

FILE FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDMU-99-07(R3)
SARASOTA BRADENTON INTERNATIONAL AIRPORT

2009 JAN -3 PM 12:12

CLERK OF DISTRICT COURT
MANATEE CO FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING THE ZONING ORDINANCE AND GENERAL DEVELOPMENT PLAN FOR THE SARASOTA-BRADENTON INTERNATIONAL AIRPORT TO: COMBINE EXISTING PHASES 1 & 2 TO BE KNOWN AS PHASE 1 AND EXTEND PHASE 1 BUILDOUT 4 YEARS TO 12/31/09; ELIMINATE THE EXISTING PHASE 3 AND MOVE THE PHASE 3 ENTITLEMENTS TO A NEW AND REVISED PHASE 2 AND EXTEND THE BUILDOUT BY 5 YEARS TO 12/31/15; MOVE 84,000 SQUARE FEET OF LIGHT INDUSTRIAL USES FROM THE CURRENT PHASE 3 TO NEW PHASE 1; AND ADD 36,000 SQUARE FEET OF LIGHT INDUSTRIAL USES ON OUTPARCEL 2; ADD ±16.86 ACRES (LOCATED ON THE NORTH SIDE OF TALLEVAST ROAD) AND 50,000 SQUARE FEET OF LIGHT INDUSTRIAL, RESEARCH AND DEVELOPMENT, SMALL COMMERCIAL, PROFESSIONAL OFFICE, AND WAREHOUSE USES (TO BE KNOWN AS OUTPARCEL #6); ADD 200,000 S.F. OF OFFICE SPACE, A 150-SEAT RESTAURANT, AND 200 HOTEL ROOMS ON THE AIRPORT PARCEL ALONG UNIVERSITY PARKWAY AND EAST OF THE AIRPORT ENTRANCE (KNOWN AS INNOVATION GREEN AND OUTPARCEL #5, LOCATED IN THE CITY OF SARASOTA); ADD 62,000 S.F. OF AIRPORT MAINTENANCE AND WAREHOUSE USES (LOCATED IN THE CITY OF SARASOTA) AND 175 HANGAR SPACES (LOCATED IN MANATEE COUNTY) TO THE AIRPORT PARCEL; CLARIFY THE ACREAGES DEVOTED TO EACH LAND USE WITHIN OUTPARCELS #1 AND #3 AND AMEND THE OVERALL ACREAGE FOR EACH OF THESE OUTPARCELS; AMEND THE GENERAL DEVELOPMENT PLAN TO REFLECT THE ABOVE CHANGES; VARIOUS OTHER CHANGES TO THE DEVELOPMENT ORDER INCLUDING TERMINOLOGY, FORMATTING, CLARIFICATION CHANGES; AND TO DENOTE STIPULATIONS THAT HAVE BEEN COMPLIED WITH OR REQUIREMENTS THAT HAVE BEEN COMPLETED. CODIFYING AND RESTATING THE EXISTING ZONING ORDINANCE PDMU-99-07(G)(R2); PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1. FINDINGS OF FACT.

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for a revised General Development Plan, the recommendation and findings of the

Planning Commission, and 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 the Manatee County Planning Commission, concerning the application for a revised General Development Plan as it relates to real property described in Section 5 of this Ordinance,
- B. The Manatee County Planning Commission held a public hearing on September 9, 2004 and the Board of County Commissioners held a public hearing on December 14, 2004 regarding the Revised General Development Plan described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code), as amended, and has further considered the information received at the public hearing.
- C. The public hearings referenced above have been conducted in conjunction with public hearings upon a Substantial Deviation for the same development project, submitted pursuant to Chapter 380, Florida Statutes.
- D. The proposed revised Zoning Ordinance regarding the property described in Section 5 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan), as amended.

SECTION 2. THE GENERAL DEVELOPMENT PLAN.

The Revised General Development Plan, consisting of Maps H, H-1, H-2, H-3, H-4, H-5, and H-6 (as revised), for the Sarasota Bradenton International Airport and six outparcels, is hereby APPROVED to allow a Multi-Use development, with the following conditions:

SECTION 3. CONDITIONS OF APPROVAL.

DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS

- A(1). This Ordinance shall constitute approval of the Revised General Development Plan, subject to the conditions set forth herein and shall be limited to the development amounts set forth in Tables 1, 2, 3, 4, and 5, 6, and 7 below. Phases 2 is not issued a Certificate of Level of Service at this time.
- A(2). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Development Order and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Development Order or are not inconsistent with this Ordinance.
- A(3). The Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Certificate of

Level of Service for Phase 1 until December 31, 2004. No CLOS is being issued for Phase 2.

- A(4). No plat or site plan shall receive approval if the approval of such increment of development would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstances upon which the County may base traffic projections, will have the likely result of causing or contributing to a degradation of the Level of Service on the road links and intersections (including all movements at each intersection) adjacent to the Sarasota Bradenton International Airport to an unacceptable level of service. Each request for plat or site plan approval must be accompanied by a traffic study prepared or provided in accordance with this stipulation. If any traffic study required above for any increment of development shows that the project will contribute 1% or more of the average daily Level of Service C capacity for all adjacent functionally classified roadways, then that increment of development shall not be approved unless the improvements necessary to achieve an acceptable Level of Service on that segment are under construction.

TABLE 1
Sarasota Bradenton International Airport - Outparcel #1
Allowed Development Totals

Outparcel #1 [COMPLETED]					
Land Use [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Golf Driving Range	19.03 acres	n.a.	n.a.	19.4 acres	19.4
Pro Shop	1,200 s.f.		n.a.	1,200 s.f.	
Commercial/ Warehouse	32,980 s.f.	n.a.	n.a.	32,980 s.f.	1.86
Build-out dates					20.89

Outparcel #1 shall be limited to the following dimensional requirements:

- FAR < .10
- Maximum Height 1 story, subject to any FAA restrictions
- Front Setback - 25'
- Rear Setback - 15'
- Side Setback - 20'

TABLE 2
Sarasota Bradenton International Airport - Outparcel #2
Allowed Development Totals

Outparcel #2					
Land Use [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Light Industrial [380.0651(3)(c)]	50,000* s.f.	160,000* s.f.	n/a	210,000 s.f.	32
Warehouse [380.0651(3)(c)]	108,530** s.f.	n.a.	n.a.	108,530 s.f.	14.9
Manufacturing [380.0651(3)(c)]	9,917*** s.f.	n.a.	n.a.	9,917 s.f.	1.0
Heavy Commercial (Tire Store) [380.0651(3)(f)]	7,144*** s.f.	n.a.	n.a.	7,144 s.f.	1.4
General Commercial (Auto care center/ truck repair) [380.0651(3)(f)]	16,000 s.f.	n.a.	n.a.	16,000 s.f.	1.5
Build-out Total	191,591 s.f.	160,000 s.f.		351,591s.f	50.79
Build-out dates		12/31/09	12/31/15	12/31/15	

* Includes 70,000 sq. ft. authorized under the 1st amended PDA and 10,200 sq. ft. authorized under the 2nd amended PDA .

** Represents a Cumulative Total of 108,530 sq. ft. of Vested Warehouse space (35,700 sq. ft./Airport Mall; 28,258 sq. ft./County Line Investments; 9,843 sq. ft./Sassaman Self-Storage; 16,572 sq. ft./Sassaman Self Storage; and 18,157 sq. ft./Security First Storage).

