

MANATEE COUNTY ORDINANCE
PDR-04-12(Z)(P)(R) – MERITAGE HOMES OF FLORIDA, INC. / SERENITY CREEK
(DTS # 20120360)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 0.86 ACRES ON THE EAST SIDE OF EXISTING POPE ROAD AND SOUTH OF THE FUTURE POPE ROAD REALIGNMENT, 1,500± FEET SOUTH OF SR 64, AT 2225, 2245, & 2303 POPE ROAD, BRADENTON FROM A (GENERAL AGRICULTURE) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; AMENDING ORDINANCE PDR-04-27(Z)(P) AND THE PRELIMINARY SITE PLAN FOR THE SERENITY CREEK SUBDIVISION TO INCREASE THE NUMBER OF SINGLE-FAMILY RESIDENTIAL LOTS FROM 85 TO 111 (26 ADDITIONAL LOTS) ON 64.79± ACRES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (0.86± ACRE REZONE; 64.79± TOTAL ACREAGE).

WHEREAS, Meritage Homes of Florida, Inc. (the “Applicant”) filed an application to rezone approximately 0.86 acres as described in Exhibit “A” from A (General Agriculture) to the PDR (Planned Development Residential) zoning district and an amended Preliminary Site Plan to increase the number of single-family residential lots from 85 to 111 (26 additional lots) on approximately 64.79 total acres included the rezone portion described in Exhibit “B”, attached hereto, (the “Property”); and

WHEREAS, the rezone property was mistakenly omitted from the legal description of the original rezone under Ordinance PDR-04-27(Z)(P) and therefore was included in this application to rezone; and

WHEREAS, the applicant filed a request for Special Approval for a project with habitable structures within the 25-year floodplain; for a project that was previously granted Special Approval for: 1) exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category; and 2) adjacent to a perennial stream; and

WHEREAS, the applicant filed a request for Specific Approval for alternatives to Sections 714.8.7 and 715.3.2.3 Option E of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval and Specific Approval applications subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on January 10, 2013 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval applications, received the staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications subject to the stipulations contained in the staff report.

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

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, the recommendation and findings of Planning staff, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the report of Manatee County Planning staff concerning the application for an amended Ordinance as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on January 3, 2013 regarding the proposed revised Ordinance described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, (the Manatee County Land Development Code), and has further considered the information received at the public hearing.
- C. The proposed revised Ordinance regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.
- D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.
- E. Notwithstanding the failure of this plan to comply with the requirements of LDC Sections 714.8.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree with the proposed design because the required number of trees and canopy will be provided.
- F. Notwithstanding the failure of this plan to comply with the requirements of LDC Sections 715.3.2.3, Option E, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate buffer and landscaping will be provided.

Section 2. PRELIMINARY SITE PLAN.

The amended Preliminary Site Plan is hereby approved for 111 lots for single-family detached residences on the Property identified in Exhibit "B" herein, subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland, or wetland buffer.
2. Any gates or emergency access points within or to the project shall be accessible to emergency service providers by a remote control, in accordance with Manatee County Ordinance 04-30. Prior to Final Site Plan approval, the applicant shall obtain written approval from EMS and the Fire Marshal approving the proposed system.
3. Signs shall be installed identifying the emergency access. Elevations of the signs shall be provided at time of Final Site Plan for review and approval by the Building and Development Services Department. The elevations and Final Site Plan shall show the locations, size, material, and content of the sign.
4. No additional time is granted with this approval. The expiration date of the Preliminary Site Plan is 08/05/2015 pursuant to House Bill 503.

B. TRANSPORTATION CONDITIONS:

1. The improvements to Pope Road realignment and existing Pope Road, as shown on the Preliminary Site Plan, shall be constructed or bonded prior to Final Plat approval. If bonded, the County and Applicant shall enter into an Improvement Agreement providing for a performance bond followed by a defect bond. These bonded improvements, except for the final lift of asphalt, shall be constructed prior to issuance of the first Building Permit. Improvements to existing Pope Road will only include the milling and replacement of asphalt from the termination of the existing Pope Road improvements to the intersection of the future Pope Road extension.
2. A four-lane divided boulevard entrance shall be constructed in lieu of a second means of access.
3. Prior to Final Plat Approval, the developer is required to dedicate or have dedicated to Manatee County 120 feet of Right-of-Way for the segment of the new Pope Road from the existing Pope Road to the termini just east of the project entrance as depicted on the preliminary site plan.

