer(s) of record.

J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.

K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.

L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.

M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.

- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for parcels III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.
- P. The stormwater management system for parcels III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.
- P. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.
- Q. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- R. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Phase III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan. (COMPLETED)
- S. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998, Exhibit B) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the Environmental Management Department with the initial preliminary site plan for Phase III. Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.
- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

SECTION 4. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY.

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Project Management Department.

- B. The Manatee County Project Management Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

SECTION 5. NOISE ABATEMENT.

- A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen terms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase which is affected by these noise standards.

SECTION 6. SCHOOL SITE.

- A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order, the developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

SECTION 7. ROADWAY IMPROVEMENTS.

- A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any

agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)

B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:

(1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Phases II-R, II-T, III-U, III-V, III-W, III-X or III-Y. (COMPLETED)

(2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass. (COMPLETED)

C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.

D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be utilized in the traffic study shall be approved by the County, TBRPC, FDOT and DCA. The results of this study shall be submitted to the County, DCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5. (COMPLETED)

E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:

(1) At the intersection of Tara Boulevard and State Road 70:

(a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet.

(b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included.

(c) An exclusive southbound right turn lane. The queue length shall be 185 feet.

- (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane.
- (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction.
- (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction.

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

F. The developer shall initiate a transportation monitoring program in Year 2003 with the findings reported in each Annual Report beginning in Year 2003 and continuing on an annual basis until project buildout. The following is the methodology to be used in evaluating the level of service for the above referenced locations.

For limited access facilities (i.e., I-75), roadway traffic shall be counted for no less than a consecutive 48-hour weekday period (excluding Friday) in each direction (northbound and southbound). The PM peak hour shall be determined to be the higher of the PM peak hours from the 2 days. This PM peak hour volume shall be converted to peak season using the FDOT peak season conversion factors for Manatee County. These peak season counts shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

For the intersection (i.e., SR 70 at Tara Boulevard), a 2-hour turning movement count shall be performed between 4 and 6 PM and the highest four consecutive 15-minute period shall determine the PM peak hour. These counts shall be converted to peak season using FDOT peak season conversion factors. The existing timing and phasing, and geometry shall then be used with the latest version of the Highway Capacity Software to determine the level of service.

If monitoring identifies a degradation in level of service below the adopted standard, and if the project's impacts to the roadway are greater than or equal to 5 percent of the level of service standard service-volume, then a new traffic analysis will be prepared by the applicant to identify mitigating measures. Such analysis must be approved by the County, FDOT, the TBRPC, and the DCA. No further Preliminary Site Plans, Final Site Plans, or Construction Plans shall be issued if the transportation monitoring identifies a location with level of service below the level of service standard established for that location, and if the project's impact to that roadway is greater or equal to 5 percent of the level of service

standard service-volume, and if no Funding Commitment (as identified below) for roadway improvements to restore the level of service standard exists.

To assure the completion of the transportation improvements required by this Development Order, Funding Commitment shall mean any combination of the following: 1) Binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction to be completed when the improvement is required as referenced below; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current plus two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvement, pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated into this Development Order through an amendment of the Development Order, pursuant to the notice of proposed change provisions of Chapter 380, Florida Statutes.

Transportation monitoring locations:

- (1) Interstate 75 mainline between SR 70 and University Parkway (northbound and southbound directions). Tara project impacts are projected to be 6.6 percent of the LOS C standard service volume.
- (2) SR 70 at Tara Boulevard intersection. Tara project impacts are projected to be 48.2 percent of the overall LOS D standard service volume.

SECTION 8. GENERAL CONDITIONS

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated August 28, 1998) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.

- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit an annual DRI report to Manatee County, the TBRPC and the state land planning agency annually on the 13th day of November, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Three (3) copies of this report shall be submitted to the Manatee County Planning Director 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 BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The annual report shall contain the information required by the state land planning agency to be included in the annual report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS Failure to file an annual report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
 - (a) East of the main entrance on SR 70
 - (b) Main entrance road near SR 70
 - (c) Between Braden River Road and the Braden River on SR 70
 - (d) East of U.S. 301 relocated on SR 70
 - (e) West of U.S. 301 relocated on SR 70
- (2) Traffic Monitoring as described in Section 7.F of this Development Order.

- E. In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or the 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 on 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 9. CONCURRENCY AND PHASING

- A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as

amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.

- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.

- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II: 1995 through 2003

Phase III: 1996 through 2007

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases which have valid final site plans and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on Map H
- (2) Phase I-N renamed as Phase III-T on Map H
- (3) Phase I-J renamed as Phase II-J on Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

- D. The Certificate of Level of Service #97-007 shall be valid until January 28, 2007.

SECTION 10. LEGAL DESCRIPTION.

- A. Development of TARA shall be restricted to the 1124.21 acres described below:
COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.;
THENCE S 00°09'22"W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36

FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE N.W. ¼ OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. ¼, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE S.E. ¼ OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE S.E. ¼, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53" W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01", 847.92 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N 70°20'03" W,

ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

ADDITIONAL R/W FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

SECTION 11. GENERAL.

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, shall control the construction of any defined terms and matters appearing in the development order.
- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
 - 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
 - 2. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
 - 3. The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.
 - 4. Revised Map H (dated August 28, 1998) together with Exhibits A, B, and C.
 - 5. The Transportation Analysis dated October 10, 2000.
- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

SECTION 12. RESTRICTION ON DOWN ZONING.

- A. The County may not downzone or reduce the intensity or unit density permitted by the order prior to November 13, 2007 unless the County can demonstrate that:

1. Substantial changes in the conditions underlying the approval of the order have occurred; or
2. The order was based upon substantially inaccurate information provided by the Developer; or
3. The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" 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 development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS

SECTION 13. BINDING ORDER UPON DEVELOPER.

- A. This development order shall be binding upon the Developer and its successors in interest.

SECTION 14. RENDITION.

- A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and the TBRPC.

SECTION 15. NOTICE OF RECORDING.

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

SECTION 16. SEVERABILITY.

- A. 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 17. EFFECTIVE DATE.

- A. This development order shall become effective upon filing with the Secretary of State, provided, however, that the filing of a Notice of Appeal to Section 380.07, FS, stays the effectiveness of this development order.

SECTION 18. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

- A. The previous development order for TARA which was adopted on September 22, 1998 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.

SECTION 19. TERMINATION.

- A. This development order shall terminate on November 13, 2007 unless otherwise extended by law.

ADOPTED with a quorum present and voting, this 28th day of August, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Joe Michael*
Chairman

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

Rafael Antonio Garcia Jr.

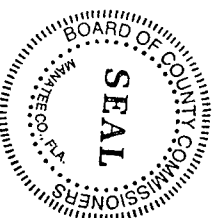


TABLE 1

SUMMARY OF NOISE LEVELS IDENTIFIED BY
ENVIRONMENTAL PROTECTION AGENCY
AS REQUISITE TO PROTECT PUBLIC
HEALTH AND WELFARE WITH AN
ADEQUATE MARGIN OF SAFETY

EFFECT	LEVEL ¹	AREA
Hearing Loss	$L_{eq(24)}$ 70 dB	All areas
Outdoor activity interference and annoyance	L_{dn} 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
Indoor activity interference and annoyance	$L_{eq(74)}$ 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
	L_{dn} 45 dB	Indoor residential areas
	$L_{eq(24)}$ 45 dB	Other indoor areas with human activities such as schools, etc.

¹ $L_{eq(24)}$ represents the sound energy averaged over a 24-hour period while L_{dn} represents L_{eq} with a 10 dB nighttime weighting.

EXHIBIT B
DIMENSIONAL CHART

Uses	Height Maximum (ft.)	Minimum Lot Width (ft.)	Minimum Lot Area (s.f.)	Front (ft.)	Side (ft.)	Rear (ft.)
Single family detached	35	45-79	5,000	20/15 ^(a)	6	15
Single family detached	35	80 or greater	9,000	25/20 ^(a)	8	15
Zero lot line (SF detached)	35	45	5,000	20/15 ^(a)	0/10 ^(b)	15
Single family attached	35	25/35 ^(c)	2,500/3,500 ^(c)	20/15 ^(a)	0/10 ^(b)	15
Single family semi-detached	35	35	4,000	20/15 ^(a)	7.5	15
Duplex	35	70	8,000	20/15 ^(a)	8	15
Multi-family	3 stories/35			25	10 ^(d)	15 ^(d)
Commercial/office/hotel	3 stories/35	70	7,500	30 ^(e)	15 ^(e)	20 ^(e)
Park, recreation center	35	70	7,500	25	15	15
Parcel II-D	Multi-family	2 stories/35		30	10/35 ^(f)	15
	Single family	35	60	7,000	25	7.5
Parcel II-E	35	60	7,000	25	7.5	15

- (a) Front setbacks for units with side entry garages.
 (b) Applies to one side.
 (c) Minimum width and size for corner or end units.
 (d) Multi-family dwellings adjacent to single-family lots shall maintain a setback of 30' or an increase of 10' for every story over one, whichever is greater.
 (e) Buildings shall be set back a minimum of 50' from any residential lot.
 (f) Multi-family dwellings shall be set back 35' from any single family lot.

NOTE: The Planning Director has the right to determine a smaller setback when development parcel is adjacent to open space or non-residential uses.

EXHIBIT C

TARA COMMERCIAL USES

7/31/96

USES	PARCEL III-W	REMAINING COMMERCIAL
AGRICULTURAL USES		
Agricultural Research Facilities	X	X
Agriculture	P	X
Breeding Facility (non-wild, non-exotic)	X	X
Farming Service Establishments	P	X
Kennels	X	X
Short Term Agricultural Uses	X	P
Stables or Equestrian Centers:		
Public	X	X
Veterinary Hospitals	X	P
COMMERCIAL USES - RETAIL		
Auction Houses, Open	X	X
Auction Houses, Enclosed	X	X
Auction Houses, Auto	X	X
Building Materials Establishment	X	P
Retail Sales, Neighborhood Convenience	P	P
Retail Sales, Neighborhood General	P	P
Drive-Thru Eating Establishment	P	P
Eating Establishment	P	P
Farm Equipment and Supply Establishment	X	P
Gas Pumps	P	P
MH/RV Sales, Rental, Leasing	X	P
General Retail Sales Uses	X	P
Service Station	P	P
COMMERCIAL USES - SERVICES		
Banking:		
Bank	P	P
Bank/Drive-Through	P	P

USES	PARCEL III-W	REMAINING COMMERCIAL
Business Services	P	P
Health Services:		
Professional Office	P	P
Clinic	P	P
Veterinary Clinic	P	P
Medical and Dental Laboratory	X	P
Nursing Home	P	P
Industrial Service Establishment	X	P
Lodging Places:		
Bed and Breakfast	P	P
Boarding House	P	X
Hospital Guest House	P	X
Hotels	X	P
RV Park	X	P
Miscellaneous Services:		
Office	P	P
Car Wash, Self Serve	X	P
Car Wash, Incidental	P	P
Car Wash, Full Service	X	P
Construction Service Establishment	X	P
Dry Cleaners, Neighborhood	P	P
Dry Cleaners, General	X	P
Dry Cleaners, Pick-Up	P	P
Food Catering	X	P
Funeral Chapel	P	P
Funeral Home	P	P
Lawn Care/Landscaping	X	P
Personal Service Establishment	P	P
Rental Service Establishment	X	P
Repair Service Establishment	P	P

