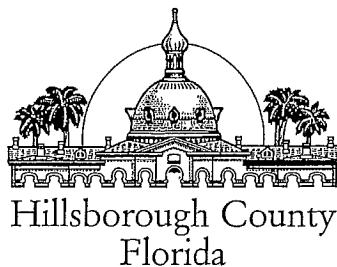


#86

# Office of the County Attorney

## BOARD OF COUNTY COMMISSIONERS

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Kathy Castor  
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Ronda Storms



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Sheree C. Fish  
Jennie Granahan Tarr

## MEMORANDUM

To: Juelene Gregory, BOCC Records

From: Nancy Y. Takemori, Assistant County Attorney *NYT*

Date: January 18, 2006

Subject: Essentially Built-Out Agreement; Interstate Business Park DRI

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Attached is a fully executed original of the above-referenced Agreement. Upon scanning the document into the computer system, please forward the original to John Healey of the Planning & Growth Management Department.

Thank you.

NYT/pww

Attachments

cc: John Healey, Executive Planner, Planning & Growth Management

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

This Essentially Built-Out Agreement ("Agreement") is entered into by and between IBP FLEXXSPACE 2, Ltd. ("IBP2"), a Florida limited partnership, Hillsborough County, Florida (the "County"), a political subdivision of the State of Florida, and the State of Florida, and Department of Community Affairs (the "Department"), subject to all other governmental approvals and solely at IBP2's own risk.

**WHEREAS**, IBP2 is the owner and developer of 26.42 acres of real property described in **Exhibit "A"**, attached hereto and incorporated herein by reference, (the "IBP2 Property"), and Tract 12, a 0.73 acre parcel located at the northeast corner of Elm Fair Boulevard and U.S. 301 is the last remaining vacant land in Fairfield Commerce Park, which lands are located within the Interstate Business Park Development of Regional Impact ("DRI"), consisting of 136.7 acres, m.o.l., described in **Exhibit "B"**, attached hereto and incorporated herein by reference; and

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

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

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

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

**WHEREAS**, IBP2, the County and the Department desire to enter into this agreement pursuant to Sections 380.032(3) and 380.06(15)(g)(3), F.S.; and

**WHEREAS**, on December 3, 1981, American Tectonics, filed an Application for Development Approval for the Interstate Business Park DRI (which, together with the sufficiency responses filed and other exhibits submitted and recorded, is hereinafter referred to as the "ADA") with Hillsborough County, the Tampa Bay Regional Planning Council ("TBRPC"), the Department and other appropriate agencies pursuant to the provisions of Section 380.06, F.S., as amended; and

**WHEREAS**, the ADA proposed development of the Interstate Business Park DRI, a mixed-use light industrial, service center and office development located on 136.7 acres in Hillsborough County (the "DRI Property"); and

**WHEREAS**, on May 19, 1982, the Board of County Commissioners approved a Development Order, Resolution No. R82-401, for the INTERSTATE BUSINESS PARK DRI NO. 86, pursuant to the provisions of Section 380.06, F.S.; and

**WHEREAS**, the Development Order was amended by the Board of County Commissioners in Resolution No. R83-0113 approved September 21, 1983; Resolution No. R90-0229 approved November 5, 1990; Resolution No. R92-0260 approved October 27, 1992; Resolution No. R95-0101 approved May 9, 1995; Resolution No. R98-0092 approved April 21, 1998; and Resolution No. R01-0213 approved October 23, 2001; and

**WHEREAS**, the development that was approved within the DRI prior to the December 28, 2003 Build-out Date is described in **Exhibit "C"** attached hereto; and

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

**WHEREAS**, the development approved prior to the December 28, 2003 Build-out Date, but not constructed, is also described in **Exhibit "C"**; and

**WHEREAS**, the IBP2 Property and Tract 12 are the remaining undeveloped nonresidential parcels within the DRI, with an approximate size of 27.15 acres; and

**WHEREAS**, THE IBP2 Property is designated for office, light industrial/service center, and/or warehouse, and hotel development on Map "H" of the DRI; and

**WHEREAS**, Tract 12 is designated for 2,700 square feet of restaurant development on Map "H" of the DRI; and

**WHEREAS**, IBP2 desires to construct 199,500 square feet of Light Industrial/Warehouse Uses and 80 Hotel Rooms; and Impact Properties VIII LLC, the owner of Tract 12 desires to construct 2,700 square feet of restaurant uses on folio number 41087.5026; and

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

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

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

1. Determination of Essentially Built-Out Status.

The parties agree that pursuant to Section 380.06(15)(g)(3), F.S., the Interstate Business Park DRI is "essentially built-out" because (a) the development is in compliance with all applicable terms and conditions of the Interstate Business Park DRI Development Order, and as of December 28, 2003, the build-out date for the DRI had expired, and (b) the amount of development that remains to be built on the undeveloped parcels referenced above does not create the likelihood of any additional regional impacts not previously reviewed. Substantial compliance with the Development Order condition concerning water discharges to the Tampa By-Pass Canal has occurred based on an agreement between the Developer and Tampa Bay Water that a deed restriction on a portion of the Interstate Business Park DRI, in a form mutually acceptable to the Developer and Tampa Bay Water, will be recorded prior to November 15, 2005.

2. Development of Vacant Land in DRI

IBP2 has submitted a traffic analysis to identify the impacts of the development of the IBP2 Property for 199,500 square feet of Light Industrial/Warehouse uses, 80 Hotel Rooms and development of Tract 12 with 2,700 square feet of restaurant uses. Based on this study, and the fact that the Build-Out date as found in the Development Order expired on December 28, 2003, development of the IBP2 Property with 199,500 square feet of Light Industrial/Warehouse uses and 80 Hotel Rooms, and development of Tract 12 with 2,700 square feet of restaurant uses, may proceed subject to all terms, conditions, requirements and limitations contained in this Agreement, the Hillsborough County Comprehensive Plan and the Land Development Code, including but not limited to concurrency. Any deviation in the development of the IBP2 Property from the 199,500 square feet of Light Industrial/Warehouse uses, 80 Hotel Rooms and 2,700 square feet of restaurant uses authorized in this paragraph shall require an amendment to this Agreement or further review under Chapter 380, F.S., as determined by the County and the Department.

3. Improvements to US 301 and Intersection of US 301/Martin Luther King, Jr. Blvd. (hereinafter the "Transportation Facilities")

At the time that the US 301 level of service criteria (LOS C daily or LOS D peak hour) is exceeded for the segment of US 301 extending from I-4 to Martin Luther King, Jr. Blvd., the Developer shall make a pro-rata contribution towards the cost of construction of improvements to the Transportation Facilities. The maximum cumulative contribution for improvement of the Transportation Facilities shall be \$184,800.00, adjusted for cumulative inflation or deflation, from calendar year 2005 to the calendar year of contribution, using the latest published (composite) Price Trend Index for Florida Highway Construction (Composite Annual Average Index) published by the State of Florida, Department of Transportation State Estimates Engineer.

4. Redevelopment of Developed Tracts.

The Department and the County agree that redevelopment of any developed tracts within the DRI may occur without further DRI review provided that the redevelopment is

below any DRI threshold pursuant to Section 380.06, F.S., and Rule 28-24 of the Florida Administrative Code, but shall be subject to the Hillsborough County Comprehensive Plan and the Hillsborough County Land Development Code, including but not limited to concurrency. The appropriate methodology for any required traffic analysis shall be determined by the County.

5. Annual Reports.

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

6. Agreement Effectuates Chapter 380, Florida Statutes.

IBP2 asserts and warrants that all of the representations and statements made as set forth in this Agreement are true, accurate and complete. Based upon such representations and statements, the Department concludes that this Agreement is in the best interest of the State, is necessary and beneficial to the Department in its role as the state agency with the responsibility for the administration and enforcement of Chapter 380, F.S., and reasonably applies and effectuates the provisions and purposes of Chapter 380, F.S.

7. Default.

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

8. No Waiver.

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

9. Further DRI Review.

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

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

This Agreement affects the rights and obligations of the parties under Chapter 380, F.S. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in issuance of any other permits or approvals

which might be required by state law or local ordinance for any development authorized by this Agreement. This Agreement shall not prohibit the regional planning agency from commenting on any regional issue. Any amendment to or modification of this Agreement shall not be effective unless contained in a writing signed by the parties.

10. Master Plan.

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

11. Binding Effect of Agreement and Recording.

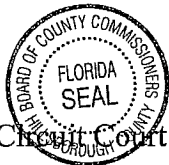
The terms and conditions of the Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. IBP2 shall ensure and provide that any successor in interest in and to any of its lands or parcels affected by this Agreement is bound by the terms of this Agreement. IBP2 shall record a Notice of Adoption of this Agreement in the Official Records of Hillsborough County, Florida, and shall provide the Department with a copy of the recorded notice, which shall be in substantially the form attached hereto as **Exhibit "F"** and incorporated herein by reference, including Official Record Book and Page numbers, within two (2) weeks of the date of execution of this Agreement.

12. Effective Date.

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

ATTEST:

PAT FRANK, Clerk of Circuit Court



Michael K. Ditt  
Deputy Clerk

Board Date: October 25, 2005

APPROVED BY COUNTY ATTORNEY

Donny J. Talley  
Approved As To Form and Legal Sufficiency

HILLSBOROUGH COUNTY, a political  
subdivision of the State of Florida

By: Jim Newman  
Chairman, Board of County Commissioners

BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY FLORIDA  
DOCUMENT NO. 05-2000

WITNESSES:

Print Name: Christina Koldan

Print Name: Diana Ramos

By: IBP Flexxspace2, Ltd., a Florida limited liability partnership

By: IPB FlexxSpace2 GP, LLC, a Florida limited liability company, its general partner

By: Joel Levy, Executive Vice President

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument is hereby acknowledged before me this 14<sup>th</sup> day of November, 2005, by Joel Levy, as Executive Vice President of IBP Flexxspace2 GP, LLC, as General Partner of IBP Flexxspace2, Ltd., a Florida limited partnership. He is personally known to me or has produced \_\_\_\_\_ as identification.



Jacqueline Salgueiro  
Commission #DD411869  
Expires: MAR. 27, 2009

NOTARY PUBLIC

My Commission Expires: 3/27/09

ATTEST:

DEPARTMENT OF COMMUNITY AFFAIRS

By: K. Maureen Conway  
As: Secretary

Approved as to Form and Legal Sufficiency

Rele E. Bryson, Assistant General Counsel  
Counsel

Department of Community Affairs

**EXHIBIT "A"**

Legal Description

(Legal Description for IBP FLEXXSPACE 2, LTD. Property and Tract 12)



## EXHIBIT "A"

### Legal Description

#### Legal Description for IBP FLEXXSPACE 2, LTD. Property

##### PARCEL 1:

A PARCEL OF LAND LYING WITHIN SECTION 1, TOWNSHIP 29 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA, AND BEING A PORTION OF TRACT 1 OF INTERSTATE BUSINESS PARK, UNIT ONE, AS RECORDED IN PLAT BOOK 56, PAGE 39 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; THENCE NORTH 89°56'44" WEST, A DISTANCE OF 25.00 FEET TO THE SOUTHEAST CORNER OF SAID INTERSTATE BUSINESS PARK; THENCE CONTINUE NORTH 89°56'44" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID INTERSTATE BUSINESS PARK, A DISTANCE OF 555.01 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 89°56'44" WEST ALONG SAID SOUTH BOUNDARY LINE, A DISTANCE OF 285.47 FEET; THENCE NORTH 00°02'28" EAST, A DISTANCE OF 307.45 FEET; THENCE SOUTH 89°57'32" EAST, A DISTANCE OF 54.50 FEET; THENCE NORTH 00°02'28" EAST, A DISTANCE 392.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF OAK FAIR BOULEVARD AND A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 96.00 FEET AND A CENTRAL ANGLE OF 89°27'11"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT AND SAID SOUTHERLY RIGHT OF WAY LINE, FROM WHICH THE LOCAL TANGENT AT THE BEGINNING POINT BEARS NORTH 89°49'51" EAST, A DISTANCE OF 149.88 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 45°06'16" EAST, A DISTANCE OF 135.12 FEET TO THE CURVE S END; THENCE NORTH 00°22'40" EAST, A DISTANCE OF 529.92 FEET TO THE NORTHERLY BOUNDARY LINE OF SAID INTERSTATE BUSINESS PARK; THENCE NORTH 89°56'37" EAST ALONG SAID NORTHERLY BOUNDARY LINE, A DISTANCE OF 690.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF GARDEN LANE; THENCE SOUTH 00°22'40" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 621.19 FEET; THENCE NORTH 89°57'32" WEST, A DISTANCE OF 550.01, THENCE SOUTH 00°22'40" WEST, A DISTANCE OF 704.87 FEET TO THE POINT OF BEGINNING: CONTAINING 14.02 ACRES MORE OR LESS.

##### PARCEL 2:

A PARCEL OF LAND LYING WITHIN SECTION 1, TOWNSHIP 29 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA, AND BEING A PORTION OF TRACT 1 OF INTERSTATE BUSINESS PARK, UNIT ONE, AS RECORDED IN PLAT BOOK 56, PAGE 39, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; THENCE NORTH 89°56'44" WEST, A DISTANCE OF 25.00 FEET TO THE SOUTHEAST CORNER OF SAID INTERSTATE BUSINESS PARK; THENCE CONTINUE NORTH 89°56'44" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID INTERSTATE BUSINESS PARK, A DISTANCE OF 1617.98 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE ALONG THE SOUTHERLY BOUNDARY LINE OF SAID INTERSTATE BUSINESS PARK THE FOLLOWING THREE (3) COURSES: (1) NORTH 89°56'44" WEST, A DISTANCE OF 156.06 FEET; (2) NORTH 00°23'59" EAST, A DISTANCE OF 150.12 FEET; (3) SOUTH 89°49'32" WEST, A DISTANCE OF 317.41 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 301 AT A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 23018.32 FEET AND A CENTRAL ANGLE OF 01°18'27"; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE TO THE LEFT, FROM WHICH THE LOCAL TANGENT AT THE BEGINNING POINT BEARS NORTH 08°35'41" EAST, A DISTANCE OF 525.30 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 07°56'27" EAST, A DISTANCE OF 525.28 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF OAK FAIR BOULEVARD AT A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: (1) SOUTH 89°56'57" EAST, A DISTANCE OF 275.07 FEET; (2) NORTH 84°19'13" EAST, A DISTANCE OF 301.51 FEET; (3) SOUTH 89°57'32" EAST, A DISTANCE OF 92.75 FEET; THENCE SOUTH 00°02'28" WEST, A DISTANCE OF 181.00 FEET; THENCE NORTH 89°57'32" WEST, A DISTANCE OF 267.50 FEET; THENCE SOUTH 00°02'28" WEST, A DISTANCE OF 518.27 FEET TO THE POINT OF BEGINNING. CONTAINING 6.823 ACRES MORE OR LESS.

## Legal Description

### Legal Description for Impact Properties LLC Property

#### LEGAL DESCRIPTION: PARCEL "B"

A parcel of land lying within Tract 12, PARK OF COMMERCE, as recorded in Plat Book 71, Pages 35-1 through 35-5, of the Public Records of Hillsborough County, Florida; being more particularly described as follows:

BEGIN at the Southwest corner of Tract 12 of said PARK OF COMMERCE plat, also being the intersection of the right-of-way lines of Elm Fair Boulevard, and U.S. Highway 301 (State Road No. 43), as shown on said PARK OF COMMERCE plat; thence S.82°02'49"E., along the Northerly right-of-way line of Elm Fair Blvd. as shown on said PARK OF COMMERCE plat, 239.63 feet; thence leave said Northerly right-of-way line N.07°57'11"E., 33.50 feet; thence N.18°46'35"W., 31.95 feet; thence N.07°57'11"E., 58.18 feet, to the point of a NON-tangent curve to the left, said curve having for its elements a central angle of 41°14'46", radius of 25.50 feet, chord bearing and distance of N.30°52'52"W., 17.96 feet, thence along the arc of said curve, 18.35 feet to end of said curve; thence N.82°02'49"W., 150.53 feet; thence N.09°12'35"E., 21.58 feet; thence N.82°02'49"W., 61.35 feet to a point on the curve of the East right-of-way line of U.S. Highway 301, (State Road No. 43), as shown on said PARK OF COMMERCE plat; said curve being concave to the East, and having for its elements a central angle of 00°23'28", radius of 22,818.32 feet, chord bearing and distance of S.08°54'03"W., 155.80 feet, thence along the arc of said curve, 155.80 feet to the aforementioned Southwest corner of Tract 12, and Point of Beginning.

**EXHIBIT “B”**

Legal Description

(Insert Legal Description for Interstate Business Park DRI Property)

## EXHIBIT "B"

### EBOA APPLICATION FOR INTERSTATE BUSINESS PARK, DRI #86 EXHIBIT B LEGAL DESCRIPTION

#### INTERSTATE BUSINESSS PARK AND FAIRFIELD COMMERCE CENTER

The South 492.35 feet of Lot 12, STATE HIGHWAY FARMS, Plat Book 27, Page 98, Public Records of Hillsborough County, Florida, LESS right-of-way for Garden Lane.

AND

The South 515.72 feet of Lot 13, STATE HIGHWAY FARMS, Plat Book 27, Page 98, Public Records of Hillsborough County, Florida

AND

That part of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 1, Township 29, Range 19 East, lying East of State Road No. 43, LESS the North 300.00 feet thereof:

AND

The Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 1, Township 29, Range 19 East.

AND

The Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 1, Township 29, Range 19 East, LESS that portion thereof lying West of State Road No. 43, AND LESS road right-of-way AND LESS the following described tract:

That part of the South 150.00 feet of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 1, Township 29, Range 19 East, lying East of U.S. Highway 301 and extending Eastward to the Westerly boundary of a 200 foot Tampa Electric Company Easement:

AND

Lots 14, 15, 16, 17, 18 and the North 359.00 feet of Lot 19, STATE HIGHWAY FARMS, Plat Book 27, Page 98, Public Records of Hillsborough County, Florida, LESS a portion of Lot 14 sold to State Road Department:

AND

The West 194.25 feet of Lot 13, STATE HIGHWAY FARMS, LESS the South 515.72 feet AND LESS a portion sold to State Road Department:

AND

That part of Tracts 12 and 13, STATE HIGHWAY FARMS, described as beginning 521.76 feet North and 196.00 feet West of the Southeast corner and continue West 243.77 feet, South 6.13 feet, West 228.05 feet, North 368.30 feet to the Southerly right-of-way of State Road No. 400, Easterly along right-of-way 522.28 feet, South 128.00 feet, East 100.46 feet, Southerly along Westerly right-of-way of Garden Lane 50.9 feet, West 141.13 feet and South 180.00 feet to the Point of Beginning.

AND

That part of Lot 12, STATE HIGHWAY FARMS, described as beginning 492.35 feet North and 50.00 feet West of the Southeast corner and run West to West Boundary, North 29.41 feet, East 389.77 feet and South 29.41 feet to the Point of Beginning.

All lying in Section 1, Township 29, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

For a POINT OF REFERENCE, COMMENCE at the Southeast corner of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 1, Township 29, Range 19 East, Hillsborough County, Florida. RUN THENCE North 89 degrees-56'-40" West, along the South boundary of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, a distance of 25.00 feet to a point on the Westerly right-of-way line of Garden Lane for the Point of Beginning. Continue THENCE North 89 degrees-56'-40" West, along the South boundary of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and along the South Boundary of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 1, a distance of 1,773.97 feet; THENCE North 0 degrees-15'-55" East, a distance of 150.10 feet; THENCE South 89 degrees-59'-14" West, as distance of 317.22 feet to a point on the Easterly right-of-way line of U.S. Highway 301 (State Road No. 43) said point being on a curve to the left having a radius of 23,018.32 feet ; THENCE along the Easterly right-of-way line of U.S. Highway 301, 868.22 feet along the arc of said curve through a central angle of 02 degrees-09'-40", a chord bearing and distance of North 07 degrees-31'-20" East, 868.17 feet to the P.R.C. of a curve to the right having a radius of 22,818.32 feet and a central angle of 03 degrees-01'-41"; THENCE along the Easterly right-of-way line of U.S. Highway 301, 1,205.94 feet along the arc of said curve, a chord bearing and distance of North 07 degrees-57'-21" East, 1,205.80 feet to the P.I. of said curve; THENCE North 80 degrees-31'-49" West, along the Easterly right-of-way line of U.S. Highway 301, a distance of 18.04 feet, THENCE North 09 degrees-28'-11" East, along the Easterly right-of-way line of U.S. Highway 301, a distance of 141.33 feet; THENCE North 89 degrees-54'-02" East, a distance of 512.15 feet to a point on the West line of Lot 16 of STATE HIGHWAY FARMS, as per map or plat thereof recorded in Plat Book 27, Page 98 of the Public Records of Hillsborough County, Florida; THENCE North 0 degrees-21'-00" East, along the West line of said Lot 16 and along the West lines of Lots 15 and 14 of said STATE HIGHWAY FARMS, a distance of 786.13 feet to a point on the Southerly right-of-way line of State Road No. 400 (Interstate 4); THENCE North 52 degrees-14'-36" East, along the Southerly right-of-way line of State Road No. 400, a distance of 497.22 feet; THENCE North 62 degrees-20'-33" East, along the Southerly right-of-way line of State

Road No. 400, a distance of 98.04 feet; THENCE North 70 degrees-20'-49" East, along the Southerly right-of-way line of State Road No. 400, a distance of 134.73 feet; THENCE North 86 minutes-25"-47" East, along the Southerly right-of-way line of State Road No. 400, a distance of 181.04 feet to a point on a curve to the left having a radius of 6,556.51 feet; THENCE along the Southerly right-of-way of State Road No. 400, 399.88 feet along the arc of said curve, through a central angle of 03 degrees-29'-40", a chord bearing and distance of South 88 degrees-10'-49" East, 399.82 feet to a point on said curve, THENCE South 0 degrees-27"-36" West, a distance of 126.47 feet; THENCE North 89 degrees-58'-38" East, a distance of 101.45 feet to a point on the Westerly right-of-way line of Garden Lane; said point being on a curve to the left having radius of 371.00 feet; THENCE along the Westerly right-of-way line of Garden Lane, 50.88 feet along the arc of said curve, through a central angle of 07 degrees-51'-30", a chord bearing and distance of South 10 degrees-57"-43" West, 50.84 feet to a point on said curve, THENCE South 89 degrees-58'-38" West, a distance of 138.31 feet; THENCE South 0 degrees-27'-36" West, a distance of 180.00 feet; THENCE North 89 degrees-53'-07" East, a distance of 143.25 feet to a point on the Westerly right-of-way line of Garden Lane; THENCE south 4 degrees, 23 minutes, 29 seconds East, along the westerly right-of-way line of Garden Lane a distance of 35.89 feet; THENCE South 0 degrees-23'-37" West, along the Westerly right-of-way line of Garden Lane, a distance of 150.00 feet; THENCE South 89 degrees-36'-23" East, along the Westerly right-of-way line of Garden Lane, a distance of 25.00 feet; THENCE South 0 degrees-23'-37" West, along the Westerly right-of-way line of Garden Lane, a distance of 2,987.88 feet to the POINT OF BEGINNING.

Containing 136.68 acres, MORE OR LESS.

SUBJECT TO easements and rights-of-way of record.