C. INFRASTRUCTURE AND HEALTH CONDITIONS:

1. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
2. Abandoned septic tanks shall be pumped out, bottoms ruptured, and filled with clean sand or other suitable material. A permit is required from Manatee County Health Department

unless work is approved by Manatee County Public Works Department.

D. STORMWATER CONDITIONS:

1. Any fill within the 25-year or 100-year floodplains of the Mill Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. Floodplain compensation volume shall be accounted separately from attenuation volume in retention ponds.
2. The project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into the Mill Creek. Modeling shall be used to determine pre- and post-development flows.
3. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Mill Creek within the project boundaries. In addition, a twenty-five (25) foot Drainage Maintenance Access Easement provided along Mill Creek. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
4. The developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the Pope Road Extension widening to 4-lanes that is located immediately adjacent to the project to accommodate roadway expansion. The developer shall demonstrate the stormwater capacity for that portion of the future 4-lane divided roadway within the project area and such demonstration shall be reflected on the SWFWMD permit documentation. The developer or homeowners association(s) authorizes utilization of the above stormwater ponds and any required modification of said ponds by Manatee County.

E. BUFFERS:

1. No detention or retention ponds shall be constructed within landscape buffers or greenbelts.
2. A 6' high wall designed with noise mitigating features shall be installed in the 20' drainage easement along the north property line, extending from the northwest corner of the project to the northeast (exclusive of the project access and the wetland and wetland buffer of Mill Creek, as shown on the site plan).
3. Except for the greenbelt buffer adjacent to Lots 98-103, all required landscaping within the buffers shall be installed on the exterior of any walls or fences.
4. All walls and fences within buffers shall be measured from the finished grade of the adjacent road or lot (exclusive of any swales), whichever is greater. This requirement shall be verified with a cross-section detail on the Final Site Plan.

F. ENVIRONMENTAL CONDITIONS:

1. Prior to Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to the County.

2. Tree Protection Measures:
 - a.) Based on the quality of the existing oak trees, the tree groups shown to be preserved within and near Lots 24-32 shall be retained through use of chainlink fence barricades located at the dripline and stemwall construction. Additionally, the 36" oak tree adjacent to Lot 32 shall not be adversely impacted by construction of the emergency access road. No construction activities shall occur within the driplines of remaining trees. The Building and Development Services Department will review details for these areas at the time of Final Site Plan submittal and may require design modifications to allow for the preservation of these trees.
 - b.) Required replacement trees shall not be installed on individual lots. At time of Final Site Plan approval, the landscape plan shall be designed to show acceptable locations for canopy replacement species, subject to the Building and Development Services Department's approval. All required replacement trees shall be canopy species and Florida #1 quality.
 - c.) At time of Final Site Plan approval, the applicant shall demonstrate compliance with the required tree replacement quantities stated in LDC Section 714.
 - d.) The Final Site Plan submittal shall clearly identify the existing 36" oak tree south of Lot 32 that is shown on the attached Exhibit "C". This tree shall be preserved due to its high quality.
 - e.) The Notice to Buyers and Homeowner Association documents shall reflect that any removed street trees shall be replaced in accordance with LDC standards.
 - f.) Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. Tree protection methodology shall be approved with the Final Site Plan.

3. Underground/aboveground pollutant storage tank installation/removal must conform to the requirements of Chapters 62-761, Florida Administrative Code.

4. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan, approved by the appropriate State or federal agency, shall be provided to the Building and Development Services Department for any listed species found on-site, prior to Final Site Plan approval.

5. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
6. Plant material quantities and species for all landscaping requirements of the project shall be provided with the Final Site Plan and shall be in accordance with the Land Development Code, except in those cases where Specific Approval has been granted for an alternative to the LDC requirements.
7. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 519 of the LDC.
8. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.

G. RECREATIONAL:

1. Detailed plans of proposed recreational amenities shall be required with the Final Site Plan.

H. NOTICES

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners in the project of the following:
 - a.) Manatee County has no obligation relative to Mill Creek to maintain, change, improve, clean, repair erosion, or restore the natural changes in the course of the Mill Creek stream bed,
 - b.) The developer or homeowners association(s) shall allow utilization of the stormwater ponds for that portion of the future Pope Road extension widening to 4-lanes that is located adjacent to the project to accommodate roadway expansion and any required modification of these ponds by Manatee County,
 - c.) The location of the emergency access,
 - d.) The homeowner's association shall be responsible for maintenance of the

emergency access which shall be kept clear of vegetation and maintain according to county road standards,

- e.) Portions of the site are in the 100-year and 25-year floodplains and may be subject to flooding,
- f.) The removal of any street tree shall be subject to LDC Section 714,
- g.) All planned thoroughfares (including the location and number of lanes for each) in the immediate area,
- h.) Potential noise associated with the planned roadways,
- i.) Agricultural uses and zoning in the nearby area and their potential impacts (noise and odor) of such uses,
- j.) There is a fifty-foot wide Florida Gas Transmission Company Pipeline Easement which traverses the site from northeast to southwest. The homeowner's association shall be responsible for the maintenance of the easement.

Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 5. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification

Section 6. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 7th day of February, 2013.

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

BY: _____
Larry Bustle, Chairman

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

BY: _____
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1 (O.R. 1445, PAGE 5297) (f/k/a NORTHERN PARCEL)

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89°39'50"E., ALONG THE NORTH LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 A DISTANCE OF 25.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.89°39'50"E., ALONG SAID NORTH LINE A DISTANCE OF 1311.10 FEET; THENCE S.00°18,32"W., ALONG THE EAST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4, A DISTANCE OF 642.19 FEET; THENCE N.89°32'00"W., 1201.27 FEET; THENCE N.00°14'05"E., 88.65 FEET; THENCE N.89°45'55"W., 109.00 FEET; THENCE N.00°14,05"E., ALONG THE EAST RIGHT OF WAY LINE OF POPE ROAD, A DISTANCE OF 551.02 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 2 (O.R. 1851, PAGE 1842):

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89°32'00"E., ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 25.00 FEET; THENCE N.00°14'05"E., ALONG THE EAST RIGHT OF WAY LINE OF POPE ROAD, 550.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N.00°14'05"E., ALONG SAID RIGHT OF WAY LINE, 115.40 FEET; THENCE S.89°45'55"E., 109.00 FEET; THENCE N.00°14'05"E., 236.35 FEET; THENCE S.89°32'00"E., 1201.27 FEET; THENCE S.00°18'32"W., ALONG THE EAST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4, 352.19 FEET; THENCE N.89°32'00"W., 1309.60 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 3 (O.R. 1851, PAGE 1842):

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89°32'00"E., ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 25.00 FEET; THENCE N.00°14'05"E., ALONG THE EAST RIGHT OF WAY LINE OF POPE ROAD, 383.50 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N.00°14'05"E., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 166.50 FEET; THENCE S.89°32'00"E., 1309.82 FEET; THENCE S.00°18'32"W., ALONG THE EAST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4, 550.00 FEET; THENCE N.89°32'00"W., ALONG THE SOUTH LINE OF SAID SECTION 33, 245.23 FEET; THENCE N.82°50'07"W., 514.15 FEET; THENCE N.00°14'05"E., 323.53 FEET; THENCE N.89°32'00"W., 553.47 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 4 (O.R. 1851, PAGE 1842):