*** Existing and vested development

Outparcel #2 shall be limited to the following dimensional requirements:

Intensity and Dimensional Requirements

FAR < .178
 Maximum Height - 45', subject to any FAA restrictions
 Front Setback - 25'
 Rear Setback - 20'
 Side Setback - 20'

TABLE 3
Sarasota Bradenton International Airport - Outparcel #3
Allowed Development Totals

Outparcel #3					
Type [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Office [380.0651(3)(d)]	n.a.	15,000 s.f.	n.a.	15,000 s.f.	3.57
Quality Restaurant [380.0651(3)(f)]	n.a.	7,000 s.f.	n.a.	7,000 s.f.	1.57
Fast Food [380.0651(3)(f)]	n.a.	3,000 s.f.	n.a.	3,000 s.f.	1.86
Build-out Total				25,000 s.f.	7.00
Build-out Dates		12/31/09	12/31/15		

Outparcel #3 shall be limited to the following dimensional requirements:

FAR < .10
 Maximum Height - 35', subject to any FAA restrictions
 Front Setback - 25'
 Rear Setback - 10'
 Side Setback - 15'

TABLE 4
Sarasota Bradenton International Airport - Outparcel #4
Allowed Development Totals

Outparcel #4					
Type (380.0651 Guidelines)	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Hotel [380.0651(3)(g)]	n.a.	200 rooms	n.a.	200 rooms	5.33
Office [380.0651(3)(d)]	n.a.	5,000 s.f.	20,000	25,000 s.f.	2.55
Auto Sales [380.0651(3)(f)]	n.a.	25,000 s.f.	n.a.	25,000 s.f.	3.19
Build-out Total	n.a.	30,000 s.f.	20,000 s.f.	50,000 s.f. 200 rooms	11.07
Build-out Dates		12/31/09	12/31/15		

Outparcel #4 shall be limited to the following dimensional requirements:

FAR < .21

Maximum Height - 35' including the 3 story hotel, subject to any FAA restrictions

Front Setback - 25'

Rear Setback - 10'

Side Setback - 15'

TABLE 5
Sarasota Bradenton International Airport - Outparcel #5
Allowed Development Totals
(Located entirely in the City of Sarasota)

Type [380.0651 Guidelines]	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Office [380.0651(3)(d)]	n.a.	200,000 s.f.	n.a.	200,000 s.f.	4.34
Hotel [380.0651(3)(g)]	n.a.	200 room	n.a.	200 room	3.50
Quality Restaurant [380.0651(3)(f)]	n.a.	150 seat	n.a.	150 seat	
Build-out Total		200,000 s.f. 200 rooms 150 seats	n.a.	200,000 s.f. 200 rooms 150 seats	7.84
Build-out Dates		12/31/ 09	12/31/15		

Outparcel #5 shall be limited to the following dimensional requirements:

- FAR < .67
- Maximum Height – not to exceed 150 ' and FAA restrictions
- Front Setback - 20'
- Rear Setback - 10'
- Side Setback - 10'

TABLE 6
Sarasota Bradenton International Airport - Outparcel #6
Allowed Development Totals

Type	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Light Industrial, Research & Development, Small Commercial, Professional Office, Warehouse	n.a.	50,000 s.f.	n.a.	50000 s.f.	16.86
Build-out Total		50,000 s.f.	n.a.	50000 s.f.	16.86
Build-out Dates		12/31/ 09	12/31/ 15		

Outparcel #6 shall be limited to the following dimensional requirements:

- FAR < .10
- Maximum Height – not to exceed 35'
- Front Setback - 25'
- Rear Setback - 15'
- Side Setback - 10'

**TABLE 7
Sarasota Bradenton International Airport Allowed Development Totals**

Airport and Aviation Related Development					
Type (380.0651 - Airports)	Existing Amount	Phase 1	Phase 2	Total Amount	Total Acres
Runway 14/32, including associated taxiways and connectors, aprons, lighting, security, access, roads, utilities, and other infrastructure	7,003 l.f.	2,500 l.f.		9,503 l.f.*	1,123.45 Total Acres with 902.4 In Manatee County
Noise Barrier Berms and Walls	n.a.	(COMPLETED)			
Terminal Expansion	305,000 s.f. 13 gates		175,000 s.f. 9 Air carrier or commuter gates	175,000 s.f.**	
Enplanements - Commercial Carriers	561,506***	930,000***	1,274,000		
General Aviation Operations	88,000	202,536	256,273		
General Aviation Facilities (Hangar spaces)****	208	237		445	
Parking Garage			800 spaces	800 spaces	
Airport Maintenance Warehouse		62,000 s.f.		62,000 s.f.	
Build-out dates		12/31/09	12/31/15		

* The southeasterly 1,150 l.f. extension of runway 14/32 is located in Sarasota County.

** The Terminal building is partially located within Manatee County.

*** The approved number of commercial enplanements includes those occurring before July 1, 1973 (i.e., vested with respect to DRI requirements) and enplanements authorized as a result of the current development order (FLWAC Final Order) for which required mitigation was completed. Existing number based on current ADA submittal.

****208 general aviation hangar spaces currently exist. Therefore, the Development Order will allow 62 additional hangar spaces in Phase I (270 - 208 = 62). They will be located as follows:

48 spaces on the Airport parcel within areas not leased to FBO's

11 spaces at Dolphin Aviation

3 spaces at Jones Aviation

- A(4). The maximum allowable height for all structures at the Airport and Outparcels shall comply with all FAA regulations relative to clear zones, imaginary surfaces, etc. In addition, the maximum height of structures on the 5 Outparcels located in Manatee County shall be limited by Manatee County Land Development Code requirements and the height limits specified on Maps H1, H2, H3, H4 and H6.
- A(5). Each application for a Preliminary or Final Site Plan shall include a table to show the approved development totals for that parcel, the aggregate square footage of previously approved development on that parcel, and the amount remaining.
- A(6). All outparcels shall have perimeter and roadway buffers in accordance with the LDC.
- A(7). Landscaping facilities, at the external boundaries of the airport, including the perimeter fence, shall comply with Land Development Code Section 715, Landscaping and Screening Standard Requirements (including vehicle use area, roadway buffers and screening, and perimeter buffers), except where these requirements conflict with FAA limitations. Individual areas shall be in compliance with adjacent construction, new projects, or when upgrades are completed. Total compliance shall be achieved as shown on The Sidewalk and Landscaping Phasing Plan (Exhibit A), or no later than the end of Phase 1.

TRANSPORTATION CONDITIONS

- B(1). The Developer has provided for a bus stop at a location within the project. The provision of this bus stop meets all requirements for Transportation System Management actions required by the reviewing agencies.
- B(2). Effective upon the approval of this Ordinance, a biennial monitoring program to provide p.m. peak-hour counts at all SBIA entrances shall be instituted to verify that the projected number of external trips for the development, as determined by the developer's traffic engineer and approved by the County, are not exceeded.

Effective upon the SBIA achieving 930,000 enplanements per year, the required monitoring program shall be converted to an annual basis to provide p.m. peak-hour counts at all SBIA entrances.

Effective upon any additional vertical development on Outparcel #2 or 1 year before commencing Phase 2, whichever occurs soonest, an annual monitoring program to provide

p.m. peak-hour counts at all Outparcel #2 entrances shall be instituted to verify that the projected number of external trips for the development, as determined by the developer's traffic engineer and approved by the County, are not exceeded.

Traffic monitoring of p.m. peak-hour counts shall be required at all Outparcel access points for Phase 2. Counts will continue through build-out. This information shall be supplied in the required DRI annual report.

- B(3). Prior to any Preliminary Site Plan, Final Site Plan, or Construction Plan approval in Phase 2, the applicant shall submit a new transportation analysis for further 380.06 review, in order to obtain a Certificate of Level of Service for Phase 2.
- B(4). Prior to approval of any Preliminary Site Plan, Final Site Plan, or Construction Plans on any Airport Outparcel, the applicant(s) shall submit a transportation study that addresses access and safety considerations. These studies shall be submitted to the Manatee County Planning Department for review and approval concurrent with each individual Preliminary or Final Site Plan application. FDOT approval must be obtained for any access points to roadways under their jurisdiction. Any improvements necessary to accommodate the proposed development shall be the applicant's responsibility.
- B(5). The applicant shall provide and construct intersection improvements at U.S. 41 and Tallevast Road to provide necessary capacity improvements, as follows:
 - a. A right-turn lane for westbound to northbound traffic (Tallevast to U.S. 41); and
 - b. A right-turn lane for north-bound to eastbound traffic (U.S. 41 to Tallevast).

A traffic study shall be submitted with each Final Site Plan to determine if these improvements are warranted by the proposed development. These improvements shall be required when warranted, and at a minimum, the right-turn lane for westbound to northbound traffic (Tallevast to U.S. 41) shall be constructed prior to issuance of any Certificate of Occupancy on Outparcel #6, subject to availability of right-of-way.

Additionally, a sign shall be posted on northbound U.S. 41 directing motorists to use Ponce de Leon if turning east on to Tallevast Road. The sign details shall be approved by the Transportation Department, and the sign shall be posted prior to the issuance of the next Certificate of Occupancy, following approval of PDMU-99-06(G)(R3). The posting of this sign shall be deemed to meet the condition contained in B(5).b, above.

- B(6). The access to and from U.S. 41 for Outparcels #3 and #4 may be restricted due to the installation of raised medians and a traffic signal on U.S. 41 to serve the proposed University of South Florida Campus expansion on the west side of U.S. 41. The SMAA shall notify all prospective tenants of this possibility.
- B(7). The SMAA may be required to complete roadway improvements on the roads adjacent to Outparcels #1, #2, #3, #4, and #6 in order to meet concurrency requirements or to correct operational or safety problems associated with the project traffic. This requirement shall be reviewed by the Planning and Transportation Departments with the Preliminary and Final Site Plans.