## **EXHIBIT “C”**

(Interstate Business Park DRI Entitlements Analysis)

**SUMMARY OF DEVELOPMENT FOR  
INTERSTATE BUSINESS AND FAIRFIELD COMMERCE PARKS**

| <b>DRI LAND USE</b>  | <b>APPROVED<br/>DEVELOPMENT<br/>(PER DO)</b> | <b>DEVELOPMENT<br/>CONSTRUCTED<br/>(TO DATE)</b> | <b>REMAINING<br/>ENTITLEMENTS</b> | <b>ENTITLMENTS<br/>RETAINED/ENTITLEMENTS<br/>RELINQUISHED<br/>(PER EBOA)</b> |
|--|--|--|-----------------------------------|--|
| <b>FAIRFIELD/<br/>NORTHERN<br/>PORTION</b>                   |  |  |                                   |  |
| LIGHT<br>INDUSTRIAL<br>WAREHOUSE                             | 900,000                                      | 761,395  | 138,605                           | 0/(138,605)  |
| OFFICE   | 154,747                                      | 101,535  | 53,212                            | 0/(53,212)   |
| HOTEL  | 75   | 75   | 0                                 | 0/(0)  |
| SERVICE<br>CENTER  |  |  |                                   |  |
| RESTAURANT   | 2,700  | 0  | 2,700                             | 2,700/(0)  |
| <b>INTERSTATE<br/>BUSINESS<br/>PARK/SOUTHERN<br/>PORTION</b> |  |  |                                   |  |
| LIGHT<br>INDUSTRIAL<br>WAREHOUSE                             | 650,000                                      | 305,928  | 344,072                           | 199,500/(144,572)**<br>(102,590)   |
| OFFICE   | 139,210                                      | 129,074  | 10,136                            | 0/(10,136)   |
| HOTEL  | 102  | 102  | 0                                 | 80*/(0)  |
| SERVICE<br>CENTER  |  |  |                                   |  |
| RESTAURANT   | 0  | 0  | 0                                 | 0/(0)  |

\*NOTE: 80 hotel rooms = 41,982 square feet of Light Industrial (80/1.9056 x 1000)

\*\*NOTE: The amount of Light Industrial relinquished is 144,572 – 41,982 = 102,590



## **EXHIBIT “D”**

### **DRI Compliance Report**

Development Order Section IV. Specific Conditions

## EXHIBIT "D"

### DRI Compliance Report

#### Development Order Section IV. Specific Conditions

##### A. Wetlands

This condition requires that all wetlands taken for development be replaced at a minimum 1 to 1 ratio. The creation of replacement wetland acreage must be done in accordance with the Application for Development Approval.

**Impacts to wetlands within the Fairfield Commerce Center portion of the property (the northern portion of the development) were permitted by the Army Corps of Engineers Permit 199606524. This permit required the construction and monitoring of a mitigation area, which was planted in April 2001 by Aquatic Plants of Florida, Inc. Subsequently, semi-annual Monitoring Reports have been included with the Annual Report submittals.**

According to Blake Meinecke, ECP, a search of the agency's records revealed that there are no wetland areas associated with this project. He indicated that permits issued by the Army Corps of Engineers are not necessarily recorded by EPC.

##### B. Water Service

This condition states that the City of Tampa has agreed to provide water service to the project.

**All of the property within the Interstate Business Park has been platted, and the water facilities have been accepted by the Board of County Commissioners of Hillsborough County. In addition, all of the property within the Interstate Business Park is subject to the Declaration of Covenants, Conditions and Restrictions for Interstate Business Park, recorded at OR Book 4192, Page 295. Section IX. I. of the Declaration requires that each Lot Owner connect to the lines the City of Tampa, unless otherwise authorized and in accordance with local ordinances and regulations.**

##### C. Soils and Erosion Control

Subsurface testing is required by the Application for Development Approval. Soil tests are to be submitted to Hillsborough County during the building permit process.

Implementation of wind control and water erosion mitigation measures are required during construction.

**The existing development has been constructed based on approved permits issued by Hillsborough County, and subject to the local government's requirements regarding any applicable soil testing, wind control and water erosion measures. In addition, in EPC's review of final subdivision plats within Interstate Business Park, the applicant is informed**

that hay bales, silt screens or other EPC approved methods or erosion/turbidity control may be required but it is the responsibility of the owner/developer to insure the installation of adequate erosion control barriers prior to the commencement of any site work. All final plats including a replat of folio # 40779.0502 approved on November 23, 2004, received final approval from EPC.

#### D. Site Use

This condition prohibits uses which emit abnormal or hazardous quantities of noxious odors, gases or smoke. Within the Park of Commerce portion of the project, no large quantity generators of hazardous wastes are permitted.

**Section V.A. of the recorded Declaration of Covenants, Conditions and Restrictions for the Interstate Business Park prohibits such uses.**

#### E. Sewer Service

The City of Tampa is identified as the wastewater provider. Solid Waste collection, transportation, and disposal are controlled by Hillsborough County, Florida.

**All of the property within the Interstate Business Park has been platted, and the wastewater facilities have been accepted by the Board of County Commissioners of Hillsborough County. In addition, all of the property within the Interstate Business Park is subject to the Declaration of Covenants, Conditions and Restrictions for Interstate Business Park, recorded at OR Book 4192, Page 295. Section IX. I. of the Declaration requires that each Lot Owner connect to the lines the City of Tampa, unless otherwise authorized and in accordance with local ordinances and regulations.**

**Hillsborough County is currently providing solid waste collection services.**

#### F. Fire Protection

Hillsborough County is identified as the entity responsible for fire protection.

**Hillsborough County is currently providing fire protection services.**

#### G. Energy

The Developer, through project covenants, is responsible for encouraging project buyers and tenants to utilize energy management and conservation measures, to the extent cost-effective.

**The 1986 Annual Report submittal reflects that Section III, "Energy Conservation Techniques" of the Development Criteria addresses this condition. A copy of the Development Criteria for Interstate Business Park is attached.**

#### H. Drainage

1. Final determinations concerning the adequacy of the storm drainage system shall be made upon review of the detailed construction plans.

**All of the property within the Interstate Business Park has been platted, and the drainage ponds and detention ponds depicted thereon have been reviewed by Hillsborough County, accepted, and dedicated to public use.**

2. The Florida Department of Transportation will continue to maintain the drainage ditch that bisects the property.

**Tom Gaffney, Maintenance Department, FDOT is looking into this.**

3. The interior swale and detention systems shall be maintained by the Developer.

**Landscape Maintenance Professionals is maintaining common areas including ponds and pond banks for the northern portion, Fairfield Commerce Park.**

4. The concentrations of nutrients, primarily nitrogen and phosphate in the runoff from the project shall be controlled by the Developer through regular landscape maintenance and the controlled application of fertilizers and pesticides by competent personnel.

**Pursuant to the recorded Declaration of Covenants, Conditions and Restrictions, and Architectural Review Committee for the project is established which is responsible for reviewing and approving all Landscape Plans for the parcels within the project, to ensure that meet the Development Criteria. Although individual parcel owners take responsibility for landscape maintenance of their parcels, if such landscaping does not comply with the Development Criteria, the Committee, on behalf of the Interstate Business Park Property Owners Association is authorized to undertake such landscaping to ensure that the requirements are met.**

5. The Developer may transfer the responsibilities described in paragraphs 3 through 5 to a property owners association.

**Pursuant to the recorded Declaration of Covenants, Conditions and Restrictions, and Architectural Review Committee for the project is established which is responsible for reviewing and approving all Landscape Plans for the parcels within the project, to ensure that meet the Development Criteria. Although individual parcel owners take responsibility for landscape maintenance of their parcels, if such landscaping does not comply with the Development Criteria, the Committee, on behalf of the Interstate Business Park Property Owners Association is authorized to undertake such landscaping to ensure that the requirements are met.**

6. The Developer shall institute a water quality monitoring program to include, at a minimum, sampling at outfall structures of biochemical oxygen demand, dissolved oxygen, turbidity, total nitrogen, nitrate nitrogen, total phosphorous, oils and greases, lead, temperature and pH, as proposed in the Application.

Water Quality Monitoring in accordance with this condition has been performed by Biological Research Associates, and included with Annual Report submittals for the project.

7. In the event the Tampa By-Pass Canal becomes a source for potable water, the Developer shall assist in meeting Class I-A water quality standards for waters discharged by the Developer from the project site into the Tampa By-Pass Canal.

**Copies of the SWFWMD permits for Interstate Business Park, Parcel 1A, and for Holiday Inn Express are attached.**

8. To maintain water quality, the Developer shall construct a drainage system to detain the "first flush" in detention basins on-site, with a controlled discharge of runoff from the site.

**According to Shields Clark, Hillsborough County Land Development Review and Permitting, a letter or copy of the permit from SWFWMD will be satisfactory since stormwater treatment has been delegated to SWFWMD. Copies of Permit No. 4617457.00 for Interstate Business Park, Parcel 1A issued 2/11/98 and Permit No. 46015913.008 for Holiday Inn Express issued 9/16/03 have been secured.**

#### I. Transportation

a. Intersection of US 301 and the North Entrance Road. The Developer shall be required to obtain appropriate permits from the Florida Department of Transportation for the construction and signalization of this intersection. The construction of road improvements and installation of signalization shall take place in accordance with the directives of the Florida Department of Transportation. The described intersection improvements shall be completed prior to the project completion.

**Signal warrants have not been met. Therefore, signals have not been installed.**

b. Intersection of US 301 and the South Entrance Road.

The Developer shall be required to obtain appropriate permits from the Florida Department of Transportation for the construction and signalization of this intersection. The construction of road improvements and installation of signalization shall take place in accordance with the directives of the Florida Department of Transportation. The described intersection improvements shall be complete prior to project completion.

**Signal warrants have not been met, therefore signals have not been installed.**

d. US 301 and Intersection of US 301/Buffalo Avenue

The Development Order identifies the widening of US 301 to six lanes from a point six hundred feet south of Buffalo Avenue to I-4 and intersection improvements at US 301 and I-4 as improvements for which the Developer is required to contribute a pro-rata contribution, not to exceed \$150,000.00. Of this amount, \$100,000 is for the improvements to US 301, and \$50,000 is for the improvements to the intersection of US 301 and Buffalo Avenue. This allocation is

based on the project contributing 25% of the total traffic on US 301 and 17.4% of the total traffic at the intersection. The time of computation of the project's impacts on transportation facilities is the time at which there is an Average Daily Traffic of 3,000 vehicles from either the North or South entrance road. At this time, the County and the Developer shall determine what percentage of the total traffic existing on the respective transportation facilities is generated by the project. The time of computation of impact is established based on the conclusion that the improvements would be required when Average Daily Traffic reaches 3,000 vehicles, to maintain a level of Service C during regular hours and a Level of Service D during peak hours. If the Average Daily traffic occurs, but the service levels have not dropped below Level of Service C during regular hours and Level of Service D during peak hours, then the point of computation shall be postponed until such time as the service levels drop.

**Please see the current NOPC Transportation Analysis, wherein it has been demonstrated that acceptable levels of service are currently maintained on the subject roadway segments. Moreover, the Hillsborough County 2005 Roadway Level of Service Report confirms that the subject roadway segments are operating within acceptable level of service standards.**

e. Garden Lane

No access points to the project are permitted from Garden Lane.

**The project does not include any access points on Garden Lane.**

f.2. The Developer shall participate in a transportation system management (TSM) and implementation program, which shall encourage the use of carpooling, vanpooling, flex time, transit ridership and provision of bus stops.

**The project is continuing in a manner consistent with this condition.**

f.4. Sums contributed under this Development Order for construction of the transportation facilities shall be considered a credit towards the payment of any Countywide impact fee.

J. Land Uses

Approved land uses within the Interstate Business Park are:

Office: 339,210 sq. ft.

Service Center/Light Industrial/Warehouse: 1,550,000 sq. ft.

Hotel: 102 Rooms

**Total development constructed to date, plus development requested pursuant to the Essentially Built Out Agreement is:**

Office: 230,609 sq. ft.

Service Center/Light Industrial/Warehouse: 1,067,323 sq. ft.

Hotel Rooms: 257 rooms (based on use of the approved Land Use Equivalency Matrix)

Therefore, 241,195 sq. ft. of approved Industrial entitlements, and 63,348 sq. ft. of Office entitlements will not be constructed if the Essentially Built Out Agreement is approved.

K. Land Use Equivalency Matrix.

1. The Developer of the southern portion of Interstate Business Park is entitled to trade off uses in accordance with the approved Equivalency Matrix.
2. The Developer of Tract 12 of the Interstate Business Park is entitled to trade off uses in accordance with the approved Land Use Equivalency Matrix.

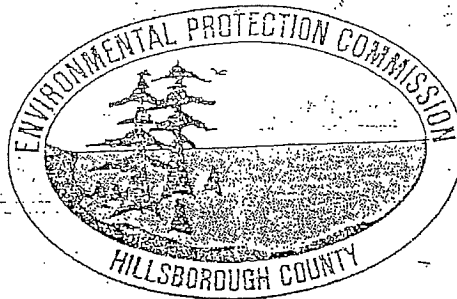
#1719669v1<TRANS1> - IBP - EBOA - Development Order Compliance Exhibit

Attachments for Exhibit "D"  
DRI Compliance Report

1. EPC review of final plat for Interstate Business Park, Tract 1-Replat - Response to item C
2. County approval letter for Interstate Business Park, Tract-1 - Response to item C
3. Development Criteria for I-BP, Exhibit G-B - Response to item G
4. SWFWMD Permit # 46015913.008 - Response to item H (8)
5. SWFWMD Permit # 4617457.00 - Response to item H (8)
6. FDOT response (Sara Mulhausen's email) on Signalization at US 301 and Oak Fair Boulevard and US 301 and Elm Fair Boulevard - Response to item I (a) and (b).



COMMISSION  
Kathy Eastor  
Pat Frank  
Ken Hogan  
Jim Norman  
Jan K. Platt  
Thomas Scott  
Ronda Storms



Administrative Offices,  
Legal & Water Management Division  
The Roger R. Stewart Environmental Center  
1900 - 9th Ave. • Tampa, FL 33605  
Ph. (813) 272-5960 • Fax (813) 272-5157  
Air Management Fax 272-5605  
Waste Management Fax 272-2256  
Wetlands Management Fax 272-7144  
1410 N. 21st Street • Tampa, FL 33605

Executive Director  
Richard D. Garrity, Ph.D.

October 8, 2004

Mr. Wayne C. Giggins  
Phoenix Surveying Services, Inc.  
3014 North U.S. Highway 301  
Suite 400  
Tampa, FL 33619-5071

SUBJECT: EPC REVIEW OF THE FINAL PLAT FOR INTERSTATE BUSINESS PARK  
TRACT 1 - REPLAT / FOLIO # 40779.0502 / PLANS PREPARED BY PHOENIX  
SURVEYING, SHEET 1 THRU 2 OF 2 / RECEIVED BY PGMD SEPTEMBER 9,  
2004 / RECEIVED BY EPC SEPTEMBER 9, 2004 / STR - 1-29-19

Dear Mr. Giggins:

The staff of the Environmental Protection Commission (EPC) has completed its review of the subject final plat and cannot recommend approval until the following issues have been adequately addressed in a resubmittal. The EPC Wetland Line is accurately depicted and wetland impacts are not depicted.

1. The wetland conservation area has a 30-foot Wetland Conservation Area Setback associated with it. All future submittals need to depict this setback area with the line labeled as such.
2. The presence of a Wetland Conservation Area on the subject site shall require the Final Plat to depict the following information:

#### WETLAND CONSERVATION AREA NOTE

The Wetland Conservation shall be retained in a natural state pursuant to Hillsborough County, FL Land Development Code (LDC) as amended; the Hillsborough County Environmental Protection Act, Chapter 84-146; and Chapter 1-11, Rules of the Environmental Protection Commission of Hillsborough County. In addition, a 30-foot setback from the Wetland Conservation Areas is required and shall conform to the provisions stipulated within the Land Development Code."



Mr. Wayne Giggins

October 7, 2004

Page 2

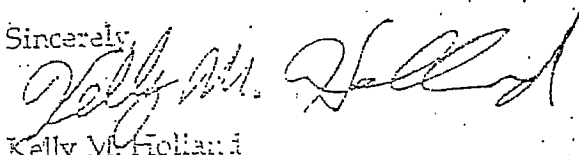
Informational Comments

All efforts must be undertaken to prevent any erosion or turbid water from being discharged into wetlands and/or waters of the County. Turbid discharges that exceed 50 JTU's (Jackson Turbidity Units) or 29 NTU's (Nephelometric Turbidity Units) above background levels are a violation pursuant to Chapter 1-5, the EPC Water Quality Rule. The erosion or discharge of sediments into wetlands is a violation of Chapter 1-11, the EPC Wetland Rule. Hay bales, silt screens or other EPC approved methods or erosion/turbidity control may be required. It is the responsibility of the owner/developer to insure the installation of adequate erosion control barriers prior to the commencement of any site work. These erosion control devices must be maintained in good condition throughout the construction process and until all loose soils have stabilized. It is strongly recommended that all erosion control devices be regularly inspected during construction and modified if conditions warrant.

Any activity interfering with the integrity of wetland(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or his authorized agent, pursuant to Section 1-11.07, Rules of the Commission, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and Chapter 1-11, Rules of the EPC.

If you have any questions or need further assistance, please feel free to call me.

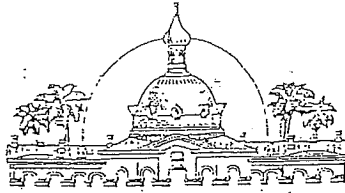
Sincerely,



Kelly M. Holland  
Environmental Supervisor  
Wetlands Management Division  
Environmental Protection Commission  
of Hillsborough County

cc: Celeste Murphy, PGMD

kmh/pda/lh



Hillsborough County  
Florida

Office of the County Administrator  
Patricia G. Bean

November 23, 2004

BOARD OF COUNTY COMMISSIONERS

Brian Blair  
Kathy Castor  
Ken Hagan  
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Deputy County Administrator  
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Bernardo Garcia  
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Manus J. O'Donnell

Wayne Giggins  
Phoenix Surveying Services, Inc.  
3014 N. US Hwy. 301, Suite 400  
Tampa, Florida 33619

**SUBJECT: INTERSTATE BUSINESS PARK TRACT 1 REPLAT  
PLATTED SUBDIVISION NO IMPROVEMENTS**

Dear Mr. Giggins,

The staff of the Planning and Growth Management Department has reviewed the above referenced project and found it to be in compliance with Section 10.01.05, of the Hillsborough County Land Development Code (LDC) as adopted by the Board of County Commissioners and effective April 1, 1997.

The approved two (2) lots are indicated as Lots 1 through 2 on the plat submitted to the Planning & Growth Management Department on October 27, 2004. The plat contains 14.01 acres. These lots are located in Section 1, Township 29, and Range 19.

Approval is granted with the following conditions:

1. Prior to issuance of building permits, the Platted Subdivision No Improvements Plat shall be recorded with the Clerk of the Circuit Court, and evidence of this shall be submitted to this Department and the Division of Development Services.
2. The existing drainage flow patterns shall not be impeded.
3. Tree Removal/Landscaping Permits are required for each lot prior to applying for a Building Permit unless otherwise approved by the Planning and Growth Management Department. Application for these permits shall include lot grading information.
4. This approval applies only to the development proposal as submitted, and in no way does it provide EPC approval to any other aspect of the EPC review process. In addition, this approval does not imply exemption from obtaining all proper permits from other governmental agencies.

Post Office Box 1110 • Tampa, Florida 33601

Web Site: [www.hillsboroughcounty.org](http://www.hillsboroughcounty.org)

Seal of Hillsborough County, Florida

Exhibit G-B

DEVELOPMENT CRITERIA

FOR

INTERSTATE BUSINESS PARK

TAMPA, FLORIDA

K. "General Common Properties" shall mean all land, Improvements and other properties now or hereafter owned or leased by the Association.

L. "Owner" shall mean the Owner of record of a Lot, whether one or more persons or entities. For the purpose herein, the Owner may act through such Owner's agent provided that such agent is authorized in writing to act in such capacity.

### III. ARCHITECTURAL CRITERIA

#### A. PURPOSE

The Developer of the Business Park wishes to maintain a consistent design philosophy as described herein.

1. In simplest terms, the Improvements erected at the Park must be visually interesting. Simple forms and masses are acceptable but they must have some visually interesting attributes. Corner details, glass/skin details and windows must work to create something other than a bland glass cube having square corners and tinted glass with matching frames.

2. Rhythm and proportion are important visual attributes. The Improvements must be interesting enough to keep the eye moving and exploring their facades, terraces and site improvements.

3. Monumental architecture, oversimplified in its visual statement and/or connoting high density urban development, is discouraged.

4. The Business Park is a high-quality development in a suburban setting and the architecture of the Improvements must reflect this; especially in terms of maintaining human scale, through a combination of form, massing, materials, texture and color.

#### B. BUILDING SITING AND ORIENTATION

1. The development of Interstate Business Park as a functionally and visually integrated complex is encouraged. The siting and orientation of office, office/warehouse, commercial buildings and related Improvements (including parking garages) shall recognize existing relationships; i.e., buildings, streets, pedestrian paths, drainage patterns, and serve to enhance them. Special attention shall be given to the protection of views.

2. Buildings should be sited to conform to the proposed grading plan.

3. New developments shall give consideration to the solar access of existing developments.

#### C. ENERGY CONSERVATION TECHNIQUES

Interstate Business Park encourages Owners to utilize energy conservation techniques likely to be cost effective. The public image of

and the Owners and tenants within the Park would be enhanced given such a philosophy. However, the visual integration of whatever energy conservation techniques are utilized with the architecture of the Improvements shall be of concern to the Committee. Such devices as flat plate solar collectors, "trombe" walls, sun-control louvers, earth sheltering and others shall be part of the architecture and not be insensitively placed, applied or made part of the Improvements. The visual prominence of unsightly hardware; i.e., piping, pumps, gears and racks, associated with any of these devices shall not be acceptable. These criteria shall apply to energy retrofit on existing Buildings as well as to new construction.

Interstate Business Park encourages Owners, within the acknowledged constraints of operating and construction budgets, to incorporate the following energy management/conservation measures:

1. Landscaping of parking lots and Buildings to improve energy conservation.
2. Use of energy conservation features and techniques for interior and exterior Building design.
3. Use of waste heat as an energy management technique.
4. Appointment of an energy manager for each tenant or land purchaser.
5. Encouragement of each multitenant building developer to consider the use of individual tenant electric meters as opposed to a master meter for the entire Building.

#### D. "FIVE-SIDED" ARCHITECTURE

1. The Committee encourages the design of Improvements having no unsightly walls or rooftops.
2. The usual design criteria apply such that no mechanical, electrical or other equipment (including energy conservation devices) shall be installed on the roof or hung on any exterior walls unless appropriately screened, in a manner consistent with the architecture of the Improvements and approved in writing by the Committee.

#### E. EXTERIOR MATERIALS

1. To achieve a visually integrated Business Park, the Committee shall pay special attention to the type, quantity and use of exterior materials both in the Buildings and in related landscaping; i.e., paving, plazas, fountains, planters, screen walls, fences, "street" furniture and signage.
2. Limiting the variety of materials used in any one development, be it a single or multistructure complex, is encouraged. Furthermore, exterior materials must be selected in empathy with existing materials

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
GENERAL FOR MINOR SURFACE WATER MANAGEMENT SYSTEMS  
PERMIT NO. 46015913.008

**Expiration Date: September 16, 2008**

**Issue Date: September 16, 2003**

This permit is issued under the provisions of Chapter 373, Florida Statutes (F.S.) and the Rules contained in Chapters 40D-4 and 40D-40, Florida Administrative Code (F.A.C.). The permit authorizes the Permittee to proceed with construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Holiday Inn Express - Fairgrounds

**GRANTED TO:** Ram Tampa, Inc.  
2520 North 50th Street  
Tampa, FL 33619

**ABSTRACT:** The proposed project is a new hotel. Water quality treatment is to be provided by wet detention.

**OP. & MAINT. ENTITY:**

**COUNTY:** Hillsborough

**SEC/TWP/RGE:** 01/29S/19E

**TOTAL ACRES OWNED  
OR UNDER CONTROL:** 3.18

**PROJECT SIZE:** 3.18 Acres

**LAND USE:** Commercial

**DATE APPLICATION FILED:** March 14, 2003

**AMENDED DATE:** August 27, 2003

**SPECIFIC CONDITIONS**

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit shall terminate, pursuant to Section 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. The discharges from this system shall meet state water quality standards as set forth in Chapter 62-302 and Section 62-4.242, F.A.C., for class waters equivalent to the receiving waters.

3. Unless specified otherwise herein, two copies of all information and reports required by this permit shall be submitted to:

Tampa Regulation Department  
Southwest Florida Water Management District  
7601 U.S. Highway 301 North  
Tampa, FL 33637-6759

The permit number, title of report or information and event (for recurring report or information submittal) shall be identified on all information and reports submitted.