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89°32'00"E., ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 25.00 FEET; THENCE N.00°14'05"E., ALONG THE EAST RIGHT OF WAY LINE OF POPE ROAD, 125.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N.00°14'05"E., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 258.50 FEET; THENCE S.89°32'00"E., 553.47 FEET; THENCE S.00°14'05"W., 323.53 FEET; THENCE N.82°50'07"W., 557.54 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 5 (O.R. 1752, PAGE 4576) (f/k/a EASTERN PARCEL):

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST FOR A POINT OF BEGINNING; THENCE S.89°01'29"E., ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 401 FEET MORE OR LESS TO THE INTERSECTION WITH THE THREAD OF A STREAM; THENCE MEANDER ALONG THE THREAD OF SAID STREAM IN A GENERAL NORTHERLY DIRECTION, A DISTANCE OF 2029 FEET MORE OR LESS TO THE INTERSECTION WITH THE NORTHERLY LINE OF AFORESAID SOUTHEAST 1/4; THENCE N.89°16'28"W., ALONG SAID NORTHERLY LINE A DISTANCE OF 414 FEET MORE OR LESS TO A POINT WHICH LIES S.89°16'28"E., A DISTANCE OF 58.36 FEET FROM THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4; THENCE S.00°43'18"W., PARALLEL WITH THE WESTERLY LINE OF SAID SOUTHEAST 1/4 AND 58.36 FEET EASTERLY THEREFROM, A DISTANCE OF 642.02 FEET; THENCE N.89°10'37"W., A DISTANCE OF 58.36 FEET TO THE INTERSECTION WITH SAID WESTERLY LINE; THENCE S.00°43'18"W., ALONG SAID WESTERLY LINE, A DISTANCE OF 902.23 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 6 (O.R. 1752, PAGE 4576) (f/k/a RECTANGULAR PARCEL):

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST FOR A POINT OF BEGINNING; THENCE S.00°43'18"W., ALONG THE WESTERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 641.92 FEET; THENCE S.89°10'37"E., 58.36 FEET; THENCE N.00°43'18"E., PARALLEL WITH SAID WESTERLY LINE OF THE SOUTHEAST 1/4 AND 58.36 FEET EASTERLY THEREFROM, A DISTANCE OF 642.02 FEET TO THE INTERSECTION WITH THE NORTHERLY LINE OF SAID SOUTHEAST 1/4; THENCE N.89°16'28"W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 58.36 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

LESS OUT THE FOLLOWING: (O.R. 1752, PAGE 4572)

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, THENCE S.89°15'53"E., ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 25.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.89°15'53"E., ALONG SAID NORTH LINE, A DISTANCE OF 95.00 FEET; THENCE S.00°42'52"W., A DISTANCE OF 98.31 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1060.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°26'33", A DISTANCE OF 452.20 FEET; THENCE N.00°42'52"E., PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND 25.00 FEET EASTERLY THEREFROM, A DISTANCE OF 536.95 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

AND ALSO LESS AND EXCEPT THE FOLLOWING;

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST; THENCE N89°16'28"W., ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1097.20 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N89°16'28"W, ALONG SAID NORTH LINE, A DISTANCE OF 117.91 FEET; THENCE S00°42'52"W, A DISTANCE OF 34.39 FEET TO A POINT ON THE ARC OF A CURVE, WHOSE RADIUS POINT LIES S19°29'24"E, A DISTANCE OF 890.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°54'46", A DISTANCE OF 122.91 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 7:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE N.89°39'50"W., ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 1,098.36 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.11°57'56"E., A RADIAL DISTANCE OF 890.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 12°19'36", A DISTANCE OF 191.48 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°38'20"E., A DISTANCE OF 908.15 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 33; THENCE S.89°38'20"E., A DISTANCE OF 151.22 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1,020.00 FEET AND A CENTRAL ANGLE OF 17°10'42"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 305.81 FEET; THENCE S.16°49'02"E., RADIAL WITH LAST DESCRIBED CURVE, A DISTANCE OF 68.39 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 33; THENCE N.89°39'50"W., ALONG SAID SOUTH LINE, A DISTANCE OF 472.47 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 8:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE N.89°39'50"W., ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 1,216.28 FEET; THENCE S.00°19'30"W., A DISTANCE OF 34.39 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTHERLY ALONG SAID LINE, A DISTANCE OF 63.92 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 1,060.00 FEET AND A CENTRAL ANGLE OF 24°19'56"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 450.16 FEET; THENCE N.00°14'05"E., A DISTANCE OF 459.34 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.26°32'45"E, A RADIAL DISTANCE OF 890.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 06°39'59", A DISTANCE OF 103.55 FEET TO THE POINT OF BEGINNING.