USES		PARCEL III-W	REMAINING COMMERCIAL
Motor Vehicle Repair:			
Neighborhood Serving		P	P
Community Serving		X	P
Major		X	X
Sign Painting Service		X	P
Taxi-Cab, Limousine Service		X	P
Wholesale Trade Establishment		X	P
COMMUNITY SERVICE USES			
Cultural Facilities		P	X
Emergency Shelters		P	X
Emergency Shelter Home		P	X
Outpatient Treatment Facility		X	X
Post Offices		P	X
Private Community Uses		P	X
Public Community Use		P	P
Public Use Facilities		P	P
Radio, TV, Communications, Microwave Facilities		SP	P
Residential Treatment Facilities		SP	X
Resource Recovery Facilities		X	X
Utility Use		P	P
MISCELLANEOUS USES			
Flea Markets:			
Enclosed		X	P
Open		X	P
Outdoor Advertising Signs		X	P
Parking, Commercial		P	P
Towing Service and Storage Establishment		X	P
OPEN USES OF LAND - LIGHT			
Cemetery:			

USES	PARCEL III-W	REMAINING COMMERCIAL
Human	P	X
Pet	P	X
Game Preserve	X	X
Land Reserves, Public or Private	P	X
Tree Farm	P	X
Minor Earthmoving	P	P
RECREATION USES		
Low Intensity Recreational Uses	P	P
High Intensity Recreational Uses	X	P
Medium Intensity Recreational Uses	X	P
Passive Recreational Use	P	P
RESIDENTIAL USES		
Family Care Homes	P	X
Group Care Home, Large	P	P
Group Care Home, Small	P	P
Group Housing	P	X
Residential Care Facility, Large	P	P
Residential Care Facility, Small	P	P
Recovery Home, Large	P	P
Recovery Home, Small	P	P
Single Family Detached Dwellings	P+	X
Duplex Dwellings	P+	X
RESIDENTIAL SUPPORT USES		
Churches or Other Place of Worship	P	P
Day Care Center, Large	P	P
Day Care Center, Medium	P	P
Day Care Center, Small	P	X
Day Care Facilities (Accessory)	P	P
Schools, Elementary	P	X
Schools, High School	P	X

USES	PARCEL III-W	REMAINING COMMERCIAL
Schools, Middle	P	X
Schools of Special Education	P	P
TRANSPORTATION FACILITIES		
Bus RR Passenger Station	P	X
Heliport	X	P
Helistop	P	X
WAREHOUSING		
Warehouse-Mini	P	P

AP = Administrative Permit.
 SP = Special Permit.
 P = Permitted.
 AP/SP = Administrative Permit or Special Permit required as specified in Section 704 or elsewhere in the Code.
 P* = With limitations, as specified in Section 704, Conditional Use Criteria, or elsewhere in the Code.
 X = Uses not allowed.
 + = Allowed with specific criteria per Table 6-1 in the Code.

EXHIBIT "C" to MAP 1.

RESIDENTIAL				
PARCEL	NUMBER UNITS	PHASES		
		I COMPLETED*	II 2/95*-10/97*	III 9/96*-10/02*
Phase I	719	719		
II-A	35		35	
II-B	49		49	
II-C	80		80	
II-D	69		69	
II-E	23		23	
II-F	27		27	
II-J	16		16	
III-A	20			20
III-B	76			76
III-C	46			46
III-D	97			97
III-F	187			187
III-G	47			47
III-H	120			120
III-I	208			208
III-J	19			19
III-K	128			128
III-L	188			188
III-M	36			36
III-N	227			227
III-O	38			38
III-P	39			39
III-Q	97			97
III-X	128			128
TOTAL	2,719	719	299	1,701

COMMERCIAL				
PARCEL	SQUARE FEET	PHASES		
		I COMPLETED *	II 2/95*-10/97*	III 9/96*-10/02*
Phase I	84,901	84,901		
II-G	10,100		10,100	
II-H	0-4,000 **		0-4,000 **	
II-I	3,600		3,600	
III-R	122,099-162,899 **			122,099-162,899 **
III-S	0-18,800 **			0-18,800 **
III-T	0-8,000 **			0-8,000 **
III-U	100,000			100,000
III-V	0-7,000 **			0-7,000 **
III-W	0-3,000 **			0-3,000 **
	361,500	84,901	13,700-17,700	258,899-262,899
OTHER				
III-E	Golf Course			18 Holes, Clubhouse, Maintenance

* Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase.

** Developer reserves the right to transfer all or part of the building square footage from Parcels II-H, III-S, III-T, III-V and III-W to III-R if the square footage is deemed unnecessary on those parcels. Any transferred square footage may be used as commercial as noted in Attachment B.



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 14th day of October 2001
 R.B. SHORE
 Clerk of Circuit Court
 By [Signature] D.C.



66
MANATEE COUNTY
GOVERNMENT

PLANNING DEPARTMENT
"TO SERVE WITH EXCELLENCE"

October 20, 1998

CERTIFIED MAIL
P 368 650 122

Mr. Tim Butts
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Fl 33702


Re: Development Order for the Tara DRI

Dear Mr. Butts:

Enclosed is a certified copy of Ordinance 98-34, with all attachments, the development order for Tara, as adopted in open session by the Manatee County Board of County Commissioners on September 22, 1998, 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

ORDINANCE 98-34

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT, WHICH AMENDS, REPLACES AND SUPERSEDES ORDINANCE 97-25, DRI #11, AS AMENDED; FINDING THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County an Application for a Notice of Proposed Change (NOPC) for a Development of Regional Impact (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petruff, Esq.; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to consider whether or not the NOPC constitutes a Substantial Deviation pursuant to Section 380.06 (19), Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on September 10, 1998 and before the Board of County Commissioners of Manatee County, Florida on September 22, 1998; and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the regional impact of the development; and

WHEREAS, the Board of County Commissioners and Planning Commission have considered the testimony, reports, and other documentary evidence submitted at said public hearing by TARA, the TBRPC, the DCA, as well as Manatee County staff agencies and various persons in attendance at said public hearing; and

WHEREAS, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, in a regular meeting assembled this 22nd day of September, 1998, as follows:

SECTION 1. FINDINGS OF FACT:

A. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section 380.06(1), Florida Statutes, and Section 502.5.2 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.

B. The real property involved in this development is located in Manatee County, Florida and is described in Section 10.

C. Construction of this project was previously begun and is currently developing in accordance with this Development Order.

D. Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:

- (1) is not located in an area of critical state concern, and
- (2) does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
- (3) is consistent with local land development regulations; and
- (4) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council on file in these proceedings, and is consistent with that report.

SECTION 2. CONCLUSIONS OF LAW:

- (A) The proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that
- (B) TARA has rebutted the presumption that the changes proposed in the NOPC are a substantial deviation.
- (C) This application was reviewed against the Comprehensive Plan in effect as of the date of application, and references to specific section numbers of the Comprehensive Plan contained in this order are references to those particular sections.
- (C) TARA has sustained and proved all the material allegations and assertions made in the NOPC and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said NOPC and, therefore, the Board hereby approves and grants TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

LAND USE	Total No. of Units	Total Sq. Footage	Acreage

Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	361,500*	66.16 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.47 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II 1995-2003	PHASE III 1996-2007
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	13,700 - 17,700	258,899 - 262,899*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

*One 150 Room Resort Hotel may be traded for 70,000 sq. feet of commercial use

SECTION 3. WATER QUALITY, QUANTITY, AND ENVIRONMENT

- A. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the applicant.
- B. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
- C. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Environmental Management Department or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to EMD approval.
- D. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Environmental Management Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order

includes a finding that, in the opinion of the Manatee County Environmental Management Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.

E. The water quality monitoring program shall be continued throughout the construction phases of the project and for five (5) years after the completion of construction for each phase.

F. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.

G. No destruction of wetlands (i.e. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.

H. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.

I. Construction of the proposed drainage system shall be certified by the engineer(s) of record.

J. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.

K. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.

L. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.

M. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to

Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.

- N. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
- O. Preliminary Site Plans submitted after July 25, 1996, except for parcels III-X, III-Y, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.
- P. The stormwater management system for parcels III-X, III-T, III-Y, and II-C shall meet the environmental criteria of the Southeast Area Task Force.
- Q. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.
- R. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.
- S. All wetlands existing on the 15.55 acre parcel added to the DRI pursuant to Ordinance 97-25 located in Phase III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan.
- T. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 28, 1998, Exhibit B) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the Environmental Management Department with the initial preliminary site plan for Phase III. Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.
- T. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.

- U. With regard to water quantity, the project must be designed to meet current Manatee County criteria which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

SECTION 4. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY.

- A. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Public Works Department.

- B. The Manatee County Public Works Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

SECTION 5. NOISE ABATEMENT.

- A. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen terms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 d.b.a. contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase which is affected by these noise standards.

SECTION 6. SCHOOL SITE.

- A. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order, the developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

SECTION 7. ROADWAY IMPROVEMENTS.

- A. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of SR 70 and Tara Boulevard. It is contemplated that TARA will pay up

to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer. (COMPLETED)

B. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:

(1) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection. This condition does not apply to Phases III-R, III-T, III-U, III-V, III-W, III-X or III-Y.

(2) Construction of a 5' sidewalk from SR 70 southward approximately 17,000 feet along Braden River Road/Linger Lodge Road to the I-75 overpass.

C. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.

D. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be utilized in the traffic study shall be approved by the County, TBRPC, FDOT and FCA. The results of this study shall be submitted to the County, FCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045, F.A.C.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph. 5.

E. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:

(1) At the intersection of Tara Boulevard and State Road 70:

(a) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet.

(b) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included.

- (c) An exclusive southbound right turn lane. The queue length shall be 185 feet.
- (d) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane.
- (2) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction.
- (3) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction.

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FOOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

SECTION 8. GENERAL CONDITIONS

- A. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
- B. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County. (COMPLETED)
- C. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated August 28, 1998) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.
- D. In accordance with Section 380.06(18), FS, the Developer and any successors in interest shall submit an annual DRI report to Manatee County, TBRPC and the state land planning agency annually on the 13th day of November, until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Three (3) copies

of this report shall be submitted to the Manatee County Planning Director 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 BOCC should the Director decide that further orders and conditions are necessary. The Developer shall be notified of any BOCC hearing where such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the BOCC shall not be considered as a substitute, waiver, or change of any conditions, or any terms of conditions of this Development Order. The annual report shall contain the information required by the state land planning agency to be included in the annual report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), FS. Failure to file an annual report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (1) Current traffic count data for the following locations:
 - (a) East of the main entrance on SR 70
 - (b) Main entrance road near SR 70
 - (c) Between Braden River Road and the Braden River on SR 70
 - (d) East of U.S. 301 relocated on SR 70
 - (e) West of U.S. 301 relocated on SR 70

- E. 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 9. CONCURRENCY AND PHASING

- A. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.)

which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.

- B. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.

- C. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, FS purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II: 1995 through 2003

Phase III: 1996 through 2007

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases which have valid final site plans and construction plans in existence on July 25, 1996. These subphases include:

- (1) Phase I-B renamed as Phase II-A on revised Map H
- (2) Phase I-N renamed as Phase III-T on revised Map H
- (3) Phase I-J renamed as Phase II-J on revised Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

- D. The Certificate of Level of Service #97-007 shall be valid until January 28, 2007.

SECTION 10. LEGAL DESCRIPTION.

- A. Development of TARA shall be restricted to the 1124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.;
THENCE S 00°09'22"W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36

FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE N.W. ¼ OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE N.W. ¼, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH ½ OF THE S.E. ¼ OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH ½ OF THE S.E. ¼, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53" W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01, 847.92 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT. TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. SAT. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY DOT R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N 70°20'03" W, ALONG SAID DOT R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID DOT R/W, 87.09 FT.; THENCE N

70°20'03" W, ALONG SAID RW, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID RW, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 318.70 FT. TO THE PRC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID RW, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID RW, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID RW, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID RW, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE S ½ OF THE SE ¼ OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED RW FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED RW) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

LANDS CONVEYED TO "RENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED RW) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

ADDITIONAL RW FOR SR 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER DOT RW MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

SECTION 11. GENERAL.