- B(8). SMAA shall dedicate right-of-way along all roadways adjacent to the Airport parcel and outparcels in compliance with the right-of-way needs referenced in Table 5-1 of the Comprehensive Plan.

ENVIRONMENTAL CONDITIONS.

C(1). Vegetation, Wildlife, and Wetlands

- c. In the event any species listed in Rule 68A-27.003 through Rule 68A-27.005, FAC are observed frequenting the sites of Outparcels 1, 2, 3, 4, or 6 for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Florida Fish and Wildlife Commission (FFWC) and Manatee County EMD (Environmental Management Department). This may include a wildlife management plan which contains information on impacts to listed species, site maintenance, and boundary protection. With respect to the Airport property, the requirements stated above shall not preclude SMAA from utilizing the provision of Rule 68A-27.002, F.A.C. if aircraft safety and human lives are in imminent jeopardy.

C(2). Air Quality

- a. Manatee County shall reserve the right to require mitigation measures or a revision of the General Development Plan to alleviate potential impacts of the project on ambient air quality. Manatee County shall not require any additional or new air quality mitigation measures unless such measures are also being required of other developments in the vicinity of the project.
- b. The Developer shall comply with applicable requirements of the Florida Department of Environmental Protection's air quality regulations prior to construction of any parking garage.
- c. The soil conservation measures and the measures to reduce erosion, fugitive dust, and air emissions referenced in the ADA shall be implemented. The measures to reduce erosion, fugitive dust and air emissions referenced in the ADA, at minimum, shall be implemented.

C(3). Water Quality, Wetlands, and Stormwater Management

- a. Final drainage plans shall be consistent with Master Surface Water Management Plans, ERP, or MSSW permits issued by the Southwest Florida Water Management District (SWFWMD). The existing 529,571square feet of development is acknowledged to have complied with all applicable surface water and drainage permitting and construction requirements.
- b. A ground water quality monitoring program shall be required if additional wells are constructed on-site. The requirements of the ground water monitoring program shall be set forth, if deemed necessary, by SWFWMD in the permit documents.

- c. The Developer* shall be responsible for operation and maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.
- d. There are no Conservation Areas*, or Preservation Areas* on the site. A 30 foot wetland buffer from the ordinary water level of the drainage ditch along the northeast boundary of the site shall be maintained. This drainage ditch may be rerouted or encased within a culvert with the consent and approval of applicable regulatory agencies. The setback area shall be modified in conjunction with any rerouting or encasement of the drainage ditch.
- e. The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the Manatee County Comprehensive Plan and Chapter 62-25, 62-40, , and 40D-4, F.A.C., and FAA Advisory Circulars 150/5320-56 and 150/5200-33.
- f. Detention/retention basins for drainage sub-areas of less than 100 acres shall provide capacity for the first half-inch of runoff, while detention/retention basins for drainage sub-areas greater than 100 acres shall provide capacity for the first one inch of rainfall within 72 hours of a 25 year, 24 hour design storm event (9.70 inches).
- g. All water control structures shall be designed to release the detention storage within 72 hours. Additional retention volume shall be provided by a decrease of stored water caused only by percolation through soil, evaporation or evapo-transpiration.
- h. Because the stormwater discharge facilities will receive stormwater from areas which are a potential source of oils and grease (jet fuel) contamination in concentrations exceeding applicable water quality standards, these facilities shall include a baffle, skimmer, grease trap or other mechanism suitable for preventing oils and greases from discharging to the Class II waters of Sarasota Bay.
- i. Swales shall be designed to percolate 80 percent of the runoff resulting from a three year, one hour design storm within 72 hours after a storm event, assuming average antecedent conditions.
- j. Permanently wet retention and detention basins shall be constructed with side slopes that are no steeper than 4:1 (horiz.: vert.) out to a depth of two feet below the control elevation.
- k. All side slopes shall be stabilized by either vegetation or other materials to minimize erosion and subsequent sedimentation in the basins. Erosion and sediment control best management practices shall be used as necessary during construction to retain sediments on-site.

- l. The filtration system in retention facility "D" shall be designed with a safety factor of at least two and shall incorporate an approved underdrain filter media suitable for long-term pollutant absorption.
- m. The Airport Authority shall assure the continuance of the daily (at least five times per week) vacuum/magnetic pick up cleaning of the aircraft parking apron, and three times per week cleaning of the auto parking areas.
- n. The Airport Authority shall design a monitoring program to evaluate drainage impacts on Bowlees Creek, Betty's Brook, and consequently the Class II waters of Sarasota Bay. To this end, the Airport Authority shall submit its proposed monitoring program to the Department of Environmental Protection (DEP), the Southwest Florida Water Management District (SWFWMD), the Manatee County Environmental Management Department, and local government public transportation departments for review and approval. At a minimum the monitoring program shall accurately assess water quality and sediment loads discharged from the Airport's on-site stormwater facilities.

The Airport Authority shall assume all maintenance responsibilities for the stormwater management system.

Once the monitoring program is approved the Airport Authority shall submit an annual monitoring report for review to the DER, SWFWMD, Pollution Control Department, and the Public Transportation Department of all applicable local governments. The first monitoring report shall be submitted with the annual report, with further reports submitted annually until build-out of the project.

The purpose of the monitoring report shall be to indicate if measures instituted regarding "Best Management Practices" (see Condition D-12) for erosion and water quality impact to Bowlees Creek, Betty's Brook and ultimately Sarasota Bay meet or exceed Manatee County Standards.

- o. Drainage infrastructure improvements constructed before the Section 380.06, F.S. review, if completed, shall be at the Developer's risk and shall not vest subsequent development rights.
- p. The use of "best management practices" shall be incorporated into the overall surface water management system, as outlined in the Application for Development Approval.
- q. During construction, appropriate measures shall be taken to prevent erosion, turbidity, oils and lubricants from impacting surface waters. The use of sediment basins in conjunction with absorbent filter pads (to aid in the removal of oils and grease) plus other appropriate controls shall be provided by the Airport Authority.
- r. If dewatering and impounding during construction activities results in a body of transitory water standing more than 72 hours, the Airport Authority shall notify all

applicable County mosquito control district in order that appropriate control measures may be undertaken.

- s. The Airport Authority shall provide stocking of mosquito eating fish (i.e. Killi Fish, Gambusia) in retention/detention ponds or other permanent water holding areas, in consultation with all applicable county mosquito control districts.
- t. Measures shall be instituted to design, construct and maintain those parts of the project to protect water quantity in compliance with TBRPC's Stormwater and Lake System Maintenance and Design Guidelines, (1978).
- u. Sarasota-Manatee Airport Authority shall routinely maintain and monitor all stormwater retention/detention systems and the perimeter ditch. If necessary, the Airport Authority shall provide restoration measures at the above to ensure proper and continual functioning as designed for.
- v. Sarasota-Manatee Airport Authority shall be responsible for the routine maintenance of all open space areas within the project site, including retention/detention areas and the perimeter ditch.
- w. A 25' wide drainage, maintenance, and access easement shall be provided along the drainage canal on Outparcel #6, as measured from the top of bank. Fences and walls shall not be located within this easement. This shall be approved by the Planning and Transportation Departments with the Preliminary and Final Site Plans.
- x. The stormwater management system shall be designed, constructed, and maintained to meet or exceed the applicable requirements of Chapters 40D-4, 62-40, 62-25, and 62-302, Florida Administrative Code, and Advisory Circulars 150/5320-5b and 150/5200-33.

C(4). Floodplains.

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

C(5). Soils

- a. Best Management Practices shall be employed during site preparation and construction to prevent soil erosion.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES CONDITIONS.

- D(1). The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County.

Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to the

commencement of ground-disturbing activities at the site. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, and the County*. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource-disturbing activities are allowed to continue.

