

ORDINANCE 97-24

FILED FOR RECORD

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

JUL 21 5 03 PM '97

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB (FORMALLY KNOWN AS CIRCLE-N-BAR RANCH); ALSO KNOWN AS UNIVERSITY PARK DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 93-21, AS AMENDED BY ORDINANCE 95-13); ALSO KNOWN AS DRI #202; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order* for the Circle N Bar DRI (MDO*) for the Arvida Corporation for a planned residential development, a planned commercial development, and a planned industrial development on approximately 1,134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals* (ADA*) could be submitted for the property subject to the MDO* encompassing, respectively: (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO*, in accordance with the Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country Club Associates (successor in interest to Arvida for the portion of the Circle-N-Bar DRI not included in the Arvida Corporate Park DRI), filed an Application for Development Approval* (ADA) of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order* with the Manatee County Board of County Commissioners, pursuant to Section 380.06, Florida Statutes. This Woodlands Country Club Associates ADA* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; and April 20, 1993 (which included amendments to add a 74.5 acre parcel known as the Simms Tract*); and

WHEREAS, on September 27, 1993, the Board of County Commissioners of Manatee County issued a Development of Regional Impact ("DRI") Development Order (Ordinance 93-21) to Woodland Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI; and

WHEREAS, upon adoption of Development Order, Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders; and

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WHEREAS, on November 22, 1994, a request was made to amend the DRI to add back in the 164.23 acre parcel known as the Arvida Tract*); the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, on February 23, 1995, The Board of County Commissioners adopted Ordinance 95-13, approving amendments to add 164 acres and extend the buildout date by 2 years and 364 days to the Development Order for the Unnamed Exclusive Golf and Country Club, which amendments were not found to be a substantial deviation to the originally approved Development Order; and

WHEREAS, development of the property is underway in accordance with the Development Order approvals referenced above; and

WHEREAS, said Unnamed Exclusive Golf and Country Club is a MULTI-USE PROJECT on approximately one-thousand two-hundred twenty-three acres, located in south Manatee County, the legal description of which is attached as Exhibit "E"; and

WHEREAS, the developers of Unnamed Exclusive Golf and Country Club have proposed the following changes to the Development:

- 1) extend the buildout and expiration dates;
- 2) decrease the commercial acreage;
- 3) approve Development Order modifications to more accurately reflect the status of the option selected to administer the transportation conditions and the status of compliance with certain conditions of approval; and

WHEREAS, the above described changes, in cumulatively with all previous changes, do not constitute a Substantial Deviation to the Development Order for Unnamed Exclusive Golf and Country Club, pursuant to Subsection 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the statutory authority to consider and approve Notices of Proposed Changes (NOPC) for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on said NOPC with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners of Manatee County on June 24, 1997 and July 8, 1997, held a duly noticed public hearing on said NOPC and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County and City agencies, the applicant, and the review and report of the Manatee County Planning Department.

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

SECTION 1. FINDINGS OF FACT

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, NOPC, the recommendation and findings of the Planning Commission of Manatee County, and all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

B. The Developer* has received County approvals for and has commenced development in several sub-phases of the development, consistent with Ordinance 93-21, as amended by Ordinance 95-13.

C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to approve a revised General Development Plan for the entire 1,223 acre project and to provide for an option for an alternative second means of access.

D. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for a NOPC to a Development Order pursuant to Section 380.06, Florida Statutes.

E. The Board of County Commissioners held a public hearing on June 24, 1997 and July 8, 1997 regarding the NOPC and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended) and has further considered the testimony, comments, and information received at the Public Hearing.

F. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

G. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.

H. This amended Development Order is issued based on information provided by the Developer* in the ADA*, as amended, information provided in the sufficiency responses, NOPC's, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions listed in Section 4, the County has determined that adequate Levels of Service exist until December 30, 2007 for this project in each of these areas referenced in subsection 1.G., above.

I. The proposed changes to the Development of Regional Impact regarding the property described in Section 7 herein are found to be consistent with the requirements of the previously adopted Development Orders (Ordinance-93-21 and Ordinance-95-13), and the Manatee County Comprehensive Plan, provided all development after July 8, 1997 proceeds in accordance with the Development Conditions specified in Section 5 of this Development Order.

J. The "Developer*" submitted to Manatee County, Florida a NOPC and sufficiency responses identified in Section 1, which are incorporated herein by reference.

K. Upon adoption of Ordinance 93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Order.

L. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.

M. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

N. The authorized agent for Woodlands Country Club Associates, a Florida General Partnership; Island Investment Properties, Ltd., a Florida Limited Partnership; Kabara Corporation N.V., a Netherlands Antilles Corporation; and A.B. Simms; is Patrick K. Neal.

O. The Owners* of the property, which Woodlands Country Club Associates intends to develop, are Island Investment Properties, LTD., a Florida Limited Partnership; Kabara Corporation, N.V., a Netherlands Antilles Corporation; and W.T Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; and Lawrence Lott Edge.

P. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs in conjunction with the original Development Order, as amended, and the NOPC for Ordinance 97-24.

R. The provisions of Transportation Condition B (1) a. have been complied with and fulfilled as follows:

Pursuant to the County Transportation Authority's* review and approval on February 7, 1994 of a Transportation Condition Option 2 Traffic Study, the requirement for "Dual left turn lanes eastbound I-75 East Ramps to northbound must have adequate storage lengths" (Transportation Condition, Table 2), was found to be not warranted.

The University Parkway and Project Entrance intersection improvements set forth in Transportation Condition, Table 2 have been constructed and are operational.

An area for a bus stop has been provided as required by Transportation Condition B. (2).

Therefore, all transportation facility conditions of the Development Order have been complied with by the Developer* and the Developer* has no further responsibility or liability for the provision of said facilities. The Developer* remains responsible for conducting transportation monitoring in accordance with B.(1).b.