- A. This ordinance shall constitute a development order issued in accordance with Chapter 380 FS.
- B. Definition and matters contained in Chapter 380, FS, shall control the construction of any defined terms and matters appearing in the development order.
- C. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
 - 1. The "Application for Development Approval" together with supporting documents submitted by TARA.
 - 2. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
 - C. The application for a Notice of Proposed Change dated March 13, 1998, together with supporting documents.
 - 4.. Revised Map H (dated August 28, 1998) together with Exhibits A, B, and C.
- D. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grand fathering, vesting, or great-grand fathering issued previously to this project.

SECTION 12. RESTRICTION ON DOWN ZONING.

- A. The County may not downzone or reduce the intensity or unit density permitted by the order prior to November 13, 2007 unless the County can demonstrate that:

1. Substantial changes in the conditions underlying the approval of the order have occurred; or
2. The order was based upon substantially inaccurate information provided by the Developer; or
3. The changes clearly established by the County to be essential for the public health, safety or welfare.

Any down zoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "down zoning" 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 development rights granted to the Developer by this order. The term "down zoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), FS

SECTION 13. BINDING ORDER UPON DEVELOPER.

- A. This development order shall be binding upon the Developer and its successors in interest.

SECTION 14. RENDITION.

- A. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and TBRPC.

SECTION 15. NOTICE OF RECORDING.

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

SECTION 16. SEVERABILITY.

- A. 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 17. EFFECTIVE DATE.

- A. This development order shall become effective upon filing with the Secretary of State, provided, however, that the filing of a Notice of Appeal to Chapter 380.07, FS, stays the effectiveness of this development order.

SECTION 18. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

- A. The previous development order for TARA which was adopted on January 28, 1997 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.

SECTION 19. TERMINATION.

- A. This development order shall terminate on November 13, 2007 unless otherwise extended by law.

ADOPTED with a quorum present and voting, this 22nd day of September, 1998.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

[Signature]
Chairman

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

[Signature]
By: *[Signature]*

SUMMARY OF NOISE LEVELS IDENTIFIED BY
ENVIRONMENTAL PROTECTION AGENCY
AS REQUISITE TO PROTECT PUBLIC
HEALTH AND WELFARE WITH AN
ADEQUATE MARGIN OF SAFETY

TABLE 1

EFFECT	LEVEL ¹	AREA
Hearing Loss	$L_{eq(24)}$ 70 dB	All areas
Outdoor activity interference and annoyance	L_{dn} 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
	$L_{eq(74)}$ 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and annoyance	L_{dn} 45 dB	Indoor residential areas
	$L_{eq(24)}$ 45 dB	Other indoor areas with human activities such as schools, etc.

¹ $L_{eq(24)}$ represents the sound energy averaged over a 24-hour period while L_{dn} represents L_{eq} with a 10 dB nighttime weighting.

REVISED MAP H

ASTER DEVELOPMENT PLAN

for

TARA

SECTION 13, 14, 23 & 24, TWP. 35 S. RGE. 18 E.,

MANATEE COUNTY, FLORIDA



LOMBARDO & SKIPPER, INC.
Consulting Engineers, Surveyors & Planners

P.O. Box 188 • 825-4th Street West • Palmetto, Florida 34221 • (813) 722-4561 • 748-0600

EXHIBIT B

REMOVE III-Y)

8
98

PDR/PDC-96-03(Z)(G)(R2)

PLANNING
AUG 28 1998
DEPARTMENT



TABLE I

SUMMARY OF NOISE LEVELS IDENTIFIED BY
ENVIRONMENTAL PROTECTION AGENCY
AS REQUISITE TO PROTECT PUBLIC
HEALTH AND WELFARE WITH AN
ADEQUATE MARGIN OF SAFETY

EFFECT	LEVEL ¹	AREA
Hearing Loss	$L_{eq(24)}$ 70 dB	All areas
Outdoor activity interference and annoyance	L_{dn} 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
	$L_{eq(74)}$ 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and annoyance	L_{dn} 45 dB	Indoor residential areas
	$L_{eq(24)}$ 45 dB	Other indoor areas with human activities such as schools, etc.

¹ $L_{eq(24)}$ represents the sound energy averaged over a 24-hour period while L_{dn} represents L_{eq} with a 10 dB nighttime weighting.

EXHIBIT "C" to Map H

RESIDENTIAL				
PARCEL	NUMBER UNITS	PHASES		
		I COMPLETED*	II 2/95*-10/97*	III 9/96*-10/02*
Phase I	719	719		
II-A	35		35	
II-B	49		49	
II-C	80		80	
II-D	69		69	
II-E	23		23	
II-F	27		27	
II-J	16		16	
III-A	20			20
III-B	76			76
III-C	46			46
III-D	97			97
III-F	187			187
III-G	47			47
III-H	120			120
III-I	208			208
III-J	19			19
III-K	128			128
III-L	188			188
III-M	36			36
III-N	227			227
III-O	38			38
III-P	39			39
III-Q	97			97
III-X	128			128
TOTAL	2,719	719	299	1,701

COMMERCIAL				
PARCEL	SQUARE FEET	PHASES		
		I COMPLETED*	II 2/95*-10/97*	III 9/96*-10/02*
Phase I	84,901	84,901		
II-G	10,100		10,100	
II-H	0-4,000**		0-4,000**	
II-I	3,600		3,600	
III-R	118,099-162,899**			118,099-162,899**
III-T	0-8,000**			0-8,000**
III-U	100,000			100,000
III-V	0-11,000**			0-11,000**
III-W	0-3,000**			0-3,000**
III-Y	0-18,800**			0-18,800**
	361,500**	84,901	13,700-17,700	258,899-262,899**
OTHER				
III-E	Golf Course			18 Holes, Clubhouse, Maintenance

- * Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase.

** Developer reserves the right to transfer all or part of the building square footage from Parcels II-H, III-T, III-V and III-W to III-R if the square footage is deemed unnecessary on those parcels. All or part of the building square footage from Parcel III-Y may be transferred to Parcel III-R or part may be transferred to Parcel III-V if the square footage is deemed unnecessary on that parcel, but in no case can the overall development exceed 361,500 square feet. Any transferred square footage may be used as commercial as noted in Attachment B.

Unopposed:

PDR/PDC-96-03(Z)(G)(R2)

STATE OF FLORIDA, COUNTY OF MANATEE

This is to certify that the foregoing is a true and correct copy of the decision as filed in my office. Witness my hand and official seal this 15 day of

October 1998

R. B. STONE

Clerk of Circuit Court

By: *R. B. Stone* D.C.



MANATEE COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

January 29, 1997

CERTIFIED MAIL
Z 747 175 297

Mr. Tim Butts
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, FL 33702-2491

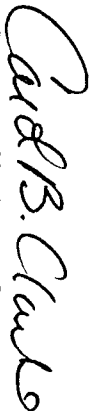
Re: FLWAC Appeal No. APP-96-017
Ordinance 97-25 - Tara-Manatee, Inc. DRI #11

Dear Mr. Butts:

Pursuant to the Settlement Agreement for Case No. APP-96-017, entered into between Tara-Manatee, Inc., Manatee County, and the Department of Community Affairs as settlement to the appeal filed by DCA pursuant to Section 380.07, Florida Statutes, enclosed is a certified copy of Ordinance 97-25, amending, replacing and superseding Ordinance 96-31, the development order for Tara-Manatee, Inc. DRI #11, as adopted in open session by the Manatee County Board of County Commissioners on January 28, 1997.

If you have any questions, please contact me at (941) 749-3070, extension 6825.

Sincerely,


Carol B. Clarke, AICP
Director

CBC/ly

Enclosure

STATE OF FLORIDA

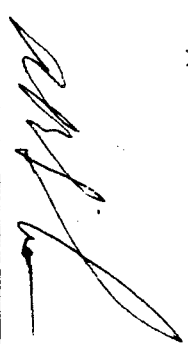
COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of a RESOLUTION adopted by the Board of County Commissioners of said County in session on the 11th day of March 1982

SUBJECT: APPLICATION FOR DEVELOPMENT APPROVAL OF
A DEVELOPMENT OF REGIONAL IMPACT BY
TARA, LTD. - DRI #11

RESOLUTION AMENDING RESOLUTION GRANTING A DEVELOPMENT
ORDER

WITNESS My Hand and Official Seal this 12th day
of March 1982 in Bradenton, Florida.


R. B. Shore, Clerk of Circuit Court
Manatee County, Florida

BE IT FURTHER ORDAINED, by the Board, as conclusions of law that

- (a) the proceedings have been conducted pursuant to the provisions of the Manatee County Land Development Code and Chapter 380, Florida Statutes, and that
- (b) TARA has rebutted the presumption that the changes proposed in the NOPC are a substantial deviation.
- (c) TARA has sustained and proved all the material allegations and assertions made in the NOPC and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said NOPC and, therefore, the Board hereby approves and grants TARA's request to change the TARA DRI #11, for the following development subject to the following conditions and limitations restricting development:

LAND USE	Total No. of Units	Total Sq. Footage	Acreage
Residential dwelling units	2,719	N/A	413.56 acres (including platted R/Ws)
Commercial, Office	N/A	361,500*	65.96 acres (buildable area only)
Golf Courses	36 Holes, 2 Clubhouses and 2 Maintenance Centers	N/A	363.51 acres
Open Space	N/A	N/A	207.67 acres (includes wetlands and recreational area)
FP&L Easement	N/A	N/A	25.28 acres
Rights-of-Way	N/A	N/A	31.63 acres
Reservoir	N/A	N/A	16.60 acres

LAND USE	PHASE I COMPLETED	PHASE II 1995-2003	PHASE III 1996-2007
Residential dwelling units	719	299	1,701
Commercial, Office	84,901	13,700 - 17,700	258,899 - 262,899*
Golf Courses	18 Holes, Clubhouse, Maintenance Center		18 Holes, Clubhouse, Maintenance Center

* One 150 Room Resort Hotel may be traded for 70,000 sq. feet of commercial use

I. WATER QUALITY, QUANTITY, AND ENVIRONMENT

1. Water quality standards defined in Chapter 62-302, Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Protection (FDEP) shall be the responsible agency for determining which water quality standards as defined in Chapter 62-302 F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the applicant.
2. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.
3. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDEP and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Environmental Management Department or other appropriate County department at the same time such data is provided to FDEP. Any additional stations which may be required during the construction phases of the project shall be subject to EMD approval.
4. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately. Such order shall remain in full force and effect until the activity is corrected to the satisfaction of the Environmental Management Department, subject to the administrative appeals process of the Land Development Code. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County Environmental Management Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.
6. The water quality monitoring program shall be continued throughout the construction phases of the project and for five (5) years after the completion of construction for each phase.
7. All retention lakes shall be constructed in accordance with the lake systems management plan dated March, 1984, which was approved for the TARA project.
8. No destruction of wetlands (i.e. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be either the fifty (50) feet adjacent to the wetlands in question or to the extent of DEP's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to the Evers Reservoir. Conventional swales which run parallel to the Evers Reservoir shall be placed within the designated buffer zone for all lots which are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDEP approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.
9. TARA shall install and maintain the water quality control system to comply with all conditions, limitations and restrictions imposed in applicable permits.
10. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
11. The drainage/retention system shall be maintained in accordance with the maintenance and operation program approved by Manatee County for the project.
12. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDEP. The County shall give the City of Bradenton notice of all pending FDEP permit applications.
13. The TARA drainage system shall be designed to insure that the quantity of flow to the Evers Reservoir from the TARA site shall not be significantly altered and the water

quality of the Evers Reservoir shall not be significantly degraded as a result of the discharge of drainage water from TARA.

14. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.
15. An inspection program may be instituted by either FDEP or the County to insure compliance with all applicable rules and regulations during and after construction.
16. Preliminary Site Plans submitted after July 25, 1996, except for parcels III-X, III-S, III-T, and II-C, shall be required to meet the policy of Section 3.2.1.1 of the Manatee County Comprehensive Plan for projects within the Evers Reservoir Watershed. Specifically, a stormwater management system must be designed and operated to demonstrate compliance with Outstanding Florida Water Standards as established in Section 717 of the Manatee County Land Development Code.

The stormwater management system for parcels III-X, III-T, III-S, and II-C shall meet the environmental criteria of the Southeast Area Task Force.

17. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting surficial stream system from wells which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall not be applicable during periods that water in excess of the City's needs is being discharged over the Evers Reservoir dam. If TARA can substantiate with data acceptable to the SCS, SWFWMD, USGS and Manatee County that the development has caused an increase in groundwater flow to the Evers Reservoir, such increase may be credited to any deficit which may occur in surface flow.

18. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of the developer until such time as the system or portions thereof have been turned over for maintenance to another responsible legal entity such as the homeowners association.

19. All wetlands existing on the 15.55 acre parcel to be added to the DRI located in Phase III-O and III-P shall be designated as preservation areas and shall not be impacted. Additionally, wetland buffers shall be provided around these areas in accordance with the Comprehensive Plan.

20. The Developer shall establish a minimum fifteen foot wetland buffer around the wetlands located in Phase III and as delineated on Revised Map H (dated August 9, 1996, Exhibit B) and Map K of the original ADA submittal. Within the buffer, the Developer shall be authorized to install and maintain appropriate transitional planting which will serve to protect the wetlands and enhance the golf course. A buffer management plan shall be approved by the Environmental Management Department with the initial preliminary site plan for Phase III. Wetland buffers on all preliminary site plans submitted after November 13, 2002 shall be in complete compliance with the Comprehensive Plan.

21. Post development wetland buffers of 30 feet for isolated wetlands and 50 feet for contiguous wetlands must be provided for all wetlands in Phase II.

22. With regard to water quantity, the project must be designed to meet current Manatee County criteria which requires that the post-development peak rate of runoff be equal to or less than the pre-development peak rate of runoff for a 25 year/24 hour storm event.

II. WATER SUPPLY AND WASTEWATER TREATMENT FACILITY.

1. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on site. The applicant shall donate land and pay a pro-rata share of construction cost for such facilities. The donation of land and pro-rata share shall be determined when required by the Manatee County Public Works Department.

2. The Manatee County Public Works Department must approve the design and construction of the development's sewage collecting system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event

widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

III. NOISE ABATEMENT.

1. No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 or State Road 70 unless such residences are protected by some performance equivalent measure to achieve the L10 60 to 70 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and Florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscape buffering should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 dBA contour must meet the sound levels identified by the EPA as sufficient to protect public health and welfare (see Table I attached hereto as Exhibit A). The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval for any sub-phase which is affected by these noise standards.

IV. SCHOOL SITE.

1. If the County adopts any type of impact fee program for construction of school facilities during the term of this development order, the developer shall be entitled to credits for the school site conveyed to the Manatee County School Board in the amount of \$170,602.50.

V. ROADWAY IMPROVEMENTS.

1. By January 31, 1997, Manatee County and TARA shall enter into an agreement outlining the responsibilities of each party for construction of a traffic signal at the intersection of S.R. 70 and Tara Boulevard. It is contemplated that TARA will pay up to 100% of the cost of said signal not to exceed \$126,000.00 and that Manatee County will be responsible for the design, permitting, and construction of the signal. The County acknowledges that pursuant to R-93-25 (The Creekwood Development Order), it has required another developer to construct said signal and that any agreement for said signal may include participation on a 50% basis by that developer.
2. Building permits for Phase III shall not be issued by the County until the Developer has completed the following roadway improvements:
 - (a) Construction of a free-flow right-turn lane on SR 70 at the Braden River Road entrance to the development.
 - (b) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection.
 - (c) Improvements to Braden River/Linger Lodge Road from SR 70 to I-75 as follows:
 - (1) Widening approximately 2.4 miles of existing 20' wide pavement from 20' to 24' wide along with a leveling course and cap.
 - (2) Construction of a 24' wide rural section 0.8 mile in length from the end of existing pavement to the beginning of the I-75 overpass.
 - (3) Grade the shoulders to the typical rural section where said roadway is contiguous to the development.

3. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.

4. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 1084 trips, a transportation study shall be made by the developer to evaluate cumulative impacts of the project. The methodology to be utilized in the traffic study shall be approved by the County, TBRPC, FDOT and FDCA. The results of this study shall be submitted to the County, FDCA, FDOT and the TBRPC for review and approval. The transportation conditions in the Development Order shall be revised to reflect adequate mitigation for transportation impacts in accordance with Chapter 380 of the Florida Statutes and Rule 9J-2.045 FAC.

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For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the development of the combination of 298 additional single-family dwelling units, 702 multi-family dwelling units, and 138,300 additional square feet of commercial development do not trigger a traffic study pursuant to this paragraph.5.

5. Prior to approval of Final Site Plans for development generating additional p.m. peak hour trips in excess of 813 trips, the following improvements must be completed:
 - (a) At the intersection of Tara Boulevard and State Road 70:
 - (1) An exclusive northbound right turn lane. The storage length shall be a minimum of 225 feet.
 - (2) A north bound left turn lane. The resulting dual left turn lanes shall have a storage length of 135 feet. In addition, guiding pavement markup to provide turning lane separation (two foot long dashed lanes with four foot gaps to channelize turning traffic) shall be included.
 - (3) An exclusive southbound right turn lane. The queue length shall be 185 feet.
 - (4) Extend the queue length component of the westbound dual left turn lanes. The minimum queue length shall be 300 feet for each lane.
 - (b) Participate in signalization at the Interstate 75 (I-75) northbound on-ramp intersection at SR 70, located at the east quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 12.78% of the actual cost of construction.
 - (c) Participate in signalizing the I-75 southbound off-ramp intersection at SR 70, located at the west quadrant of the interchange of I-75 and SR 70. Such participation is estimated to be 13.97% of the actual cost of construction.

All improvements are subject to approval of the Florida Department of Transportation. Additional requirements may be requested by FDOT's Access Management and Traffic Operation Sections.

For purposes of determining additional p.m. peak hour trips, the traffic study dated July 22, 1996, which referenced the fifth generation of the ITE manual will be utilized. It has been determined that the combination of 224 additional single-family dwelling units, 527 additional multi-family dwelling units, and 103,725 additional square feet of commercial space do not trigger the improvements pursuant to this paragraph.

VI. GENERAL CONDITIONS

1. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.
2. Prior to 12/31/97, a child oriented recreation site, as indicated on the approved plan, shall be dedicated to Manatee County.
3. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family attached, single family semi-detached, single family detached, etc.) number of units, and square footage of proposed uses as set forth on the revised Map H (dated August 9, 1996) and Exhibit C of Map H provided that the developer shall be allowed to modify the phasing schedule and unit type in accordance with procedures in the existing Land Development Code to accommodate fluctuating market conditions providing such modifications do not cause increased off-site impacts greater than those presented in the ADA as amended by this Development Order or any Certificates of Level of Service issued for the project.

4. In accordance with Section 380.06(18), F.S., the Developer and any successors in interest shall submit an annual DRI report to Manatee County, TBRPC and the state land planning agency on the 13th day of November, 1997 and each year thereafter until such time as all terms and conditions of this order are satisfied. Manatee County shall review the report for compliance with the terms and conditions of this order. Should the Director decide that further orders and conditions are necessary to insure compliance with terms and conditions of this order, a report shall be submitted to the Manatee County Board of County Commissioners and the Developer shall be notified

of any hearing wherein such report is to be 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 conditions as to any terms or conditions of this order. The annual report shall contain the information required by the state land planning agency to be included in the annual report which information is described in the rules and regulations promulgated by that agency, pursuant to Section 380.06(18), F.S. Failure to file an annual report as provided herein shall subject the Developer to the temporary suspension of the development order by the local government.

In addition to the state land planning agency requirements, the annual report shall include:

- (a) Current traffic count data (ADT) for the following locations:
 - (i) East of the main entrance on S.R. 70
 - (ii) Main entrance road near S.R. 70
 - (iii) Between Braden River Road and the Braden River on S.R. 70
 - (iv) East of U.S. 301 relocated on S.R. 70
 - (v) West of U.S. 301 relocated on S.R. 70

- 5. 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.

VII. CONCURRENCY AND PHASING

- 1. Any parcel in Phase II for which Preliminary Site Plans are submitted after November 13, 1997 or a Final Site Plan is submitted after November 13, 2000 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- 2. Any parcel in Phase III for which Preliminary Site Plans are submitted after November 13, 2002 or a Final Site Plan is submitted after November 13, 2005 shall comply with the requirements of the Comprehensive Plan (Ordinance 89-01, as amended) and the Land Development Code, (Ordinance 90-01, as amended.) which are in effect at that time. This provision shall not apply if the property in which this site plan is part of was included as part of a final plat approval which was not required to comply with the policies of the Comprehensive Plan and the 1990 Land Development Code as amended.
- 3. In addition to the foregoing preliminary plan submittal project phasing conditions, the Developer must adhere to the following phasing build-out schedule. This phasing build-out schedule is for Section 380.06, F.S. purposes only and does not serve to extend the dates of preliminary or final plan submittal as referenced in the project phasing conditions or compliance with a Comprehensive Plan.

Phase II:	1995 through 2003
Phase III:	1996 through 2007

Preliminary site plans shall be valid for a period of three (3) years. Final site plans shall be valid until the end of the phase for the development is proposed as described in the phasing build-out schedule.

This approval shall not affect the ability of the Developer to complete construction of subphases which have valid final site plans and construction plans in existence on July 25, 1996. These subphases include:

- (a) Phase I-M renamed as Phase III-S on revised Map H (dated August 9, 1996)
- (b) Phase I-B renamed as Phase II-A on revised Map H
- (c) Phase I-N renamed as Phase III-T on revised Map H
- (d) Phase I-J renamed as Phase II-J on revised Map H.

The Developer shall be entitled to request extensions of these plans as presently allowed by the existing Land Development Code. If these plans expire, any new site plans for these parcels shall be required to comply with the requirements of this Development Order.

- 4. Upon its review and approval by staff, a Certificate of Level of Service will be issued as part of this approval. Said certificate shall be for ten years.

VIII. LEGAL DESCRIPTION.

- 1. Development of TARA shall be restricted to the 1124.21 acres described below:

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S, RGE. 18 E.; THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE, 4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W. CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE NORTH 1/2 OF THE N.W. 1/4 OF SAID SECTION 23; THENCE S 89°28'30" E, ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE N.W. 1/4, 3142.71 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE NORTH 1/2 OF THE S.E. 1/4 OF SAID SECTION 23; THENCE S 89°25'46" E, ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE S.E. 1/4, 2654.49 FT. TO THE S.E. CORNER THEREOF; THENCE S 00°42'53" W, ALONG THE EAST LINE OF SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S., RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W OF BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD; THENCE N 00°27'05" E, ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION, BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E, ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT., TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.; THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°36'40", 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°55'05" E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N 00°13'40" W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°28'53", 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°32'01", 847.92 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°16'38", 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N 70°20'03" W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO. 70, D.O.T. STA. 16 + 34.75); THENCE N 57°46'58" W, ALONG THE SOUTHERLY D.O.T. R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N

70°20'03" W, ALONG SAID D.O.T. R/W 719.00 FT.; THENCE N 48°46'37" W, ALONG SAID D.O.T. R/W, 87.09 FT.; THENCE N 70°20'03" W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 318.70 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°04'14", 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N 70°20'03" W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°21'30" W, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N 89°41'33" W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 S., RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF THE S 1/2 OF THE SE 1/4 OF SECTION 23, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, LYING NORTH OF THE CENTERLINE OF LINGER LODGE ROAD, LESS LAND DESCRIBED IN O.R. BOOK 959, PAGE 483, INCLUSIVE, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. LINGER LODGE ROAD.