WASTEWATER MANAGEMENT CONDITIONS

- E(1). Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Works Department guidelines with several means of back-up to provide assurance against equipment failure and discharge to the environment. This design shall include:
1. lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 2. stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
 3. wet wells to contain sewage line surcharges or overflows.
 4. emergency by-pass pumpouts for tank trucks.
 5. 100 percent redundancy in lift station pumping equipment.
- E(2). The Developer* previously submitted to Manatee County a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan was approved by Manatee County, and identified the entity responsible for the monitoring and time schedule for conducting the inspections. Any new infrastructure shall be built and maintained in accordance with this approval. Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings, and repairs shall be submitted to the Public Works Department and included in the annual report.
- E(3). Disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (98-28), or its successors.
- E(4). The Developer* shall not utilize on-site wastewater treatment.
- E(5). SMAA shall comply with all current design, construction, and maintenance requirements of Manatee County with regard to wastewater collection and disposition.
- E(6) The SMAA shall finance expansion/construction of the entire on-site wastewater treatment system and any necessary off-site expansion to assure that adequate wastewater capacity exists to accommodate the project. Additionally, the SMAA or their tenants shall pay the required connection fees, facility investment fees, and costs of any off-site improvements that may be required by the public utilities departments of all applicable local governments as a result of the project.

WATER SUPPLY CONDITIONS

- F(1). The Developer* shall use only non-potable water to meet non-potable demands to the maximum extent practicable. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public potable water utility. If reclaimed water is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Development Order shall be required to allow the Developer to use reclaimed water for irrigation purposes.
- F(2). Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.). For the purpose of potable water conservation, installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices shall be required. This shall include the use of toilets requiring no more than 1.6 gallons per flush and installation of self-closing and/or metered water faucets in all public and commercial restroom facilities. In areas not suitable for wastewater reuse, landscaping shall utilize xeriscaping principles, except in areas set aside for bedding plants.
- F(3). The SMAA shall comply with all current design, construction and maintenance requirements of the public utilities departments of all applicable local governments with regard to water supply and distribution.
- F(4). The SMAA shall finance expansion/construction of the entire on-site water distribution system and any necessary off-site expansion to assure that adequate water capacity exists to accommodate the project. Additionally, SMAA or their tenants shall pay the required connection fees, facility investment fees, and costs of any off-site improvements that may be required by Manatee County as a result of the project.
- F(5). The SMAA shall maintain all water lines and fire hydrants in accordance with that certain agreement between the SMAA and Manatee County dated February 28, 1995.
- F(6). Adequate fire flow and water pressure shall be maintained within the project's water supply system.

SOLID/HAZARDOUS WASTE/MEDICAL WASTE CONDITIONS.

- G(1). The applicant shall provide to all warehouse and industrial outparcel tenants/developers information that:
 - A. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the special-designated containers or areas;
 - B. Describes construction requirements for hazardous waste holding areas; and
 - C. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

- G(2). The Developer* shall notify all commercial tenants of their responsibility to comply with all applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).
- G(3). Separate hazardous waste storage areas within the project shall be provided by SMAA for its operations and tenants shall be required to provide separate hazardous waste storage areas if not permitted to use those of SMAA. These areas shall be accessible to all businesses and shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in Subsection 403.703(21), F.S., and listed in Title 40 CFR part 261).
- G(4). The SMAA shall require that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ENERGY CONDITIONS.

- H(1). The Developer* shall notify all tenants and businesses that the following related practices are encouraged:
 - a. energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible.
 - b. energy audits provided by energy companies or other qualified agencies.
 - c. water heater timers and water heaters set at 130 degrees Fahrenheit or lower.
 - d. energy conservation by employees.
 - e. reduced levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate.
 - f. recycling programs.
 - g. energy efficient packaging or recyclable materials.
- H(2). The Developer* shall designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses.

RECREATION, LANDSCAPING, AND OPEN SPACE CONDITIONS.

- I(1). The Developer shall be responsible for the maintenance of all recreation and open space areas within the project site not dedicated to the County or other state agencies.
- I(2). A 20 foot wide landscaped buffer shall be planted on Outparcel #4, just inside the new eastern boundary created with the transfer of acreage to the Airport proper. Two rows of Bald Cypress trees, (or other trees approved by the Planning Director) with a minimum caliper of 3" shall be planted in a staggered fashion, 30' on center. This shall be installed prior to issuance of the first Certificate of Occupancy for Outparcel #4.

- I(3). Each Outparcel located in Manatee County shall contain a minimum of 20% open space. This shall be approved by the Planning Department with the Preliminary and Final Site Plans.
- I(4). The parking lot and associated landscaping and all required buffers for Outparcel 4 shall meet current Land Development Code standards. This shall be approved by the Planning Department with the Final Site Plan.

PUBLIC SAFETY CONDITIONS.

- J(1). All facilities of the Sarasota Bradenton International Airport shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012, FAC, and be in compliance with the Manatee County Comprehensive Plan and Land Development Code and Building Code requirements.
- J(2). The Developer shall maintain an approved natural disaster plan pursuant to FAA Part 139.
- J(3). The Developer shall coordinate with the Manatee County Public Safety Department to plan for the safe evacuation of the facility and the use of the facility as a staging area, if necessary, to the recovery of the area. The applicant should work with the County to address shelter needs, building closings, security and safety precautions, and evacuation plans.

NOISE CONDITIONS.

Noise Barriers

- K(1). In order to mitigate noise exposure in areas located within close proximity to the end of the proposed Runway 14 extension, and prior to use of such runway extension, the SMAA shall construct noise barriers (earthen berms or wall structures or combination of both) between the end of extended Runway 14 and the impacted areas southwest and north of the runway, as proposed in the ADA, with the designs to be in substantial conformance with the SMAA's "Proposed Noise Barriers Testing Methodology" dated November 9, 1998 and incorporated herein as Exhibit 6. The appearance of the noise barriers shall be in substantial conformance with the design renderings entered into the record for this item.
(COMPLETED)

Noise Barriers and Reflective Traffic Noise

- K(2). For those portions of the noise barriers required under Condition K(1)., above, that include walls, the SMAA shall incorporate sound absorptive materials in the final design of the noise barrier walls if the walls have the potential to reflect noise from adjacent roadways back into residential communities. The SMAA shall show through field testing documentation that reflective noise resulting from the noise wall will be below perceptual levels within these communities. This field testing shall be accomplished through the following methodology.
 - a. Surface traffic noise monitoring shall be performed prior to the construction of the barrier wall. Surface traffic noise levels will be monitored at three locations west of

U.S. 41 adjacent to the wall. At two of the locations, the monitor shall be located where there is a direct line of sight from both the proposed barrier wall location and U.S. 41 and where existing reflective surfaces would not influence the results. At the third location, monitoring shall be accomplished at the closest accessible residential area. **[COMPLETED]**

- b. The surface traffic noise monitoring and analysis shall be conducted consistent with Florida Department of Transportation methodology to assure that a statistically valid sample of surface traffic analyzed. This would include monitoring a LAeq level for traffic along U.S. 41 while at the same time counting the number of cars, light trucks, and heavy trucks to assure a statistically valid sample is reached. Using the field traffic counts and the monitor location, a LAeq shall also be determined through the use of the FDOT noise model. The results of the modeled and monitored conditions would be compared to validate the accuracy of the model for the monitored location. The model is considered validated if the modeled and monitored results are within 3 Db. **[COMPLETED]**
- c. Following the construction of the noise barrier, surface traffic noise monitoring and traffic counts shall be conducted in the same manner as b., above. The results of the monitored condition (with the wall) will be compared with the modeled condition for surface traffic counted during the (with the wall) monitoring. The differences between the modeled condition with the wall and monitored condition with the wall will identify the amount of reflective noise resulting from the noise wall. A difference of 3 dB or less would be considered a non-perceptible impact. **(COMPLETED)**
- d. Should the results of the test indicate that greater than a 3dB increase due to reflection occurs, then additional wall treatments shall be provided to reduce the reflective noise to less than a 3 dB change.

Operational Noise Requirements

- K(3). The SMAA shall continue to expeditiously and without further delays, seek approval from FAA of the 270° radial turn for planes departing on Runway 32. In the event the approval is not received prior to the start of Phase 2, construction of the expansion of the terminal building and parking garage shall not be authorized until either :
 - i. the 270° radial turn departure procedure is approved and operational or,
 - ii. the SMAA can demonstrate to the County the Notice of Proposed Change pursuant to Section 380.06, Florida Statutes, that the SMAA has exerted good faith in a continued effort to gain approval of said turn. Such good faith effort shall be determined solely in the reasonable discretion of the Board of County Commissioners of Manatee County.
- K(4). All noise abatement measures as described in Table 6-10 of the FAR Part 150 NCP (Noise Compatibility Plan) dated February 1997 shall be implemented as described with the modifications herein:
 - a. All aircraft weighing over 25,000 pounds and all jet aircraft departing on Runway 32 shall be instructed to turn left at 0.9 DME to join the Sarasota 270° radial outbound

to at least 7 DME, then proceed on course as directed by Air Traffic Control (ATC). Should, after implementation, the turn at the 7DME result in splay of aircraft that is further east than anticipated, the aircraft shall be instructed to proceed outbound to the 270° radial to the 8DME, then proceed on course as instructed by ATC. Should approval of the turn to the 270° radial be denied by the FAA because of airspace constraints, the current procedure shall be maintained until such time as the turn to the 270° radial becomes feasible. That is, all aircraft weighing over 25,000 pounds and all jet aircraft departing northbound on Runway 32 shall be instructed to turn left at 0.9DME to join the Sarasota 295° radial outbound, then proceed on course as instructed by ATC; and all aircraft weighing over 25,000 pounds and all jet aircraft departing southbound on Runway 32 shall be instructed to turn left at 0.9 DME to a heading of 270°, then proceed on course as instructed by ATC.