4. The Permittee shall retain the design engineer, or other professional engineer registered in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the professional engineer so employed. This information shall be submitted prior to construction.
5. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit to the Tampa Service Office a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C., and signed, dated and sealed as-built drawings. The as-built drawings shall identify any deviations from the approved construction drawings.
6. The District reserves the right, upon prior notice to the Permittee, to conduct on-site research to assess the pollutant removal efficiency of the surface water management system. The Permittee may be required to cooperate in this regard by allowing on-site access by District representatives, by allowing the installation and operation of testing and monitoring equipment, and by allowing other assistance measures as needed on site.
7. The operation and maintenance entity shall submit inspection reports in the form required by the District, in accordance with the following schedule.
- For systems utilizing retention or wet detention, the inspections shall be performed two (2) years after operation is authorized and every two (2) years thereafter.
8. The removal of littoral shelf vegetation (including cattails) from wet detention ponds is prohibited unless otherwise approved by the District. Removal includes dredging, the application of herbicide, cutting, and the introduction of grass carp. Any questions regarding authorized activities within the wet detention ponds shall be addressed to the District's Surface Water Regulation Manager, Tampa Service Office.
9. If limestone bedrock is encountered during construction of the surface water management system, the District must be notified and construction in the affected area shall cease.
10. The Permittee shall notify the District of any sinkhole development in the surface water management system within 48 hours of discovery and must submit a detailed sinkhole evaluation and repair plan for approval by the District within 30 days of discovery.



11. The District, upon prior notice to the Permittee, may conduct on-site inspections to assess the effectiveness of the erosion control barriers and other measures employed to prevent violations of state water quality standards and avoid downstream impacts. Such barriers or other measures should control discharges, erosion, and sediment transport during construction and thereafter. The District will also determine any potential environmental problems that may develop as a result of leaving or removing the barriers and other measures during construction or after construction of the project has been completed. The Permittee must provide any remedial measures that are needed.
12. This modification, Construction Permit No. 46015913.008, amends the previously issued Construction Permit No. 46015913.002, and adds conditions. All other original permit conditions remain in effect.
13. Refer to GENERAL CONDITIONS No. 15 herein.

**GENERAL CONDITIONS**

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.



Authorized Signature

## EXHIBIT "A"

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the District as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling, and total monthly volume discharged from the property or into surface waters of the state.
5. District staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the District as a permit prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
7. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.
8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.

### ERP General Conditions

Individual (Construction, Conceptual, Mitigation Banks), Standard General, Minor Systems

9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
- Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
  - Any existing septic tanks on site shall be abandoned at the beginning of construction.
  - Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a written notification of commencement indicating the actual start date and the expected completion date.
12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C. Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until a transfer is approved by the District, the permittee shall be liable for compliance with the terms of the permit.
16. Should any other regulatory agency require changes to the permitted system, the District shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
17. This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.

18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.
19. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
20. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
21. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40D-4.351, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
22. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with District rules, regulations and conditions of the permits.
23. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District and the Florida Department of State, Division of Historical Resources.
24. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
STANDARD GENERAL FOR MINOR SURFACE WATER MANAGEMENT SYSTEMS  
PERMIT NO. 4617457.00

**EXPIRATION DATE:** February 11, 2003

**PERMIT ISSUE DATE:** February 11, 1998

This permit, issued under the provisions of Chapter 373, Florida Statutes, and Florida Administrative Code Rule 40D-40, authorizes the Permittee to perform the work outlined herein and shown by the application, approved drawing(s), plans, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** Interstate Business Park Parcel 1A

**GRANTED TO:** Interstate Business Park, Ltd.  
15950 Bay Vista Drive, Suite 250  
Clearwater, FL 33760

**ABSTRACT:** This permit application is for the construction of two industrial buildings and the related stormwater management facilities. Runoff from the project area is diverted to an existing pond where water quality treatment is provided through effluent filtration.

**OP. & MAINT. ENTITY:** Business Park, Ltd.

**PROPERTY LOCATION:** Hillsborough County

**SEC/TWP/RGE:** 1/29S/19E

**TOTAL ACRES OWNED  
OR UNDER CONTROL:** 15.00

**PROJECT SIZE:** 9.83 Acres

**LAND USE:** Commercial

**DATE APPLICATION FILED:** December 8, 1997

**AMENDED DATE:** N/A

**SPECIFIC CONDITIONS**

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit shall terminate, pursuant to Rule 40D-1.6105, F.A.C. In such situations, each landowner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.

Permit No. 4617457.00  
Project Name: Interstate Business Park Parcel 1A  
Page 2

2. The discharges from this system shall meet state water quality standards as set forth in Chapter 62-302 and Rule 62-4.242, F.A.C., for class waters equivalent to the receiving waters.
3. In order to ensure that the person who will construct the proposed work is identified as required by 373.413(2)(f), Florida Statutes, once the contract is awarded, the name, address, and telephone number of the contractor will be submitted to the District prior to construction referencing Permit Number 4617457.00.
4. The Permittee shall immediately provide written notification to the District upon beginning any construction authorized by this permit.
5. The Permittee shall retain the design engineer, or other professional engineer registered in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the professional engineer so employed. This information shall be submitted prior to construction.
6. The operation and maintenance entity shall submit inspection reports in the form required by the District, in accordance with the following schedule:
  - (X) For systems utilizing effluent filtration or exfiltration, the inspections shall be performed 18 months after operation is authorized and every 18 months thereafter.
  - ( ) For systems utilizing retention or wet detention, the inspections shall be performed two (2) years after operation is authorized and every two (2) years thereafter.
  - ( ) For systems utilizing effluent filtration or exfiltration and retention or wet detention, the inspections shall be performed 18 months after operation is authorized and every 18 months thereafter.
7. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit to the Tampa Service Office a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C., and signed, dated, and sealed as-built drawings. The as-built drawings shall identify any deviations from the approved construction drawings.
8. The Permittee shall construct the effluent filtration system as depicted on the permitted construction drawings, prior to initiating clearing or construction of the industrial buildings.
9. Refer to GENERAL CONDITION No. 15 herein.

#### GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

*Alba E. Mas*

Authorized Signature

EXHIBIT "A"

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the District as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.
5. District staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the district as a permit prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.

ERP General Conditions

Individual, Standard General, Minor Systems

6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.

7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.

8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.

9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:

- a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
- b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
- c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.

10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.

11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a written notification of commencement indicating the actual start date and the expected completion date.

12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

ERP General Conditions

Individual, Standard General, Minor Systems



13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C. Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until a transfer is approved by the District, the permittee shall be liable for compliance with the terms of the permit.
16. Should any other regulatory agency require changes to the permitted system, the District shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.

19. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
20. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40D-4.351, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with District rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

ERP General Conditions

Individual, Standard General, Minor Systems

Lorraine Lyn

From: <Sara.Mulhausen@dot.state.fl.us>  
To: <lyn@murphylarocca.com>  
Sent: Tuesday, June 21, 2005 2:27 PM  
Subject: U.S. 301 at Oak Fair Boulevard and Elm Fair Drive

Dear Ms. Lyn:

This is in response to your request concerning signalization at the intersections of U.S. 301 and Oak Fair Boulevard and U.S. 301 at Elm Fair Drive. The Department performed a study to determine if the installation of a traffic signal is justified at either of these intersections. The study included conducting turning movement counts, reviewing collision history, and performing a signal warrant analysis.

The turning movement counts indicated that volumes on Oak Fair Boulevard and Elm Fair Drive do not meet the minimum requirements for signalization based on the standards set forth in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). The collision history did not show a pattern of collisions correctable by a signal. Four angle collisions were reported at the intersection of U.S. 301 and Oak Fair Boulevard from January 2002 to December 2004. One angle collision was found at U.S. 301 and Elm Fair Drive during the same time period. Angle collisions are the type considered most susceptible to correction by the installation of a signal. However, experience has shown that the installation of an unjustified traffic signal may result in an increase in the number of collisions at an intersection, especially rear end collisions.

Additionally, these intersections are located close to the exit for the Florida State Fairgrounds. A temporary signal is currently located at this intersection, and a permanent, fully operational signal is scheduled to be installed. The intersection of Oak Fair Boulevard is approximately 1020 feet away and Elm Fair Drive is approximately 120 feet away from this signal. Therefore, installing a signal on U.S. 301 at either Oak Fair Boulevard or Elm Fair Drive would violate the Department's signal spacing criteria. Based on the above data, the Department does not recommend the installation of a traffic signal at either intersection.

If you have any additional questions, please contact our office.

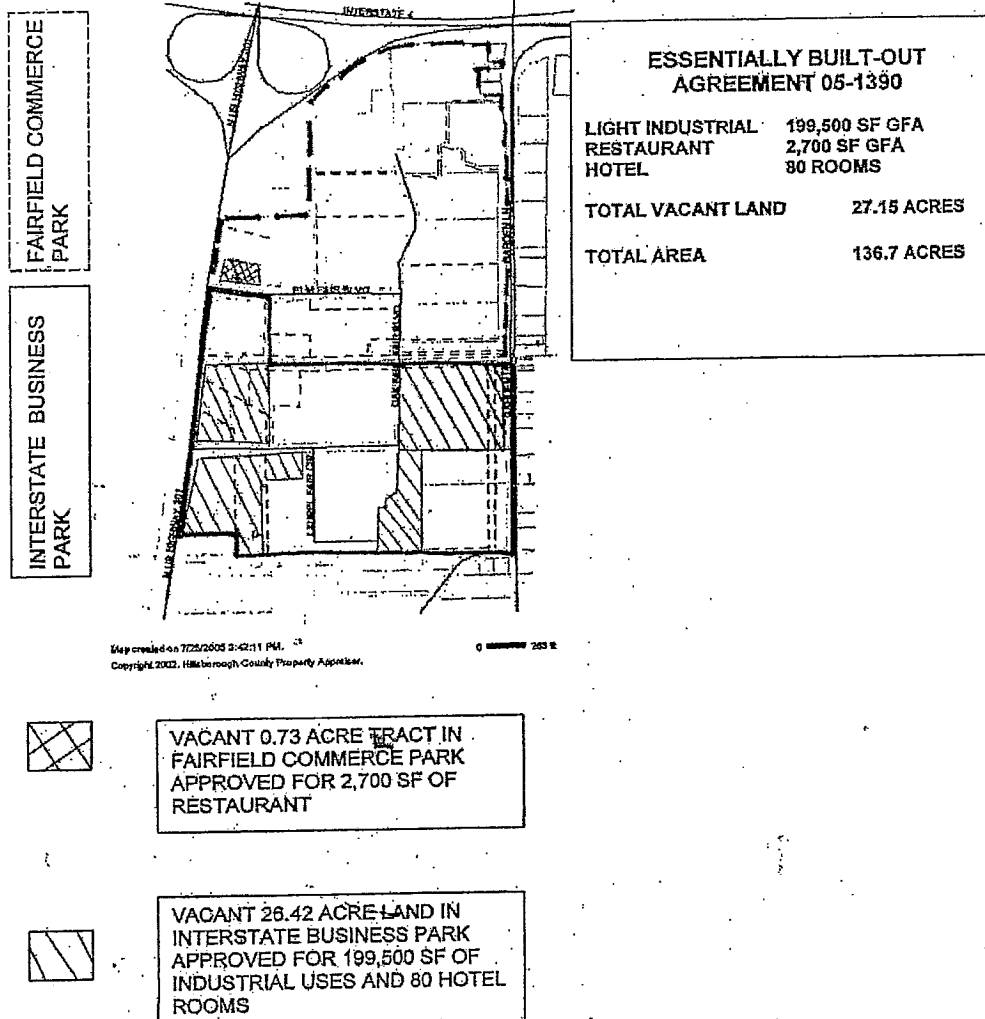
Sara M. Beresheim, E.I.  
FDOT - District Seven  
Traffic Operations

8/25/2005

## **EXHIBIT “E”**

Revised Map H

# ESSENTIALLY BUILT- OUT AGREEMENT DRI #86, MAP H



EBO 05-1390  
Interstate Business Park DRI #86  
Unincorporated Hillsborough County

EXHIBIT "F"

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

PLEASE TAKE NOTICE that a Section 380.032(3), F.S., Agreement covering the property more particularly described on Exhibit "A" attached hereto was entered into \_\_\_\_\_, 2005 pursuant to Sections 380.032(3) and 380.06(15)(g)(3), F.S., among the Florida Department of Community Affairs, Hillsborough County, Florida and IBP2 Development Corporation. The Agreement may be examined at the office of the Department of Community Affairs, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850) 488-4925.

WITNESSES

\_\_\_\_\_  
\_\_\_\_\_

By: IBP FlexxSpace 2, Ltd., a Florida  
limited liability partnership

By: IBP FlexxSpace 2 GP, LLC, a  
Florida limited liability company, its  
general partner

By: Joel Levy  
Its: Executive Vice President

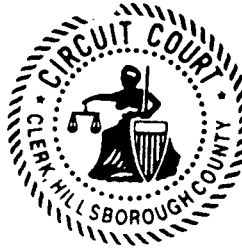
STATE OF FLORIDA                    )  
COUNTY OF HILLSBOROUGH        )

The foregoing instrument is hereby acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by Joel Levy, as Executive Vice President of IBP FlexxSpace 2 GP, LLC, as General Partner of IBP FlexxSpace 2, Ltd., a Florida limited liability partnership. He is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



Clerk to Board of  
County Commissioners  
County Center, 12th Floor  
601 E. Kennedy Blvd.  
P.O. Box 1110  
Tampa, Florida 33601  
Telephone 276-8100, ext. 6730

November 26, 2001

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

Re: Resolution No. R01-213 - Amending the Development Order for  
the Interstate Business Park (DRI #86)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which  
was adopted by the Hillsborough County Board of County  
Commissioners on October 23, 2001.

We are providing this original for your files.

Sincerely,

Judith M. Grose,  
Manager, BOCC Records

jg

Attachment

Federal Express #805649479234

cc: Board files (orig.)

Charles Gauthier, Chief, DCA Bureau of State Planning  
(orig.ltr.)

Erin Larrinaga Attorney at Law Fowler White (orig. ltr.)

Susan Fernandez, Senior Assistant County Attorney

John Healy, Senior Planner, Planning & Growth Management

Beth Novak, County Attorney's Office

Jim Glaros, Assistant Chief Deputy, Valuation, Property  
Appraiser's Office

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF HILLSBOROUGH COUNTY, FLORIDA  
AMENDING DRI # 86  
DEVELOPMENT ORDER  
INTERSTATE BUSINESS PARK**

**R01-213**

Upon motion of Commissioner Norman, seconded by Commissioner Scott, the following resolution was adopted by a vote of 7 to 0, this 23rd day of October, 2001:

WHEREAS, on December 3, 1981, American Tectonics filed an application for development approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and,

WHEREAS, said application proposed construction of a planned industrial/office/commercial community, Interstate Business Park, in eastern Hillsborough County located on approximately 136.7 acres; and,

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; and

WHEREAS, the Hillsborough County Board of County Commissioners, as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval and Notifications of Proposed Change to a previously approved development of regional impact; and

WHEREAS, the Hillsborough County Board of County Commissioners on April 14, 1982, May 5, 1982, and May 19, 1982, held a duly noticed public hearing on said Application for Development Approval and heard and considered testimony and documents received thereon; and,

WHEREAS, on May 19, 1982, the Hillsborough County Board of County Commissioners approved a Development Order ("DRI # 86 for the Interstate Business Park) pursuant to the provisions of Section 380.06 Florida Statutes; and

WHEREAS, on September 21, 1983, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #83-0113) (the "First Amendment"); and

WHEREAS, in 1986, the County approved a further change to the DRI, allowing the



construction of 102 hotel rooms in lieu of 18,000 square feet of commercial use (the "Second Amendment"); and

WHEREAS, On November 5, 1990, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #R90-0229), modifying the approved uses for a portion of the Interstate Business Park DRI, extending the buildout date for the Interstate Business Park to December 28, 1993, and incorporating a termination date of December 28, 1994, and a date before which the development is not subject to down-zoning, unit density reduction or intensity reduction of December 28, 1994, as well as other changes (the "Third Amendment"); and

WHEREAS, on October 27, 1992, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #R92-0260), extending the buildout date for the Interstate Business Park to December 28, 1995, and extending the termination date and date before which the development is not subject to down-zoning, unit density reduction or intensity reduction to December 28, 1996 (the "Fourth Amendment"); and

WHEREAS, on May 9, 1995, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #95-101), extending the buildout date for the Interstate Business Park to December 28, 2003, and extending the termination date and date before which the development is not subject to down-zoning, unit density reduction or intensity reduction to December 28, 2004 (the "Fifth Amendment"); and

WHEREAS, on April 21, 1998, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #R98-092), revising Map "H", and approving a land use equivalency matrix permitting the development of certain commercial uses (the "Sixth Amendment"); and

WHEREAS, on August 7, 2001, a Notification of a Proposed Change to a Previously Approved Development of Regional Impact (the "Seventh Amendment") was filed for the Interstate Business Park, pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, the Seventh Amendment proposed revisions to Map "H", and the approval of a land use equivalency matrix applicable only to the parcel designated Tract "12" to allow a maximum of 75 hotel rooms and 2,700 sq. ft. of restaurant uses; and

WHEREAS, the Hillsborough County Board of County Commissioners on October 23, 2001, held a duly noticed public hearing on said Seventh Amendment, and heard and considered testimony and other evidence;

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

#### **FINDINGS OF FACT**

1. That the recitals set forth above are incorporated herein, as if restated in their entirety.
2. That the Hillsborough County Board of County Commissioners finds that there is substantial, competent evidence to support the following findings of fact:
  - (a) The inclusion of a land use equivalency matrix for Tract "12" within the Interstate Business Park DRI, allowing the simultaneous increase and decrease of uses, including hotel and restaurant uses, is presumed to create a substantial deviation pursuant to Subsection 380.06(19)(e)(5)(c), F.S.. However, the applicant has submitted clear and convincing evidence to demonstrate that the proposed change will not constitute additional regional impacts.
  - (b) Map "H" has been revised to reflect adoption of the equivalency matrix for Tract "12". The revisions to Map "H" will not create additional regional impacts.

#### **CONCLUSIONS OF LAW**

3. That the Hillsborough County Board of County Commissioners, having made the above findings of fact, reaches the following conclusions of law:
  - (a) In accordance with Subsection 380.06(19)(e)(5)(c), Florida Statutes, the proposed amendment of the Development Order to include a land use equivalency matrix for Tract "12" of the Interstate Business Park DRI, allowing the simultaneous increase and decrease of uses, including certain hotel and restaurant uses, is presumed to create a substantial deviation requiring further development of regional impact review. The Developer has presented clear and convincing evidence to rebut this presumption.

- (b) The revision of Map "H" attached hereto as Exhibit "A", to reflect adoption of the equivalency matrix does not constitute a substantial deviation requiring further development of regional impact review.
- (d) All statutory procedures have been adhered to in the submittal and review of this Seventh Amendment.
- (e) Based upon compliance with the terms and conditions of the Interstate Business Park Development Order, as hereby amended, the reports, recommendations, and testimony heard and considered by the Hillsborough County Board of County Commissioners, it is further concluded that:
  - (1) the changes described herein will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan; and
  - (2) the development is consistent with the State Comprehensive Plan; and
  - (3) the development, as amended herein, is consistent with the recommendation of the Florida Department of Community Affairs; and
  - (4) the development, as amended herein, is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.
- 4. That having made the above findings of fact and drawing the above conclusions of

law:

- (a) It is hereby ordered that the Interstate Business Park (DRI #86) Development Order is amended to incorporate the following changes and/or amendments:

- (i) Add Condition III. K., as follows:

### **III. CONDITIONS**

#### **J. Land use equivalency matrix.**

Developer of Tract "12" of the Interstate Business Park Development of Regional Impact, as described in Exhibit "B" attached hereto and incorporated into this Development Order is entitled to trade off equivalent land uses in accordance with the Table I (the "Land Use Equivalency Matrix"), attached hereto and incorporated into this

Development Order as Exhibit "C". The Land Use Equivalency Matrix may be applied without additional approvals from the Department of Community Affairs, the Tampa Bay Regional Planning Council, or Hillsborough County. The application of the Land Use Equivalency Matrix will be limited so that the minimum and maximum total approved development for each approved land use category will be observed. Application of the Land Use Equivalency Matrix to Tract "12" of the Interstate Business Park Development of Regional Impact shall be reflected in the Annual Report which covers the reporting period in which the Land Use Equivalency Matrix was applied.

- (b) The revised Map "H" attached hereto and incorporated hereto as Exhibit "A" replaces the previously adopted Map "H" for the Interstate Business Park Development of Regional Impact #86.

5. The Interstate Business Park (DRI #86) Development Order, except as amended herein, is hereby reaffirmed in its entirety.

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

7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other designated recipients specified by statute or rule.

8. The Developer's Certification, attached hereto and incorporated herein as Exhibit "D", affirms that a copy of this Seventh Amendment has been delivered to all persons as required by law.

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

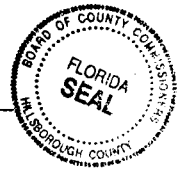
STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adoption by the Board at its regular meeting of October 23, 2001 as the same appears of record in Minute Book 305 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 26th day of November, 2001.

RICHARD AKE, CLERK

By: Juelene Gregory  
Deputy Clerk



EML\DOCS\1346.wpd

APPROVED BY COUNTY ATTORNEY  
BY: [Signature]  
Approved As To Form And Legal  
Sufficiency.

# PRELIMINARY MASTER DEVELOPMENT PLAN

## LAND USE SCHEDULE

### FAIRFIELD COMMERCE CENTER<sup>1</sup>

|   |               |
|---|---------------|
| LAND AREA   | 69.1 ACRES    |
| OFFICE  | 200,000 SFGFA |
| SERVICE CENTER/<br>LIGHT INDUSTRIAL/<br>WAREHOUSE | 900,000 SFGFA |

<sup>1</sup> Land Uses in Fairfield Commerce Center are as approved in Hillsborough Resolution #90-0229, as amended by Resolution 01-\_\_\_\_, approving an Equivalency Matrix for Tract 12.

### INTERSTATE BUSINESS PARK<sup>2</sup>

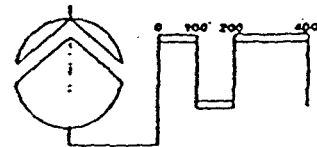
|                      |               |
|----------------------|---------------|
| LAND AREA            | 67.6 ACRES*   |
| LIGHT INDUSTRIAL     | 650,000 SFGFA |
| OFFICE               | 139,210 SFGFA |
| HOTEL (Budgetel Inn) | 102 ROOMS     |

TOTAL AREA 136.7 ACRES

\* INCLUDES TECO EASEMENT

<sup>2</sup> Approved Land Uses in the Interstate Business Park are subject to an Equivalency Matrix contained in the Development Order, as amended by Hillsborough County Resolution # R98-092.

The Equivalency Matrix does not apply to the existing Budgetel Inn nor to the Fairfield Commerce Center property.