S. The Florida Department of Environmental Protection, in a letter dated February 5, 1996 (attached as Exhibit K) verified that it had completed a jurisdictional determination for the then Circle-N-Bar Ranch, J.D.-41-0000-3, now Unnamed Exclusive Golf and Country Club, and that said determination was still valid and would be valid until completion of the project. The letter also states that activities proposed within the boundaries of the revalidated jurisdictional determination shall continue to be reviewed under rules adopted pursuant to Sections 403.91 - 403.929 (1984 Supp, as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under Section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to Section 373.414(9). The applicant has not elected to have any activities reviewed under the new environmental resource rules. The original jurisdictional determination (letter to Robert M Rhodes, dated January 21, 1985) is included as part of exhibit.

SECTION 2. CONCLUSIONS OF LAW

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

1. The Development will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.
2. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan (Ordinance 90-01, as amended*) and previously approved Development Orders. The Master Development Order* provided the site with special exception status to the Comprehensive Plan for the 40,000 square foot Village Center relative to Commercial Locational Criteria.
3. The Development is consistent with the report and recommendations of Tampa Bay Regional Planning Council issued on March 8, 1993, regarding DRI #202, and on November 28, 1994, regarding the first NOPC, and on August 16, 1996 regarding the second NOPC.
4. Development Order Ordinance 93-21 superseded the Circle-N-Bar Master Development Order* and the portion approved as Arvida, with the exception of the 51.46 acres, which were part of the Arvida DRI and not a part of this Unnamed Exclusive Golf and Country Club DRI, or included as part of this Development Order.

B. That these proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

C. That the review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the NOPC. To the extent that the ADA* or NOPC is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.

D. Upon adoption of Ordinance 93-21 for the Unnamed Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.

E. Pursuant to Subsection 380.06(19)(c) and Paragraph 380.06(19)(e)3, Florida Statutes the changes proposed pursuant to the NOPC submitted on July 15, 1996 and approved with conditions pursuant to Ordinance 97-24 do not constitute a Substantial Deviation requiring further Development of Regional Impact Review.

SECTION 3. DEFINITIONS

Note: An asterisk (*) denotes that the word is defined.

A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).

B. "Application*" and "Application for Development Approval*" or "ADA" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989), and additional information submittals submitted by the Developer* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992; and amendments submitted on April 20, 1993.

BB. "Arvida Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida, containing 164.23 acres more or less and more particularly described in Exhibit E.

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 (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on Revised "Map H", last revised on June 6, 1997, for the Unnamed Exclusive Golf and Country Club, and attached hereto as Exhibit B.

E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit C".

F. "County Transportation Authority*" shall be defined as the Manatee County Department of Transportation, or whatever County entity is responsible for roadway approvals.

G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; its heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process or construction drawing approval where site plans are not required.

I. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:

1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit 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 said improvement is within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT

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 and 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.

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., roadway, drainage, water, sewer, communication, utilities, etc.).

K. "Master Development Order*" (MDO*) shall mean the Circle-N-Bar Ranch Master Development Order* R-84-69, as amended by R-86-214.

L. "Master Development Plan*" shall be defined as Revised Map H, last revised on June 6, 1997 incorporated as part of "Exhibit B" and made a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

LL. "Notice of Proposed Change" shall mean the NOPC submitted on November 22, 1994 and the second NOPC submitted on July 15, 1996, as amended and included as Exhibit "A".

M. "Owner*" shall mean Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Lawrence Lott Edge; their heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.

P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit C".

R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the south half of the northeast quarter, Section 26, Township 35 south, Range 18 east, lying south of the Braden River, Manatee County, Florida, containing 74.5 acres, more or less.

S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21, as amended. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order was the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA* are only those specifically recognized in the above-referenced Development Orders.

U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval* Process for the next Preliminary Site 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* as generally identified in "Exhibit D", to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals*.

V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area is generally depicted on Map J ("Exhibit D") which was submitted with the ADA*.

W. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of Section 35, Township 35 South, Range 18 East, and the South 1/2 of the SW 1/4 of the SW 1/4 of Section 26, Township 35 South, Range 18 East, Manatee County, Florida, containing 63 acres, more or less.

Y. "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department 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, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statutes, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Subsection 373.414.(12), Florida Statutes, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1, 1986. In the event the aforesaid jurisdictional determination expires, is

withdrawn, or is otherwise no longer valid or binding, then any new, amended, or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

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

SECTION 4. DEVELOPMENT CONDITIONS

- A.(1) The Development Order approval shall be limited to Option II from Table 1, 1,238 residential units. Currently the proposal to allow commercial development on University Parkway is not consistent with the Comprehensive Plan as the site is designated RES-6 and does not meet locational criteria. The applicant may apply for a Comprehensive Plan amendment, rezone, and General Development Plan amendment to allow the commercial development referenced in Option I on University Parkway without requiring an amendment to the D.O. which would permit such commercial development. Any such Comprehensive Plan amendment, rezone, and General Development Plan shall be reviewed for consistency with all the existing criteria in the Comprehensive Plan and Land Development Code. All or a portion of the "Other Commercial Development" and "Quality Restaurant" referenced in Option I may be allowed subject to the above with a commensurate and proportionate reduction in the two hundred (200) residential units allowed in Option II. The Board and staff have not reviewed any such plan amendment, rezone, or development plan and have not determined whether Option I development is appropriate other than that the state and regional traffic considerations have been met.

An Application* for development under Option I must include an amended General Development Plan and Land Use and Phasing Schedule, reallocation of commercial square footage, and a request for an amended Certificate of Level of Service Compliance. A proposal for development under Option I shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the Manatee County Comprehensive Plan.

TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY

	Multi-use (residential and commercial)	
LOCATION:	University Parkway - one mile west of I-75, in southeastern Manatee County	
TOTAL DEVELOPMENT AREA:		1,223 Acres
Residential		755 Acres
Neighborhood Commercial		21 Acres
Village Center/Clubhouse/Retail		40 4.5 Acres
Golf Course		322 Acres
Open Space (Roads, Right-of-Way, etc.)		133 120.5 Acres
	Option I	Option II
Residential Units	1,038 d.u.	1,238 d.u.
Neighborhood Commercial		
Village Center	40,000 Sq. Ft.	40,000 Sq. Ft.
Other Comm.	40,000 Sq. Ft.	0
Quality Restaurant (as defined by ITE)	8,000 Sq. Ft.	0
Golf Course	27 Holes	27 Holes
Country Club & Restaurant	35,000 Sq. Ft.	35,000 Sq. Ft.
BUILD-OUT DATE	December 30, 2004 ⁷	December 30, 2004 ⁷

- A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. 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 Development Order. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Level of Service Certificate which will expire at buildout date.
- A.(3) Upon completion of the Unnamed Exclusive Golf and Country Club Project all property within the Unnamed Exclusive Golf and Country Club boundaries shall have been platted.
- A.(4) Development Order 93-21 Subsumed and superseded* all terms and conditions of the Preliminary Development Agreement with the Department of Community Affairs and the Circle-N-Bar Master Development Order* as applied to property referenced in Section 6.

TRANSPORTATION CONDITIONS

B.(1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-75, and the University Parkway and development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval:

- a. Subsequent to approval of the final plat for the 461st residential unit in the development, the Developer* selected Option 2 of Condition B.(1) of Ordinance 95-13 to mitigate the impacts.

**TABLE 2
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
DEVELOPMENT**

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW			
Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	466 <u>Completed</u>
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: - Eastbound left-turn lane - Westbound right -turn lane - Southbound left-turn lane - Southbound through lane - Southbound right-turn lane	Completed

b. TRANSPORTATION MONITORING

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to Final Site Plan approval for the 826th dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the

results of the counts and development generated traffic. Said counts shall not be required more frequently than bi-annually. If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted*, prior to any further Final Site Plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer's* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

- B.(2) The Developer* has provided a location for a bus stop along University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES

Air Quality and Land

- C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.
- C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust, and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

- D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 62-3, 62-302, and 62-25, F.A.C., as well as Manatee County requirements.
- D.(2) The Developer* shall continue to conduct the approved comprehensive surface water quality and quantity monitoring program approved by the County and the Environmental Management Department (EMD) in accordance with Exhibit J. The program shall continue through one year beyond project buildout.

The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analysis shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit J, shall be submitted to the City of Bradenton and TBRPC for review and comment, and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this Development Order.

D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

D.(4) The Developer* shall continue to conduct the approved comprehensive ground water quality and quantity monitoring program as previously approved by EMD. The program shall continue through one year beyond project buildout. The frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J.

All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

D.(5) The Wallace Tract*, and Simms Tract*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1,223 acre development shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.

D.(6) 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.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland*

mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

- D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.
- D.(9) The Conservation Areas* on site encompass approximately 34.91 acres as indicated on the attached Preservation/Conservation Map, revised Exhibit C. All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of sub-phase in which the impact occurs. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit C. However, impacts for necessary infrastructure (such as utility lines, recreational trails, and paths, as provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County, as a separate easement document acceptable to Manatee County, and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

TABLE 3

**UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA* MITIGATION RATIOS**

AREAS	MITIGATION RATIOS*	
	HERBACEOUS	FORESTED
TBRPC Conservation Area* except those located in Simms Tract*, or Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* or Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1 ♦	4:1 ♦

♦ May be reduced in accordance with Section 719.8.5 of the Land Development Code.

• Ratio is Mitigated Wetland*: Disturbed Wetlands*.

- D.(10) Within the Evers Reservoir Watershed, the guidelines for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District and Comprehensive Plan. Within one (1) year after D.O. approval, Manatee County Planning Director and Manatee County Environmental Management Department approved all such guidelines.
- D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm water is not point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

- E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.
- E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.
- E.(3) No discharges to groundwater shall be permitted on-site.

ECONOMICS

- F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 21.5.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

- G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC), the Environmental Management Department (EMD), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management, and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.

- G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment, in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. (Completed) Said plan shall be prepared in consultation with the Florida Game and Freshwater Fish Commission, FDEP, and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation for lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods, and methods of Wetland* restoration and enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan:

- a. No hydroperiod alteration shall be permitted in Preservation Areas*.
- b. Dredging, filling, and development activities within Preservation Areas* shall be prohibited except at road crossing, utility crossing, boardwalk locations, and passive recreational facilities approved by FGFWFC, FDEP, and Manatee County, as applicable.
- c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks, and passive recreational facilities as permitted by FGFWFC, FDEP, and Manatee County.
- d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.
- e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

- H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources (DHR), and treatment of such resources shall be determined in cooperation with the DHR and Manatee County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to Manatee County.

WASTEWATER

- I.(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. These shall include:

- a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability.
 - c. Wet wells to contain sewage line surcharges/overflows.
 - d. Emergency by-pass pumpouts for tank trucks.
 - e. 100 percent redundancy in lift station pumping equipment.
- I.(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. Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings, and repairs must be included in the annual report.
- I.(3) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39).
- I.(4) The Developer* shall not utilize on site wastewater treatment.
- I.(5) Prior to any submittals to the Manatee County Development Review Committee, the Developer* shall provide a Conceptual Master Plan* for sanitary sewer for approval by the Planning Department. The sanitary sewer Conceptual Master Plan* shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source and discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserved land holdings.