- b. Arriving aircraft on Runway 32 would be allowed to make visual approaches to the airport and turn to the runway heading as soon as cleared to do so by the Air Traffic Control Tower.
 - c. All aircraft weighing over 25,000 pounds and all jet aircraft departing on Runway 14 shall be instructed to maintain runway heading until reaching 3,000 feet, then proceed on course.
 - d. Continue balanced runway use program. The goal of this program is equal use of Runway 14 and Runway 32 for air carrier departures, and equal use of Runway 14 and Runway 32 for air carrier arrivals.
 - e. Encourage the airlines to make maximum use of their own internal quiet departure techniques, guided by FAA Advisory Circular 91-53A, "Noise Abatement Departure Profiles."
 - f. All departing aircraft, to the extent feasible, should be issued unrestricted climb to their requested en route altitude.
 - g. The departure of Stage 2 aircraft shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., excluding only aircraft in use for emergency services such as police, ambulance, and military functions.
 - h. The prohibited hours for non-emergency engine maintenance run-ups shall be between the hours of 10:00 p.m. and 7:00 a.m.
 - i. The use of Auxiliary Power Units is prohibited between the hours of 10:00 p.m. to 7:00 a.m. unless ground power units are inoperative.
 - j. Training operations with larger aircraft on Runway 14 and Runway 32 shall be prohibited between the hours of 12:00 p.m. and 6:00 a.m.
- K(5). The use of external public address systems shall be prohibited between the hours of 10:00 p.m. to 7:00 a.m.

- K(6). All departures of Stage 2 air carrier or cargo aircraft weighing over 75,000 pounds on Runway 14 shall commence their take-off roll at the current runway threshold. All other aircraft may use the declared distance runway length for Runway 14. All aircraft may also use the declared distance runway length for Runway 32 departures.
- K(7). The SMAA shall diligently pursue Land Use Measures as described in Table 6-11 of the NCP dated February 1997 and establish a reasonable time line for implementation of the measures 1 through 3.
- K(8). The SMAA shall employ and maintain a full time professional, management level staff person, who is responsible for the administration of the noise abatement program. This program includes:
- a. Conducting a periodic noise monitoring program.
 - b. Conducting periodic recalculation of noise contours.
 - c. Conducting complaint and response functions.
 - d. Provide public information and involvement functions.
 - e. Expediting the purchase of fee simple interest from homeowners who purchased their current home prior to January 1, 1980, and who are located within the 65+ DNL contour of the 2000 Noise Exposure Map in Sarasota and Manatee counties. In addition, priority shall be given to homeowners located within the 70+ DNL of the 1995 Noise Exposure Map, and that priority ranking shall be based upon length of ownership. Homes purchased by the SMAA shall be sound insulated only where feasible and cost effective. All homes purchased by the SMAA shall be placed on the market for resale with an aviation easement reserved.
 - f. Expediting the purchase avigation easements from homeowners located within the 65+ DNL contour of the 2000 Noise Exposure map in Sarasota and Manatee counties, who purchased their current home prior to December 15, 1986. In addition, priority shall be given to homeowners located within the 70+ DNL of the 1995 Noise Exposure map, and that priority ranking shall be based upon length of ownership.
 - g. Expediting offers to provide sound insulation to homeowners located within the 65+ DNL contour of the 2000 Noise Exposure map in Sarasota and Manatee counties, only where feasible and cost effective, and in exchange for an aviation easement. It is recommended that the SMAA offer to provide sound insulation to homeowners located within the 65+ DNL: contour of the 2000 Noise Exposure Map in Sarasota and Manatee Counties, who purchased their current home prior to December 15, 1986. In addition, it is recommended the priority be given to homeowners located within the 70+ DNL of the 1995 Noise Exposure Map, and that priority ranking be based upon length of ownership.
 - h. Modifying the NCP, subject to FAA approval, to allow for expanded participation by impacted residents in the SMAA's land use program. This request shall be made within one year of adoption of this Ordinance. Specifically, the revised NCP shall provide for a modification to the eligibility dates for program participation, as follows:
 - Purchase and resale with avigation easement and sound insulation - revise eligibility date for participation from January 1, 1980 to December 15, 1986.
 - Sound Insulation - revise eligibility date from December 15, 1986 to on or after May 7, 1997.

- Avigation easement - revise eligibility date from December 15, 1986 to on or after May 7, 1997.
- All program participants - the priority for homeowners as established in the 1995 Noise Exposure Map be changed to the 2000 Noise Exposure Map.

The SMAA shall tender offers for participation to all eligible homeowners within five years of receipt of FAA approval, or shall provide documentation acceptable to Manatee County of good faith effort to meet this requirement.

- i. Seeking guidance and assistance in the preparation of further noise control programs or measures from the adjacent local governments in matters relating to land use compatibility and development regulations continuing to substantially reduce incompatible land uses within the 70-75 Ldn contours.
- j. Presenting a quarterly noise abatement report to the SMAA Board specifically addressing all noise abatement issues as identified in this Development Order. This report shall specifically identify non-complying entities and any sanctions or corrective actions taken. Copies of this report shall be available to the public and included in the annual report submitted to TBRPC and Manatee County. The report shall specifically include a tabulation of the number of units in each category (e, f, g, and h), and the status of implementation, including offers made, offers accepted, and offers rejected. The report shall also include any unresolved noise complaints which have occurred within each quarter.
- k. Working cooperatively with Manatee County to resolve any noise problems which may be identified in the future.

Noise Exposure Monitoring - Noise Barrier Testing Protocol

- K(9). In addition to surface traffic noise monitoring required under N(2), above, the SMAA shall monitor noise exposure under the no-project alternative condition and monitor again following the construction of the required noise barriers (berms or walls) and runway extension (project condition). The monitoring shall be accomplished by measuring the noise level from a calibrated noise source (the exact same noise source to be used for both monitoring conditions). The monitoring shall be required to show that the noise wall reduces noise exposure to a level which represents no significant increase (less than 1.5 DNL) in noise sensitive areas behind the wall (when comparing the extended runway condition and the no-project condition). This shall be accomplished through the following methodology.
- a. The noise source to be used for the monitoring shall be a loudspeaker, which simulates the noise levels and location of engines associated with an MD 80 Series aircraft located at the extended runway threshold. This type of aircraft is simulated since it represents one of the noisier Stage 3 aircraft and has engines located higher above the ground than most other aircraft projected to use the Airport. Two noise monitors shall be located at sites west of U.S. 41 and two noise monitors located at sites north of the north barrier location. **[COMPLETED]**
 - b. Each noise monitor (microphone) shall:
 - Be located where the noise level from the extended runway, without the barrier, would be more than 1.5 dB greater than for the unextended runway;
 - Have line of sight to the aircraft at the threshold of the extended runway;

- One monitor should be 50 feet from busy roads and the second should be at least 200 feet from any busy roads;
- Be at least 20 feet clear of hard surfaces (neighboring buildings, concrete walls, etc.) as to avoid reflections of sound, and not be between two buildings with parallel walls;
- Be at least 5 feet above the ground;
- Be sufficiently far from intruding sound sources (e.g., air-conditioners, sprinklers, children at play, etc.);
- Have easy access for set-up, monitoring, and take-down; and
- If monitor must be left unattended, be at a safe and secure location to avoid theft and vandalism.