Detention Ponds

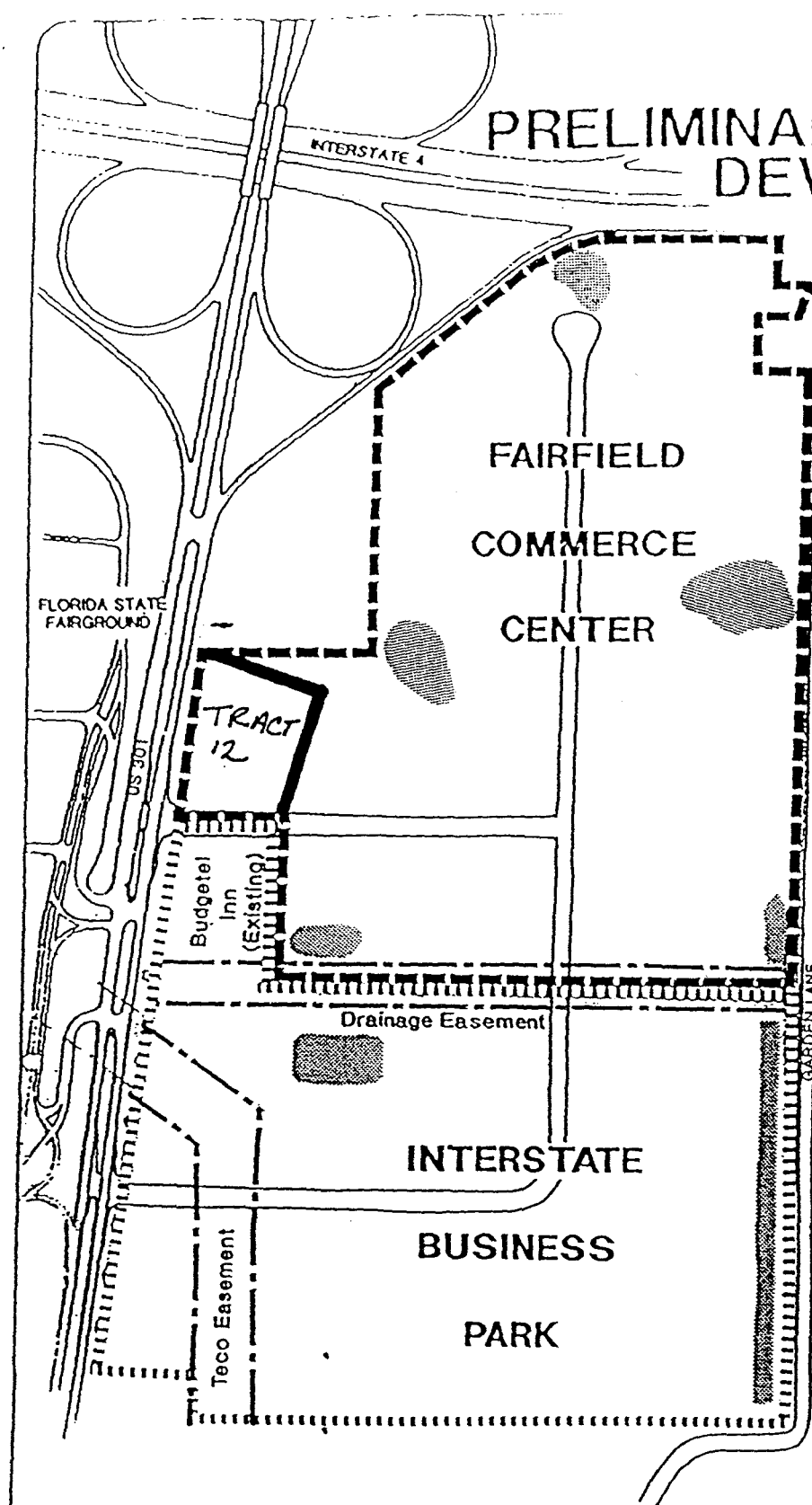


EXHIBIT "A"

DRI #86

**Exhibit "B"**

Legal Description

Tract 12 of Park of Commerce, as recorded in Plat Book 71, Page 35 of the Public Records of Hillsborough County, Florida.

## Exhibit "C"

### PROPOSED EQUIVALENCY MATRIX<sup>1</sup> Tract 12 of Fairfield Commerce Center

| Change From:                   | <u>Office</u>              | <u>Light Industrial</u>    |
|--------------------------------|----------------------------|----------------------------|
| Change To:                     |                            |                            |
| <u>Hotel</u>                   | 2.75 Rooms/ksf<br>(2.7460) | 1.91 Rooms/ksf<br>(1.9056) |
| <u>Restaurant (w/drive-in)</u> | 151 sf/ksf<br>(0.1505)     | 111 s.f./ksf<br>(0.1106)   |

<sup>1</sup> Land use exchanges are based upon the previously adopted Equivalency Matrix for the southern portion of the DRI, which analyzed total net external p.m. peak hour, peak direction, project traffic. Use of this matrix will only apply within Fairfield Commerce Center to the parcel designated Tract 12 on the revised Map H. Use of the following maximums and minimums for hotel and restaurant uses within Tract 12 shall also be adhered to:

| <u>Land Use</u>         | <u>Minimum</u> | <u>Maximum</u> |
|-------------------------|----------------|----------------|
| Hotel <sup>a</sup>      | 0 rooms        | 75 rooms       |
| Restaurant <sup>b</sup> | 0 sq. ft.      | 2,700 sq. ft.  |

<sup>a</sup>Includes Hotel and Business Hotel rooms.

<sup>b</sup>With drive-in facilities

<sup>2</sup>Example exchanges:

Add 75 hotel rooms by reducing light industrial:  $75 \div 1.9056 = 39.358$ ; reduce light industrial by 39,358 sq. ft.

Add 2,700 sq. ft. restaurant:  $2.7 \div .1106 = 24.412$ ; reduce light industrial by 24,412 sq. ft.



**Exhibit "D"**

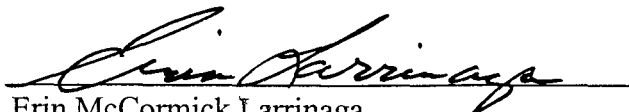
**AFFIDAVIT**

STATE OF FLORIDA

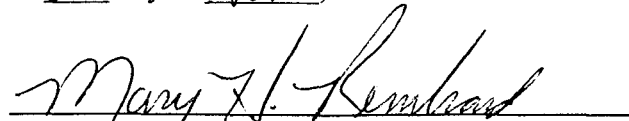
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths, and take acknowledgments, personally appeared Erin McCormick Larrinaga, as attorney for Duke Weeks Realty Corporation, the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes for the Interstate Business Park DRI #86, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Duke Weeks Realty Corporation filed the Notification of a Proposed Change on August 7, 2001.
2. The Notification of a Proposed Change was filed with all persons as required by law.

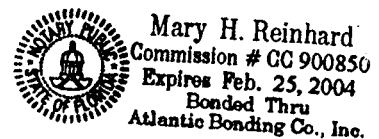
  
Erin McCormick Larrinaga  
Attorney for Duke Weeks Realty Corporation

Sworn to and subscribed before me this 21<sup>st</sup> day of Nov, 2001.

  
Notary Public  
My Commission Expires:

(Notary Seal)

DRI #86



Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



Clerk to Board of  
County Commissioners  
County Center, 12th Floor  
601 E. Kennedy Blvd.  
P.O. Box 1110  
Tampa, Florida 33621  
Telephone 276-8100, ext. 6730

May 18, 1998

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

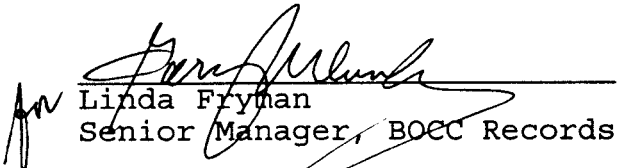
Re: Resolution No. R98-092 - Amending the Development Order for  
Interstate Business Park (DRI #86)

Dear Mr. Butts:

Attached is a certified original of referenced resolution, which  
was adopted by the Hillsborough County Board of County  
Commissioners on April 21, 1998.

We are providing this copy for your files.

Sincerely,

  
Linda Fryman  
Senior Manager, BOCC Records

LF:LAG  
Attachment  
Federal Express AB#800148168329

cc: Board files (orig.)  
J. Thomas Beck, Florida Department of Community Affairs  
Erin McCormick, Esq., Fowler, White, P.A. Et Al  
Gene Boles, Director, Planning & Growth Management  
Beth Novak, County Attorney's Office

**Resolution No. R98-092**  
**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS**  
**OF HILLSBOROUGH COUNTY, FLORIDA**  
**AMENDING DRI # 86**  
**DEVELOPMENT ORDER**  
**INTERSTATE BUSINESS PARK**

Upon motion of Commissioner Berger, seconded by Commissioner Hart, the following resolution was adopted by a vote of 4 to 0, this 21st day of April , 1998:

WHEREAS, on December 3, 1981, American Tectonics filed an application for development approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and,

WHEREAS, said application proposed construction of a planned industrial/office/commercial community, Interstate Business Park, in eastern Hillsborough County located on approximately 136.7 acres; and,

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; and

WHEREAS, the Hillsborough County Board of County Commissioners, as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval and Notifications of Proposed Change to a previously approved development of regional impact; and

WHEREAS, the Hillsborough County Board of County Commissioners on April 14, 1982, May 5, 1982, and May 19, 1982, held a duly noticed public hearing on said Application for Development Approval and heard and considered testimony and documents received thereon; and,

WHEREAS, on May 19, 1982, the Hillsborough County Board of County Commissioners approved a Development Order ("DRI # 86 for the Interstate Business Park) pursuant to the provisions of Section 380.06 Florida Statutes; and

WHEREAS, on September 21, 1983, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #83-0113) (the "First Amendment"); and

WHEREAS, In 1986, the County approved a further change to the DRI, allowing the construction of 102 hotel rooms in lieu of 18,000 square feet of commercial use (the "Second

Amendment”); and

WHEREAS, On November 5, 1990, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #R90-0229), modifying the approved uses for a portion of the Interstate Business Park DRI, extending the buildout date for the Interstate Business Park to December 28, 1993, and incorporating a termination date of December 28, 1994, and a date before which the development is not subject to down-zoning, unit density reduction or intensity reduction of December 28, 1994, as well as other changes (the “Third Amendment”); and

WHEREAS, on October 27, 1992, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #R92-0260), extending the buildout date for the Interstate Business Park to December 28, 1995, and extending the termination date and date before which the development is not subject to down-zoning, unit density reduction or intensity reduction to December 28, 1996 (the “Fourth Amendment”); and

WHEREAS, on May 9, 1995, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #95-101), extending the buildout date for the Interstate Business Park to December 28, 2003, and extending the termination date and date before which the development is not subject to down-zoning, unit density reduction or intensity reduction to December 28, 2004 (the “Fifth Amendment”); and

WHEREAS, on January 16, 1998, a Notification of a Proposed Change to a Previously Approved Development of Regional Impact was filed for the Interstate Business Park, pursuant to Section 380.06(19), Florida Statutes, and the Notification of a Proposed Change was supplemented by that documentation dated March 30, 1998, April 13, 1998, and April 15, 1998, and incorporated herein by reference; and

WHEREAS, the Notification of a Proposed Change proposed (a) revisions to Map “H”; (b) inclusion of a land use equivalency matrix permitting the development of certain commercial uses; and (c) removal or revision of Development Order conditions relating to street cleaning and traffic monitoring; and

WHEREAS, the Hillsborough County Board of County Commissioners on April 21, 1998, held a duly noticed public hearing on said Notification of Proposed Change, and heard and

considered testimony, and other evidence;

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

**FINDINGS OF FACT**

1. That recitals set forth above are incorporated herein, as if restated in their entirety.
2. That the Hillsborough County Board of County Commissioners finds that there is substantial, competent evidence to support the following findings of fact:
  - (a) The inclusion of a land use equivalency matrix for the southern portion of the Interstate Business Park DRI, allowing the simultaneous increase and decrease of uses, including certain commercial uses, is presumed to create a substantial deviation pursuant to Subsection 380.06(19)(e)(5)(c), F.S.. However, the applicant has submitted the Technical Memorandum : Interstate Business Park Land Use Equivalency Matrix to demonstrate that the proposed change will not constitute additional regional impacts.
  - (b) Map "H" has been revised to reflect the land uses constructed to date within the southern portion of the Interstate Business Park DRI, and to reflect adoption of the equivalency matrix. The revisions to Map "H" will not create additional regional impacts.
  - (c) The proposed revision or removal of Development Order conditions relating to street cleaning and transportation monitoring have been reviewed by Hillsborough County, the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs, and will not create additional regional impacts.

**CONCLUSIONS OF LAW**

- 3 That the Hillsborough County Board of County Commissioners, having made the above findings of fact, reaches the following conclusions of law:
  - (a) In accordance with Subsection 380.06(19)(e)(5)(c), Florida Statutes, the proposed amendment of the Development Order to include a land use equivalency matrix for the southern portion of the Interstate Business Park DRI, allowing the simultaneous

increase and decrease of uses, including certain commercial uses, is presumed to create a substantial deviation requiring further development of regional impact review. The Developer has presented clear and convincing evidence to rebut this presumption.

- (b) The revision of Map "H" attached hereto as Exhibit "A", to reflect the land uses constructed to date within the southern portion of the Interstate Business Park DRI, and to reflect adoption of the equivalency matrix does not constitute a substantial deviation requiring further development of regional impact review.
- (c) The revision or removal of conditions of the Development Order relating to street cleaning and transportation monitoring do not constitute a substantial deviation requiring further development of regional impact review.
- (d) All statutory procedures have been adhered to in the submittal and review of the Notification of a Proposed Change.
- (e) Based upon compliance with the terms and conditions of the Interstate Business Park Development Order, as hereby amended, the reports, recommendations, and testimony heard and considered by the Hillsborough County Board of County Commissioners, it is further concluded that:
  - (1) the changes, described herein will not unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan; and
  - (2) the development is consistent with the State Comprehensive Plan; and
  - (3) the development, as amended herein, is consistent with the recommendation of the Florida Department of Community Affairs.
  - (4) the development, as amended herein, is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.

4 That having made the above findings of fact and drawing the above conclusions of law:

- (a) It is hereby ordered that the Interstate Business Park (DRI #86) Development Order is amended, to incorporate the following changes and/or amendments:
  - (i) Revise Condition III. H., as follows:

### **III. CONDITIONS**

#### **H. DRAINAGE**

- (1) Final determinations concerning the adequacy of the storm drainage system shall be made upon review of the detailed constructions plans.
- (2) The Florida Department of Transportation will continue to maintain the drainage ditch that bisects the property.
- (3) The interior swale and detention systems shall be maintained by the Developer.
- (4) The concentration of nutrients, primarily nitrogen and phosphate in the runoff from the project shall be controlled by the Developer through regular landscape maintenance and the controlled application of fertilizers and pesticides by competent personnel.
- ~~(5) The Developer shall conduct a street sweeping program on a minimum frequency of once a year. The parameters of this program shall be approved by Hillsborough County prior to its initiation.~~
- ~~(5)(6)~~ (6) The Developer may transfer the responsibilities described in paragraphs 3 through 5 to a property owners association.
- ~~(6)(7)~~ (7) The Developer shall institute a water quality monitoring program to include, at a minimum, sampling at outfall structures of biochemical oxygen demand, dissolved oxygen, turbidity, total nitrogen, nitrate nitrogen, total phosphorous, oils and greases, lead, temperature and pH, as proposed in the Application.
- ~~(7)(8)~~ (8) In the event the Tampa By-Pass Canal becomes a source for potable water, the Developer shall assist in meeting Class I-A water quality standards for waters discharged by the Developer from the project site into the Tampa By-Pass Canal.
- ~~(8)(9)~~ (9) To maintain water quality, the Developer shall construct a drainage system to detain the "first flush" in detention basins on-site, with a controlled discharge or runoff from the site.

- (ii) Revise Condition III. I.(e), as follows:

**III. CONDITIONS**

**I. TRANSPORTATION**

**(e) Annual Transportation Review**

Commencing on the anniversary date of this Development Order and continuing thereafter until project completion, the Developer shall annually generate and provide to Hillsborough County and the Tampa Bay Regional Planning Council, current traffic counts and related projections on those road segments described in paragraph 1, subparagraphs a and b ~~and d~~ above. The traffic counts and related projections shall be prepared in accordance with generally accepted traffic engineering practices. If the results of the annual transportation report show that for a sustained period of at least six (6) months, there existed at either the North or South entrance, an Average Daily Traffic of at least three thousand (3,000) vehicles, the Developer shall be required to comply with the terms of paragraph 1, subparagraph d.

In the event the results of the annual transportation report show that:

1. An Average Daily Traffic of at least three thousand (3,000) vehicles exists at either the North or South entrance; and
2. Said Average Daily Traffic has existed for less than six (6) months,

then the Developer shall be required to submit to Hillsborough County, a supplemental transportation report at each six (6) months period thereafter for the entrance having at least an Average Daily Traffic of three thousand (3,000) vehicles, until the time of computation occurs or the project is completed whichever occurs first. The purpose of this supplemental transportation report is to ascertain whether or not an Average Daily Traffic of at least three



thousand (3,000) vehicles has existed at either the North or South entrance for at least six (6) months. If the supplemental transportation report indicates that the described Average Daily Traffic has existed for the sustained period of six (6) months, then the Developer shall be required to comply with the terms of paragraph 1, subparagraph d, above.

- (iii) Add Condition III. J., as follows:

**III. CONDITIONS**

**J. Land use equivalency matrix.**

Developer of the southern portion of the Interstate Business Park Development of Regional Impact (said southern portion of the Interstate Business Park Development of Regional Impact is legally described in Exhibit "C" which is incorporated in this Development Order, and attached hereto) is entitled to trade off equivalent land uses in accordance with the Table I (the "Land Use Equivalency Matrix"), attached hereto, and incorporated into this Development Order as Exhibit "D". The Land Use Equivalency Matrix may be applied without additional approvals from the Department of Community Affairs, the Tampa Bay Regional Planning Council, or Hillsborough County. The application of the Land Use Equivalency Matrix will be limited so that the minimum and maximum total approved development for each approved land use category will be observed. Application of the Land Use Equivalency Matrix to the southern portion of the Interstate Business Park Development of Regional Impact shall be reflected in the Annual Report which covers the reporting period in which the Land Use Equivalency Matrix was applied.

- (b) The revised Map "H" attached hereto as Exhibit "A" replaces the previously adopted Map "H" for the Interstate Business Park Development of Regional

Impact #86.

5. The Interstate Business Park (DRI #86) Development Order, as amended herein, is hereby reaffirmed in its entirety.

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

7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other designated recipients specified by statute or rule.

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

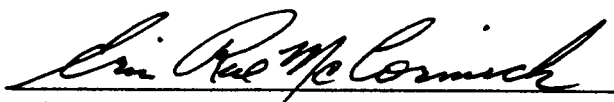
AFFIDAVIT

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths, and take acknowledgments, personally appeared Erin R. McCormick, as attorney for Interstate Business Park, Ltd, the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes for the Interstate Business Park DRI #86, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Interstate Business Park, Ltd filed the Notification of a Proposed Change on January 16, 1998.
2. The Notification of a Proposed Change was filed with all persons as required by law.

  
Erin R. McCormick  
Attorney for Interstate Business Park, Ltd.

Sworn to and subscribed before me this 12<sup>th</sup> day of May, 1998.



  
Michelle R. Collins  
Notary Public

My Commission Expires:

(Notary Seal)

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adoption by the Board at its regular meeting of April 21, 1998, as the same appears of record in Minute Book 263 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 18th day of May, 1998.



RICHARD AKE, CLERK

By: \_\_\_\_\_

Deputy Clerk

DOCS\925

APPROVED BY COUNTY ATTORNEY

BY: \_\_\_\_\_

Approved As To Form And  
Legal Sufficiency.

# PRELIMINARY MASTER DEVELOPMENT PLAN

## LAND USE SCHEDULE

### FAIRFIELD COMMERCE CENTER<sup>1</sup>

|   |               |
|---|---------------|
| LAND AREA   | 69.1 ACRES    |
| OFFICE  | 200,000 SFGFA |
| SERVICE CENTER/<br>LIGHT INDUSTRIAL/<br>WAREHOUSE | 900,000 SFGFA |

<sup>1</sup>Land Uses in Fairfield Commerce Center are as approved in Hillsborough County Resolution # R90-0229 (November 5, 1990).

### INTERSTATE BUSINESS PARK<sup>2</sup>

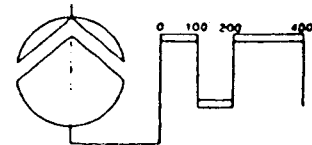
|                      |               |
|----------------------|---------------|
| LAND AREA            | 67.6 ACRES*   |
| LIGHT INDUSTRIAL     | 650,000 SFGFA |
| OFFICE               | 139,210 SFGFA |
| HOTEL (Budgetel Inn) | 102 ROOMS     |

TOTAL AREA 136.7 ACRES

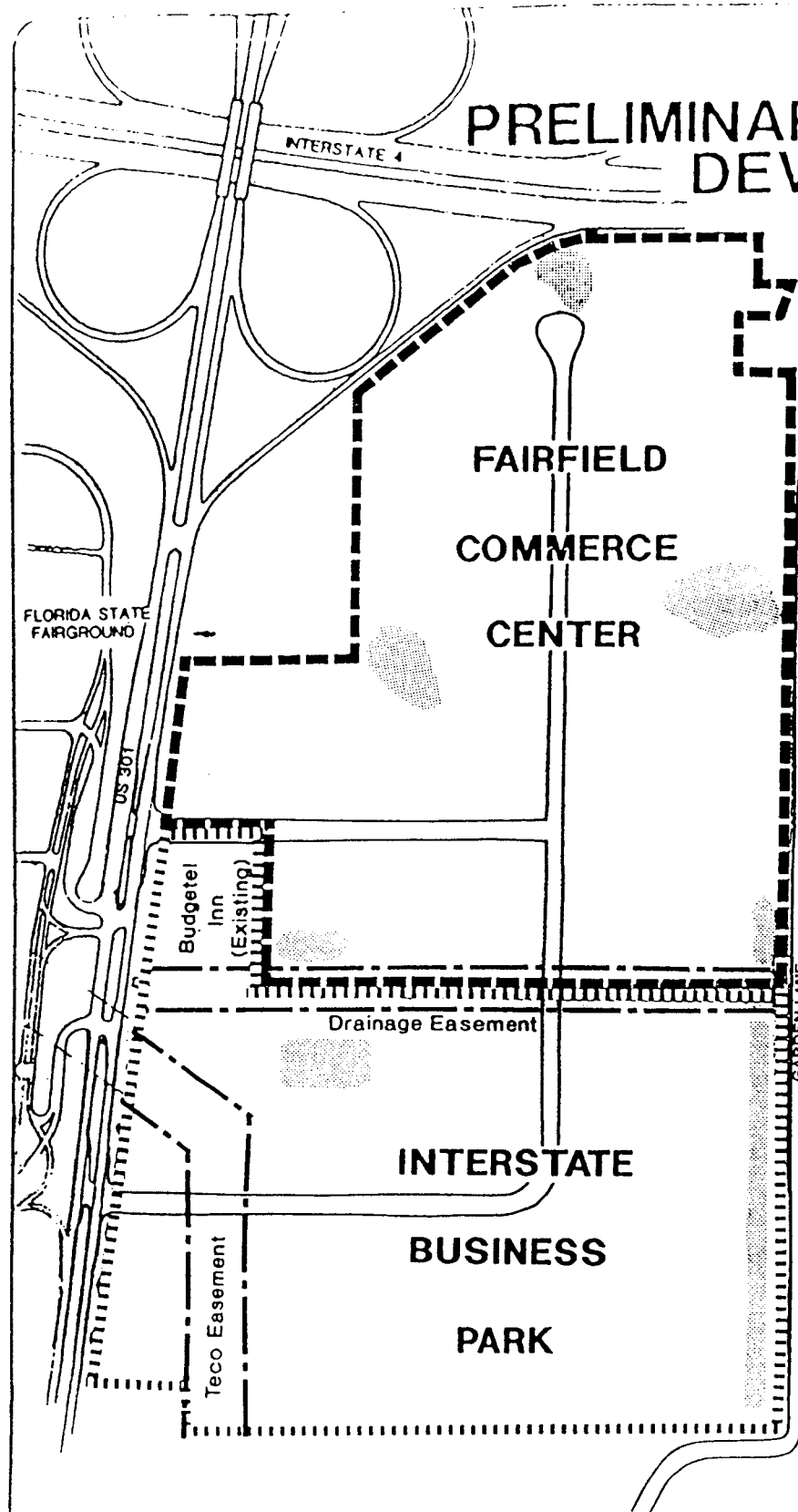
\* INCLUDES TECO EASEMENT

<sup>2</sup>Approved Land Uses in the Interstate Business Park are subject to an Equivalency Matrix contained in the Development Order, as amended by Hillsborough County Resolution

#  
The Equivalency Matrix does not apply to the existing Budgetel Inn nor to the Fairfield Commerce Center property.



Detention Ponds



**URS Greiner**

EXHIBIT

**A**

EXHIBIT "B"

NOPC was to have been Exhibit B; however, the NOPC was incorporated into the resolution by reference.