ALSO:

THOSE CERTAIN PARCELS OF LAND REFERRED TO AS PARCEL 5 (VACATED R/W) AND PARCEL 4 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGES 659 THROUGH 661, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

RIGHT-OF-WAY FOR BRADEN RIVER ROAD AS SHOWN ON THE PLAT OF "TARA PHASE I, UNIT 1", AS RECORDED IN PLAT BOOK 24, PAGES 144 THROUGH 152, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND AS SHOWN ON TARA PHASE I, UNIT 6, RECORDED IN PLAT BOOK 28, PAGES 80 THROUGH 85, AFORESAID PUBLIC RECORDS.

LESS:

TARA SCHOOL SITE NO. 1 AS DESCRIBED AND RECORDED IN O.R. BOOK 1102, PAGE 712, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND TARA SCHOOL SITE ADDITION AS DESCRIBED IN O.R. BOOK 1298, PAGE 694, AFORESAID PUBLIC RECORDS.

LESS:

RIGHT-OF-WAY DEEDED TO MANATEE COUNTY AS DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 654, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

LANDS CONVEYED TO "FRENAL, INC." AND REFERRED TO AS PARCEL 1 (VACATED R/W) AND PARCEL 2 (REMNANT) AND DESCRIBED AND RECORDED IN O.R. BOOK 1405, PAGE 668, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LESS:

ADDITIONAL R/W FOR S.R. 70, REFERRED TO AND DESCRIBED AS PARCEL #101 PER D.O.T. R/W MAPS, SECTION 13160-2516.

CONTAINING 1124.21 ACRES MORE OR LESS.

IX. GENERAL.

1. This ordinance shall constitute a development order issued in accordance with Chapter 380 F.S..
2. Definition and matters contained in Chapter 380, F.S., shall control the construction of any defined terms and matters appearing in the development order.

3. The following are hereby incorporated by reference and made a part of this development order to the extent that they are not in conflict with this development order:
 - a. The "Application for Development Approval" together with supporting documents submitted by TARA.
 - b. The application for a Notice of Proposed Change dated February 5, 1996, together with supporting documents.
 - d. Revised Map H (dated August 9, 1996) together with Exhibit C to Map H.
4. The County acknowledges that in the adoption of this Development Order the Developer has not waived any rights with regard to approvals by other agencies with respect to grandfathering, vesting, or great-grandfathering issued previously to this project.

X. RESTRICTION ON DOWNZONING.

1. The County may not downzone or reduce the intensity or unit density permitted by the order prior to November 13, 2007 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 changes clearly established by the County to be essential for the public health, safety or welfare.

Any downzoning or reduction of intensity or unit density shall be affected only through the usual and customary procedures required by the statute and/or ordinance for changes in local land development regulations. For the purposes of this order, the term "downzoning" 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 development rights granted to the Developer by this order. The term "downzoning" shall not be construed to mean any reduction in development rights caused by the developer's failure to receive a Certificate of Level of Service for any portion of the proposed project. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on party of the County to downzone or alter the density or intensity of the project but is included herein to comply with Section 380.06(15)(c)(3), F.S.

XI. BINDING ORDER UPON DEVELOPER.

1. This development order shall be binding upon the Developer and its successors in interest.

XII. RENDITION.

1. The Planning Department is hereby directed to send certified copies of this order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer, the Florida Department of Community Affairs, and TBRPC.

XIII. NOTICE OF RECORDING.

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

XIV. SEVERABILITY.

1. 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.

XV. EFFECTIVE DATE.

1. This development order shall become effective upon filing with the Secretary of State, provided, however, that the filing of a Notice of Appeal to Chapter 380.07, F.S., stays the effectiveness of this development order.

XVI. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 11.

1. The previous development order for TARA which was adopted on November 13, 1980 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.

XVII. TERMINATION.

1. This development order shall terminate on November 13, 2007 unless otherwise extended by law.

ADOPTED with a quorum present and voting, this 18th day of January, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Wesley A. Blue
Chairman

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

R.B. Shore

TABLE I

SUMMARY OF NOISE LEVELS IDENTIFIED BY
ENVIRONMENTAL PROTECTION AGENCY
AS REQUISITE TO PROTECT PUBLIC
HEALTH AND WELFARE WITH AN
ADEQUATE MARGIN OF SAFETY

EFFECT	LEVEL ¹	AREA
Hearing Loss	L _{eq(24)} 70 dB	All areas
Outdoor activity interference and annoyance	L _{dn} 55 dB	Outdoors in residential areas and farms where people spent widely varying amounts of time and other places in which quiet is a basis for use
	L _{eq(74)} 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and annoyance	L _{dn} 45 dB	Indoor residential areas
	L _{eq(24)} 45 dB	Other indoor areas with human activities such as schools, etc.

¹ L_{eq(24)} represents the sound energy averaged over a 24-hour period while L_{dn} represents L_{eq} with a 10 dB nighttime weighting.

TARA

Approved Development by Phase

RESIDENTIAL

PARCEL	NUMBER UNITS	PHASES		
		I COMPLETED*	II 2/95*-10/97*	III 9/96*-10/02*
Phase I	719	719		
II-A	35		35	
II-B	49		49	
II-C	80		80	
II-D	69		69	
II-E	23		23	
II-F	27		27	
II-J	16		16	
III-A	20			20
III-B	76			76
III-C	46			46
III-D	97			97
III-F	187			187
III-G	47			47
III-H	120			120
III-I	208			208
III-J	19			19
III-K	128			128
III-L	188			188
III-M	36			36
III-N	227			227
III-O	38			38
III-P	39			39
III-Q	97			97
III-X	128			128
TOTAL	2,719	719	299	1,701

COMMERCIAL				
PARCEL	SQUARE FEET	PHASES		
		I COMPLETED*	II 2/95*-10/97*	III 9/96*-10/02*
Phase I	84,901	84,901		
II-G	10,100		10,100	
II-H	0-4,000**		0-4,000**	
II-I	3,600		3,600	
III-R	122,099-162,899**			122,099-162,899**
III-S	0-18,800**			0-18,800**
III-T	0-8,000**			0-8,000**
III-U	100,000			100,000
III-V	0-7,000**			0-7,000**
III-W	0-3,000**			0-3,000**
	361,500	84,901	13,700-17,700	258-899-262,899
GOLF COURSES				
Phase I	Golf Course	18 Holes, Clubhouse, Maintenance Center		
III-E	Golf Course			18 Holes, Clubhouse, Maintenance Center

* Dates referenced above are required dates for submittal of a preliminary plan for the referenced phase.

** Developer reserves the right to transfer all or part of the building square footage from Parcels II-H, III-S, III-T, III-V and III-W to III-R if the square footage is deemed unnecessary on those parcels. Any transferred square footage may be used as commercial as noted in

Attachment B

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 29 day of

January 19 97.

Revised 12/13/96

R. B. SHORE

Clerk of Circuit Court

By: Paul Cook

D.C.

EXHIBIT C TO MAP H (Ordinance 97-25)

DEVELOPMENT ORDER AMENDMENT
FOR
TARA, DRI #66
Manatee County

On March 29, 1982, the Tampa Bay Regional Planning Council received a copy of a resolution issued by Manatee County Board of County Commissioners amending the development order granting approval of the Tara residential development. The proposed Tara development was approved by the Council on August 11, 1980 and a development order was issued by Manatee County on November 13, 1980. Pursuant to Chapter 380.06(17)(a), Florida Statutes, modifications to a development order issued by a local government are subject to state and regional review and appeal provisions of s.380.07.

This resolution requires that the developers donation of land and pro-rata share of the construction costs of an elevated water tank shall be determined "when required by the Manatee County Utilities Department" rather than "prior to preliminary PUD site plan and/or prior to issuance of building permits for Phase I" as stated in the original development order.

Since the application contains a letter from the Manatee County Utilities Department stating that an elevated water storage tank would be necessary, it was TBRPC's recommendation that this land donation and pro-rata share payment be finalized prior to issuance of building permits for Phase II.

The Council staff will contact the Manatee County Utilities Department for further explanation.



MANATEE COUNTY GOVERNMENT

March 23, 1982

CERTIFIED MAIL - RETURN
RECEIPT REQUESTED

Florida Department of Veterans
and Community Affairs
1720 S. Gadsden Street
Tallahassee, Florida 32301

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

Dewey Dye, Jr., Esq.
Dye, Cleary, Scott & Deitrich, P.A.
Southeast National Bank Bldg.
Bradenton, Florida 33505

Jerry West, Planning Director
City of Bradenton
City Hall
Bradenton, Florida 33505

Re: DRI #11 (TARA, Ltd. - 11/13/80)

Greetings:

In accordance with Sections 380.06(17)(a) and 380.07(2), Florida Statutes, I am transmitting herewith to each of the parties above named, on behalf of the Manatee County Board of County Commissioners, a certified copy of a Resolution Amending a Resolution Granting a Development Order for Tara, Ltd. The Resolution modifies Development Order DRI #11 issued by Manatee County on November 13, 1980 and declares that that modification does not represent a substantial deviation from the Development Order.

Additionally, I take this opportunity to remind the attorneys for Tara, Ltd. of their obligation under Section 380.06(14)(d) to record a notice of modification approved by this Resolution.

Very truly yours,

KEITH ROBERTS
Assistant County Attorney

KR:jec

cc: Vernon E. Vickers, Chairman, Board of County Commissioners
Larry Frazier, Director, Planning & Development, Manatee County
Bruce Siciliano, Chief, Current Planning, Manatee County

~~Manatee County~~ DIRECTOR OF LEGAL SERVICES • 1105 6th Avenue West, Bradenton, Florida • (813) 748-4501 Ext. 366

P.O. Box 1000, Bradenton, Florida 33506

COUNTY OF MANATEE, STATE OF FLORIDA

IN RE: Application for Development Approval of a
Development of Regional Impact by TARA, LTD.

DRI #11

RESOLUTION GRANTING A DEVELOPMENT ORDER

WHEREAS, TARA, LTD. hereinafter referred to as "TARA",
in accordance with Section 380.06, Florida Statutes, has
filed with Manatee County an Application for Development
Approval (ADA) of a Development of Regional Impact (DRI #11)

WHEREAS, TARA proposes to develop a residential planned
unit development (PUD) of 4040 dwelling units with associated
recreational and commercial activities together with a
commercial activity center upon real property located in
Manatee County, Florida and owned by First National Bank &
Trust Company of Riviera Beach, as trustee, as described in
attached Exhibit A and made a part hereof; and

WHEREAS, the Board of County Commissioners as the
governing body of the local government having jurisdiction,
pursuant to Sections 380.031 and 380.06, Florida Statutes,
is authorized and empowered to consider Applications for
Development Approval of Developments of Regional Impact; and

WHEREAS, pursuant to Section VIII, Paragraph A(1),
Manatee County Zoning Ordinance and Section 380.06(7),
Florida Statutes, a notice of public hearing of these
proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice,
a joint public hearing in these proceedings was held on
August 27, 1980, September 12, 1980, September 16, 1980, and
September 30, 1980 before the Board of County Commissioners

of Manatee County, Florida, and the Manatee County Planning Commission; and

WHEREAS, at the public hearing held on August 27, 1980, the City of Bradenton requested recognition as a party to the proceeding, which request, without objection, was granted; and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(8), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the regional impact of the development; and

WHEREAS, said Board of County Commissioners and said Planning Commission have considered the testimony, reports, and other documentary evidence submitted at said public hearing by TARA, the City of Bradenton, TBRPC, as well as Manatee County staff agencies and various persons in attendance at said public hearing; and

WHEREAS, said Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission; and

WHEREAS, said Board of County Commissioners, having considered all of the foregoing and being fully advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED by the Board of County

Commissioners of Manatee County, Florida, that said Board makes the following findings of fact:

1. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section 380.06(10) Florida Statutes, and Section VIII Paragraph A(1), Manatee County Zoning Ordinance and proof of such publication has been duly filed in these proceedings.