[COMPLETED]

- c. With the loud speaker turned on, noise levels at the four monitoring sites (two per barrier) will be recorded. A second loudspeaker location will be established to simulate an aircraft located between the existing runway threshold and the extended runway threshold and the test will be conducted for a second time. These noise levels would represent the "without barrier" condition. **[COMPLETED]**
- d. Following the construction of noise barriers, noise levels shall be monitored using the same loud speaker equipment, the same noise source levels and heights above the ground, and the same monitoring sites as used in a., above. The resulting noise levels will represent the condition "with the noise barriers". The difference in noise levels shall be determined by comparing the noise levels measured without the barrier and with the barrier at each monitored site. These differences shall be compared with the levels of reduction previously determined through computer modeling (the results of which are included in the ADA-DRI). **(COMPLETED)**
- e. Prior to initiating the testing for the noise reduction effectiveness of the noise barriers, the SMAA will monitor single even noise from aircraft departing on Runway 14 for a minimum of seven (7) days. The noise monitoring will be located at a point along the proposed U.S. 41 noise barrier wall. The purpose of this monitoring is for the SMAA to provide documentation to Manatee County of the extent of variance of departure noise levels generated by aircraft (particularly the variance between the same models of aircraft). **(COMPLETED)**

Noise Exposure Monitoring - Requirements if the Effectiveness of Noise Barriers is Successfully Demonstrated

- K(10). Should the comparison of results of the noise barrier testing protocol required under K(9), above, indicate that the noise reductions resulting from the barriers are greater than or equal to those predicted (1.5 DNL increase or less) then no further action by the SMAA would be required. **(COMPLETED)**
- K(11). Prior to initiating the noise-monitoring program, the specific procedures to be followed will be provided to Manatee County. In addition, representatives of Manatee County will be invited to observe any monitoring activity which takes place. **(COMPLETED)**

HEIGHT RESTRICTIONS.

- L(1). The maximum building height for Outparcel #4 and Outparcel #6 shall be 35'.

GENERAL CONDITIONS.

- M(1). Any commercial or office uses to be located on Outparcel #6 shall meet Commercial Locational Criteria. This shall be approved by the Planning Department with the Preliminary Site Plan.
- M(2) A minimum 15' wide access shall be provided to at least two sides of all Mercantile, Business, Industrial, or Storage occupancy buildings. This access shall comply with MFPA1, Section 3-5, unless otherwise approved by the A.H.J. This shall be approved by the Fire Rescue District with the Preliminary and Final Site Plans.
- M(3). The SMAA shall install 5' wide sidewalks as shown on The Sidewalk and Landscaping Phasing Plan, also known as Exhibit A.
- M(4). Roadway buffers for the entire public roadway frontage of each outparcel within Manatee County shall be approved with the Preliminary and Final Site Plans for any outparcel development.

SECTION 4. DEFINITIONS.

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.
- B. "Application" and "Application for Development Approval" or "ADA" shall mean Sarasota Manatee Airport Authority's two DRI Substantial Deviation Applications for Development Approval submitted on 1) November 30, 1996 with sufficiency responses submitted on June 30, 1997, December 1, 1997, February 4, 1998 and March 5, 1999, and 2) February 25, 2003 with sufficiency responses submitted on June 4, 2003 and October 27, 2003. The term "current ADA," as used herein, shall mean only the February 25, 2003 Application for Development Approval with its sufficiency responses.
- C. "Best Management Practices" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code.
- D. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- E. "County Transportation Authority" shall mean the County entity responsible for roadway approvals.
- F. "Developer" shall mean Sarasota Manatee Airport Authority (SMAA), their heirs, assigns, designees, agents, and successors in interest as to the Sarasota Bradenton International Airport DRI.

- G. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- H. "Funding Commitments" shall mean to assure completion of any improvement required by this Development Order, or any combination of the following:
1. binding commitments for actual construction with a posting of a cash bond, irrevocable letter of credit, or other financial instrument, in a form satisfactory to the County; or
 2. actual construction; or
 3. the placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required, as long as the improvement is within the first two years of the responsible entity's work plan at the time of Preliminary Site Plan approval of a subphase or phase; or
 4. a local development agreement as defined by Florida Statutes or the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development. Compliance with Conditions B.(3), (4), and (5) shall also constitute a funding commitment.
- I. "General Aviation Hangars" shall mean a space within a building of sufficient size and configuration to house a single general aviation aircraft. "General aviation aircraft" shall mean a non-military aircraft other than one used for the transportation of persons, property, or cargo on a scheduled basis.
- J. "Horizontal Development" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadways, drainage, water, sewer, communications, utilities, etc.).
- K. "Master Development Plan" shall mean General Development Plan Maps H, H1, H2, H3, and H4, H5, and H6 and incorporated by reference.
- L. "Owner" shall mean the Sarasota Manatee Airport Authority and their assigns, designees, agents, and successors in interest.
- M. "Phase*" shall mean the development totals listed in Tables 1, 2, 3, 4, 5, 6 and 7.
- N. "Preservation Area" shall mean areas as defined by TBRPC.
- O. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, to trigger the concurrency (CLOS) development approval process for the next Preliminary Development Plan*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service on any of the roadway segments or intersections within the Transportation Impact Area* to below an Acceptable Level of Service*. Any such Traffic Study* shall consider

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

- P. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by this project in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by TBRPC or Manatee County) or more of the Level of Service "D" Peak Hour. This area is generally based on data submitted with the ADA.
- Q. "Vertical Development" shall mean and be deemed to include the construction of or the addition to any existing structure.
- R. "Warranted" shall mean a determination by the County based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
- S. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

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

SECTION 5. LEGAL DESCRIPTION.

The legal description for the Sarasota Bradenton International Airport is attached as Attachment A.

SECTION 6. SEVERABILITY.

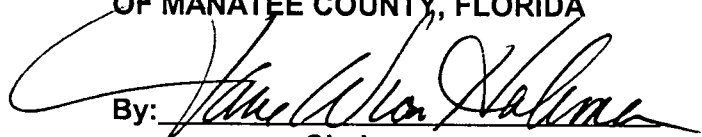
If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE.

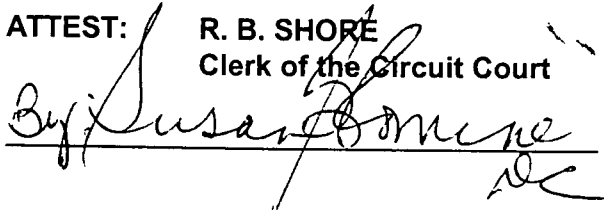
This Ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED WITH A QUORUM PRESENT AND VOTING BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THIS THE 14TH DAY OF DECEMBER, 2004.

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

By: 
Chairman

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

By: 



Attachment A

**Legal Description for the Sarasota Bradenton International Airport and ~~four (4)~~ six (6)
Outparcels
(Prepared by MEA Group, Inc.)**

DESCRIPTION OF PARCEL A:

A PARCEL OF LAND BEING AND LYING IN SECTIONS 25, 26, 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST AND SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA AND SECTION 1, TOWNSHIP 36 SOUTH, RANGE 17 EAST AND SECTION 6, TOWNSHIP 36 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE, COUNTY, FLORIDA; THENCE N.88°41'11"W., ALONG THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF 50.01 FEET; THENCE S.00°18'11"W., A DISTANCE OF 47.01 FEET FOR THE POINT OF BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF TALLEVAST ROAD AND THE WESTERLY RIGHT-OF-WAY OF FIFTEENTH STREET EAST (FORMERLY US 301 - 100 FEET WIDE); THENCE S.00°18'11"W., ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 2594.22 FEET; THENCE S.00°32'17"W., CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 1499.71 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1195.92 FEET, A CENTRAL ANGLE OF 89°48'46", A CHORD BEARING OF S.44°22'06"E. AND A CHORD LENGTH OF 1688.51 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1874.63 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°16'29"E., ALONG THE SOUTHERLY RIGHT-OF-WAY OF WEST UNIVERSITY PARKWAY, A DISTANCE OF 146.47 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (150 FEET WIDE); THENCE S.00°22'02"W., ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 2542.42 FEET TO THE NORTHERLY RIGHT-OF-WAY OF UNIVERSITY PARKWAY (FORMERLY DE SOTO ROAD); THENCE N.89°07'19"W., ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 1263.52 FEET TO THE EASTERLY RIGHT-OF-WAY OF OLD BRADENTON ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

- 1) N.00°42'10"E., A DISTANCE OF 356.00 FEET;
- 2) N.89°17'50"W., A DISTANCE OF 10.00 FEET;
- 3) N.00°42'10"E., A DISTANCE OF 918.52 FEET TO A POINT ON THE NORTH LINE OF THE CITY OF SARASOTA;

THENCE N.89°11'33"W., ALONG SAID NORTH LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE LINE BETWEEN RANGE 17 EAST AND RANGE 18 EAST; THENCE CONTINUING ALONG SAID NORTH LINE, N.89°24'22"W., A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OLD BRADENTON ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING NINE (9) COURSES:

- 1) S.00°42'10"W., A DISTANCE OF 23.30 FEET;
- 2) S.36°28'21"W., A DISTANCE OF 22.35 FEET;
- 3) N.85°44'10"W., A DISTANCE OF 25.00 FEET;
- 4) S.04°15'50"W., A DISTANCE OF 50.00 FEET;
- 5) S.85°44'10"E., A DISTANCE OF 30.00 FEET;
- 6) S.31°38'36"E., A DISTANCE OF 20.89 FEET;
- 7) S.00°42'10"W., A DISTANCE OF 549.15 FEET;

- 8) N.89 17'50"W., A DISTANCE OF 10.00 FEET;
- 9) S.00 42'10"W., A DISTANCE OF 616.03 FEET TO THE NORTHERLY RIGHT-OF-WAY OF UNIVERSITY PARKWAY (FORMERLY DE SOTO ROAD);

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING SIX (6) COURSES:

- 1) N.89 20'17"W., A DISTANCE OF 1275.18 FEET;
- 2) S.01 09'43"W., A DISTANCE OF 10.00 FEET;
- 3) S.89 42'44"W., A DISTANCE OF 301.68 FEET;
- 4) N.89 20'17"W., A DISTANCE OF 300.00 FEET;
- 5) N.88 57'22"W., A DISTANCE OF 300.01 FEET;
- 6) N.88 45'54"W., A DISTANCE OF 57.51 FEET;

THENCE N.00 43'16"E., A DISTANCE OF 783.34 FEET; THENCE N.43 22'47"W., A DISTANCE OF 139.87 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 936.93 FEET, A CENTRAL ANGLE OF 18 07'04", A CHORD BEARING OF N.34 19'15"W. AND A CHORD LENGTH OF 295.04 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 296.27 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT, HAVING: A RADIUS OF 1703.02 FEET, A CENTRAL ANGLE OF 12 07'11", A CHORD BEARING OF N.19 10'31"W. AND A CHORD LENGTH OF 359.57 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 360.24 FEET TO THE END OF SAID CURVE; THENCE N.89 19'02"W., A DISTANCE OF 991.13 FEET TO THE EASTERLY RIGHT-OF-WAY OF US 41; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

- 1) N.17 07'22"W., A DISTANCE OF 836.22 FEET;
- 2) N.14 23'06"W., A DISTANCE OF 343.16 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 5789.58 FEET, A CENTRAL ANGLE OF 03 32'37", A CHORD BEARING OF N.20 55'04"W. AND A CHORD LENGTH OF 358.01 FEET;
- 3) ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 358.07 FEET;

THENCE S.89 19'22"E., A DISTANCE OF 117.41 FEET; THENCE N.00 23'40"E., A DISTANCE OF 464.66 FEET; THENCE N.26 31'22"W., A DISTANCE OF 363.19 FEET; THENCE S.89 19'22"E., A DISTANCE OF 45.00 FEET; THENCE N.26 31'22"W., A DISTANCE OF 245.01 FEET; THENCE N.89 19'22"W., A DISTANCE OF 384.35 FEET TO THE EASTERLY RIGHT-OF-WAY OF US 41; THENCE N.26 31'22"W., ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 1183.32 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1849.86 FEET, A CENTRAL ANGLE OF 08 36'29", A CHORD BEARING OF N.22 13'07"W. AND A CHORD LENGTH OF 277.66 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 277.92 FEET TO THE END OF SAID CURVE; THENCE S.89 04'34"E., A DISTANCE OF 545.08 FEET; THENCE N.00 24'00"E., A DISTANCE OF 484.53 FEET; THENCE N.89 51'19"W., A DISTANCE OF 175.00 FEET; THENCE N.00 24'00"E., A DISTANCE OF 223.02 FEET; THENCE N.89 51'19"W., A DISTANCE OF 149.87 FEET; THENCE N.00 24'00"E., A DISTANCE OF 262.89 FEET; THENCE N.89 50'56"W., A DISTANCE OF 224.86 FEET; THENCE N.00 20'44"E., A DISTANCE OF 218.14 FEET; THENCE N.89 47'22"W., A DISTANCE OF 149.87 FEET; THENCE N.00 22'13"E., A DISTANCE OF 227.54 FEET; THENCE N.89 49'15"W., A DISTANCE OF 219.83 FEET; THENCE N.31 27'47"W., A DISTANCE OF 430.24 FEET; THENCE N.89 52'14"W., A DISTANCE OF 2.92 FEET; THENCE N.00 25'43"E., A DISTANCE OF 40.00 FEET; THENCE N.89 52'14"W., A DISTANCE OF 168.68 FEET TO THE EASTERLY RIGHT-OF-WAY OF US 41; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES:

- 1) N.31 26'22"W., A DISTANCE OF 1056.33 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 894.93 FEET, A CENTRAL ANGLE OF 04 07'00", A CHORD BEARING OF N.29 22'52"W. AND A CHORD LENGTH OF 64.29 FEET;

2) ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 64.30 FEET TO THE POINT OF TANGENCY OF SAID CURVE;

3) N.27°19'22"W., A DISTANCE OF 557.00 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY AND THE EASTERLY RIGHT-OF-WAY OF PONCE DE LEON (50 FEET WIDE) BEING A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 1032.17 FEET, A CENTRAL ANGLE OF 05°01'05", A CHORD BEARING OF N.22°09'45"E. AND A CHORD LENGTH OF 90.37 FEET;

THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 90.40 FEET TO THE NORTHWESTERLY CORNER OF LOT 7, WHITFIELD ESTATES, RECORDED IN PLAT BOOK 4, PAGE 48, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S.89°36'47"E., ALONG THE NORTHERLY LINE OF SAID LOT 7 A DISTANCE OF 181.50 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 7; THENCE N.00°27'38"E., ALONG THE EASTERLY BOUNDARY OF SAID WHITFIELD ESTATES, A DISTANCE OF 675.98 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF TALLEVAST ROAD (FORMERLY NICHOLSON ROAD); THENCE S.89°48'15"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 1328.00 FEET TO THE WEST LINE OF SECTION 25, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE S.00°27'44"W., ALONG SAID WEST LINE, A DISTANCE OF 658.47 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE S.88°48'19"E., ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 668.82 FEET; THENCE N.44°38'52"E., A DISTANCE OF 287.76 FEET; THENCE S.39°39'04"E., A DISTANCE OF 301.57 FEET; THENCE S.59°24'11"E., A DISTANCE OF 721.52 FEET; THENCE S.45°22'31"E., A DISTANCE OF 420.64 FEET; THENCE S.88°42'05"E., A DISTANCE OF 685.22 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 36; THENCE S.88°41'11"E., ALONG THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF 2226.83 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF TALLEVAST ROAD; THENCE S.81°59'43"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 403.40 FEET TO THE POINT OF BEGINNING.

CONTAINING 935.24 ACRES, MORE OR LESS.

DESCRIPTION OF "CHUNG" PARCEL (OUTPARCEL 6):

A PARCEL OF LAND BEING AND LYING IN SECTION 26, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 26; THENCE S.89°48'04"E., ALONG THE NORTH LINE OF SAID SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, ALSO BEING THE SOUTH LINE OF BLOCK "G", BROOKSIDE ADDITION TO WHITFIELD ESTATES, RECORDED IN PLAT BOOK 17, PAGES 33-36, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 1048.57 FEET TO THE SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK "G" AND TO THE WESTERLY CANAL RIGHT-OF-WAY LINE AS DESCRIBED IN DEED BOOK 360, PAGE 453, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES:

1) S.00°27'34"W., A DISTANCE OF 50.00 FEET;

2) S.89°48'04"E., A DISTANCE OF 229.44 FEET;

3) S.00°27'44"W., A DISTANCE OF 533.58 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NICHOLSON AVENUE AS DESCRIBED IN OFFICIAL RECORD BOOK 1230, PAGE 1862, OF SAID PUBLIC RECORDS;

THENCE N.89 48'15"W., ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1278.00 FEET TO THE WEST LINE OF THE AFORESAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE N.00 27'38"E. ALONG SAID WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, ALSO BEING THE EAST LINE OF BLOCK "62" OF WHITFIELD ESTATES, RECORDED IN PLAT BOOK 4, PAGE 48, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 583.65 FEET TO THE POINT OF BEGINNING. BEING AND LYING IN SECTION 26, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 16.86 ACRES, MORE OR LESS.