# **EXHIBIT C**

## **AREA IN WHICH THE EQUIVALENCY MATRIX IS PERMITTED**

### **LEGAL DESCRIPTION:**

**TRACTS 1 AND 2 OF INTERSTATE BUSINESS PARK AS PER MAP OR PLAT  
THEREOF RECORDED IN PLAT BOOK 56 PAGE 39 OF THE PUBLIC RECORDS  
OF HILLSBOROUGH COUNTY, FLORIDA.**

RECEIVED

JAN 13 2003

Permit Services Center

98

0437

# EXHIBIT D

TABLE 1  
(Revised 4/98)

## EQUIVALENCY MATRIX<sup>1</sup> Interstate Business Park NOPC

| Change From:<br>Change To:               | Office   | Light Industrial                        |
|--|--|---|
| Office                                   | N/A  | 734 s.f./ksf<br>(0.7349) <sup>3</sup>   |
| Light Industrial                         | 1,360 s.f./ksf<br>(1.3607) <sup>3</sup>            | N/A                                     |
| Business Hotel (Two-way<br>equivalency)  | 2.75 rooms/ksf<br>(2.7460) <sup>3</sup>            | 1.91 Rooms/ksf<br>(1.9056) <sup>3</sup> |
| Restaurant (with Drive-in<br>Facilities) | 151 s.f./ksf <sup>2</sup><br>(0.1505) <sup>3</sup> | 111 s.f./ksf<br>(0.1106) <sup>3</sup>   |
| Convenience Retail                       | 134 s.f./ksf<br>(0.1335) <sup>3</sup>              | 98 s.f./ksf<br>(0.0981) <sup>3</sup>    |
| Bank (with Drive-in Facilities)          | 63 s.f./ksf<br>(0.0626) <sup>3</sup>               | 46 s.f./ksf<br>(0.0460) <sup>3</sup>    |

<sup>1</sup> Land use exchanges are based on total net external p.m. peak hour, peak direction, project traffic. Use of this matrix shall be limited to the minimums and maximums below to ensure that project impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded. The maximum criteria are: transportation 1,083 vph External peak hour project traffic; water 127,116 gpd; wastewater 112,760 gpd; solid waste 8,876 lbs/day; and affordable housing 2,575 emp.

Equivalency Factor Formula =  $\frac{\text{Approved Yet Unbuilt Land Use External Peak Direction Trip Rate (Table 2B)}}{\text{Proposed Land Use External Peak Direction Trip Rate (Table 2B)}}$

Example: Office to Light Industrial Equivalency Factors =  $\frac{1.4151/\text{ksf}}{1.0400/\text{ksf}} = 1.3607 \text{ ksf/ksf}$

| Land Use                        | Minimum      | Maximum <sup>4</sup> |
|---------------------------------|--------------|----------------------|
| Office                          | 97,000 s.f.  | 446,000 s.f.         |
| Light Industrial                | 190,000 s.f. | 700,000 s.f.         |
| Business Hotel <sup>2</sup>     | 102 rooms    | 250 rooms            |
| Restaurant <sup>2</sup>         | 0 s.f.       | 5,000 s.f.           |
| Convenience Retail <sup>2</sup> | 0 s.f.       | 5,000 s.f.           |
| Bank <sup>2</sup>               | 0 s.f.       | 5,000 s.f.           |

<sup>2</sup>Includes Hotel and Business Hotel rooms.

<sup>3</sup>With drive-in facilities.

<sup>4</sup>May include fuel pumping facilities

<sup>5</sup> Example exchanges:

Add 50,000 s.f. Office by reducing Light Industrial:  $50 \text{ ksf} \div 0.7349 = 68,036$ ; Reduce Light Industrial by 68,036 s.f.

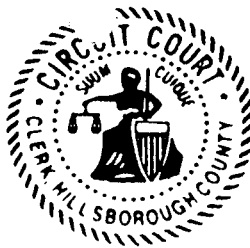
Add 10,000 s.f. Restaurant by reducing Light Industrial:  $10 \text{ ksf} \div 0.1040 = 96,154$ ; Reduce Light Industrial by 96,154 s.f.

<sup>6</sup> Actual equivalency factor for use in calculations.

<sup>7</sup> Equivalency Matrix maximums referenced in Footnote #1 are less than the maximums actually achievable utilizing this matrix. However, exchanges using this matrix shall be limited to the maximums identified in Footnote #1.



Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



Clerk to Board of  
County Commissioners  
County Center, 12th Floor  
601 E. Kennedy Blvd.  
P.O. Box 1110  
Tampa, Florida 33601  
Telephone 276-2029, ext. 6730

May 22, 1995

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

Re: Resolution No. R95-101 - Amending Development Order for  
Interstate Business Park (DRI #86)

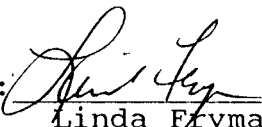
Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was  
adopted by the Hillsborough County Board of County Commissioners on  
May 9, 1995.

We are providing this copy for your files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

By:   
Linda Fryman  
Manager, BOCC Records

LF:KC  
Attachment  
Certified Mail  
cc: Board files (orig.)  
J. Thomas Beck, Florida Dept. of Community Affairs  
Erin McCormick, Esquire - Fowler, White, Gillen, Boggs, Villareal  
and Banker, P.A.  
Jeanie E. Hanna, Senior Assistant County Attorney  
Gene Boles, Director, Planning & Development Management



Clerk to Board of  
County Commissioners  
County Center, 12th Floor  
601 E. Kennedy Blvd.  
P.O. Box 1110  
Tampa, Florida 33601  
Telephone 276-2029, ext. 6730

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R95-101 Amending the Development Order for Interstate Business Park (DRI #86) approved by the Board in its regular meeting of May 9, 1995 as the same appears of record in MINUTE BOOK 228 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 22nd day of May, 1995.

RICHARD AKE, CLERK

By:   
Deputy Clerk

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF HILLSBOROUGH COUNTY, FLORIDA  
AMENDING DRI # 86  
DEVELOPMENT ORDER  
INTERSTATE BUSINESS PARK

Upon motion of Commissioner Chillura, seconded by  
Commissioner Turanchik, the following resolution was adopted  
by a vote of 5 to 0, this 9th day of May, 1995:

WHEREAS, on December 3, 1981, American Tectonics filed an  
application for development approval of a Development of Regional  
Impact with the Hillsborough County Board of County Commissioners  
pursuant to the provisions of Section 380.06, Florida Statutes;  
and,

WHEREAS, said application proposed construction of a planned  
industrial/office/commercial community, Interstate Business Park,  
in eastern Hillsborough County located on approximately 136.7  
acres; and,

WHEREAS, the described project lies within the unincorporated  
area of Hillsborough County; and

WHEREAS, the Hillsborough County Board of County  
Commissioners, as the governing body of the local government having  
jurisdiction pursuant to Section 380.06, Florida Statutes, is  
authorized and empowered to consider Applications for Development  
Approval and Notifications of Proposed Change to a previously  
approved development of regional impact; and

WHEREAS, the Board of County Commissioners on April 14, 1982,  
May 5, 1982, and May 19, 1982, held a duly noticed public hearing  
on said Application for Development Approval and heard and  
considered testimony and documents received thereon; and,

WHEREAS, on May 19, 1982, the Hillsborough County Board of County Commissioners approved a Development Order ("DRI # 86 for the Interstate Business Park) pursuant to the provisions of Section 380.06 Florida Statutes; and

WHEREAS, on September 21, 1983, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #83-0113); and

WHEREAS, In 1986, the County approved a further change to the DRI, allowing the construction of 102 hotel rooms in lieu of 18,000 square feet of commercial use; and

WHEREAS, On November 5, 1990, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #R90-0229), extending the buildout date for the Interstate Business Park to December 28, 1993, and incorporating a termination date of December 28, 1994, and a date before which the development is not subject to down-zoning, unit density reduction or intensity reduction of December 28, 1994, as well as other changes; and

WHEREAS, on October 27, 1992, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #R92-0260), extending the buildout date for the Interstate Business Park to December 28, 1995, and extending the termination date and date before which the development is not subject to down-zoning, unit density reduction or intensity by reduction to December 28, 1996; and

WHEREAS, On March 3, 1995, a Notification of a Proposed Change to a Previously Approved Development of Regional Impact was filed for the Interstate Business Park, pursuant to Subsection 380.06(19) Florida Statutes; and

WHEREAS, the Notification of a Proposed Change proposed an extension of the date of buildout for the development by eight (8) years and an extension of the termination date and date before which no down-zoning, unit density reduction or intensity reduction may occur; and

WHEREAS, Subsection 380.06(19)(c), Florida Statutes, as amended, provides that a Notification of a Proposed Change which requests an extension of the date of buildout of a development by five (5) years or more, but less than seven (7) years shall be presumed not to create a substantial deviation; and

WHEREAS, clear and convincing evidence has been presented to rebut this presumption.

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

#### **FINDINGS OF FACT**

1. That the Hillsborough County Board of County Commissioners finds that there is substantial competent evidence to support the following findings of fact:

- (a) The Recitals hereto are incorporated herein by reference.
- (b) All statutory procedures have been adhered to.
- (c) Although the proposed changes, cumulative with previous changes to the Development of Regional Impact, are

presumed to create a substantial deviation, review of these changes by the County indicates that the proposed changes do not create a reasonable likelihood of additional regional impact, nor to the proposed changes create any type of regional impact not previously reviewed by the regional planning council.

#### CONCLUSIONS OF LAW

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

- (a) In accordance with Subsection 380.06(19)(c), Florida Statutes, the proposed amendment of the Development Order to extend the date of buildout for the development, cumulative with the previous changes to the Development of Regional Impact is presumed to create a substantial deviation requiring further development of regional impact review. The Developer has presented clear and convincing evidence to rebut this presumption.
- (b) All statutory procedures have been adhered to in the submittal and review of the Notification of a Proposed Change.
- (c) Based upon compliance with the terms and conditions of the Interstate Business Park Development Order, as hereby amended, the reports, recommendations, and testimony heard and considered by the Hillsborough County Board of County Commissioners, it is further concluded that:

- (1) the changes, described herein will not unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan; and
- (2) the development is consistent with the State Comprehensive Plan; and
- (3) the development, as amended herein, is consistent with the recommendation of the Florida Department of Community Affairs.
- (4) the development, as amended herein, is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.

3. That having made the above findings of fact and drawing the above conclusions of law:

- (a) It is hereby ordered that the Interstate Business Park (DRI #86) Development Order is hereby amended to incorporate the following changes and/or amendments:

#### **IV. GENERAL PROVISIONS**

N. The buildout date of the development shall be extended until December 28, 2003. The buildout date for this development has been extended by a cumulative period of fourteen (14) years, eleven (11) months, and twenty-eight (28) days.

O. This Development Order shall remain in effect for a period up to and including, December 28, 2004. The expiration of this Development Order has been extended by a cumulative period of ten (10) years.

P. The Development shall not be subject to down-zoning or intensity reduction until December 28, 2004 unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer or that the change is clearly established by local government to be essential to the public health, safety or welfare. The period during which down-zoning or intensity reduction may not occur has been extended by a cumulative period of ten (10) years.

4. The Interstate Business Park (DRI #86) Development Order, as amended herein, is hereby reaffirmed in its entirety.

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

6. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other designated recipients specified by statute or rule.

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



STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adoption by the Board at its regular meeting of May 9, 1995, as the same appears of record in Minute Book 228 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 19th day of May, 1995.

RICHARD AKE, CLERK OF THE CIRCUIT COURT

By: 

Deputy Clerk

erm/docs/443

**APPROVED BY COUNTY ATTORNEY**

BY 

Approved As To Form And  
Legal Sufficiency.

Exhibit "A"

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

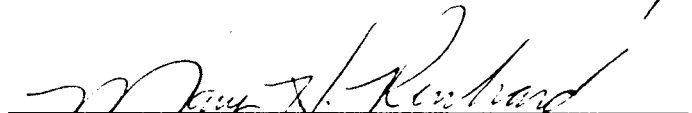
I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths, and take acknowledgements, personally appeared Erin R. McCormick, as attorney for Tampa 301 Associates Joint Venture, the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes for the Interstate Business Park DRI #86, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Tampa 301 Associates Joint Venture filed the Notification of a Proposed Change on May 5, 1995.
2. The Notification of a Proposed Change was filed with all persons as required by law.



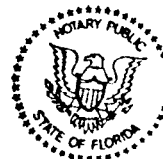
Erin R. McCormick  
Attorney for Tampa 301  
Associates Joint Venture

Sworn to and subscribed before me this 8<sup>th</sup> day of May 1995.

  
Notary Public

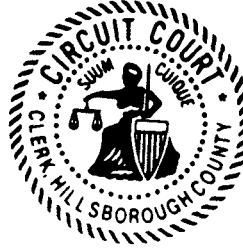
My Commission Expires: \_\_\_\_\_

(Notary Seal)



OFFICIAL SEAL  
MARY H. REINHARD  
My Commission Expires  
Feb. 25, 1996  
Comm. No. CC 181080

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



Clerk to Board of  
County Commissioners  
Room # 214-F  
P.O. Box 1110  
Tampa, Florida 33601  
Telephone 272-5845

November 5, 1992

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

Re: Resolution No. R92-0260 - Amending the Development Order for Interstate  
Business Park (DRI #86)

Dear Ms. Cooper:

Attached is a certified copy of referenced resolution, which was adopted  
by the Hillsborough County Board of County Commissioners on October 27, 1992.

We are providing the copy for your files

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

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

mailed 11/6/92  
received 11/9/92

LF:ADF  
Attachment  
Certified Mail

cc: Board files (1 orig.)  
J. Thomas Beck, Florida Department of Community Affairs  
Erin R. McCormick, Esquire - Fowler, White, Gillen, Boggs,  
Villareal and Banker, P.A.  
John Dixon Wall, Chief Assistant County Attorney  
Gene Boles, Director, Planning and Development Management

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of \_\_\_\_\_  
Resolution No. R92-0260 Amending the Development Order for  
Interstate Business Park (DRI #86)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

approved by the Board in its \_\_\_\_\_ regular meeting  
of \_\_\_\_\_ October 27 \_\_\_\_\_, 1992 \_\_\_\_\_, as the same  
appears of record in MINUTE BOOK \_\_\_\_\_ 197 \_\_\_\_\_ of the  
Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 5th  
day of \_\_\_\_\_ November \_\_\_\_\_, 1992 \_\_\_\_\_.

RICHARD AKE, CLERK

By: *Shirley Lyman*  
Deputy Clerk

Resolution No. R92-0260

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA  
AMENDING DRI #86 DEVELOPMENT ORDER  
INTERSTATE BUSINESS PARK

Upon motion of Commissioner Iorio, seconded by Commissioner Busansky, the following Resolution was adopted on this 27th day of October, 1992, by a vote of 5 to 1; Commissioner Platt voting "no", and Commissioner Selvey out of the room.

WHEREAS, on December 31, 1981, American Tectonics filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a planned industrial/office/commercial community, Interstate Business Park, on approximately 136.7 acres, located in eastern Hillsborough County; and

WHEREAS, Tampa 301 Associates Joint Venture holds the development rights for remaining approved development within the Interstate Business Park and has the right to make modifications under a purchase contract dated January 15, 1987; and

WHEREAS, Tampa 301 Associates Joint Venture is developing its property under the name of the Park of Commerce; and

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; and

WHEREAS, the Hillsborough County Board of County Commissioners, as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval and Notifications of a Proposed Change to a Previously Approved Development of Regional Impact; and

WHEREAS, the Hillsborough County Board of County Commissioners has on May 19, 1982, held duly noticed public hearings on said Application for Development Approval and has heard and considered testimony and other documents in evidence; and

WHEREAS, on May 19, 1982, the Hillsborough County Board of County Commissioners approved a Development Order (Resolution No. CU 82-135B) for the INTERSTATE BUSINESS PARK Development of Regional Impact (DRI) #86 pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Application for Development Approval (ADA) submitted for the Interstate Business Park projected a buildout date of 1988; and

WHEREAS, on September 21, 1983, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #83-0113); and

WHEREAS, in 1986, the County approved a further change to the DRI, allowing the construction of 102 hotel rooms in lieu of 18,000 square feet of commercial use; and

WHEREAS, on November 5, 1990, the Hillsborough County Board of County Commissioners approved an amendment to Development Order #86 (Resolution #R90-0229), extending the buildout date for the Interstate Business Park to December 28, 1993, and incorporating a termination date of December 28, 1994, and a date before which the development is not subject to down-zoning, unit density reduction or intensity reduction of December 28, 1994, as well as other changes; and

WHEREAS, on August 14, 1992, a Notification of a Proposed Change to a Previously Approved Development of Regional Impact was filed for the Interstate Business Park, pursuant to Subsection 380.06(19) Florida Statutes; and

WHEREAS, the Notification of a Proposed Change proposed an extension of the date of buildout for the development by two (2) years and an extension of the termination date and date before which no down-zoning, unit density reduction or intensity reduction may occur; and

WHEREAS, Subsection 380.06(19)(c), Florida Statutes, as amended, provides that a Notification of a Proposed Change which requests an extension of the date of buildout of a development by five (5) years or more, but less than seven (7) years shall be presumed not to create a substantial deviation. Clear and convincing evidence has not been presented to rebut this presumption.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Hillsborough County, Florida, assembled this 27th day of October, 1992, as follows:

#### **FINDINGS OF FACT**

1. That the Hillsborough County Board of County Commissioners finds that there is substantial competent evidence to support the following findings of fact:

- (a) The Recitals hereto are incorporated herein by reference.
- (b) All statutory procedures have been adhered to.
- (c) Although the proposed changes, cumulative with previous changes to the Development of Regional Impact, are presumed to create a

substantial deviation, review of these changes by the County indicates that the proposed changes do not create a reasonable likelihood of additional regional impact, nor do the proposed changes create any type of regional impact not previously reviewed by the regional planning council.

### CONCLUSIONS OF LAW

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

- (a) In accordance with Subsection 380.06(19)(c), Florida Statutes, the proposed amendment of the Development Order to extend the date of buildout for the development, cumulative with the previous changes to the Development of Regional Impact is presumed to create a substantial deviation requiring further development of regional impact review. The Developer has presented clear and convincing evidence to rebut this presumption.
- (b) All statutory procedures have been adhered to in the submittal and review of the Notification of a Proposed Change.
- (c) Based upon compliance with the terms and conditions of the Interstate Business Park Development Order, as hereby amended, the reports, recommendations, and testimony heard and considered by the Hillsborough County Board of County Commissioners, it is further concluded that:
  - (1) the changes described herein will not unreasonably interfere with the achievement of objectives of the adopted State Land Development Plan; and
  - (2) the development is consistent with the State Comprehensive Plan; and
  - (3) the development, as amended herein, is consistent with the local Land Development Regulations and the Future of Hillsborough Comprehensive Plan; and
  - (4) the development, as amended herein, is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.

3. That having made the above findings of fact and drawing the above conclusions of law:

- (a) It is hereby ordered that the Interstate Business Park (DRI #86) Development Order is hereby amended to incorporate the following changes and/or amendments:

### **III. CONDITIONS**

I.1. . . .The maximum cumulative contribution for improvement of the transportation facilities shall be One Hundred Fifty Thousand Dollars (\$150,000).

The \$150,000 amount shall be adjusted for the cumulative inflation or deflation from calendar year 1992 to the calendar year of contribution using the latest published (composite) Price Trend Index for Florida Highway Construction (Composite Annual Average Index) published by the State of Florida, Department of Transportation State Estimates Engineer. The total represents One Hundred Thousand Dollars (\$100,000), for widening of U.S. 301 adjusted for inflation as described above) and Fifty Thousand Dollars (\$50,000) for intersection improvements at U.S. 301 and Buffalo (adjusted for inflation as described above). If the total cumulative contribution for the widening of U.S. 301, as adjusted for inflation, exceeds One Hundred Thousand Dollars (\$100,000.00), or if the total cumulative contribution for intersection improvements at U.S. 301 and Buffalo, exceeds Fifty Thousand Dollars (\$50,000.00), as adjusted for inflation, then Tampa 301 Associates Joint Venture, or its successors-in-interest shall be responsible for these excess amounts.

### **IV. GENERAL PROVISIONS**

- N. The buildout date of the development shall be extended until December 28, 1995. The buildout date for this development has been extended by a cumulative period of six (6) years, eleven (11) months, and twenty-eight (28) days.
- O. This Development Order shall remain in effect for a period up to and including, December 28, 1996. The expiration of this Development Order has been extended by a cumulative period of two (2) years.
- P. The Development shall not be subject to down-zoning or intensity reduction until December 28, 1996 unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer or that the change is clearly established by local government to be essential to the public health, safety or welfare. The period during which down-zoning or intensity reduction may not occur has been extended by a cumulative period of two (2) years.



4. The Interstate Business Park (DRI #86) Development Order, as amended herein, is hereby reaffirmed in its entirety.
5. This Resolution shall become effective upon rendition by the Hillsborough County Board of County Commissioners in accordance with Section 380.06, Florida Statutes.
6. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other designated recipients specified by statute or rules.
7. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of October 27, 1992, as the same appears of record in Minute Book 197 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 5th day of November, 19 92.

RICHARD AKE, CLERK

By:   
Deputy Clerk

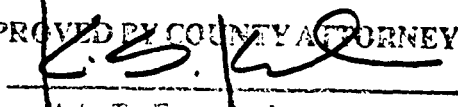
APPROVED BY COUNTY ATTORNEY  
BY   
Approved As To Form And  
Legal Sufficiency.

Exhibit 3

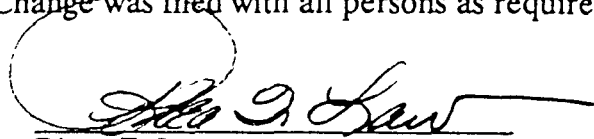
AFFIDAVIT

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

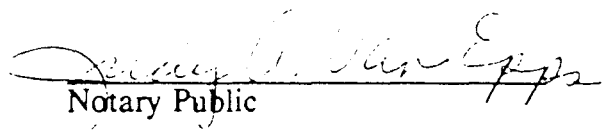
I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths, and take acknowledgements, personally appeared Rhea F. Law, as attorney for Tampa 301 Associates Joint Venture, the applicant of the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes for the Interstate Business Park DRI #86, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Tampa 301 Associates Joint Venture filed the Notification of a Proposed Change on August 14, 1992.
2. The Notification of a Proposed Change was filed with all persons as required by law.



Rhea F. Law  
Attorney for Tampa 301  
Associates Joint Venture

Sworn to and subscribed before me this 30th day of October, 1992.

  
Notary Public

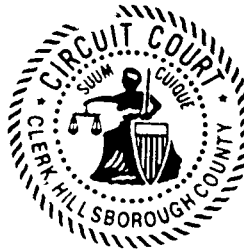
(Notarial Seal)

My Commission Expires:



OFFICIAL SEAL  
JUDY A. VAN EPPS  
My Commission Expires  
Jan. 8, 1996  
Comm. No. CC 172844

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



Clerk to Board of  
County Commissioners  
Room # 214-H  
P.O. Box 1110  
Tampa, Florida 33601  
Telephone 272-5845

November 28, 1990

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

Re: Resolution No. R90-0229 - Amending DRI #86 Development Order for Interstate  
Business Park

Dear Ms. Cooper:

Attached is a certified executed copy of referenced resolution, adopted  
by the Hillsborough County Board of County Commissioners on November 5, 1990.

We are providing this copy for your official files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

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

JMN:CS  
Attachment  
Certified Mail

cc: Board files (1 orig.)  
J. Thomas Beck, Chief, State Department of Community Affairs  
Jeff Miller, Director, Planning and Zoning Department  
John Dixon Wall, Assistant County Attorney  
Jake Varn, Esquire, Carlton, Fields, Ward, Emmanuel, Smith & Cutler

mailed 11/29/90  
received 12/3/90

RECEIVED  
DEC 3 1990

Tampa Bay Regional  
Planning Council

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of \_\_\_\_\_

Resolution No. R90-0229 - Amending DRI #86 Development Order for

Interstate Business Park

\_\_\_\_\_ adopted by the Board in \_\_\_\_\_ its regular meeting \_\_\_\_\_ of  
\_\_\_\_\_ November 5 \_\_\_\_\_, 1990, as the same appears of  
record in MINUTE BOOK 174 of the Public Records of  
Hillsborough County, Florida.

WITNESS my hand and official seal this 28th  
day of November, 1990.

RICHARD AKE, CLERK

By: Judith M. Nichols  
Deputy Clerk

Resolution No. R90-0229

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA  
AMENDING DRI #86 DEVELOPMENT ORDER  
FOR INTERSTATE BUSINESS PARK

Upon motion of Commissioner Haven Poe, seconded by  
Commissioner Rodney Colson, the following resolution was adopted  
this 5th day of November, 1990.