WATER

- J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving devices shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xeriscape techniques, shall be used in landscaping to the greatest extent possible.
- J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this Development Order, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used within the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent 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 spray effluent.
- J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE

- K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses 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 specially-designated containers or areas;
 - b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and
 - c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.
- K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

- L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:
- a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;
 - b. Obtain energy audits provided by energy companies or other qualified agencies;
 - c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction;
 - e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
 - f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - g. Institute and utilize recycling programs; and
 - h. Utilize energy efficient packaging or recyclable materials.
- L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and the first annual report.

EDUCATION

- M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board dated November 6, 1991 (see attached Exhibit H). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

- N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer*.
- N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.
- N.(3) Recreation and open space areas shall be provided for golfers and non-golfers.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

- O.(1) Sheriff, emergency medical services, and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer*, has been reached for EMS and the Sheriff's Department prior to the issuance of this Development Order. (Exhibit I)
- O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or be in compliance with the Manatee County Comprehensive Plan and Land Development Code requirements.

GENERAL CONDITIONS

- P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.
- P.(2) The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County and the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies, as may be appropriate, September 27, 1997 and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver, or change of any conditions, or any terms or conditions of this Development Order. The annual report shall contain the following:
- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
 - b. A summary comparison of development activity proposed and actually conducted for the year;
 - c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer*;
 - d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
 - e. An assessment of the Developer*'s and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC, or the Department of Community Affairs as being significant;

- f. Any known incremental DRI Applications for Development Approval* or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
 - h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes; and
 - j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes.
 - k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes; and
 - l. Reports or information pursuant to stipulations B(1), D(2), D(4), D(7), D(9), F(1), H(1), I(2), and L(2).
- P.(3) Any changes in the Development from the parameters set forth in the Application* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.
- P.(4) The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report, and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.
- P.(5) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that the original Development Order was issued on September 24, 1993. Accordingly, to the extent the provisions of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.
- P.(6) This Development Order shall expire 15 years from date of approval of this amended Development Order. Buildout shall be completed by December 30, 2007. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- P.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
- P.(8) In the event of a Development Order appeal or other legal challenge of the Development Order by the DCA or TBRPC, the Developer shall pay all costs and fees of County Staff and attorneys the County is required to expend related to said appeal or legal challenge at the rate of the processing fee for the Development Order under the current Planning fee schedules. Payment of all billings by the Developer related to such fees and costs shall be paid within 45 days of the submittal of an invoice. In the event the Developer prefers to have outside counsel handle such appeal

of behalf of the County, and if the County is satisfied with the counsel selected by the Developer, the Developer shall have the right to have said outside counsel handle said appeal. In such case, the Developer shall be liable for the payment of all fees due to said counsel, plus all costs and fees of County staff and County attorneys, to the extent their assistance is needed by said outside counsel. Payment to County staff and County attorneys shall be at the rate of the processing fee for the Development Order under the current Planning fee schedule, and payment shall be paid within forty-five days of submittal of an invoice.

SECTION 5. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application for Development Approval* (ADA*), First (SR), Second (SRII), Third (SRIII) and Fourth (SRIV) Sufficiency Responses which shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

GENERAL PROJECT DESCRIPTION

The home sites will be clustered around the sites' natural features and the golf links planned for the community. (ADA*, pg. 12-1)

Infrastructure including water, sewer, and electricity, along with roadway paving, will be in place prior to homesite development. (ADA*, pg. 32-2)

All commercial areas will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA*, 12-1)

ENVIRONMENT AND NATURAL RESOURCES

Land

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA*, 14-2; SRII, pg A1-10)

Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA*, pg. 14-2)

Water Quality

The surface water management system planned for this property will utilize Best Management Practices* to minimize adverse impacts to on and off-site water quality. Development on the property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality. (ADA*, Pg. 15-10, as amended)

When practical, conveyance within the drainage system will incorporate isolated Wetland* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable existing plant materials and Wetlands*. (ADA*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5)

Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA*, pg. 20-8)

Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA*, pg. 25-3)

The project design will consider various methods of energy efficiency and incorporate energy-conserving materials, lighting, and equipment. (ADA*, 25-3)

Water

Irrigation of the clubhouse area as well as the golf course will be provided by non-potable water, or the use of deep wells, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advanced irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

Drainage

The total drainage flow going off-site will not be increased over pre-developed conditions, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA*, pg. 22-1)

The project will comply with the requirement of Chapter 62-25, FAC, concerning water quality of stormwater discharge. (SRIII, pg. 6)

Water Supply

The Developer* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer* as each specific parcel of land is developed. (ADA*, pg. 23-4)

The Developer* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA*, 23-4)

Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal household materials. (SR, pg. A1-46)

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill. (ADA*, pg. 24-3)

Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer*. (SRIV, pg. 17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

SECTION 6. LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the 1223 acre tract of land described by the legal description included as Exhibit "E" attached to and made a part of this Development Order.

SECTION 7. COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on any and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developer* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reason). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development* as part of an ongoing effort to prepare improved land or buildings for sale, lease or use.

SECTION 8. RESTRICTIONS ON DOWN-ZONING

Prior to December 30, 2007, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

A. Substantial changes in the conditions underlying the approval of the order have occurred; or

B. The order was based upon substantially inaccurate information provided by the Developer*; or

C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction in intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for change in local land development regulations.

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 9. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners* and their successors in interest.

SECTION 10. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 11. RENDITION

The Planning Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 12. NOTICE OF RECORDING

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

SECTION 13. SEVERABILITY

It is the intent of this development order to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this development order is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then such provisions or portions shall be deemed null and void but all remaining provisions and portions of this development order shall remain in full force and effect.

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Secretary of State, provided, however, that the filing of Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order.