2. The real property involved in this development and owned by First National Bank & Trust Company of Riviera Beach as trustee is located in Manatee County, Florida and is described on attached Exhibit A, and made a part hereof.

3. Upon consideration of all matters prescribed in Sections 380.06(12) and 380.06(13), Florida Statutes, and Section VI, Paragraph 14 of the Manatee County Zoning Ordinance, and other applicable provisions of local and state law, the Commission has determined that the TARA development described in the Application:

(a) is not located in an area of critical state concern, and

(b) does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;

(c) is consistent with local land development regulations; and

(d) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council dated August 11, 1980 on file in these proceedings, and is consistent with that report.

BE IT FURTHER RESOLVED, by the Commission, as conclusions

of law, that the proceedings have been conducted pursuant to the provisions of the Manatee County Zoning Ordinance and Chapter 380, Florida Statutes, and that TARA has sustained and proved all the material allegations and assertions made in the Application and, subject to the conditions, restrictions, and limitations hereinafter set forth, TARA is entitled to the relief prayed and applied for in said Application and, therefore, the Commission hereby approves and grants TARA's Application for Development Approval for a Development of Regional Impact (DRI #11), subject to the following:

CONDITIONS AND LIMITATIONS
RESTRICTING DEVELOPMENT

I. WATER QUALITY AND QUANTITY

1. Water quality standards defined in Chapter 17-3 Florida Administrative Code, (F.A.C.) shall be applicable to the project. The Florida Department of Environmental Regulation (FDER) shall be the responsible agency for determining which water quality standards as defined in Chapter 17-3, F.A.C. and other applicable laws and regulations are applicable to the TARA site and the specific activities proposed to be carried out on the site by the applicant.

2. At such time as the County may adopt water quality standards under a local pollution control program, in accordance with Section 403.182, Florida Statutes, TARA shall be required to conform to such standards for all future permitting activities.

3. TARA shall establish a water quality monitoring program based upon FDER criteria to monitor pre-development surface water quality for a one (1) year period prior to construction on the TARA site. The purpose of this monitoring

program is to establish baseline data of the water quality on or passing through the TARA site during seasonal variations.

4. Monitoring station location, sampling frequency, and reporting schedules shall be determined by FDER and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these water quality sampling activities shall be provided to the Manatee County Pollution Control Department at the same time such data is provided to FDER. Any additional stations which may be required during the construction phases of the project shall be subject to FDER approval.

5. In the event that monitoring data affirmatively reflects that the prescribed water quality criteria have been exceeded by activity occurring on the TARA site, the appropriate regulatory authority shall issue a written Notice of Violation and Stop Work Order specifying the nature of the violation, and directing that such activity cease immediately.

Such order shall remain in full force and effect for a maximum of 48 hours notwithstanding any appeal the developer may pursue. Work may resume if the Engineer of Record of TARA or the party responsible for the activity shall certify to the Manatee County Pollution Control Department that

steps have been taken to terminate the unacceptable discharge and correct the violation. Notwithstanding any other provision in this paragraph, if the Stop Work Order includes a finding that, in the opinion of the Manatee County Pollution Control Director, the violation constitutes a peril to life or property, the developer shall not be entitled to a stay during administrative or judicial review of the Stop Work Order.

6. The water quality monitoring program as established by FDER and described in paragraphs 3 and 4 shall be continued throughout the construction phases of the project and for five (5) years after the completion of Phase III by TARA or the party responsible for water quality control as hereinafter provided.

7. Prior to the construction of the retention lake system, a detailed Lake Systems Management Plan for TARA shall be developed in accordance with the guidelines set forth in the TBRPC's recommended Stormwater and Lake Systems Maintenance and Design Guidelines. February, 1978, Areawide Water Maintenance Plan, Appendix 11-A. Such plan shall be furnished to Manatee County for comments and approval prior to construction.

8. No destruction of wetlands (i.e. freshwater swamp and freshwater marsh) shall be allowed below the ten (10) foot contour line except that required for proposed access roads, bridges, culverts, drainage systems, utility lines, proposed bicycle and nature paths, and existing county roads provided that such utility easements are located within the rights of way of the existing or proposed access roads. In addition, TARA shall preserve by establishing lot boundaries, a portion of the land below the ten (10) foot contour and adjacent to the wetlands. The portion to be preserved shall be either the fifty (50) feet adjacent to the wetlands in question or to the extent of DER's jurisdiction, whichever is greater. There shall be no direct discharge of stormwater runoff below the ten (10) foot contour line to Ward Lake. Conventional swales which run parallel to Ward Lake shall be placed within the designated buffer zone for all lots which

are below the ten (10) foot contour line and between Braden River Road and Linger Lodge Road. Said swales shall convey the runoff from the lots to the wetlands system adjacent to Nonsense Creek. Sheet flow discharge shall be provided at the point of outfall into the wetland system. This requirement is subject to FDER approval. All habitable structures shall comply with applicable Federal Flood Zone requirements.

9. The water quality control system, as described in the ADA, shall require prior approval and permits from FDER as required by law and the rules of FDER. TARA shall install and maintain the water quality control system so as to comply with all conditions, limitations and restrictions imposed in applicable FDER permits.

10. Construction of the proposed drainage system shall be certified by the engineer(s) of record.

11. A maintenance and operation program for the drainage/retention system shall be provided by TARA to Manatee County prior to preliminary PUD plan approval. The drainage/retention system which is to be constructed by TARA shall be maintained by a special taxing unit as authorized under Florida Statute, 125.01(1)(g) or other means as provided by TARA. The specific legal mechanism to insure adequate maintenance safeguards shall be submitted to the County for approval prior to or as part of the approval of the preliminary PUD site plan.

12. The County and the City of Bradenton shall have the right to participate in any proceedings involving permit applications with FDER. The County shall give the City of Bradenton notice of all pending FDER permit applications.

13. The TARA drainage system shall be designed to insure that the quantity of flow to Ward Lake from the TARA

site shall not be significantly altered and the water quality of Ward Lake shall not be significantly degraded as a result of the discharge of drainage water from TARA.

14. Erosion and sedimentation controls necessary to protect water quality during construction and site activity shall be required. TARA shall prepare and furnish to Manatee County for approval prior to construction plan approval of each phase a plan for control of such potential pollution.

15. An inspection program may be instituted by either FDER or the County to insure compliance with all applicable rules and regulations during and after construction.

16. TARA shall be required to retain a 10 year 24 hour storm in its lake system and shall attenuate a 25 year storm. This requirement shall be subject to FDER approval. Property and road drainage from the TARA development into the stormwater drainage system shall meet a 10 year design criteria.

17. Pre-development surface flows shall be monitored for one (1) year prior to construction on the TARA site. This information, together with all other available data, shall be used to determine baseline surface water flow conditions on the TARA site. Monitoring requirements including station locations, instrumentation, sampling frequency, and reporting schedules shall be determined by U.S. Geological Service, Soil Conservation Service, South West Florida Water Management District (SWFWMD) and Manatee County provided that all required station locations are specific to the TARA site. All data resulting from these monitoring activities shall be provided to all agencies listed above. The monitoring program shall be continued throughout the construction

phases of the project.

18. Pre-development surface flows shall be maintained throughout each phase of development. Where a deficit in surface flows is determined to be the result of activities conducted by TARA, TARA shall be required to offset such deficits by augmenting the surface stream system from wells which are cased through the surficial aquifer zone on the TARA property. Such augmentation program shall be subject to approval of SWFWMD. This requirement shall not be applicable during periods that water in excess of the City's needs is being discharged over the Ward Lake dam. If TARA can substantiate with data acceptable to the agencies listed in paragraph 17 above that the development has caused an increase in groundwater flow to Ward Lake, such increase may be credited to any deficit which may occur in surface flow.

19. No construction permits shall be issued and no construction shall be started prior to completion of the one (1) year monitoring programs prescribed in paragraphs 3 and 17, and all such permits and construction shall thereafter be consistent and in conformity with the data obtained from said monitoring programs. For the purposes of this paragraph and paragraphs 3 and 17, the term "construction" shall not include site preparation work such as the necessary clearing required for surveying, soil sampling, core drilling, and engineering purposes. Any other activity shall be subject to prior approval of the FDER and Manatee County Pollution Control Department.

20. Construction, maintenance, and remedial improvements of the stormwater system shall be the responsibility of TARA until such time as the system or portions thereof have been turned over for maintenance to the County pursuant to the

special taxing unit provided for in paragraph 11. TARA shall provide security in the amount of \$100,000.00 to insure performance of the system in compliance with applicable water quality standards and the conditions of applicable FDER permits. Such security may be in the form of a corporate surety bond, cash or cash equivalent, or such other form and means as approved by Manatee County. Said security shall inure to the benefit of the County to fund any necessary measures to achieve and maintain the design performance of the system.

If this security or a portion thereof is used for the purposes set forth in this paragraph, TARA shall, within a reasonable time, restore the security so used so that the amount is maintained at \$100,000.00. The security shall be posted prior to the issuance of any building permits for the project and shall remain in force until completion of the project and shall be released by the County upon certification that the entire stormwater system is functioning to meet applicable water quality standards.

II. WATER SUPPLY AND WASTEWATER TREATMENT FACILITIES

1. TARA shall conduct a study with Manatee County Utility System (MCUS) to determine the possible need to upgrade the existing wastewater transmission system to the Southwest Regional Treatment Plan from TARA.

2. An agreement shall be negotiated between the TARA, Creekwood Development and Manatee County which allows the -- construction of an additional treatment plant to serve TARA during Phase I, if necessary, and Phases II and III of development. The plant will either be built by Creekwood Developers or TARA on a thirty (30) acre site north of the project or by TARA on an alternate County approved site.

The site shall be located outside the existing watershed of Ward Lake. The design and location of these facilities must be reviewed and approved by the County prior to plant construction.

3. In order to ensure adequate potable water supply, sufficient flows and pressure to the development during peak demand periods, an elevated water tank or other equivalent facilities shall be erected on the site. The applicant shall donate land and pay a pro rata share of construction cost for such facilities. The donation of land shall be finalized prior to preliminary PUD site plan approval and the pro rata share shall be finalized prior to issuance of building permits for Phase I. MCUS will construct the elevated tank when they deem it necessary.

4. MCUS must approve the design and construction of the development's sewage collection system and water distribution system. The sewer collection system shall be constructed by TARA and the County shall maintain the system in such a way and with such assurances that in the event widespread power outages occur, wastewater will be controlled from overflowing in accordance with the best available technology.

III. NOISE ABATEMENT

1. Regarding noise abatement along the corridor of I-75 and S. R. 70, the following conditions shall be required:

(a) No residential development shall be allowed within the L10 70db(A) noise level, as established in the Federally accepted environmental impact report for this section of I-75, unless such residences are protected by some performance equivalent measure to achieve the L10 70db(A) exterior noise level.