WHEREAS, on May 19, 1982, the Board of County Commissioners  
approved a Development Order (DRI #86 Development Order for the  
Interstate Business Park DRI), herein the "Development Order",  
for the Interstate Business Park, a 136.7 acre planned  
office/industrial/commercial community project in eastern  
Hillsborough County; and

WHEREAS, the Development Order authorized the following  
development: (1) 750,000 square feet of office; (2) 650,000  
square feet of light industrial/warehouse; and (3) 120,000 square  
feet of allied commercial land use; and

WHEREAS, on September 21, 1983, the Hillsborough County  
Board of Commissioners approved an amendment to Development Order  
No. 86 and Zoning Petition 82-135B, which authorized the  
conversion of the 120,000 square feet of allied commercial to:  
(1) 340 hotel rooms, (2) 18,000 square feet of general commercial  
and (3) an additional 120,000 square feet of office; and

WHEREAS, in 1986, the County approved the construction of  
102 hotel rooms in lieu of the 18,000 square feet of commercial;  
and

WHEREAS, the current land uses for the Interstate Business Park are: (1) 870,000 square feet of office; (2) 650,000 square feet of light industrial/warehouse; and (3) 442 hotel rooms; and

WHEREAS, development to date at the Interstate Business Park includes 380,000 square feet of light industrial/warehouse and 102 hotel rooms; and

WHEREAS, the amount remaining of approved development is 870,000 square feet of office, 270,000 square feet of light industrial/warehouse and 340 hotel rooms; and

WHEREAS, pursuant to conveyances in 1983 and 1987, Tampa 301 Associates Joint Venture holds the development rights to 730,790 square feet of office and 340 hotel rooms of the current remaining approved development and has the right to make modifications under a purchase contract dated January 15, 1987; and

WHEREAS, Tampa 301 Associates Joint Venture is developing its property under the name of the Park of Commerce; and

WHEREAS, on May 21, 1990, pursuant to subsection 380.06(19), Florida Statutes, Tampa 301 Associates Joint Venture filed a Notice of Proposed Change seeking approval to convert 730,790 square feet of office and 340 hotel rooms to 200,000 square feet of office and 900,000 square feet of service center/light industrial/warehouse (or a net change of 530,790 square feet of office and 340 hotel rooms to 900,000 square feet of service center/light industrial/warehouse); and

WHEREAS, Subparagraph 380.06(19)(e) 5.c., Florida Statutes, creates a statutory rebuttable presumption of substantial deviation where there are proposed simultaneous increases and decreases of two of the uses within an authorized multi-use development of regional impact, such as the changes proposed by Tampa 301 Associates Joint Venture; and

WHEREAS, the Development Order, as amended, does not contain either a termination date or a date until which the approved project shall not be subject to down-zoning, unit density reduction, or intensity reduction; and

WHEREAS, subsequent to the adoption of the Development Order, Subsection 380.06(15), Florida Statutes, was amended to require all development orders to include, among other things, a termination date and a date until which the project shall not be subject to down-zoning, unit density reduction or intensity reduction; and

WHEREAS, the Application for Development Approval (ADA) submitted for the Interstate Business Park projected a buildout date of 1988; and

WHEREAS, Tampa 301 Associates Joint Venture desires to incorporate a termination date into the Development Order and extend the projected buildout date; and

WHEREAS, Subsection 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect any revisions.



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

1. The Development Order is hereby amended as follows:

- a. The 1986 changes are ratified and amended into this Development Order in a manner not inconsistent with the proposed changes.
- b. A new paragraph J is added to Section III CONDITIONS to read as follows:

"J. Land Uses.

1. The total approved land uses within the Interstate Business Park, including the Park of Commerce are:

- a. Office - 339,210 square feet;
- b. Service Center/Light Industrial/Warehouse - 1,550,000 square feet; and
- c. Hotel - 102 rooms

2. Within the Park of Commerce, the approved land uses are:

- a. Office - 200,000 square feet; and
- b. Service center/Light Industrial Warehouse - 900,000 square feet"

c. The following sentence is added to paragraph D of the III CONDITIONS:

"Within the Park of Commerce, no large quantity generators of hazardous wastes, as defined by applicable state and federal regulations, shall be permitted."

d. Consistent with prior County determinations and development orders, the following new paragraphs N, O, and P are added to IV. GENERAL PROVISIONS of the Development Order:

"N. The buildout date of the development shall be extended until December 28, 1993.

O. This Development Order shall remain in effect for a period up to and including, December 28, 1994.

P. The development shall not be subject to down-zoning, or intensity reduction until December 28, 1994, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety or welfare."

2. The proposed changes do not constitute a substantial deviation as defined in subsection 380.06(19), Florida Statutes.

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

4. The Developer's Certification, attached hereto as Exhibit A, affirms that a copy of the Notice of Proposed Change has been delivered to all persons as required by law.

5. The Tampa 301 Associates Joint Venture shall record a notice of adoption of this Resolution in accordance with subsection 380.06(15), Florida Statutes (1989).

6. This Resolution shall become effective upon rendition by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1989).

7. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the Florida Department of Community Affairs, the Tampa Bay Regional Planning Council and other recipients specified by statute or rules.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of November 5, 1990, as the same appears of record in Minute Book 174 of the Public Records of Hillsborough County.

WITNESS my hand and official seal this 28th day  
of November, 1990.

RICHARD AKE, CLERK

By Judith M. Nichols  
Deputy Clerk

Hillsreso4 October 12, 1990

APPROVED BY COUNTY ATTORNEY  
By John D. [Signature]  
Approved As To Form And  
Legal Sufficiency.

RESOLUTION # 83-0113

RESOLUTION RELATING TO SUBSTANTIAL  
DEVIATION DETERMINATION FOR INTER-  
STATE BUSINESS PARK

Upon motion by Commissioner Colson, seconded  
by Commissioner Jetton, the following resolution  
was adopted by a 4-0 vote:

WHEREAS, on May 19, 1982, the Board of County  
Commissioners issued Development Order 86 for  
American Tectonics Development of Regional Impact, hereinafter  
referred to as Interstate Business Park, copy of said Develop-  
ment Order is attached hereto as Exhibit A and incorporated  
herein by reference; and,

WHEREAS, on May 19, 1983, the Board of County  
Commissioners approved zoning petition 82-135B, which  
action rezoned the described property to the C-U classifica-  
tion as described in the Zoning Regulations of Hillsborough  
County; and,

WHEREAS, the General Site Plan included in Development  
Order 86 and incorporated into zoning petition  
82-135B identified locations for specific square  
footages of general commercial uses; and,

WHEREAS, on April 15, 1983, American Tectonics proposed  
an amendment to Development Order 86 and  
zoning petition 82-135B, the purpose of which was  
to amend the described site plan to replace one hundred twenty  
thousand (120,000) square feet of general commercial (uses  
allowed in C-1) with three hundred forty (340) hotel rooms,  
eighteen thousand (18,000) square feet of general commercial  
and one hundred twenty thousand (120,000) square feet of  
office use; and,

WHEREAS, staff of the Department of Development Coordina-  
tion reviewed the proposed amendment; and,

WHEREAS, staff of the Tampa Bay Area Regional Planning  
Council reviewed the proposed amendment (a copy of said  
Agency's comments are attached hereto as Exhibit B and incor-  
porated herein by reference); and,

WHEREAS, pursuant to the Zoning Regulations of Hillsborough  
County, American Tectonics submitted a revised General Site  
Plan for Interstate Business Park, which site plan evidenced  
the requested changes; and,

WHEREAS, on June 2, 1983, the Board of  
County Commissioners conducted a public hearing pursuant to  
the terms of the Zoning Regulations of Hillsborough County  
applicable to the C-U zoning classification, to consider the  
proposed changes; and,

WHEREAS, at the conclusion of the described public  
hearing, the Board of County Commissioners approved zoning  
petition 83-206 which action effectively amended the  
General Site Plan to reflect the proposed changes; and,

APPROVED BY COUNTY ATTORNEY  
BY [Signature]

Approved As To Form And  
Legal Sufficiency.

WHEREAS, on June 2, 1983, the Board of County Commissioners declared in concept that the proposed changes would not create a reasonable likelihood of additional adverse regional impact.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 21st DAY OF September, 1983 :

1. The foregoing recitation and findings of fact are hereby incorporated into this Resolution.

2. It is the determination of the Board of County Commissioners that the replacement of one hundred twenty thousand (120,000) square feet of general commercial (uses allowed in C-1, with three hundred forty (340) hotel rooms, eighteen thousand (18,000) square feet of general commercial, and one hundred twenty thousand (120,000) square feet of office use, as said changes are identified on the amended General Site Plan, does not constitute a substantial deviation from the Interstate Business Park Development of Regional Impact, pursuant to the terms of Florida Statute 380.06, (17).

3. Unless otherwise amended herein, all other terms of Development Order 86 shall remain in full force and effect and shall govern the proposed development activity.

4. This Resolution shall be made a part of and incorporated into Development Order 86.

5. Nothing contained herein shall be construed to constitute a waiver of applicable land development regulations and to the extent that the proposed changes require additional review of the C-U General Site Plan as amended herein said review shall take place in accordance with all applicable regulations.

6. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and the Developer.

STATE OF FLORIDA           )  
                                  )  
COUNTY OF HILLSBOROUGH )

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting of September 21, 1983 as the same appears of record in Minute Book 91 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 3rd day of October, 1983.

JAMES F. TAYLOR, JR., CLERK

By:

  
Deputy Clerk

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF HILLSBOROUGH COUNTY, FLORIDA  
DRI # 86  
DEVELOPMENT ORDER

Upon motion of Commissioner Anderson , seconded by  
Commissioner Platt , the following resolution was adopted  
this 19th day of May , 1982:

WHEREAS, on December 3, 1981 , American Tec-  
tonics filed an application for development approval of a  
development of regional impact with the Hillsborough County  
Board of County Commissioners pursuant to the provisions of  
Section 380.06, Florida Statutes; and,

WHEREAS, said application proposed construction of a  
planned industrial/office/commercial community, Interstate  
Business Park, in eastern Hillsborough County located on  
136.7 acres; and,

WHEREAS, the Board of County Commissioners as the  
governing body of local government having jurisdiction pur-  
suant to Section 380.06, Florida Statutes, is authorized and  
empowered to consider applications for development approval  
for developments of regional impact; and,

WHEREAS, the public notice requirements of Section 380.  
06, Florida Statutes, have been satisfied; and,

WHEREAS, the Board of County Commissioners has on  
April 14, 1982, May 5, 1982, and May 19, 1982, held a duly  
noticed public hearing on said application for development  
approval and has heard and considered testimony and documents  
received thereon; and,

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

EXHIBIT A

WHEREAS, Hillsborough County has solicited, received and considered reports, comments and recommendations from interested citizens, County and City agencies as well as the review and report of Hillsborough County Administration.

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

#### I. FINDINGS OF FACT

A. American Tectonics, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an application for development approval and sufficiency response which are attached hereto and marked Composite Exhibit A and incorporated herein by reference. Hereinafter, the word "application" shall refer to the application for development approval, and the sufficiency response.

B. The real property which is the subject of the application for development approval is legally described as set forth on Composite Exhibit A, attached hereto and made a part hereof by reference.

C. The proposed development is not an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

D. All development will occur in accordance with this Development Order and Application.

E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council.

#### II. CONCLUSION OF LAW

A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the application as set forth in Composite Exhibit A, the reports, recommendations and testimony heard and considered by the Board of County Commissioners, it is concluded that:

1. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

2. The development is consistent with local land development regulations.

3. The development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

B. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies or commissions, and to the extent that further review is provided for in this Development Order, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review, except as to compliance interpretations provided in this Development Order.

C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the application.

D. The application for development approval is approved subject to all terms and conditions of this Development Order.

### III. CONDITIONS

#### A. Wetlands

All wetlands taken for development shall be replaced by the Developer or its successors subject to these restrictions with at least an equal amount of wetlands. The creation of replacement wetland acreage in other locations on the property shall take place in accordance with the information contained in the application.

#### B. Water Service

The City of Tampa has indicated the ability to provide water service to this development. The Developer shall be required to provide all water mains, appurtenances, fire hydrants, easements, off-site improvements, engineering plan designs and acquire permits as required by the City of Tampa Water Department.



C. Soils and Erosion Control

1. Additional site specific subsurface testing as referenced in the application shall be required prior to detailed infrastructure and building design. The soil tests shall be performed and the results submitted to Hillsborough County for prompt review as a part of the building permit process.

2. The mitigative measures referenced in the application which are intended to control wind and water erosion shall be instituted during construction.

D. Site Use

The Developer shall not permit the project site to be used in such a way as to cause the emission of abnormal or hazardous quantities of noxious odors, gases, or smoke. This restriction shall be made applicable to project buyers/tenants by inclusion in the project covenants as referenced in the application. This condition in no way limits the power of the Board of County Commissioners of Hillsborough County to regulate, pursuant to its Zoning Code, the location of uses emitting noxious odors, gases, or smoke.

E. Sewer Service

1. The City of Tampa has indicated it will provide wastewater service to the development.

2. The collection, transportation, and disposal of solid waste is controlled by County Ordinance and shall take place in accordance with the terms of said ordinance.

F. Fire Protection

Hillsborough County shall have primary responsibility to provide fire protection to this development.

G. Energy

The Developer shall through the use of project covenants as described in the application encourage project buyers/tenants, within acknowledged constraints of operating and construction budgets, to utilize the following energy management/conservation measures to the extent cost effective:

a. Landscape parking lots and buildings to improve energy conservation.

- b. Use energy efficient lighting for exterior and security lighting.
- c. Use energy conservation features and techniques for interior and exterior building design.
- d. Ensure solar easements so as not to preclude the use of solar devices.
- e. Use waste heat as an energy management technique.
- f. Appoint an energy manager for each tenant or land purchaser.
- g. Encourage each building developer to consider the use of individual electrical meters per tenant, as opposed to a master meter for the entire building.

H. Drainage

- 1. Final determinations concerning the adequacy of the storm drainage system shall be made upon review of the detailed construction plans.
- 2. The Florida Department of Transportation will continue to maintain the drainage ditch that bisects the property.
- 3. The interior swale and detention systems shall be maintained by the Developer.
- 4. The concentration of nutrients, primarily nitrogen and phosphate in the runoff from the project shall be controlled by the Developer through regular landscape maintenance and the controlled application of fertilizers and pesticides by competent personnel.
- 5. The Developer shall conduct a street sweeping program on a minimum frequency of once a year. The parameters of this program shall be approved by Hillsborough County prior to its initiation.

6. The Developer may transfer the responsibilities described in paragraphs 3 through 5 to a property owners association.

7. The Developer shall institute a water quality monitoring program to include, at a minimum, sampling at out-fall structures of biochemical oxygen demand, dissolved oxygen, turbidity, total nitrogen, nitrate nitrogen, total phosphorous, oils and greases, lead, temperature and pH, as proposed in the Application.

8. In the event the Tampa By-Pass Canal becomes a source for potable water, the Developer shall assist in meeting Class I-A water quality standards for waters discharged by the Developer from the project site into the Tampa By-Pass Canal.

9. To maintain water quality, the Developer shall construct a drainage system to detain the "first flush" in detention basins on-site, with a controlled discharge of runoff from the site.

I. Transportation

1. The development of the Interstate Business Park Project will impact specific transportation facilities described in the application. This impact may generate the need for improvements to said facilities, which facilities are in this instance state roads falling under the jurisdiction of the Florida Department of Transportation. Thus, the transportation conditions contained in this Development Order are structured in such a way as to recognize the jurisdictional nexus between Hillsborough County and the Florida Department of Transportation, while also providing a mechanism for improvements to the impacted facilities.

a. Intersection of U.S. 301 and  
the North Entrance Road

The Developer shall be required to obtain appropriate permits from the Florida Department of Transportation for the construction and signalization of this intersection. The construction of road improvements and installation of signalization shall take place in accordance with the directives of the Florida Department of Transportation. The described intersection improvements shall be completed prior to the project completion.

b. Intersection of U.S. 301 and  
the South Entrance Road

The Developer shall be required to obtain appropriate permits from the Florida Department of Transportation for the construction and signalization of this intersection. The construction of road improvements and installation of signalization shall take place in accordance with the directives of the Florida Department of Transportation. The described intersection improvements shall be completed prior to project completion.

c. Buffalo Avenue

The Florida Department of Transportation is committed to the widening of Buffalo Avenue to four lanes from I-4 to I-75.

d. U.S. 301 and Intersection of U.S. 301/  
Buffalo Avenue

The widening of U.S. 301 to six lanes from a point six hundred (600) feet south of Buffalo Avenue to I-4, including appropriate tapering from six lanes to four lanes and appropriate intersection improvements at U.S. 301 and Buffalo Avenue, as defined in the Florida Department of Transportation letter of May 3, 1982, to Bruce Downs, attached hereto as Exhibit B and incorporated herein, hereinafter referred to collectively as "transportation facilities", are specific improvements for which the Developer is required to make a pro-rata contribution towards the cost of construction. For purposes of this Development Order, the term "cost of construction" shall include the cost of installation of drainage structures

which are incident to and required by construction of the described specific improvements. For purposes of this Development Order the term "cost of construction" shall not include the cost of right-of-way acquisition and bridge construction. The maximum cumulative contribution for improvement of the transportation facilities shall be One Hundred Fifty Thousand Dollars (\$150,000.00). The total represents a maximum contribution of one Hundred Thousand Dollars (\$100,000.00) for widening of U.S. 301 and Fifty Thousand (\$50,000.00) for intersection improvements at U.S. 301 and Buffalo. The described allocation of monies is based upon the project contributing twenty five percent (25%) of the total traffic on the described segment of U.S. 301 and seventeen and four tenth percent (17.4%) of the total traffic at the described intersection. To the extent that the traffic generated by the project at the time of computation is less than the described percentage on said transportation facilities, the Developer's pro-rata contribution shall be reduced accordingly, below the maximum contribution allocated to the widening of U.S. 301 and the intersection improvements at U.S. 301 and Buffalo. The Florida Department of Transportation is entitled to utilize the contributed funds in accordance with the allocations described above.

1. Time of Computation of Impact

The time of computation of the project's impact on the transportation facilities shall be the time at which there is an Average Daily Traffic of at least three thousand (3000) vehicles from either the North or South entrance road which has existed for a sustained period of six (6) months. The Average Daily Traffic described above shall be verified by the Developer through the presentation of transportation reports as required herein. Once the time of computation has been verified, the County and the Developer shall within thirty (30) days determine what percentage of the total traffic existing

on the respective transportation facilities is directly generated by the project. The computation of this percentage shall be made in accordance with generally accepted traffic engineering practices. The described time of computation was established based upon the conclusion that with an Average Daily Traffic of three thousand (3000) vehicles from either the North or South entrance road, the improvements described herein would be required in order to maintain a level of Service C during regular hours and Level of Service D during peak hours. If such an Average Daily Traffic occurs but the service levels have not dropped below Level of Service C during regular hours and Level of Service D during peak hours then the point of computation shall be postponed until such time as the service level has dropped below Level of Service C during regular hours and Level of Service D during peak hours for a sustained period of six (6) months as reflected in the traffic reports.

## 2. Special Account

a. All contributions by the Developer pursuant to the terms of this Section shall be deposited into a special account created by the Board of County Commissioners of Hillsborough County or a major Tampa bank with a trust department, for the purposes of:

- i. Establishing separate accounting for the pro-rata contributions described in this Section;
- ii. Establishing a fund against which the Florida Department of Transportation may draw in accordance with this Order; and
- iii. Ensuring that the pro-rata funds are used solely for the purposes described herein and within the required time.

The Developer is to receive all interest income accruing to the deposit of the pro-rata contributions. The Developer shall be entitled to withdraw the accrued interest on an annual basis.

b. Within sixty (60) days after the County and the Developer have determined the percentage of the total traffic existing on the respective transportation facilities pursuant to paragraph 1(d)1, above, which is generated by the Project, the Developer shall deposit twenty percent (20%) of its pro-rata contribution, which deposit can be made in cash or by irrevocable letter of credit. The remaining eighty percent (80%) shall be deposited in cash within sixty (60) days after the Florida Department of Transportation has construction plans production ready and has funding for the improvements to the transportation facilities in the approved Five Year Work Program. If the Florida Department of Transportation does not complete plans production ready and does not include the improvements to the transportation facilities in the approved Five Year Work Program within three (3) years from the date of deposit of the twenty percent (20%) of the pro-rata share contribution, said contribution shall be returned to the Developer and no further contribution shall be required. The entire contribution shall be held for a period not to exceed one (1) year from the date of deposit of the eighty percent (80%) of the pro-rata contribution. During this period, the Florida Department of Transportation shall have the right, upon written notification to Hillsborough County that it is proceeding with the project in accordance with this Development Order, to draw against the special account for purposes of funding the construction of the transportation facilities in accordance with this Development Order. Those funds which have not been withdrawn in accordance with the terms of this Development Order by the Florida Department of Transportation at the end of the one (1) year period shall be returned to the Developer. Those funds which have been withdrawn by the Florida Department of Transportation but which are not used for construction of the transportation facilities shall also be returned to the Developer.

e. Annual Transportation Review

Commencing on the anniversary date of this Development Order and continuing thereafter until project completion, the Developer shall annually generate and provide to Hillsborough County and the Tampa Bay Regional Planning Council, current traffic counts and related projections on those road segments described in paragraph 1, subparagraphs a, b and d above. The traffic counts and related projections shall be prepared in accordance with generally accepted traffic engineering practices. If the results of the annual transportation report show that for a sustained period of at least six (6) months, there existed at either the North or South entrance, an Average Daily Traffic of at least three thousand (3000) vehicles, the Developer shall be required to comply with the terms of paragraph 1, subparagraph d.

In the event the results of the annual transportation report show that:

1. An Average Daily Traffic of at least three thousand (3000) vehicles exists at either the North or South entrance; and,
2. Said Average Daily Traffic has existed for less than six (6) months,

then the Developer shall be required to submit to Hillsborough County, a supplemental transportation report at each six (6) months period thereafter for the entrance having at least an Average Daily Traffic of three thousand (3000) vehicles, until the time of computation occurs or the project is completed whichever occurs first. The purpose of this supplemental transportation report is to ascertain whether or not an Average Daily Traffic of at least three thousand (3000) vehicles has existed at either the North or South entrance for at least six (6) months. If the supplemental transportation report indicates that the described Average Daily Traffic has existed for the sustained period of six (6) months, then the Developer shall be required to comply with the terms of paragraph 1, subparagraph d, above.



f. Garden Lane

There shall be no access points from the project to Garden Lane.

g. The widening of U.S. 301 to six (6) lanes as described herein and the improvement of the intersection at U.S. 301 and Buffalo shall be supported by the Board of County Commissioners' representatives on the Metropolitan Planning Organization for inclusion in appropriate work programs as established by the Metropolitan Planning Organization.

2. The Developer shall participate in a transportation system management (TSM) and implementation program to be developed through the coordinated efforts of the Developer, Hillsborough County, Florida Department of Transportation, and the Tampa Bay Regional Planning Council for graduated implementation with each additional facility. The TSM plan shall include procedures to encourage and facilitate the use of carpooling, vanpooling, flex time, transit ridership and provision of bus stop shelters.

= 3. In the event that the Florida Department of Transportation or other source should identify or program funds from an alternate source sufficient to cover any of the cost of improvements to the transportation facilities described in paragraph 1, subparagraph d, above, or an authorized final government ruling after a hearing or any court determines that any portion of this payment can not be lawfully assessed, then the Developer shall be released from an equal amount of its obligation to contribute a pro-rata share as contained herein. Developer shall be relieved of part or all of the above described obligation to contribute a pro-rata contribution if the Board of County Commissioners of Hillsborough County does not require or establish as a condition of the DRI or CU review process for similar non-residential developments:

a. a pro-rata contribution of funds based upon the development's impact on affected roads; and/or

b. a phasing mechanism based on the development's impact on affected roads designed to coordinate development with adequate roads.

The intent of this paragraph is to recognize the responsibility of the Board of County Commissioners to treat similarly situated developments in a fair and uniform manner.

4. The property which is subject to this development order and/or all owner(s) thereof shall be subject to any County-wide impact fee or user charge that may be imposed to fund, in whole or in part, the costs of related roadway maintenance or construction. Sums contributed pursuant to this Development Order for construction of the transportation facilities shall be considered a credit towards the payment of any such County-wide impact fee or user charge. Nothing contained herein shall be construed to limit or modify any legal remedies Developer may seek to contest the validity of such County-wide impact fee or user charge as set forth in this paragraph or any other legal remedy Developer may have.

#### IV. GENERAL PROVISIONS

A. The legal description set forth in Composite Exhibit A is hereby incorporated into and by reference made a part of this Development Order.