ALL AS MORE PARTICULARLY DESCRIBED AS:

A PARCEL OF LAND BEING A PORTION OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTH 1/4 CORNER OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE N89°06'59"W, ALONG THE SOUTH LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 33 (BEING THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION), FOR 244.76 FEET; THENCE LEAVING SAID SOUTH LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, N82°25'26"W, FOR 1071.69 FEET TO THE POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF POPE ROAD, SAME BEING THE POINT OF INTERSECTION WITH A LINE 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33; THENCE N00°38'46"E, ALONG SAID EAST RIGHT-OF-WAY LINE OF POPE ROAD, SAME BEING SAID LINE 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, FOR 540.40 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE OF POPE ROAD, S89°21'14"E, FOR 109.00 FEET; THENCE N00°38'46"E, FOR 325.00 FEET; THENCE N89°21'14"W, FOR 109.00 FEET TO THE POINT OF INTERSECTION WITH SAID EAST RIGHT-OF-WAY LINE OF POPE ROAD, SAME BEING THE POINT OF INTERSECTION WITH SAID LINE 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33; THENCE N00°38'46"E, ALONG SAID EAST RIGHT-OF-WAY LINE OF POPE ROAD, SAME BEING SAID LINE 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 33, FOR 475.16 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE SOUTHERLY; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE OF POPE ROAD, EASTERLY ALONG THE ARC OF SAID CURVE, WITH A RADIAL BEARING OF S26°08'01"E, HAVING A RADIUS OF 890.00 FEET, A CENTRAL ANGLE OF 26°54'20", AN ARC LENGTH OF 417.94 FEET, AND A CHORD BEARING N77°19'10"E, FOR 414.11 FEET TO THE POINT OF TANGENT; THENCE S89°13'40"E, FOR 908.15 FEET; THENCE CONTINUE S89°13'40"E, FOR 151.22 FEET; TO THE POINT OF

CURVATURE OF A CURVE CONCAVE NORTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1020.00 FEET, A CENTRAL ANGLE OF 17°10'42", AN ARC LENGTH OF 305.81 FEET, AND A CHORD BEARING N82°10'59"E, FOR 304.67 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE S16°24'22"E, FOR 68.29 FEET TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 33; THENCE S89°15'53"E, ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, FOR 4.29 FEET MORE OR LESS TO THE POINT OF INTERSECTION WITH THE THREAD OF STREAM; THENCE LEAVING SAID NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, MEANDER SOUTHERLY ALONG SAID THREAD OF STREAM, FOR 2424.7 FEET MORE OR LESS TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 33; THENCE LEAVING SAID THREAD OF STREAM, N89°06'40"W, ALONG SAID SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 33, FOR 393.36 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 2,822,455 SQUARE FEET OR 64.795 ACRES, MORE OR LESS

EXHIBIT "B"

LEGAL DESCRIPTION:

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COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST FOR A POINT OF BEGINNING; THENCE S.00°43'18"W., ALONG THE WESTERLY LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 641.92 FEET; THENCE S.89°10'37"E., 58.36 FEET; THENCE N.00°43'18"E., PARALLEL WITH SAID WESTERLY LINE OF THE SOUTHEAST 1/4 AND 58.36 FEET EASTERLY THEREFROM, A DISTANCE OF 642.02 FEET TO THE INTERSECTION WITH THE NORTHERLY LINE OF SAID SOUTHEAST 1/4; THENCE N.89°16'28"W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 58.36 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 33, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

Containing 0.86 acres