(b) All residences constructed between L10 60 db(A) to 70 db(A) noise contours shall be located and

designed in a manner which orients the living areas away from the noise source. Living areas shall include lanais and Florida rooms. Buildings shall be positioned to maximize the use of existing vegetation to reduce noise, and significant landscaped buffering should be provided residential units and the noise source. Preliminary landscape plans and data on said screening should be submitted with preliminary PUD site plans.

IV. SCHOOL SITE

1. A ten (10) acre site shall be held in reserve for a ten (10) year period for donation to the School Board of Manatee County, Florida for use as a school site.

2. Upon receipt of written notice to the applicant, or its successors, that said school board has determined to build a school on the site the property will be conveyed to said school board as a donation, free and clear of all liens and encumbrances except such restrictions and conditions as are common to the development. An additional twenty (20) acre site shall be held in reserve for the same period for purchase by said school board. Upon receipt of written notice from said school board that a school is to be built on the site, the 20 acre site shall be conveyed to said school board at it's acquisition cost plus the cost of any site improvements which have been made to or for the benefit of the property (e.g., utility services, clearing drainage, etc. serving the particular site).

3. If at the end of ten (10) years, said school board has not provided TARA with the written notice as provided above, the right to acquire said property shall terminate.

4. All property conveyed herein shall be restricted by deed for use as a school site. A violation of the deed restriction shall result in the property reverting to TARA. TARA will cooperate with the School Board in making surveys and locating acceptable sites within the project. The location of both sites and purchase price of the 20 acre parcel shall be agreed upon by the parties prior to preliminary PUD site plan approval.

V. ROADWAY IMPROVEMENTS

1. The following roadway improvements shall be constructed by TARA prior to the issuance of building permits for Phase I.

- (a) Construction of main entrance road as a four-lane divided highway from SR 70 to the commercial areas.
- (b) Construction of left turn lane for westbound traffic on SR 70 at the main entrance.
- (c) Construction of a deceleration lane and right turn lane for eastbound traffic on SR 70 at the main entrance.

2. Building permits for Phase I shall not be issued by the County unless TARA has provided the County with a written commitment that the following roadway improvements shall be constructed by the completion of Phase I.

- (a) Signalization of the intersection of SR 70 and main entrance to the TARA development subject to approval by the Department of Transportation.
- (b) Construction of a left-turn lane on Braden River Road at SR 70.
- (c) Construction of a left turn lane on SR 70 at Braden River Road.

3. Building permits for Phase II shall not be issued

by the County until the developer has provided the County with a written commitment that the following roadway improvements shall be constructed prior to completion of Phase II.

- (a) Construction of an additional left-turn lane for westbound traffic on SR 70 at the main entrance.
- (b) Upgrading of the main entrance road to a four-lane divided road from commercial areas to the third internal intersection.

4. Building permits for Phase III shall not be issued by the County until the developer has provided the County with a written commitment that the following roadway improvements shall be constructed prior to completion of Phase III.

- (a) Construction of a free-flow right-turn lane on SR 70 at the Braden River Road entrance to the development.
- (b) Upgrading main entrance road to a four-lane divided road from the third internal intersection to the sixth internal intersection.
- (c) TARA shall make improvements to Braden River and Linger Lodge Road which will improve said roads to standards described in a letter dated August 19, 1980, to Civil Engineering Consultants from the Manatee County Highway Department. Any deviations from the conditions in said letter will be addressed at preliminary PUD site plan approval stage.
- (d) TARA shall also be responsible for regrading Braden River Road and Linger Lodge Road to a 84 foot typical rural section where right of way can be dedicated by TARA.

5. Prior to issuance of building permits for Phase II and for Phase III, the developer shall evaluate, and update

as necessary, the ADT data provided on maps J-3 and J-4. A written description of and justification for any changes shall also be provided. Such changes shall be subject to approval by the Board of County Commissioners within sixty (60) days after submittal.

6. The TARA development shall be subject to any future fair share road improvement programs adopted by the County.

VI. GENERAL CONDITIONS

1. Every phase of the development shall be required to be self supporting with regard to roads, drainage, utilities, recreation, fire protection, and other services normally associated with a residential development.

2. TARA shall donate land and contribute a pro-rata share of the cost of constructing a public service building which will be used to house a fire station, emergency medical services, and sheriff's office. The location of the site and required financial contribution shall be finalized prior to preliminary PUD site plan approval.

3. The developer shall incorporate in the preliminary PUD site plan of the development a child-oriented recreational area of sufficient size to meet the needs of the TARA development. The location of the child-oriented recreational area shall be finalized prior to preliminary PUD site plan approval and building plans shall be finalized prior to issuance of final PUD site plan approval.

4. Written assurance shall be provided to Manatee County from the Florida Power and Light Company prior to the issuance of building permits for each phase that capacity is on line to serve that phase.

5. Construction shall be restricted to general building type, (e.g. multi-story, zero lot line, single family, etc.)

number of units, and square footage of proposed uses as set forth in the ADA provided that the developer shall be allowed to modify the phasing schedule in accordance with the procedure set forth in Section V, Planned Unit Development, Paragraph P, Manatee County zoning ordinance, to accommodate fluctuating market conditions provided such modifications do not cause increased off site impacts greater than those presented in the ADA.

6. In addition to any other financial assurances required by this Development Order, TARA may apply to the County for the creation of a municipal service taxing unit pursuant to Section 125.01 (1)(g), Florida Statutes. Said municipal service taxing unit shall include the geographic area of the TARA development and, through funds derived from service charges, special assessments, or taxes within such unit only, shall provide essential facilities and municipal services, including the continued maintenance of the drainage/retention system and water quality control system.

7. In accordance with Section 380.06(16), Florida Statutes, TARA shall submit an annual report on the development of regional impact to the Director of the Planning and Development Department of Manatee County, TBRPC, the Department of Community Affairs and all affected permitting agencies, including but not limited to SWFWMD and FDER. The annual report shall be submitted on the 13th day of November of each year and shall contain the following information:

(a) Identify any changes in the proposed plan of development, phasing or the presentation for development contained therein made since the last progress report.

(b) Description of development activities since the last annual report including a summary of development to date

for the following:

- (i) Residential units, (by type), (location).
- (ii) Commercial square footage constructed.
- (c) A description of development activity proposed to be conducted in the year immediately following.
- (d) Submit the following information with reference to the Development Order:
 - (i) A copy of the water quality and quantity monitoring program results since the last annual report.
 - (ii) A description, along with appropriate maps or charts, of the stormwater management system constructed since the last annual report.
 - (iii) Description of the roadway improvements as required under Section V of this Development Order since the last annual report.
- (e) Identify dates of agreements which have been reached since the last annual report on the following items. If none indicate same, if agreement has been reached, identify date of agreement:
 - (i) Study to upgrade wastewater transmission to Southwest Regional Treatment Plant.
 - (ii) Agreement for construction siting and construction of adequate wastewater treatment facilities to serve TARA during Phase I, if necessary, and Phases II and III of the development.
 - (iii) Agreements for siting and determination to pro rata share of construction cost of auxiliary water pressurizing facilities.
 - (iv) Siting and purchasing arrangements for the ten (10) and twenty (20) acre school sites.
 - (v) Siting and determination of pro rata share of construction cost of the public service building.

(vi) Design and siting of the child oriented recreation site.

(f) A statement setting forth the names and addresses of any assignees or successors in interest to this development order.

(g) Current traffic count data (ADT) for the following locations:

(i) East of the main entrance on S.R. 70

(ii) Main entrance road near S.R. 70

(iii) Between Braden River Road and the Braden River on S.R. 70

(iv) East of U.S. 301 relocated on S.R. 70

(v) West of U.S. 301 relocated on S.R. 70

BE IT FURTHER RESOLVED THAT:

1. This Resolution shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

2. Definitions and matters contained in Chapter 380, Florida Statutes, shall control the construction of any defined terms and matters appearing in the development order.

3. The following are hereby incorporated by reference and made a part of this Development Order:

(a) The "Application for Development Approval" submitted by TARA, LTD.

(b) The legal description of the property attached hereto as Exhibit A.

(c) The resolution granting a Special Exception (SE-80-23) adopted November 6, 1980.

(d) The resolution granting Rezoning to Planned Unit Development (R-80-21) adopted November 6, 1980.

4. This Development Order shall be effective for a

period of twenty (20) years from the date of this Resolution provided that the effective period may be extended by the Board upon a showing of good cause. This approval shall not be construed as a waiver of any Manatee County requirements for other necessary permit procedures, plat approvals, building permits, certificates of occupancy, or similar matters provided by Florida Statutes or ordinances of Manatee County unless said requirements are specifically waived in the Resolutions granting SE-80-23 and R-80-21. The time above provided shall be tolled during any period of time during which there is any building permit moratorium imposed by the County or other governmental agency having authority to do so.

5. This Development Order shall be binding upon and inure to the benefit of the applicant and its assignees, or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

6. A certified true copy of this resolution shall be filed and recorded in the Public Records of Manatee County, Florida, and the Development Order contained herein shall govern the development of TARA.

7. A finding by the Board of County Commissioners of Manatee County, Florida, in accordance with Section 380.06(7), Florida Statutes, after notice and public hearing, that TARA has substantially deviated from the conditions, restrictions

and limitations of this Development Order shall result in termination of all development activity under this Development Order and additional regional review pursuant to Section 380.06, Florida Statutes, and other applicable laws of the State of Florida.

8. This Development Order shall become effective upon adoption by the Board of County Commissioners of Manatee County and transmittal to the TBRPC and the Florida Division of Community Affairs provided, however, that the filing of a notice of appeal pursuant to Chapter 380.07, Florida Statutes, stays the effectiveness of this Development Order.

9. The County Attorney is hereby authorized and directed to cause a certified copy hereof to be served upon the Florida Division of Community Affairs, the Tampa Bay Regional Planning Council and upon the attorneys of record in these proceedings for TARA, LTD and the City of Bradenton.

ADOPTED with a quorum present and voting, this 13th day of November, 1980.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By
Chairman

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

LEGAL DESCRIPTION
OF

TARA - DRI #11

COMMENCE AT THE N.W. CORNER OF SEC. 14, TWP. 35 S., RGE. 18 E.;
THENCE S 00°09'22" W, ALONG THE WEST LINE OF SAID SECTION 14, 502.36 FT.
TO THE INTERSECTION WITH THE SOUTHERLY R/W OF STATE ROAD NO. 70, FOR A
P.O.B.; THENCE CONTINUE S 00°09'22" W, ALONG SAID WEST SECTION LINE,
4805.11 FT. TO THE S.W. CORNER OF SAID SECTION 14, ALSO BEING THE N.W.
CORNER OF SEC. 23, TWP. 35 S., RGE. 18 E.; THENCE S 00°03'05" E, ALONG
THE WEST LINE OF SAID SECTION 23, 1322.53 FT. TO THE S.W. CORNER OF THE
NORTH 1/2 OF THE N.W. 1/4 OF SAID SECTION 23; THENCE S 89°28'30" E,
ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE N.W. 1/4, 3142.71 FT. TO
THE S.E. CORNER THEREOF; THENCE S 00°21'47" W, ALONG THE WEST LINE OF
THE EAST 1/2 OF SAID SECTION 23, 2647.40 FT. TO THE S.W. CORNER OF THE
NORTH 1/2 OF THE S.E. 1/4 OF SAID SECTION 23; THENCE S 89°25'46" E,
ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE S.E. 1/4 2654.49 FT. TO
THE S.E. CORNER THEREOF; THENCE S 00°42'53" W, ALONG THE EAST LINE OF
SAID SECTION 23, ALSO BEING THE WEST LINE OF SEC. 24, TWP. 35 S.,
RGE. 18 E., 1324.75 FT. TO THE S.E. CORNER OF SAID SECTION 23, ALSO BEING
THE S.W. CORNER OF SAID SECTION 24; THENCE S 89°29'57" E, ALONG THE
SOUTH LINE OF SAID SECTION 24, 934.75 FT. TO THE WESTERLY D.O.T. R/W
OF BRADEN RIVER ROAD, A.K.A. (LINGER LODGE ROAD); THENCE N 00°27'05" E,
ALONG SAID WESTERLY D.O.T. R/W, 79.05 FT.; THENCE N 83°26'06" E, ALONG
THE NORTHERLY D.O.T. R/W OF SAID BRADEN RIVER ROAD, 654.90 FT.; THENCE
S 89°32'55" E, ALONG SAID NORTHERLY D.O.T. R/W, 30.24 FT. TO THE BEGINNING
OF D.O.T. LIMITED ACCESS R/W (160 FT. LEFT OF CENTERLINE CONSTRUCTION,
BRADEN RIVER ROAD, D.O.T. STA. 25 + 80.24); THENCE CONTINUE S 89°32'55" E,
ALONG SAID D.O.T. LIMITED ACCESS R/W, 200.00 FT. TO THE INTERSECTION WITH
THE WESTERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 93 (I-75); THENCE
N 13°41'35" W, ALONG SAID LIMITED ACCESS R/W, 2701.71 FT. TO THE P.C.
OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5857.62 FT.;
THENCE NORTHERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID

"Exhibit A"

CURVE, THROUGH A CENTRAL ANGLE OF $14^{\circ}36'40''$, 1493.76 FT. TO THE P.T. OF SAID CURVE; THENCE N $00^{\circ}55'05''$ E, ALONG SAID LIMITED ACCESS R/W, 1415.11 FT.; THENCE N $00^{\circ}13'40''$ W, ALONG SAID LIMITED ACCESS R/W, 899.24 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 5635.58 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $06^{\circ}28'53''$, 637.51 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2770.79 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $17^{\circ}32'01''$, 847.92 FT. TO THE P.C.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1339.56 FT.; THENCE NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $42^{\circ}16'38''$, 988.43 FT. TO THE P.T. OF SAID CURVE, SAID POINT ALSO BEING ON THE SOUTHERLY D.O.T. LIMITED ACCESS R/W OF STATE ROAD NO. 70; THENCE N $66^{\circ}31'12''$ W, ALONG SAID LIMITED ACCESS R/W, 462.42 FT.; THENCE N $70^{\circ}20'03''$ W, ALONG SAID LIMITED ACCESS R/W, 750.13 FT., TO THE END OF D.O.T. LIMITED ACCESS R/W (150 FT. RIGHT OF CENTERLINE CONSTRUCTION, STATE ROAD NO 70, D.O.T. STA. 16 + 34.75); THENCE N $57^{\circ}46'58''$ W, ALONG THE SOUTHERLY D.O.T. R/W OF SAID STATE ROAD NO. 70, 138.05 FT.; THENCE N $70^{\circ}20'03''$ W, ALONG SAID D.O.T. R/W, 719.00 FT.; THENCE N $48^{\circ}46'37''$ W, ALONG SAID D.O.T. R/W, 87.09 FT.; THENCE N $70^{\circ}20'03''$ W, ALONG SAID R/W, 76.82 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17056.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $01^{\circ}04'14''$, 318.70 FT. TO THE P.R.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17320.74 FT.; THENCE NORTHWESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $01^{\circ}04'14''$, 323.63 FT. TO THE P.T. OF SAID CURVE; THENCE N $70^{\circ}20'03''$ W, ALONG SAID R/W, 739.91 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2732.79 FT.; THENCE WESTERLY, ALONG SAID R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $19^{\circ}21'30''$, 923.32 FT. TO THE P.T. OF SAID CURVE; THENCE N $89^{\circ}41'33''$ W, ALONG SAID R/W, 1559.31 FT. TO THE P.O.B., BEING AND LYING IN SECTIONS 13, 14, 23 AND 24, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 1136.95 ACRES.

SUBJECT TO COUNTY MAINTAINED R/W FOR BRADEN RIVER ROAD, A.K.A. (LINGER LODGE ROAD).

STATE OF FLORIDA

MANATEE COUNTY

I, R. B. Shore, Clerk of the Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of:

RESOLUTION GRANTING A DEVELOPMENT ORDER

(DRI # 11, TARA, LTD)

Approved by the Manatee County Board of Commissioners in open session

13th day of November 1980.

:

WITNESS My Hand and Official Seal this 13th day
of November 1980 in Bradenton, Florida.



R.B. Shore, Clerk of Circuit Court
Manatee County, Florida

COUNTY OF MANATEE, STATE OF FLORIDA

IN RE: APPLICATION FOR DEVELOPMENT APPROVAL OF A
DEVELOPMENT OF REGIONAL IMPACT BY TARA, LTD.

DRI #11

CERTIFICATE OF SERVICE

Pursuant to the provisions of paragraph 9 of the Resolution Granting A Development Order adopted November 13, 1980, by the Board of County Commissioners of Manatee County, Florida, in the above-identified proceedings, it is hereby certified that a certified copy of said Resolution Granting A Development Order has been served upon the Florida Department of Community Affairs, 2571 Executive Center Circle East, Tallahassee, Florida 32301, to the Tampa Bay Regional Planning Council, 9455 Koger Boulevard, St. Petersburg, Florida 33702, to Dewey A. Dye, Jr., of Dye, Cleary, Scott & Deitrich, P. O. Drawer 9480, Bradenton, Florida 33506, as the attorneys for the Applicant TARA, Ltd., and to William R. Lisch, 518 13th Street West, Bradenton, Florida 33505 as the attorney for the Intervenor City of Bradenton, Florida, by mail this the 17th day of November, 1980.

/s/ E. N. FAY, JR.

of Mann and Fay, Chartered
P. O. Box 959
Bradenton, Florida 33506
813/747-3761
Attorneys for County of Manatee, Florida

COUNTY OF MANATEE, STATE OF FLORIDA

IN RE: APPLICATION FOR DEVELOPMENT APPROVAL OF A
DEVELOPMENT OF REGIONAL IMPACT BY TARA, LTD.

DRI #11

CERTIFICATE OF SERVICE

Pursuant to the provisions of paragraph 2 of the Resolution Amending Resolution Granting A Development Order adopted by the Board of County Commissioners of Manatee County, Florida, on December 23, 1980, in the above-identified proceedings, it is hereby certified that a certified copy of said Resolution Amending Resolution Granting A Development Order has been served upon the Florida Department of Community Affairs, 2571 Executive Center Circle, East, Tallahassee, Florida 32301, upon the Tampa Bay Regional Planning Council, 9455 Koger Boulevard, St. Petersburg, Florida 33702, upon Roger S. Tucker, 9455 Koger Boulevard, St. Petersburg, Florida 33702, as the attorney for said Regional Planning Council, upon Dewey A. Dye, Jr., of Dye, Cleary, Scott & Deitrich, P. O. Drawer 9480, Bradenton, Florida 33506, as the attorneys for the Applicant, TARA, LTD., and upon William R. Lisch, 519 13th Street West, Bradenton, Florida 33505, as the attorney for the Intervenor City of Bradenton, Florida by mail, this the 5th day of January, 1981.

/s/ E. N. FAY, JR.

of Mann and Fay, Chartered
P. O. Box 959
Bradenton, Florida 33506
813/747-3761
Attorneys for Manatee County, Florida

COUNTY OF MANATEE, STATE OF FLORIDA

IN RE: APPLICATION FOR DEVELOPMENT APPROVAL OF A
DEVELOPMENT OF REGIONAL IMPACT BY TARA, LTD.

DRI #11

RESOLUTION AMENDING RESOLUTION GRANTING A
DEVELOPMENT ORDER

WHEREAS, a Resolution Granting A Development Order was adopted November 13, 1980, by this Board of County Commissioners for the above-identified DRI #11 for TARA, Ltd., and

WHEREAS, representations were made on behalf of TARA, Ltd., and the Tampa Bay Regional Planning Council at a meeting of this Board of County Commissioners on December 23, 1980, that said parties consented to the amendment hereinafter set forth.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

1. Section V "Roadway Improvements", Paragraph 6 on page 15 of said Resolution Granting A Development Order is hereby amended by adding thereto the following:

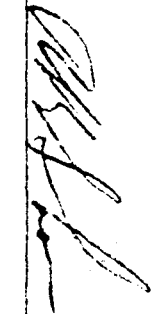
Prior to issuance of building permits for Phase III, a transportation study will be made by the developer to evaluate impacts of the project on State Road 70. The results of this study will be submitted to the County and the Tampa Bay Regional Planning Council as revisions to the transportation portion of the Application For Development Approval. The transportation portion of the Application For Development Approval and this Development Order will then be reviewed in accordance with Chapter 380 of the Florida Statutes.

2. The County Attorney is hereby authorized and directed to cause a certified copy hereof to be served upon the Florida Division of Community Affairs, the Tampa Bay Regional Planning Council and upon the attorneys of record in these proceedings for TARA, Ltd., and the City of Bradenton,

ADOPTED, with a quorum present and voting, this the 23rd day of December, 1980.

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

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



By: 
Chairman

ORDINANCE 97-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT, WHICH AMENDS, REPLACES AND SUPERSEDES ORDINANCE 96-31, DRI #11, AS AMENDED; FINDING THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TARA-Manatee, Inc., the owner and developer, hereinafter referred to as "TARA", in accordance with Section 380.06, Florida Statutes, filed with Manatee County an Application for a Notice of Proposed Change (NOPC) for a Development of Regional Impact (DRI #11); and

WHEREAS, the authorized agent for the developer is Patricia A. Petruff, Esq.; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction, pursuant to Sections 380.031 and 380.06, Florida Statutes, is authorized and empowered to consider whether or not the NOPC constitutes a Substantial Deviation pursuant to Section 380.06 (19), Florida Statutes; and

WHEREAS, pursuant to Section 502.5.2, of the Manatee County Land Development Code and Section 380.06(11), Florida Statutes, a notice of public hearing of these proceedings was duly published; and

WHEREAS, upon publication and furnishing of due notice, public hearings in these proceedings were held before the Planning Commission on July 11, 1996 and July 17, 1996 and before the Board of County Commissioners of Manatee County, Florida on July 25, 1996, August 22, 1996, and January 28, 1997; and

WHEREAS, all parties were afforded at the public hearing the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence and any member of the general public requesting to do so was given an opportunity to present written or oral communication; and

WHEREAS, pursuant to Section 380.06(12), Florida Statutes, Tampa Bay Regional Planning Council (TBRPC), the appropriate regional planning agency, prepared and submitted to Manatee County its report and recommendations on the regional impact of the development; and

WHEREAS, the Board of County Commissioners and Planning Commission have considered the testimony, reports, and other documentary evidence submitted at said public hearing by TARA, the TBRPC, the DCA, as well as Manatee County staff agencies and various persons in attendance at said public hearing; and

WHEREAS, the Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida, that the Board makes the following findings of fact:

1. A Notice of Public Hearing in these proceedings was duly published in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, pursuant to Section 380.06(11), Florida Statutes, and Section 502.5.2 of the Manatee County Land Development Code and proof of such publication has been duly filed in these proceedings.

2. The real property involved in this development is located in Manatee County, Florida and is described in Section 3, VIII.

3. Upon consideration of all matters prescribed in Sections 380.06(13) and 380.06(14), Florida Statutes, and other applicable provisions of local and state law, the Board has determined that the TARA development described in the Application:

- (a) is not located in an area of critical state concern, and
- (b) does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area;
- (c) is consistent with local land development regulations; and
- (d) adequately addresses the concerns of regional impact stated in the report and recommendations of the Tampa Bay Regional Planning Council on file in these proceedings, and is consistent with that report.