SECTION 15. AMENDMENT OF DEVELOPMENT ORDER FOR DRI NO. 14.

The previous development order for UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB which was adopted on September 27, 1993 and all subsequent amendments are hereby amended in their entirety, provided this amendment shall not be construed to terminate the rights of Developer, if such rights have been previously granted and not specifically herein or otherwise modified or amended.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Manatee County, Florida this the 8th day of July, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Patricia M. [REDACTED]*
Chairman

ATTEST:

R.B. Shore

R.B. SHORE
Clerk of the Circuit Court

NOPC
FOR
UNNAMED EXCLUSIVE
GOLF & COUNTRY CLUB
DRI #202

June 1996

EXHIBIT "A"
(Ordinance 97-24)

EFFECTIVE DATE
11/20/90

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, Florida 32399
904/488-4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that
submittal of a proposed change to a previously approved DRI be
made to the local government, the regional planning agency, and
the state land planning agency according to this form.

1. I, William A. Ockunzki, the undersigned
owner/authorized representative of Woodlands Country Club Assoc.
(developer)

hereby give notice of a proposed change to a previously approved
Development of Regional Impact in accordance with Subsection
380.06(19), Florida Statutes. In support thereof, I submit the
following information concerning the
Unnamed Exclusive Golf and Country Club
(original & current project names)

development, which information is true and correct to the best of
my knowledge. I have submitted today, under separate cover,
copies of this completed notification to
HANDS. County
(local government)

to the Tampa Bay Regional Planning Council, and
to the Bureau of State Planning, Department of Community Affairs.

12/18/95
(Date)

W. Ockunzki
(Signature)

**NOPC
FOR
UNNAMED EXCLUSIVE
GOLF & COUNTRY CLUB**

APPLICATION

**UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB, DRI #202
NOTIFICATION OF PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)**

2. Applicant (name, address, phone).

Woodlands Country Club Associates.
Attn: Patrick K. Neal
3711 Cortez Road West
Bradenton, Florida 34210

3. Authorized Agent (name, address, phone).

William A. Ockunzzi
Ockunzzi & Associates
2706 1st. Street, Suite 4
Indian Rocks Beach, Florida 34635
813-786-0456 office phone
813-444-2840 mobile phone
813-595-7006 FAX
813-595-7006 home phone

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

Unnamed Exclusive... is located in Manatee County, Florida in all or portions of Sections 25, 26, 35, and 36; Township 35; Range 18 East.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Unnamed Exclusive... is proposing to add approximately 249.5 acres of land to its approved DRI Development Order. This additional land, herein after referred to as the "Second Addition", will be utilized for additional residential development (266 units) and conservation lands (39.2 acres). Decreases in the amount of golf course acreage and commercial acreage and square footage (2,000 s.f.) are also proposed. Even with the additional acreage and residential units the overall residential density of Unnamed Exclusive... will be 1.08 units per acre for the overall project.

PLEASE NOTE: The changes proposed herein are dependant upon the successful completion of the purchase of 249.95 acres of land from the developer's of the adjacent Development of Regional Impact, Cooper Creek Center, and the elimination of said land from jurisdiction and control by the Development Order for Cooper Creek Center. Therefore, the changes proposed herein are contingent upon the following: 1) Approval of this Notice of Proposed Change (NOPC) for Unnamed Exclusive Golf and Country Club, including non Substantial Deviation status for the proposed change; 2) Approval of the complementary NOPC for Cooper Creek Center, including non Substantial Deviation status for the changes to that development; 3) Approval of a revised General Development Plan for Unnamed Exclusive...; 4) Approval of a revised General Development Plan for Cooper Creek Center; and (5) Approval of Comprehensive Plan and Zoning Ordinance changes and related items to

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implement the realignment of Honore Avenue and vacation of Cooper Creek Boulevard. Approval of each of the above items shall be contingent upon approval of all other items, inclusive of the passing of all applicable appeal periods, and be considered to have occurred simultaneously.

It should also be noted that development of the entire 249.95 acres has been previously reviewed and approved pursuant to Chapter 380.06 F.S. as part of the Cooper Creek Center DRI. The entire 249.95 acres will be substantially down planned upon completion of the transfer of land from Cooper Creek Center to Unnamed Exclusive Golf and Country Club. All transferred land that was designated "conservation" as part of the Cooper Creek Center Development Order will be designated "conservation" as part of the Unnamed Exclusive... Development Order.

Specific changes proposed for Unnamed Exclusive... include the following:

- Increase the total project acreage by 249.95 acres and amend the legal description as appropriate.
- Extend the build out and expiration dates to December 30, 2007
- Increase the number of residential units by 266 or 29.5%.
- Decrease the commercial acreage by .01 acres or-.1% and square footage by -5%
- Decrease the golf course acreage by 2 acres or -.6%.
- Increase the "conservation area" acreage by 39.2 acres or 112%.
- Amend Map H to incorporate the above changes (dated June 26, 1996 and attached to the Precise Language Exhibit 1).
- Amend the Preservation and Conservation Map to incorporate the additional conservation area acreage (dated June 26, 1996 and attached to the Precise Language Exhibit 1).

Table 2 Original and Revised land use totals for Unnamed Exclusive... are as set forth below (Option II*):

Land Use Type	Original Submittal*		To Be Changed Too		Percent Change	
	Acres	Amount	Acres	Amount	Acres	Amount
Residential	755	1238 units	944.3	1604 units	+22.9%	+29.5%
Commercial	10	40,000s.f.	9.9	38,000s.f.	(-.1%)	(-5%)
Golf Course**	322	27 holes	320.0	27 holes	(-.6%)	0.0%
Open Space	133	n/a	213.06	n/a	+60%	0.0%
Total	1220		1471.6		+20.6%	

*option I allows 1038 residential units, 80,000s.f. commercial, and an 8,000s.f. quality restaurant in lieu of above residential, commercial and restaurant totals.