DESCRIPTION OF PARCEL D:

A PARCEL OF LAND BEING AND LYING IN SECTION 6, TOWNSHIP 36 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 6; THENCE S.89 16'29"E. ALONG THE NORTH BOUNDARY OF SAID SECTION 6, A DISTANCE OF 1,363.34 FEET TO THE CENTERLINE OF THE SEABOARD COAST LINE RAILROAD; THENCE S.00 22'02"W. ALONG SAID CENTERLINE, A DISTANCE OF 350.01 FEET; THENCE S.89 16'29"E., A DISTANCE OF 75.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD FOR A POINT OF BEGINNING; THENCE S.89 16'29"E., A DISTANCE OF 1401.16 FEET; THENCE S.00 43'31"W., A DISTANCE OF 199.66 FEET; THENCE S.89 13'38"E., A DISTANCE OF 599.26 FEET; THENCE S.00 42'58"W., A DISTANCE OF 450.00 FEET; THENCE S.51 11'48"W., A DISTANCE OF 693.67 FEET; THENCE S.73 28'38"W., A DISTANCE OF 258.58 FEET; THENCE S.21 08'13"W., A DISTANCE OF 599.72 FEET; THENCE S.45 01'36"W., A DISTANCE OF 369.49 FEET; THENCE S.89 06'24"E., A DISTANCE OF 407.59 FEET; THENCE S.00 22'00"W., A DISTANCE OF 249.81 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF DESOTO ROAD; THENCE N.89 07'19"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1171.41 FEET A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES N.00 22'02"E., A DISTANCE OF 1275.84 FEET; S.89 28'22"E., A DISTANCE OF 25.00 FEET; N.00 22'02"E., A DISTANCE OF 966.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 73.76 ACRES, MORE OR LESS.

DESCRIPTION OF PARCEL 1:

THOSE LANDS DESCRIBED AS PARCEL #21 AND PARCEL #22 IN DEED BOOK 381, PAGE 149, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S.89 39'21"E., A DISTANCE OF 50.01 FEET; THENCE S.00 18'11"W., A DISTANCE OF 229.00 FEET FOR A POINT OF BEGINNING; THENCE S.89 39'21"E., A DISTANCE OF 441.36 FEET; THENCE S.00 02'00"E., A DISTANCE OF 46.31 FEET; THENCE N.89 56'00"E, A DISTANCE OF 408.38 FEET; THENCE S.00 18'11"W., A DISTANCE OF 1049.29 FEET; ~~A DISTANCE OF 850.00 FEET; THENCE S.00 18'11"W., A DISTANCE OF 1092.68 FEET;~~ THENCE N.89 33'49"W., A DISTANCE OF 850.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF FIFTEENTH STREET EAST; THENCE N.00 18'11"E. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1091.30 FEET TO THE POINT OF BEGINNING.

~~CONTAINING 21.31 ACRES, MORE OR LESS.~~
CONTAINING 20.89 ACRES, MORE OR LESS.

DESCRIPTION OF PARCEL 2:

THAT PORTION OF THE LANDS DESCRIBED AS PARCEL #23 AND PARCEL #24 IN DEED BOOK 381, PAGE 149, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING NORTH AND EAST OF STATE ROAD 683A AND WEST OF THE SEABOARD COAST LINE RAILROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N.00° 32'17"E. ALONG THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 1142.18 FEET; THENCE S.89° 27'43"E., A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 683A (FIFTEENTH STREET EAST) FOR A POINT OF BEGINNING; THENCE N.00° 32'17"E. ALONG

SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 839.28 FEET; THENCE S.89° 25'19"E., A DISTANCE OF 1257.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES:

- 1) S.00° 21'43"W., A DISTANCE OF 661.67 FEET;
- 2) S.89° 12'59"E., A DISTANCE OF 25.00 FEET;
- 3) S.00° 21'43"W., A DISTANCE OF 1273.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 683A;

THENCE N.89° 16'29"W., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 195.84 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING: A RADIUS OF 1095.92 FEET, A CENTRAL ANGLE OF 89° 48'46", AN ARC LENGTH OF 1717.88 FEET, A CHORD DISTANCE OF 1547.32 FEET AND A CHORD BEARING OF N.44° 22'06"W.; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE (BEING SAID NORTHERLY RIGHT-OF-WAY LINE), AN ARC DISTANCE OF 1717.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 50.79 ACRES, MORE OR LESS.

DESCRIPTION OF PARCEL 3:

A PARCEL OF LAND BEING AND LYING IN SECTION 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADEN AVENUE AND THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41; THENCE S.89° 04'34"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 545.08 FEET; THENCE S.00° 32'35"W., A DISTANCE OF 929.18 FEET; THENCE N.89° 04'34"W., A DISTANCE OF 92.15 FEET; THENCE N.26° 31'22"W., A DISTANCE OF 759.31 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING: A RADIUS OF 1849.86 FEET, A CENTRAL ANGLE OF 08° 36'29", A CHORD LENGTH OF 277.66 FEET AND A CHORD BEARING OF N.22° 13'07"W.; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 277.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.00 ACRES, MORE OR LESS.

DESCRIPTION OF PARCEL 4:

A PARCEL OF LAND BEING AND LYING IN SECTION 36, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BRADEN AVENUE AND THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41; THENCE S.89°04'34"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 545.08 FEET; THENCE S.00°32'35"W., A DISTANCE OF 452.67 FEET FOR A POINT OF BEGINNING; THENCE S.89°41'59"E., A DISTANCE OF 200.67 FEET; THENCE S.00°18'01"W., A DISTANCE OF 157.92 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING: A RADIUS OF 283.17 FEET, A CENTRAL ANGLE OF 38°17'08", A CHORD LENGTH OF 185.72 FEET AND A CHORD BEARING OF S.56°33'07"E.; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 189.22 FEET; THENCE S.37°24'33"E., A DISTANCE OF 617.10 FEET; THENCE S.00°40'38"W., A DISTANCE OF 651.25 FEET; THENCE S.89°36'20"W., A DISTANCE OF 18.38 FEET; THENCE N.26°31'22"W., A DISTANCE OF 363.19 FEET; THENCE S.89°19'22"E., A DISTANCE OF 45.00 FEET; THENCE N.26°31'22"W., A DISTANCE OF 245.01 FEET; THENCE N.89°19'22"W., A DISTANCE OF 384.35 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41; THENCE N.26°31'22"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 424.01 FEET; THENCE S.89°04'34"E., A DISTANCE OF 92.15 FEET; THENCE N.00°32'35"E., A DISTANCE OF 476.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.07 ACRES, MORE OR LESS.

DESCRIPTION OF PARCEL 5 (LOCATED ENTIRELY WITHIN THE CITY OF SARASOTA):

A PARCEL OF LAND LYING AND BEING IN THE NORTHEAST ¼ OF SECTION 1, TOWNSHIP 36 SOUTH, RANGE 17 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 1, AS A POINT OF REFERENCE; THENCE N89°43'29"W ALONG THE SOUTH LINE OF SAID NORTHEAST ¼, 1001.72 FEET; THENCE N00°00'00"E LEAVING SAID SOUTH LINE, 100.00 FEET FOR A POINT OF BEGINNING; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, THE FOLLOWING THREE COURSE: N89°43'29"W 382.24 FEET, N85°39'47"W 169.43 FEET, AND N89°43'29"W 140.48 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, N00°00'00"E 125.34 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1805.86 FEET, A DELTA OF 07°54'10", AN ARC LENGTH OF 498.17 FEET AND A CHORD OF N07°54'10"E 496.59 FEET, TO A POINT OF NON-TANGENT; THENCE S89°51'32"E 350.00 FEET; THENCE S00°00'00"W 294.77 FEET; THENCE S89°51'32"E ALONG THE SOUTH LINE OF THE BUDGET CAR RENTAL LEASE SITE, 273.38 FEET; THENCE S00°00'00"W ALONG THE WEST LINE OF THE ALAMO CAR RENTAL LEASE SITE, 336.23 FEET TO THE POINT OF BEGINNING. CONTAINING 7.8390 ACRES MORE OR LESS.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 2nd day of

DECEMBER 2004

R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

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R. B. SHORE
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CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

December 28, 2004

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

Attention: Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 20, 2004 and certified copies of Manatee County Ordinance Nos. 04-01, 04-34, 04-66, PDR-04-39(Z)(G) and PDMU-99-07(R3), which were filed in this office on December 28, 2004.

As requested, the date stamped copies are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/kcs

Enclosure