RESOLUTION GRANTING AMENDMENTS TO
R-86-323, WHICH AMENDED THE DEVELOP-
MENT ORDER FOR COOPER CREEK CENTER
(R-85-236)

WHEREAS, the Board of County Commissioners of Manatee County
approved Resolution R-86-323 granting an amendment to the
Development Order for Cooper Creek Center on December 23, 1986;
and

WHEREAS, Manatee County, Tampa Bay Regional Planning Council
and the Wilbur Boyd Corporation wish to make non-substantive
minor changes in the approval granted by R-86-323 in order to
clean up the language of said Resolution; and

WHEREAS, said Board of County Commissioners, has considered
all of the foregoing and has been advised and informed in the
premises,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that the Board hereby
approves the amendment to R-86-323 which amended R-85-236, the
Development Order for Cooper Creek Center, as follows:

1. All references to "R-85-235" in R-86-323 shall be
   amended to read "R-85-236".

2. Paragraph A.(1) is hereby amended to read in its
   entirety as follows:

   A.(1) "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 Policy 9-1-C of the
   Manatee County Comprehensive Plan (Ordinance 80-4 as
   amended). Level of Service "D" shall be measured on
   a peak hour basis as determined by the Highway
   Capacity Manual (1985) or Transportation Research
   Circular 212 (1980) or the most current manual 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,
then on the basis of the "K" factor. Acceptable
Level of Service for links and intersections in
Sarasota County, Florida, shall mean Level of Service
"C" on an average daily basis ("D" on a peak hour
basis), which shall be measured as provided in this
paragraph. Where a link or intersection in Sarasota
County is operating at Level of Service "D" on an
average daily basis ("B" on a peak hour basis) on the
effective date of this Resolution, then the
Acceptable Level of Service in Sarasota County for
that link or intersection shall mean Level of Service
"D" on an average daily basis ("B" on a peak hour
basis).

3. Paragraph C.(6) is hereby amended to read in its
entirety as follows:

C.(6) Wilbur Boyd Corporation, its successors, assigns or
transferees, shall provide the transportation
improvements for Phase One described in Exhibit C
when Warranted*. There shall be no approvals granted
as to the Subsequent Development Property** unless the
transportation improvements required for Phase One
have been completed or such improvements are
determined as not Warranted* under Traffic Studies*
required for such approvals. Wilbur Boyd
Corporation, its successors, assigns or transferees,
also shall prepay transportation component impact
fees for Phase One Vertical Development* in an amount
of $1,040,000.00 less any transportation component
impact fees previously paid, in accordance with the
Fee Agreement entered into with Manatee County,
incorporated herein by reference. Such impact fees
shall be credited against transportation component
fees subsequently due Manatee County. Such payment
shall not prevent Manatee County from revising or
increasing the impact fees due from the developer as
provided in Ordinance 86-09, to which these advance
sums are applied.

4. Paragraph C.(8) is hereby amended to read in its
entirety as follows:

C.(8) Maintenance of Acceptable Level of Service* on the
intersections listed in Table 1 or in the Study Area
identified in paragraph C.(1) shall be verified by
the developer to the satisfaction of the County
Transportation Authority* as part of each annual
report as required by Chapter 380.06(18), Florida
Statutes.

5. All other provisions of Resolution R-86-323, which
amended Resolution R-85-236, the Development Order for Cooper
Creek Center, not amended hereby, shall remain in full force and
effect.

ADOPTED with a quorum present and voting this 12th day of

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: [Signature]
Chairman [Name]

ATTENT: E.B. SHORE,
Clerk of the Circuit Court

R-87-58

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