**includes 35,000s.f. country club and restaurant.

Because the land to be added to Unnamed Exclusive... was reviewed and approved for development pursuant to Chapter 380.06 F.S. as part of the Cooper Creek Center DRI all land based DRI issues and questions have been fully and satisfactorily addressed. Existing conditions

in the Unnamed Exclusive... Development Order are, at minimum, equal to the conditions addressing this land in the Cooper Creek Center Development Order. Conservation lands being

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transferred will be subject to the conservation area conditions included in the Unnamed Exclusive Development Order.

Furthermore, because this additional acreage was approved for higher density residential and industrial uses as part of Cooper Creek Center and because this land will be substantially down planned upon becoming part of Unnamed Exclusive..., there will be an overall net decrease in development impacts to the area.

No changes to the phasing schedule (single phase only) or the commencement date (development has commenced) are proposed. The representations included in the Unnamed Exclusive... Application for Development Approval and Development Order remain unchanged.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

A revised Map H is attached to Exhibit 1, Precise Language (dated June 26, 1996)

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.**

The completed chart is included as Exhibit 2.

7. **List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?**

Manatee County Ordinance ~~94~~⁹⁵-21 adopted on September 27, 199~~8~~⁵ constitutes the original Development Order for DRI #202, Unnamed Exclusive Golf and Country Club.

Manatee County Ordinance 95-13 adopted on February 23, 1995 is the only Development Order amendment that has been approved for DRI #202.

There has been no change in the local government with jurisdiction.

8. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval of issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.**

Manatee County Ordinance 95-13, adopted on February 23, 1995, authorized and approved the addition of 164.23 acres of land to the originally approved DRI #202. This additional acreage did not result in or authorize any increase in development totals for the project. All development totals remained as approved in the original Development Order. This additional land was incorporated into a revised Map H which was approved as part of Ordinance 95-13.

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9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes. The changes to Unnamed Exclusive... and Cooper Creek Center, relative to the above referenced paragraph, are shown below to demonstrate that the changes to each project do not constitute substantial deviations.

PLEASE NOTE: In this regard the chart demonstrates that the applicable substantial deviation determination criterion for Unnamed Exclusive... is Paragraphs 380.06 (19)(e) 2,f,g,3 and/or 380.06 (19) (e) 5, c, Florida Statutes. These paragraphs clearly apply to situations wherein a proposed change consisting of simultaneous increases and decreases in land use categories is the end result. Unnamed Exclusive's... residential acreage and unit totals are increasing as a result of the addition of the 249.95 acres while it's commercial square footage and acreage and golf course acreage totals are decreasing.

The chart also demonstrates that the proposed changes to Cooper Creek Center do not exceed any of the criteria listed in Paragraph 380.06 (19)(b), Florida Statutes.

Furthermore, given the facts that: land is being transferred from one approved DRI to another approved DRI; there is a net reduction of the proposed density and intensity of development planned for the transferred acreage; and, there is a net reduction in on and off site impacts to the area, it is clear that the proposed changes to these projects do not constitute substantial deviations.

Criterion in 380.06(19)(b)	Summary of Changes	
	Unnamed Exclusive...	Cooper Creek Center
Parking.	No change.	Reduction.
Runway or Terminal.	Not applicable.	Not applicable.
Hospital beds.	Not applicable.	Not applicable.
Industrial Development Area.	Not applicable.	Decrease of 72.8 acres (-64.5%) and 295,998s.f. (-37%).
Mined Acreage.	Not applicable.	Not applicable.
Office Development.	Not applicable.	Decrease of 29.8 acres (-61%) and 77,180s.f. (-14.6%).
Chemical or Petroleum Storage.	Not applicable.	Not applicable.
Water Port or Wet Storage.	Not applicable.	Not applicable.
Number of Dwelling Units.	Increase of 173.64 acres (22.9%) and 266 units (29.5%).	Decrease of 114.4acres (48.8%)
Commercial Development.	Decrease of .1 acres (-.1%) and 2000s.f (-5%).	Decrease of 6.7 acres (-10%) and 23,076s.f. (-4.4%).
Hotel or Motel Units.	Not applicable.	No Change.
Recreation Vehicle Park.	Not applicable.	Not applicable.

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Summary of Changes, continued.

Criterion	Unnamed Exclusive...	Cooper Creek Center
Open Space.	Increase of 45.8 acres +29.3%. Land transferred	Decrease of 16.75 acres. Land transferred to Unnamed...
Multi-use.	Change is far less than 100%.	Change is negative (-101.1%)
External Vehicle Trips.	Increase in p.m. peak hour trips of 20.2%	No Change.
Areas Set Aside for Special Protection.	Increase of 39.2 acres.	Decrease of 39.2 acres. Land transferred to Unnamed...

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06 (19)(e)2., F.S. YES _____ NO XX 380.06 (19)(e) 2.f.g.3. and/or 380.06 (19)(e) 5.c. F.S. are the applicable provision for this change.

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

Yes, the new buildout and expiration date is December 30, 2007.

11. Will the proposed change require an amendment to the local government comprehensive plan?

No.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15) F.S. and 9J-2.025, Florida Administrative Code:

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

Please see revised Map H attached to Precise Language Exhibit 1.

13. Pursuant to Subsection 380.06 (19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

Please see Precise Language Exhibit 1. PLEASE NOTE: Manatee County requires that the entire Development Order, with the proposed changes be readopted to simplify Development Order administration and management. Those sections with language changes are highlighted.

a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the land use, open space, areas for preservation, green belts; to structures or to other improvements including location, square footage, number of units; and other major characteristics or components of the proposed change;

Please see Precise Language Exhibit 1.