B. All provisions contained within the application for development approval marked "Composite Exhibit A" shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this development order, in which case the terms and conditions of this Development Order shall control.

C. This Resolution shall constitute the Development Order of Hillsborough County in response to the application for development approval for the Interstate Business Park Development of Regional Impact.

D. The definitions contained in Chapter 380, Florida Statutes (1981), shall govern and apply to this Development Order.

E. This Development Order shall be binding upon the Developer and its heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of, any branch of government or governmental agency.

F. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction; such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected government agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review development of regional impact applications as well as all governmental agencies and departments set forth under applicable laws and rules governing developments of regional impact.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Interstate Business Park, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private or public body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by the Regional Planning Council may result in Hillsborough County making a substantial deviation determination pursuant to the provisions of Section 380.06(17), F.S. and ordering a termination of such development activity pending review pursuant to Section 380.06(17), F.S.

J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. The County Administrator shall issue a notice of such non-compliance to the Developer and if the deviation is not corrected within a reasonable amount of time shall recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(16), Florida Statutes (1981). Such report shall be due on the anniversary of the effective date of this development order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the County Administrator who shall after appropriate review, submit it for receipt by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the Board of Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. The report shall contain:

1. A description of all development activity conducted pursuant to this Development Order during the year immediately preceding the submission of the annual report;

2. A description of all development activities proposed to be conducted under the terms of this development order for the year immediately subsequent to the submission of the annual report;

3. A statement listing all applications for incremental review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report;

4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this Development Order; and,

5. A transportation analysis as described in Section I , page 11 of this Development Order; and

6. Shall contain a statement that all persons have received copies of the annual report as required under Section 380.06(16), Florida Statutes.

It is the intent herein that the foregoing requirements for submittal of the annual report shall be in addition to and not in lieu of any submittal requirements for an annual report as promulgated by the State Land Planning Agency.

L. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1981).

M. Upon adoption, this Development Order shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners, by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and the Developer.

STATE OF FLORIDA                     )  
  )  
COUNTY OF HILLSBOROUGH         )

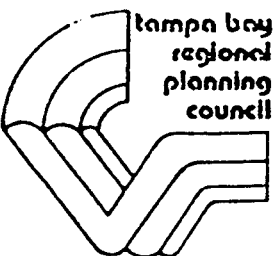
I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk to the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting of May 19, 1982, as the same appears of record in Minute Book 82 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 24th day of May, 1982.

JAMES F. TAYLOR, JR., CLERK

By: Edna L. Fitzpatrick  
Deputy Clerk

APPROVED BY COUNTY ATTORNEY  
BY [Signature]  
Approved As To Form And  
Legal Sufficiency.



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

**Officers**

**Chairman**

Mayor George C. McGough

**Vice-Chairman**

Councilwoman Sandra Rahn

**Secretary/Treasurer**

Mr. Joseph McFarland

**Executive Director**

William A. Ockunzzi

**Representatives**

**City of Bradenton**

Councilwoman Sandra Rahn

**City of Clearwater**

Commissioner James L. Berheid

**City of Dade City**

Commissioner Lawrence Puckett

**City of Dunedin**

Commissioner Verner Grant

**City of Gulfport**

Councilmember Frederick S. Allen

**Hillsborough County**

Mr. Cyril Blythe Andrews, Jr.

Mr. Alexander S. Byrne

Mr. Joe Chilita, Jr.

Mr. Joseph McFarland

Commissioner Jan K. Platt

**City of Largo**

Mayor George C. McGough

**Manatee County**

Mr. Jesse Carr

Commissioner

Westwood H. Fletcher, Jr.

**City of New Port Richey**

Mayor George Healy

**City of Oldsmar**

Mayor Sandy J. Francisco

**City of Palmetto**

Councilman Mark Goodson

**Pasco County**

Mr. Philip M. Brown

Commissioner Allan G. Sullivan

**Pinellas County**

Mr. Conrad Bunsbach, Jr.

Commissioner Gene Cazares

Reverend Preston Leonard

Senator Joseph M. Malabar

Mr. Michael Zagoria, Jr.

**City of Pinellas Park**

Councilman William Vannatta

**City of Safety Harbor**

Commissioner Allen Dettmer

**City of St. Petersburg**

Councilman James W. Martin

**City of St. Petersburg Beach**

Commissioner Helen Engle

**City of Sarasota**

Commissioner Dean Martin

**City of Tampa**

Councilman Thomas Vann

**City of Tarpon Springs**

Commissioner Norman Hill

May 20, 1983

Ms. Ethel Hammer, DRI Coordinator  
Hillsborough County Department  
of Development Coordination  
P. O. Box 1110  
Tampa, Florida 33601

Dear Ms. Hammer:

**Subject: DRI #86; Interstate Business Park Allied Commercial  
Parcels, DRI Substantial Deviation**

As requested, the staff of the Tampa Bay Regional Planning Council has reviewed the information provided for review regarding the proposal by the applicant to replace 120,000 SFGFA of General Commercial with 340 hotel rooms, 18,000 SFGFA of General Commercial and 120,000 SFGFA of office use, and makes the following comments related to transportation:

**A. Trip Generation**

1. **Daily;** The daily number of trips will decrease 11 percent as indicated by the applicant.

2. **Peak Hour;** Based on ITE peak hour rates, TBRPC has revised the applicant's values as noted below:

|              |                      |            |
|--------------|----------------------|------------|
| Hotel -      | 3212 x 0.069 =       | 222        |
| Commercial - | 1876 x 0.127 (ITE) = | 238        |
| Office -     | 1328 x 0.179 (ITE) = | 238        |
|              |                      | <u>698</u> |

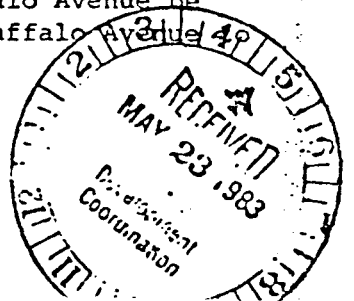
Therefore the peak hour change from the original "allied commercial" is from 522 to 698, or 176 trips. The total peak hour trips was 2,308; so the additional 176 trips is a 7.63 percent increase ( $176/2308 = 7.63$  percent) over the original number in the DRI/ADA.

**B. Roadway Improvements**

**1. TBRPC Report (3/8/82)**

The Council recommended (a) that U. S. 301 from Hillsborough Avenue (approximately I-4) to Buffalo Avenue be improved to six lanes divided, (b) widen Buffalo Avenue from four lanes from I-4 to I-75.

EXHIBIT B





May 30, 1983

2. Possible Substantial Deviation:

Since the ADT trips will decrease slightly there appears to be no need for improvements beyond those cited in the original TBRPC report and Development Order.

C. Intersection Improvements

1. TBRPC Report (3/8/82)

The Council recommended improvements to the following intersections:

- a) U. S. 301/north entrance
- b) U. S. 301/south entrance
- c) U. S. 301/Buffalo

2. FDOT (5/3/82 letter)

The FDOT May 3, 1982 letter sets forth an analysis and recommended improvements to the above intersections. The 176 additional peak hour trips can be satisfied within the FDOT recommended improvements and still provide LOS D or better in the peak hour.

In summary, TBRPC staff agrees with the applicant that the proposed DRI changes will decrease slightly the ADT from the DRI but disagrees with the applicant on the peak hour generation. The staff concluded that the peak hour trips will increase by 176, or 7.63 percent. But, the improvements recommended in the Development Order by FDOT will provide Level of Service D or better at the TBRPC report referenced intersections.

I hope these comments are helpful during the County's assessment of the changes proposed by the applicant.

Sincerely,



William A. Ockunzzi  
Executive Director

WAO/jls

cc: Barry Behrle  
David K. Maltby  
Blaine Oliver



COMMUNITY UNIT REZONING RESOLUTION OF  
THE BOARD OF COUNTY COMMISSIONERS OF  
HILLSBOROUGH COUNTY, FLORIDA  
C-U # 82-135B

Upon motion of Commissioner Bowmer , seconded by Commissioner Platt , the following resolution was adopted this 19th day of May, 1982.

WHEREAS, on March 8 , 1982, American Tectonics filed a rezoning petition seeking the C-U zoning classification for the construction of a planned industrial/office/commercial community, Interstate Business Park, located on 136.7 acres; and,

WHEREAS, the rezoning petition was filed in accordance with the Zoning Regulations of Hillsborough County; and,

WHEREAS, the Board of County Commissioners of Hillsborough County as the governing body of local government having jurisdiction is authorized and empowered to consider the rezoning petition filed by American Tectonics; and,

WHEREAS, concurrent with the consideration of the rezoning petition, the Board of County Commissioners of Hillsborough County has been engaged in the review of an application for development approval filed by American Tectonics on December 3 , 1981, pursuant to the terms contained in Section 380.06, Florida Statutes (1981); and,

WHEREAS, it is the intent of the Board of County Commissioners of Hillsborough County to coordinate the described review processes for purposes of insuring consistency between the resolution creating the C-U zoning district and the resolution granting approval of development pursuant to the terms of Section 380.06, Florida Statutes (1981); and,

WHEREAS, the public notice requirements contained in the Zoning Regulations of Hillsborough County have been satisfied; and,

WHEREAS, the Board of County Commissioners has received and considered the report and recommendations of the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, and the Hillsborough County City-County Planning Commission; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has solicited, received and considered reports, comments, and recommendations offered from interested citizens; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has on April 14 , 1982, May 5, 1982, and May 19, 1982, held a duly noticed public hearing on said petition for community unit rezoning and has heard and considered testimony and documents received thereon.

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

### I. FINDINGS OF FACT

A. The Board of County Commissioners of Hillsborough County as the governing body of local government having jurisdiction is authorized and empowered to consider the petition for community unit zoning filed by American Tectonics, which petition is attached hereto as Composite Exhibit A and made a part hereof by reference.

B. The Board of County Commissioners of Hillsborough County having reviewed the described petition finds that the proposed Interstate Business Park is appropriate for consideration pursuant to the terms of the community unit zoning classification contained in the Zoning Regulations of Hillsborough County.

C. The terms and conditions contained in Development Order 86 enacted by the Board of County Commissioners of Hillsborough County on May 19, 1982, a copy of which is attached hereto as Composite Exhibit B, are hereby incorporated into and made a part of this Resolution by reference.

D. The development of the Interstate Business Park project in accordance with the terms of this Resolution is found to be consistent with standards contained in the Comprehensive Land Use Plan enacted by the Board of County Commissioners of Hillsborough County pursuant to the authority contained in Chapter 75-390, Laws of Florida (1975), as amended.

### II. CONCLUSIONS OF LAW

A. Provisions of this Resolution shall not be construed as a waiver or exception of any rule, regulation or ordinance of Hillsborough County, its agencies or commissions, unless otherwise stated herein, and to the extent that further review is provided for in this Resolution, said review shall be subject to all applicable rules, regulations, and ordinances in effect at the time of review.

B. The Petition for Community Unit zoning # 82-135B filed by American Tectonics is approved subject to all terms and conditions contained herein.

### III. CONDITIONS

A. The development of the Interstate Business Park project by American Tectonics shall proceed in strict accordance with the general site plan, the land use conditions contained herein, and all applicable rules, regulations and ordinances of Hillsborough County.

B. The minimum building setbacks for the subject parcel shall be:

1. Fifty (50) feet on the west side of the project site along 301; and

2. One hundred (100) feet along the north side of the project site; and
3. One hundred (100) feet along the east side of the project site; and
4. One hundred (100) feet along the south side of the project site.

C. The Developer shall buffer all parking areas located within six hundred (600) feet of the eastern and southern property boundaries. The buffer shall consist of a hedge of plants four (4) feet in height planted on three foot centers, or at the Developer's option, a two foot berm landscaped with plants in three gallon containers. Buffers shall be installed within ten (10) days of the completion of any parking facility.

D. Land uses in the areas designated as Allied Commercial on the general site plan shall be limited to those listed as permitted uses in the C-1 (Neighborhood Commercial) Zoning District.

E. Land uses in the area designated as Light Industrial on the general site plan shall be limited to those listed as permitted uses in the C-3A (Limited Light Industrial) Zoning District and light manufacturing uses which are not obnoxious or offensive by reasons of emission of odors, fumes, dust, smoke, noise or vibration. The permission of any questionable industrial operation shall be subject to approval by the Board of County Commissioners of Hillsborough County.

F. Land uses in the area designated as Office Park on the general site plan shall be limited to those listed as permitted uses in the I-P (Institutional Professional) Zoning District.

G. Building heights in the area designated as Office Park on the general site plan shall not exceed five (5) stories. All other building heights are limited to thirty five (35) feet in height.

H. Prior to the issuance of any building permits, the Developer shall dedicate to Hillsborough County a five foot buffer strip along the eastern property boundary. The deed to this buffer property shall contain a restriction prohibiting the use of the buffer strip for access to the property being developed.

STATE OF FLORIDA                     )  
   )  
COUNTY OF HILLSBOROUGH        )

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk to the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting of 5/19/82, as the same appears of record in Minute Book 82 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 24th day of May, 1982.

JAMES F. TAYLOR, JR., CLERK

By: Edna L. Fitzpatrick  
Deputy Clerk

APPROVED BY COUNTY ATTORNEY  
BY [Signature]  
Approved As To Form And  
Legal Sufficiency.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF HILLSBOROUGH COUNTY, FLORIDA  
DRI # 86  
DEVELOPMENT ORDER

Upon motion of Commissioner Anderson , seconded by  
Commissioner Platt , the following resolution was adopted  
this 19th day of May , 1982:

WHEREAS, on December 3, 1981 , American Tec-  
tonics filed an application for development approval of a  
development of regional impact with the Hillsborough County  
Board of County Commissioners pursuant to the provisions of  
Section 380.06, Florida Statutes; and,

WHEREAS, said application proposed construction of a  
planned industrial/office/commercial community, Interstate  
Business Park, in eastern Hillsborough County located on  
136.7 acres; and,

WHEREAS, the Board of County Commissioners as the  
governing body of local government having jurisdiction pur-  
suant to Section 380.06, Florida Statutes, is authorized and  
empowered to consider applications for development approval  
for developments of regional impact; and,

WHEREAS, the public notice requirements of Section 380.  
06, Florida Statutes, have been satisfied; and,

WHEREAS, the Board of County Commissioners has on  
April 14, 1982, May 5, 1982, and May 19, 1982, held a duly  
noticed public hearing on said application for development  
approval and has heard and considered testimony and documents  
received thereon; and,

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

WHEREAS, Hillsborough County has solicited, received and considered reports, comments and recommendations from interested citizens, County and City agencies as well as the review and report of Hillsborough County Administration.

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

#### I. FINDINGS OF FACT

A. American Tectonics, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an application for development approval and sufficiency response which are attached hereto and marked Composite Exhibit A and incorporated herein by reference. Hereinafter, the word "application" shall refer to the application for development approval, and the sufficiency response.

B. The real property which is the subject of the application for development approval is legally described as set forth on Composite Exhibit A, attached hereto and made a part hereof by reference.

C. The proposed development is not an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

D. All development will occur in accordance with this Development Order and Application.

E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council.

#### II. CONCLUSION OF LAW

A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the application as set forth in Composite Exhibit A, the reports, recommendations and testimony heard and considered by the Board of County Commissioners, it is concluded that:

1. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

2. The development is consistent with local land development regulations.

3. The development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

B. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies or commissions, and to the extent that further review is provided for in this Development Order, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review, except as to compliance interpretations provided in this Development Order.

C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the application.

D. The application for development approval is approved subject to all terms and conditions of this Development Order.

### III. CONDITIONS

#### A. Wetlands

All wetlands taken for development shall be replaced by the Developer or its successors subject to these restrictions with at least an equal amount of wetlands. The creation of replacement wetland acreage in other locations on the property shall take place in accordance with the information contained in the application.

#### B. Water Service

The City of Tampa has indicated the ability to provide water service to this development. The Developer shall be required to provide all water mains, appurtenances, fire hydrants, easements, off-site improvements, engineering plan designs and acquire permits as required by the City of Tampa Water Department.

C. Soils and Erosion Control

1. Additional site specific subsurface testing as referenced in the application shall be required prior to detailed infrastructure and building design. The soil tests shall be performed and the results submitted to Hillsborough County for prompt review as a part of the building permit process.

2. The mitigative measures referenced in the application which are intended to control wind and water erosion shall be instituted during construction.

D. Site Use

The Developer shall not permit the project site to be used in such a way as to cause the emission of abnormal or hazardous quantities of noxious odors, gases, or smoke. This restriction shall be made applicable to project buyers/tenants by inclusion in the project covenants as referenced in the application. This condition in no way limits the power of the Board of County Commissioners of Hillsborough County to regulate, pursuant to its Zoning Code, the location of uses emitting noxious odors, gases, or smoke.

E. Sewer Service

1. The City of Tampa has indicated it will provide wastewater service to the development.

2. The collection, transportation, and disposal of solid waste is controlled by County Ordinance and shall take place in accordance with the terms of said ordinance.

F. Fire Protection

Hillsborough County shall have primary responsibility to provide fire protection to this development.

G. Energy

The Developer shall through the use of project covenants as described in the application encourage project buyers/tenants, within acknowledged constraints of operating and construction budgets, to utilize the following energy management/conservation measures to the extent cost effective:

a. Landscape parking lots and buildings to improve energy conservation.



- b. Use energy efficient lighting for exterior and security lighting.
- c. Use energy conservation features and techniques for interior and exterior building design.
- d. Ensure solar easements so as not to preclude the use of solar devices.
- e. Use waste heat as an energy management technique.
- f. Appoint an energy manager for each tenant or land purchaser.
- g. Encourage each building developer to consider the use of individual electrical meters per tenant, as opposed to a master meter for the entire building.

H. Drainage

- 1. Final determinations concerning the adequacy of the storm drainage system shall be made upon review of the detailed construction plans.
- 2. The Florida Department of Transportation will continue to maintain the drainage ditch that bisects the property.
- 3. The interior swale and detention systems shall be maintained by the Developer.
- 4. The concentration of nutrients, primarily nitrogen and phosphate in the runoff from the project shall be controlled by the Developer through regular landscape maintenance and the controlled application of fertilizers and pesticides by competent personnel.
- 5. The Developer shall conduct a street sweeping program on a minimum frequency of once a year. The parameters of this program shall be approved by Hillsborough County prior to its initiation.

6. The Developer may transfer the responsibilities described in paragraphs 3 through 5 to a property owners association.

7. The Developer shall institute a water quality monitoring program to include, at a minimum, sampling at out-fall structures of biochemical oxygen demand, dissolved oxygen, turbidity, total nitrogen, nitrate nitrogen, total phosphorous, oils and greases, lead, temperature and pH, as proposed in the Application.

8. In the event the Tampa By-Pass Canal becomes a source for potable water, the Developer shall assist in meeting Class I-A water quality standards for waters discharged by the Developer from the project site into the Tampa By-Pass Canal.

9. To maintain water quality, the Developer shall construct a drainage system to detain the "first flush" in detention basins on-site, with a controlled discharge of runoff from the site.

I. Transportation

1. The development of the Interstate Business Park Project will impact specific transportation facilities described in the application. This impact may generate the need for improvements to said facilities, which facilities are in this instance state roads falling under the jurisdiction of the Florida Department of Transportation. Thus, the transportation conditions contained in this Development Order are structured in such a way as to recognize the jurisdictional nexus between Hillsborough County and the Florida Department of Transportation, while also providing a mechanism for improvements to the impacted facilities.

a. Intersection of U.S. 301 and  
the North Entrance Road

The Developer shall be required to obtain appropriate permits from the Florida Department of Transportation for the construction and signalization of this intersection. The construction of road improvements and installation of signalization shall take place in accordance with the directives of the Florida Department of Transportation. The described intersection improvements shall be completed prior to the project completion.

b. Intersection of U.S. 301 and  
the South Entrance Road

The Developer shall be required to obtain appropriate permits from the Florida Department of Transportation for the construction and signalization of this intersection. The construction of road improvements and installation of signalization shall take place in accordance with the directives of the Florida Department of Transportation. The described intersection improvements shall be completed prior to project completion.

c. Buffalo Avenue

The Florida Department of Transportation is committed to the widening of Buffalo Avenue to four lanes from I-4 to I-75.

d. U.S. 301 and Intersection of U.S. 301/  
Buffalo Avenue

The widening of U.S. 301 to six lanes from a point six hundred (600) feet south of Buffalo Avenue to I-4, including appropriate tapering from six lanes to four lanes and appropriate intersection improvements at U.S. 301 and Buffalo Avenue, as defined in the Florida Department of Transportation letter of May 3, 1982, to Bruce Downs, attached hereto as Exhibit B and incorporated herein, hereinafter referred to collectively as "transportation facilities", are specific improvements for which the Developer is required to make a pro-rata contribution towards the cost of construction. For purposes of this Development Order, the term "cost of construction" shall include the cost of installation of drainage structures

which are incidental to and required by construction of the described specific improvements. For purposes of this Development Order the term "cost of construction" shall not include the cost of right-of-way acquisition and bridge construction. The maximum cumulative contribution for improvement of the transportation facilities shall be One Hundred Fifty Thousand Dollars (\$150,000.00). The total represents a maximum contribution of one Hundred Thousand Dollars (\$100,000.00) for widening of U.S. 301 and Fifty Thousand (\$50,000.00) for intersection improvements at U.S. 301 and Buffalo. The described allocation of monies is based upon the project contributing twenty five percent (25%) of the total traffic on the described segment of U.S. 301 and seventeen and four tenth percent (17.4%) of the total traffic at the described intersection. To the extent that the traffic generated by the project at the time of computation is less than the described percentage on said transportation facilities, the Developer's pro-rata contribution shall be reduced accordingly, below the maximum contribution allocated to the widening of U.S. 301 and the intersection improvements at U.S. 301 and Buffalo. The Florida Department of Transportation is entitled to utilize the contributed funds in accordance with the allocations described above.

1. Time of Computation of Impact

The time of computation of the project's impact on the transportation facilities shall be the time at which there is an Average Daily Traffic of at least three thousand (3000) vehicles from either the North or South entrance road which has existed for a sustained period of six (6) months. The Average Daily Traffic described above shall be verified by the Developer through the presentation of transportation reports as required herein. Once the time of computation has been verified, the County and the Developer shall within thirty (30) days determine what percentage of the total traffic existing

on the respective transportation facilities is directly generated by the project. The computation of this percentage shall be made in accordance with generally accepted traffic engineering practices. The described time of computation was established based upon the conclusion that with an Average Daily Traffic of three thousand (3000) vehicles from either the North or South entrance road, the improvements described herein would be required in order to maintain a level of Service C during regular hours and Level of Service D during peak hours. If such an Average Daily Traffic occurs but the service levels have not dropped below Level of Service C during regular hours and Level of Service D during peak hours then the point of computation shall be postponed until such time as the service level has dropped below Level of Service C during regular hours and Level of Service D during peak hours for a sustained period of six (6) months as reflected in the traffic reports.

## 2. Special Account

a. All contributions by the Developer pursuant to the terms of this Section shall be deposited into a special account created by the Board of County Commissioners of Hillsborough County or a major Tampa bank with a trust department, for the purposes of:

- i. Establishing separate accounting for the pro-rata contributions described in this Section;
- ii. Establishing a fund against which the Florida Department of Transportation may draw in accordance with this Order; and
- iii. Ensuring that the pro-rata funds are used solely for the purposes described herein and within the required time.