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

The revised legal description has been included as an attachment to Precise Language Exhibit, 1.

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- c. **A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;**

Development has commenced.

- d. **A proposed amended development order termination date that reasonable reflects the time required to complete the development;**

Please see the response to question 10 above.

- e. **A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and**

The project should not be subject to down zoning , unit density reduction, or intensity reduction until after November 30, 2012.

- f. **Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025 (7), F.A.C.**

None requested.

unexl

7/2/96.

**NOPC
FOR
UNNAMED EXCLUSIVE
GOLF & COUNTRY CLUB**

EXHIBIT #1

ORDINANCE 96-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB FORMALLY KNOWN AS CIRCLE-N-BAR RANCH; ALSO KNOWN AS UNIVERSITY PARK DEVELOPMENT OF REGIONAL IMPACT; ALSO KNOWN AS DRI #202; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 28, 1984, the Manatee County Board of County Commissioners (BOCC), Tampa Bay Regional Planning Council (TBRPC), and Arvida Corporation (Arvida), entered into an Agreement concerning development of certain lands known as the Circle-N-Bar Ranch; and

WHEREAS, on May 15, 1984, the BOCC approved R-84-69, a Master Development Order* for the Circle N Bar DRI (MDO*) for the Arvida Corporation for a planned residential development, a planned commercial development and a planned industrial development on approximately 1134 acres; and

WHEREAS, by Amendment to Agreement Dated March 5, 1985, the BOCC, TBRPC, and Arvida agreed that the Circle-N-Bar Ranch DRI could be separated and that separate Applications for Development Approvals* (ADA*) could be submitted for the property subject to the MDO* encompassing, respectively; (1) that portion of the land identified as Planned Development Industrial and Planned Development Commercial, and (2) that portion of the land identified as Planned Development Residential; and

WHEREAS, on September 25, 1986, an Amendment to the Master Development Order* (R-86-214) was approved to allow a time extension for the planned development residential parcel and to allow the submittal of an ADA* for the planned industrial and commercial parcels; and

WHEREAS, on October 27, 1986, a separate and independent development order for the Arvida DRI (R-86-259) was approved for the Planned Development Commercial and Planned Development Industrial portion of the MDO*, in accordance with the aforesaid Amendment to Agreement dated March 5, 1985; and

WHEREAS, on August 7, 1989, Woodlands Country club Associates (successor in interest to Arvida for the portion of the Circle-N-Bar DRI) not included in the Arvida Corporate Park DRI filed an Application for Development Approval*(ADA) of a Development of Regional Impact (DRI) for the Planned Development Residential Portion of the Master Development Order* with the Manatee County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes. This Woodlands Country Club Associates ADA* has been subsequently modified or amended on March 5, 1990; July 10, 1990; August 20, 1992; October 21, 1992; April 20, 1993; and February 23, 1995 which included amendments to add a 74.5 acre parcel known as the Simms Tract*, the project collectively referred to as the "Unnamed Exclusive Golf and Country Club"; and

WHEREAS, on September 27, 1993, the Board of County Commissioners of Manatee County issues a Development of Regional Impact ("DRI") Development Order, Ordinance 93-21 to Woodland Country Club Associates for the Unnamed Exclusive Golf and Country Club DRI; and

WHEREAS, on February 23, 1995, the Board of County Commissioners adopted Ordinance 95-13, approving amendments to the Development Order for the Unnamed Exclusive Golf and Country Club, which amendments were found not to be a Substantial Deviation to the originally approved Development Order; and

WHEREAS, the development of the property is underway in accordance with Preliminary Development Agreements* with the Department of Community Affairs dated January 26, 1990, October 18, 1990 and December 11, 1992 and the Development Order approvals referenced above; and

WHEREAS, said Unnamed Exclusive Golf and Country Club is a MULTI USE PROJECT on approximately one thousand four hundred seventy one and 6/10 (1,471.6) acres, located in south Manatee County, the legal description of which is attached as Exhibit "A"; and

WHEREAS, the developers of Unnamed Exclusive Golf and Country Club have proposed the following changes to the development: 1) Increase the total project acreage by 249.95 acres with amendments to the legal description, Exhibit E, as attached hereto; 2) Extend the buildout and expiration dates; 3) increase the number of residential units; 4) decrease the commercial acreage; 5) decrease the golf course acreage; 6) increase the "conservation" acreage; 7) amend the Preservation and Conservation Map to incorporate the additional conservation area acreage; and 8) amend Map H, to incorporate the above changes; pursuant to a Notice of Proposed Change originally submitted on December 18, 1995; and

WHEREAS, the land to be added to Unnamed Exclusive Golf and Country Club was previously reviewed and approved for development with substantially higher densities, intensities and on and off site impacts pursuant to Chapter 380, Florida Statutes, pursuant to the Cooper Creek Center Development of Regional Impact Development Order, as amended, than the development now proposed on said land when said land becomes part of Unnamed Exclusive Golf and Country Club; and

WHEREAS, the above described changes in conjunction with all previous changes do not constitute a Substantial Deviation to the Development Order for Unnamed Exclusive Golf and Country Club pursuant to Chapter 380, Florida Statutes;

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider and approve Notices of Proposed Change (NOPC) for an amendment to an approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380, Florida Statutes, have been satisfied; and

WHEREAS, the Planning Commission of Manatee County has reviewed the NOPC and has filed a recommendation on said Application* with the Board of County Commissioners; and

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

WHEREAS, Board of County Commissioners of Manatee County on XXXX, held a duly noticed public hearing on said NOPC and has solicited, received and considered all testimony reports, comments, evidence and recommendations from interested citizens, County and City agencies, and the applicant, as well as the review and report of the Manatee County Planning Permitting and Inspections Department; and

WHEREAS, upon adoption of Development Order, Ordinance #93-21 for the Unnamed Exclusive Golf and Country Club DRI, the previous Development Order (Ordinance XX-XX), as amended, and the MDO* were Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders and are considered rescinded, null and void except that all approvals of Unnamed Exclusive Golf and Country Club shall be considered to have been continuously in effect since approval of the original MDO (May 15, 1984)).