The Developer is to receive all interest income accruing to the deposit of the pro-rata contributions. The Developer shall be entitled to withdraw the accrued interest on an annual basis.

b. Within sixty (60) days after the County and the Developer have determined the percentage of the total traffic existing on the respective transportation facilities pursuant to paragraph 1(d)1, above, which is generated by the Project, the Developer shall deposit twenty percent (20%) of its pro-rata contribution, which deposit can be made in cash or by irrevocable letter of credit. The remaining eighty percent (80%) shall be deposited in cash within sixty (60) days after the Florida Department of Transportation has construction plans production ready and has funding for the improvements to the transportation facilities in the approved Five Year Work Program. If the Florida Department of Transportation does not complete plans production ready and does not include the improvements to the transportation facilities in the approved Five Year Work Program within three (3) years from the date of deposit of the twenty percent (20%) of the pro-rata share contribution, said contribution shall be returned to the Developer and no further contribution shall be required. The entire contribution shall be held for a period not to exceed one (1) year from the date of deposit of the eighty percent (80%) of the pro-rata contribution. During this period, the Florida Department of Transportation shall have the right, upon written notification to Hillsborough County that it is proceeding with the project in accordance with this Development Order, to draw against the special account for purposes of funding the construction of the transportation facilities in accordance with this Development Order. Those funds which have not been withdrawn in accordance with the terms of this Development Order by the Florida Department of Transportation at the end of the one (1) year period shall be returned to the Developer. Those funds which have been withdrawn by the Florida Department of Transportation but which are not used for construction of the transportation facilities shall also be returned to the Developer.

e. Annual Transportation Review

Commencing on the anniversary date of this Development Order and continuing thereafter until project completion, the Developer shall annually generate and provide to Hillsborough County and the Tampa Bay Regional Planning Council, current traffic counts and related projections on those road segments described in paragraph 1, subparagraphs a, b and d above. The traffic counts and related projections shall be prepared in accordance with generally accepted traffic engineering practices. If the results of the annual transportation report show that for a sustained period of at least six (6) months, there existed at either the North or South entrance, an Average Daily Traffic of at least three thousand (3000) vehicles, the Developer shall be required to comply with the terms of paragraph 1, subparagraph d.

In the event the results of the annual transportation report show that:

1. An Average Daily Traffic of at least three thousand (3000) vehicles exists at either the North or South entrance; and,
2. Said Average Daily Traffic has existed for less than six (6) months,

then the Developer shall be required to submit to Hillsborough County, a supplemental transportation report at each six (6) months period thereafter for the entrance having at least an Average Daily Traffic of three thousand (3000) vehicles, until the time of computation occurs or the project is completed whichever occurs first. The purpose of this supplemental transportation report is to ascertain whether or not an Average Daily Traffic of at least three thousand (3000) vehicles has existed at either the North or South entrance for at least six (6) months. If the supplemental transportation report indicates that the described Average Daily Traffic has existed for the sustained period of six (6) months, then the Developer shall be required to comply with the terms of paragraph 1, subparagraph d, above.

f. Garden Lane

There shall be no access points from the project to Garden Lane.

g. The widening of U.S. 301 to six (6) lanes as described herein and the improvement of the intersection at U.S. 301 and Buffalo shall be supported by the Board of County Commissioners' representatives on the Metropolitan Planning Organization for inclusion in appropriate work programs as established by the Metropolitan Planning Organization.

2. The Developer shall participate in a transportation system management (TSM) and implementation program to be developed through the coordinated efforts of the Developer, Hillsborough County, Florida Department of Transportation, and the Tampa Bay Regional Planning Council for graduated implementation with each additional facility. The TSM plan shall include procedures to encourage and facilitate the use of carpooling, vanpooling, flex time, transit ridership and provision of bus stop shelters.

3. In the event that the Florida Department of Transportation or other source should identify or program funds from an alternate source sufficient to cover any of the cost of improvements to the transportation facilities described in paragraph 1, subparagraph d, above, or an authorized final government ruling after a hearing or any court determines that any portion of this payment can not be lawfully assessed, then the Developer shall be released from an equal amount of its obligation to contribute a pro-rata share as contained herein. Developer shall be relieved of part or all of the above described obligation to contribute a pro-rata contribution if the Board of County Commissioners of Hillsborough County does not require or establish as a condition of the DRI or CU review process for similar non-residential developments:



a. a pro-rata contribution of funds based upon the development's impact on affected roads; and/or

b. a phasing mechanism based on the development's impact on affected roads designed to coordinate development with adequate roads.

The intent of this paragraph is to recognize the responsibility of the Board of County Commissioners to treat similarly situated developments in a fair and uniform manner.

4. The property which is subject to this development order and/or all owner(s) thereof shall be subject to any County-wide impact fee or user charge that may be imposed to fund, in whole or in part, the costs of related roadway maintenance or construction. Sums contributed pursuant to this Development Order for construction of the transportation facilities shall be considered a credit towards the payment of any such County-wide impact fee or user charge. Nothing contained herein shall be construed to limit or modify any legal remedies Developer may seek to contest the validity of such County-wide impact fee or user charge as set forth in this paragraph or any other legal remedy Developer may have.

#### IV. GENERAL PROVISIONS

A. The legal description set forth in Composite Exhibit A is hereby incorporated into and by reference made a part of this Development Order.

B. All provisions contained within the application for development approval marked "Composite Exhibit A" shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this development order, in which case the terms and conditions of this Development Order shall control.

C. This Resolution shall constitute the Development Order of Hillsborough County in response to the application for development approval for the Interstate Business Park Development of Regional Impact.

D. The definitions contained in Chapter 380, Florida Statutes (1981), shall govern and apply to this Development Order.

E. This Development Order shall be binding upon the Developer and its heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of, any branch of government or governmental agency.

F. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected government agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review development of regional impact applications as well as all governmental agencies and departments set forth under applicable laws and rules governing developments of regional impact.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Interstate Business Park, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private or public body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by the Regional Planning Council may result in Hillsborough County making a substantial deviation determination pursuant to the provisions of Section 380.06(17), F.S. and ordering a termination of such development activity pending review pursuant to Section 380.06(17), F.S.

J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. The County Administrator shall issue a notice of such non-compliance to the Developer and if the deviation is not corrected within a reasonable amount of time shall recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(16), Florida Statutes (1981). Such report shall be due on the anniversary of the effective date of this development order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the County Administrator who shall after appropriate review, submit it for receipt by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the Board of Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. The report shall contain:

1. A description of all development activity conducted pursuant to this Development Order during the year immediately preceding the submission of the annual report;

2. A description of all development activities proposed to be conducted under the terms of this development order for the year immediately subsequent to the submission of the annual report;

3. A statement listing all applications for incremental review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report;

4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this Development Order; and,

5. A transportation analysis as described in Section I , page 11 of this Development Order; and

6. Shall contain a statement that all persons have received copies of the annual report as required under Section 380.06(16), Florida Statutes.

It is the intent herein that the foregoing requirements for submittal of the annual report shall be in addition to and not in lieu of any submittal requirements for an annual report as promulgated by the State Land Planning Agency.

L. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1981).

M. Upon adoption, this Development Order shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners, by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and the Developer.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF HILLSBOROUGH COUNTY, FLORIDA  
DRI # 86  
DEVELOPMENT ORDER

Upon motion of Commissioner Anderson , seconded by  
Commissioner Platt , the following resolution was adopted  
this 19th day of May , 1982:

WHEREAS, on December 3, 1981 , American Tec-  
tonics filed an application for development approval of a  
development of regional impact with the Hillsborough County  
Board of County Commissioners pursuant to the provisions of  
Section 380.06, Florida Statutes; and,

WHEREAS, said application proposed construction of a  
planned industrial/office/commercial community, Interstate  
Business Park, in eastern Hillsborough County located on  
136.7 acres; and,

WHEREAS, the Board of County Commissioners as the  
governing body of local government having jurisdiction pur-  
suant to Section 380.06, Florida Statutes, is authorized and  
empowered to consider applications for development approval  
for developments of regional impact; and,

WHEREAS, the public notice requirements of Section 380.  
06, Florida Statutes, have been satisfied; and,

WHEREAS, the Board of County Commissioners has on  
April 14, 1982, May 5, 1982, and May 19, 1982, held a duly  
noticed public hearing on said application for development  
approval and has heard and considered testimony and documents  
received thereon; and,

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

~~EXHIBIT A~~

WHEREAS, Hillsborough County has solicited, received and considered reports, comments and recommendations from interested citizens, County and City agencies as well as the review and report of Hillsborough County Administration.

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

#### I. FINDINGS OF FACT

A. American Tectonics, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an application for development approval and sufficiency response which are attached hereto and marked Composite Exhibit A and incorporated herein by reference. Hereinafter, the word "application" shall refer to the application for development approval, and the sufficiency response.

B. The real property which is the subject of the application for development approval is legally described as set forth on Composite Exhibit A, attached hereto and made a part hereof by reference.

C. The proposed development is not an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

D. All development will occur in accordance with this Development Order and Application.

E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council.

#### II. CONCLUSION OF LAW

A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the application as set forth in Composite Exhibit A, the reports, recommendations and testimony heard and considered by the Board of County Commissioners, it is concluded that:

1. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

2. The development is consistent with local land development regulations.

3. The development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

B. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies or commissions, and to the extent that further review is provided for in this Development Order, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review, except as to compliance interpretations provided in this Development Order.

C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the application.

D. The application for development approval is approved subject to all terms and conditions of this Development Order.

### III. CONDITIONS

#### A. Wetlands

All wetlands taken for development shall be replaced by the Developer or its successors subject to these restrictions with at least an equal amount of wetlands. The creation of replacement wetland acreage in other locations on the property shall take place in accordance with the information contained in the application.

#### B. Water Service

The City of Tampa has indicated the ability to provide water service to this development. The Developer shall be required to provide all water mains, appurtenances, fire hydrants, easements, off-site improvements, engineering plan designs and acquire permits as required by the City of Tampa Water Department.



C. Soils and Erosion Control

1. Additional site specific subsurface testing as referenced in the application shall be required prior to detailed infrastructure and building design. The soil tests shall be performed and the results submitted to Hillsborough County for prompt review as a part of the building permit process.

2. The mitigative measures referenced in the application which are intended to control wind and water erosion shall be instituted during construction.

D. Site Use

The Developer shall not permit the project site to be used in such a way as to cause the emission of abnormal or hazardous quantities of noxious odors, gases, or smoke. This restriction shall be made applicable to project buyers/tenants by inclusion in the project covenants as referenced in the application. This condition in no way limits the power of the Board of County Commissioners of Hillsborough County to regulate, pursuant to its Zoning Code, the location of uses emitting noxious odors, gases, or smoke.

E. Sewer Service

1. The City of Tampa has indicated it will provide wastewater service to the development.

2. The collection, transportation, and disposal of solid waste is controlled by County Ordinance and shall take place in accordance with the terms of said ordinance.

F. Fire Protection

Hillsborough County shall have primary responsibility to provide fire protection to this development.

G. Energy

The Developer shall through the use of project covenants as described in the application encourage project buyers/tenants, within acknowledged constraints of operating and construction budgets, to utilize the following energy management/conservation measures to the extent cost effective:

a. Landscape parking lots and buildings to improve energy conservation.

- b. Use energy efficient lighting for exterior and security lighting.
- c. Use energy conservation features and techniques for interior and exterior building design.
- d. Ensure solar easements so as not to preclude the use of solar devices.
- e. Use waste heat as an energy management technique.
- f. Appoint an energy manager for each tenant or land purchaser.
- g. Encourage each building developer to consider the use of individual electrical meters per tenant, as opposed to a master meter for the entire building.

H. Drainage

- 1. Final determinations concerning the adequacy of the storm drainage system shall be made upon review of the detailed construction plans.
- 2. The Florida Department of Transportation will continue to maintain the drainage ditch that bisects the property.
- 3. The interior swale and detention systems shall be maintained by the Developer.
- 4. The concentration of nutrients, primarily nitrogen and phosphate in the runoff from the project shall be controlled by the Developer through regular landscape maintenance and the controlled application of fertilizers and pesticides by competent personnel.
- 5. The Developer shall conduct a street sweeping program on a minimum frequency of once a year. The parameters of this program shall be approved by Hillsborough County prior to its initiation.

6. The Developer may transfer the responsibilities described in paragraphs 3 through 5 to a property owners association.

7. The Developer shall institute a water quality monitoring program to include, at a minimum, sampling at out-fall structures of biochemical oxygen demand, dissolved oxygen, turbidity, total nitrogen, nitrate nitrogen, total phosphorous, oils and greases, lead, temperature and pH, as proposed in the Application.

8. In the event the Tampa By-Pass Canal becomes a source for potable water, the Developer shall assist in meeting Class I-A water quality standards for waters discharged by the Developer from the project site into the Tampa By-Pass Canal.

9. To maintain water quality, the Developer shall construct a drainage system to detain the "first flush" in detention basins on-site, with a controlled discharge of runoff from the site.

#### I. Transportation

1. The development of the Interstate Business Park Project will impact specific transportation facilities described in the application. This impact may generate the need for improvements to said facilities, which facilities are in this instance state roads falling under the jurisdiction of the Florida Department of Transportation. Thus, the transportation conditions contained in this Development Order are structured in such a way as to recognize the jurisdictional nexus between Hillsborough County and the Florida Department of Transportation, while also providing a mechanism for improvements to the impacted facilities.

a. Intersection of U.S. 301 and  
the North Entrance Road

The Developer shall be required to obtain appropriate permits from the Florida Department of Transportation for the construction and signalization of this intersection. The construction of road improvements and installation of signalization shall take place in accordance with the directives of the Florida Department of Transportation. The described intersection improvements shall be completed prior to the project completion.

b. Intersection of U.S. 301 and  
the South Entrance Road

The Developer shall be required to obtain appropriate permits from the Florida Department of Transportation for the construction and signalization of this intersection. The construction of road improvements and installation of signalization shall take place in accordance with the directives of the Florida Department of Transportation. The described intersection improvements shall be completed prior to project completion.

c. Buffalo Avenue

The Florida Department of Transportation is committed to the widening of Buffalo Avenue to four lanes from I-4 to I-75.

d. U.S. 301 and Intersection of U.S. 301/  
Buffalo Avenue

The widening of U.S. 301 to six lanes from a point six hundred (600) feet south of Buffalo Avenue to I-4, including appropriate tapering from six lanes to four lanes and appropriate intersection improvements at U.S. 301 and Buffalo Avenue, as defined in the Florida Department of Transportation letter of May 3, 1982, to Bruce Downs, attached hereto as Exhibit B and incorporated herein, hereinafter referred to collectively as "transportation facilities", are specific improvements for which the Developer is required to make a pro-rata contribution towards the cost of construction. For purposes of this Development Order, the term "cost of construction" shall include the cost of installation of drainage structures

which are incident to and required by construction of the described specific improvements. For purposes of this Development Order the term "cost of construction" shall not include the cost of right-of-way acquisition and bridge construction. The maximum cumulative contribution for improvement of the transportation facilities shall be One Hundred Fifty Thousand Dollars (\$150,000.00). The total represents a maximum contribution of one Hundred Thousand Dollars (\$100,000.00) for widening of U.S. 301 and Fifty Thousand (\$50,000.00) for intersection improvements at U.S. 301 and Buffalo. The described allocation of monies is based upon the project contributing twenty five percent (25%) of the total traffic on the described segment of U.S. 301 and seventeen and four tenth percent (17.4%) of the total traffic at the described intersection. To the extent that the traffic generated by the project at the time of computation is less than the described percentage on said transportation facilities, the Developer's pro-rata contribution shall be reduced accordingly, below the maximum contribution allocated to the widening of U.S. 301 and the intersection improvements at U.S. 301 and Buffalo. The Florida Department of Transportation is entitled to utilize the contributed funds in accordance with the allocations described above.

1. Time of Computation of Impact

The time of computation of the project's impact on the transportation facilities shall be the time at which there is an Average Daily Traffic of at least three thousand (3000) vehicles from either the North or South entrance road which has existed for a sustained period of six (6) months. The Average Daily Traffic described above shall be verified by the Developer through the presentation of transportation reports as required herein. Once the time of computation has been verified, the County and the Developer shall within thirty (30) days determine what percentage of the total traffic existing

on the respective transportation facilities is directly generated by the project. The computation of this percentage shall be made in accordance with generally accepted traffic engineering practices. The described time of computation was established based upon the conclusion that with an Average Daily Traffic of three thousand (3000) vehicles from either the North or South entrance road, the improvements described herein would be required in order to maintain a level of Service C during regular hours and Level of Service D during peak hours. If such an Average Daily Traffic occurs but the service levels have not dropped below Level of Service C during regular hours and Level of Service D during peak hours then the point of computation shall be postponed until such time as the service level has dropped below Level of Service C during regular hours and Level of Service D during peak hours for a sustained period of six (6) months as reflected in the traffic reports.

## 2. Special Account

a. All contributions by the Developer pursuant to the terms of this Section shall be deposited into a special account created by the Board of County Commissioners of Hillsborough County or a major Tampa bank with a trust department, for the purposes of:

- i. Establishing separate accounting for the pro-rata contributions described in this Section;
- ii. Establishing a fund against which the Florida Department of Transportation may draw in accordance with this Order; and
- iii. Ensuring that the pro-rata funds are used solely for the purposes described herein and within the required time.

The Developer is to receive all interest income accruing to the deposit of the pro-rata contributions. The Developer shall be entitled to withdraw the accrued interest on an annual basis.

b. Within sixty (60) days after the County and the Developer have determined the percentage of the total traffic existing on the respective transportation facilities pursuant to paragraph 1(d)1, above, which is generated by the Project, the Developer shall deposit twenty percent (20%) of its pro-rata contribution, which deposit can be made in cash or by irrevocable letter of credit. The remaining eighty percent (80%) shall be deposited in cash within sixty (60) days after the Florida Department of Transportation has construction plans production ready and has funding for the improvements to the transportation facilities in the approved Five Year Work Program. If the Florida Department of Transportation does not complete plans production ready and does not include the improvements to the transportation facilities in the approved Five Year Work Program within three (3) years from the date of deposit of the twenty percent (20%) of the pro-rata share contribution, said contribution shall be returned to the Developer and no further contribution shall be required. The entire contribution shall be held for a period not to exceed one (1) year from the date of deposit of the eighty percent (80%) of the pro-rata contribution. During this period, the Florida Department of Transportation shall have the right, upon written notification to Hillsborough County that it is proceeding with the project in accordance with this Development Order, to draw against the special account for purposes of funding the construction of the transportation facilities in accordance with this Development Order. Those funds which have not been withdrawn in accordance with the terms of this Development Order by the Florida Department of Transportation at the end of the one (1) year period shall be returned to the Developer. Those funds which have been withdrawn by the Florida Department of Transportation but which are not used for construction of the transportation facilities shall also be returned to the Developer.

e. Annual Transportation Review

Commencing on the anniversary date of this Development Order and continuing thereafter until project completion, the Developer shall annually generate and provide to Hillsborough County and the Tampa Bay Regional Planning Council, current traffic counts and related projections on those road segments described in paragraph 1, subparagraphs a, b and d above. The traffic counts and related projections shall be prepared in accordance with generally accepted traffic engineering practices. If the results of the annual transportation report show that for a sustained period of at least six (6) months, there existed at either the North or South entrance, an Average Daily Traffic of at least three thousand (3000) vehicles, the Developer shall be required to comply with the terms of paragraph 1, subparagraph d.

In the event the results of the annual transportation report show that:

1. An Average Daily Traffic of at least three thousand (3000) vehicles exists at either the North or South entrance; and,
2. Said Average Daily Traffic has existed for less than six (6) months,

then the Developer shall be required to submit to Hillsborough County, a supplemental transportation report at each six (6) months period thereafter for the entrance having at least an Average Daily Traffic of three thousand (3000) vehicles, until the time of computation occurs or the project is completed whichever occurs first. The purpose of this supplemental transportation report is to ascertain whether or not an Average Daily Traffic of at least three thousand (3000) vehicles has existed at either the North or South entrance for at least six (6) months. If the supplemental transportation report indicates that the described Average Daily Traffic has existed for the sustained period of six (6) months, then the Developer shall be required to comply with the terms of paragraph 1, subparagraph d, above.



f. Garden Lane

There shall be no access points from the project to Garden Lane.

g. The widening of U.S. 301 to six (6) lanes as described herein and the improvement of the intersection at U.S. 301 and Buffalo shall be supported by the Board of County Commissioners' representatives on the Metropolitan Planning Organization for inclusion in appropriate work programs as established by the Metropolitan Planning Organization.

2. The Developer shall participate in a transportation system management (TSM) and implementation program to be developed through the coordinated efforts of the Developer, Hillsborough County, Florida Department of Transportation, and the Tampa Bay Regional Planning Council for graduated implementation with each additional facility. The TSM plan shall include procedures to encourage and facilitate the use of carpooling, vanpooling, flex time, transit ridership and provision of bus stop shelters.

3. In the event that the Florida Department of Transportation or other source should identify or program funds from an alternate source sufficient to cover any of the cost of improvements to the transportation facilities described in paragraph 1, subparagraph d, above, or an authorized final government ruling after a hearing or any court determines that any portion of this payment can not be lawfully assessed, then the Developer shall be released from an equal amount of its obligation to contribute a pro-rata share as contained herein. Developer shall be relieved of part or all of the above described obligation to contribute a pro-rata contribution if the Board of County Commissioners of Hillsborough County does not require or establish as a condition of the DRI or CU review process for similar non-residential developments:

a. a pro-rata contribution of funds based upon the development's impact on affected roads; and/or

b. a phasing mechanism based on the development's impact on affected roads designed to coordinate development with adequate roads.

The intent of this paragraph is to recognize the responsibility of the Board of County Commissioners to treat similarly situated developments in a fair and uniform manner.

4. The property which is subject to this development order and/or all owner(s) thereof shall be subject to any County-wide impact fee or user charge that may be imposed to fund, in whole or in part, the costs of related roadway maintenance or construction. Sums contributed pursuant to this Development Order for construction of the transportation facilities shall be considered a credit towards the payment of any such County-wide impact fee or user charge. Nothing contained herein shall be construed to limit or modify any legal remedies Developer may seek to contest the validity of such County-wide impact fee or user charge as set forth in this paragraph or any other legal remedy Developer may have.

#### IV. GENERAL PROVISIONS

A. The legal description set forth in Composite Exhibit A is hereby incorporated into and by reference made a part of this Development Order.

B. All provisions contained within the application for development approval marked "Composite Exhibit A" shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this development order, in which case the terms and conditions of this Development Order shall control.

C. This Resolution shall constitute the Development Order of Hillsborough County in response to the application for development approval for the Interstate Business Park Development of Regional Impact.

D. The definitions contained in Chapter 380, Florida Statutes (1981), shall govern and apply to this Development Order.

E. This Development Order shall be binding upon the Developer and its heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of, any branch of government or governmental agency.

F. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.

G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected government agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review development of regional impact applications as well as all governmental agencies and departments set forth under applicable laws and rules governing developments of regional impact.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Interstate Business Park, the Developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private or public body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by the Regional Planning Council may result in Hillsborough County making a substantial deviation determination pursuant to the provisions of Section 380.06(17), F.S. and ordering a termination of such development activity pending review pursuant to Section 380.06(17), F.S.

J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. The County Administrator shall issue a notice of such non-compliance to the Developer and if the deviation is not corrected within a reasonable amount of time shall recommend that the Board of County Commissioners establish a hearing to consider such deviations.

K. The Developer shall file an annual report in accordance with Section 380.06(16), Florida Statutes (1981). Such report shall be due on the anniversary of the effective date of this development order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the County Administrator who shall after appropriate review, submit it for receipt by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the Board of Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. The report shall contain:

1. A description of all development activity conducted pursuant to this Development Order during the year immediately preceding the submission of the annual report;

2. A description of all development activities proposed to be conducted under the terms of this development order for the year immediately subsequent to the submission of the annual report;

3. A statement listing all applications for incremental review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report;

4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this Development Order; and,

5. A transportation analysis as described in Section I , page 11 of this Development Order; and

6. Shall contain a statement that all persons have received copies of the annual report as required under Section 380.06(16), Florida Statutes.

It is the intent herein that the foregoing requirements for submittal of the annual report shall be in addition to and not in lieu of any submittal requirements for an annual report as promulgated by the State Land Planning Agency.

L. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1981).

M. Upon adoption, this Development Order shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners, by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and the Developer.

STATE OF FLORIDA            )  
                                  )  
COUNTY OF HILLSBOROUGH    )

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk to the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting of May 19, 1982, as the same appears of record in Minute Book 82 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 24th day of May, 1982.

JAMES F. TAYLOR, JR., CLERK

By: Edna L. Fitzpatrick  
Deputy Clerk

APPROVED BY COUNTY ATTORNEY  
BY [Signature]  
Approved As To Form And  
Legal Sufficiency.

STATE OF FLORIDA       )  
                                  )  
COUNTY OF HILLSBOROUGH )

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk to the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting of May 19, 1982, as the same appears of record in Minute Book 82 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 24th day of May, 1982.

JAMES F. TAYLOR, JR., CLERK

By: Edna S. Fitzpatrick  
Deputy Clerk

APPROVED BY COUNTY ATTORNEY  
BY [Signature]  
Approved As To Form And  
Legal Sufficiency.