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS XXth DAY OF XXXX, 1996.

SECTION 1. FINDINGS OF FACT

1. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, NOPC for an amended Development Approval*, the recommendation and findings of the Planning Commission of Manatee County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. All "WHEREAS" clauses contained in Section I of this Ordinance are adopted as findings of fact.

B. The Developer* has received County approvals for and has commenced development in several subphases of the development consistent with the Preliminary Development Agreements* and Development Order Ordinances 93-21, as amended by Ordinance 95-13 through XX, 1996.

C. An application has been submitted to Manatee County and is being processed concurrently with this NOPC to rezone a portion of the Cooper Creek tract from PDI to PDR and to approve a revised General Development Plan for the entire 1,471.6 acre Unnamed Exclusive Golf and Country Club project.

D. The Board of County Commissioners of Manatee County has received and considered the report of the Manatee County Planning Commission concerning the application for Official

Zoning Atlas Amendment as it relates to the real property described in Section 7 of this Ordinance for a NOPC to a Development Order pursuant to Section 380, Florida Statutes. The report was rendered on rendered on XX, XX, 1996, following a public hearing and recommended for adoption by the Planning Commission.

E. The Board of County Commissioners held a public hearing on XX, XX, 1996 regarding the said NOPC and the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of Manatee County, the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended) and has further considered the testimony, comments and information received at the Public Hearing.

F. Manatee County has adopted the Manatee County Comprehensive Plan which is in compliance with applicable state laws.

G. The Comprehensive Plan requires Certificates of Level of Service be issued for Water, Wastewater, Solid Waste, Parks and Recreation, Transportation, and Drainage in compliance with State Requirements.

H. This amended Development Order is issued based on information provided by the Developer* in the ADA*, as amended, the ADA* Sufficiency Responses, and NOPCs, and ensures compliance with the Manatee County Comprehensive Plan. Subject to the Development Order conditions listed in Section 4, the County has determined that adequate Levels of Service exist until December 30, 2006 for this project in each of the areas referenced in subsection 1.G above.

I. The proposed amended Development of Regional Impact, including all development through XX, XX, 1996, regarding the property described in Section 7 herein is found to be consistent with the requirements of the Circle-N-Bar Master Development Order*, the Preliminary Development Agreements* with the Department of Community Affairs, previously adopted Development Orders (R-91-21 and R-95-13), and The Manatee County Comprehensive Plan, provided all development after XX, XX, 1996 proceeds in accordance with the Development Conditions in Section 5 of this Development Order.

J. The "Developer*" submitted to Manatee County, Florida a Notice of Proposed Change (NOPC), and sufficiency responses identified in Section 1, which are incorporated herein by reference.

K. This amended Development Order is consistent with the Circle-N-Bar Master Development Order* (R-84-69) originally adopted on May 15, 1984 and amended on September 26, 1986 to the extent it applies to the legal description in Section 6.

L.. This amended Development Order is consistent with the intent of the Preliminary Development Agreements* and all Manatee County Development Approvals* granted pursuant thereto.

M. The Arvida portion of the Master Development Order* is not subject to any requirement or condition imposed by this Ordinance. Upon adoption of Development Order Ordinance #93-21 for the Unnamed Exclusive Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders.

N. The real property which is the subject of this Application* is legally described as set forth in Section 6 of this Development Order.

O. The proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.

P. The authorized agent for Woodlands Country Club Associates, a Florida General Partnership; Island Investment Properties, Ltd., a Florida Limited Partnership; Kabara Corporation N.V., a Netherlands Antilles Corporation; A.B. Simms; and County Line Road Associates, is Patrick K. Neal.

Q. The Owners* of the property, which Woodlands Country Club Associates intends to develop, are Island Investment Properties, LTD., a Florida Limited Partnership; Kabara Corporation, N.V., a Netherlands Antilles Corporation; and W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Arthur Benjamin Simms, IV; Jane Griffin Simms; Anne Woodruff Simms; Lawrence Lott Edge; Sarah Edge Shuler; and County Line Road Associates.

R. A comprehensive review of the impact generated by the development has been conducted by the departments of Manatee County, the Planning Commission, Tampa Bay Regional Planning Council (TBRPC), and the Florida Department of Community Affairs in conjunction with the original Development Order, as amended by Ordinances 95-13 and 96-XX.

S. That, pursuant to Chapter 380.06 (19)(e) 2 f.g 3. and Chapter 380.06 (19) (e) 5.c., the changes proposed pursuant to the Notice of Proposed Change submitted on XX, 19XX do not constitute a Substantial Deviation requiring further Development of Regional Impact Review.

T. The provisions of Transportation Condition B (1) a. have been complied with and fulfilled as follows:

Pursuant to the County Transportation Authority's* review and approval on February 7, 1994 of a Transportation Condition Option 2 Traffic Study, the requirement for "Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths" (Transportation Condition, Table 2) was found to be not warranted.

The University Parkway/Project Entrance intersection improvements set forth in Transportation Condition, Table 2 have been constructed and are operational.

Further, the bus stop required by Transportation Condition B. (2) has been constructed and is operational

Therefore, all transportation facility conditions of the Development Order have been complied with by the Developer* and the Developer* has no further responsibility or liability for the provision of said facilities.

U. The Florida Department of Environmental Protection, in a letter dated February 5, 1996 to Steve Lewis, Esquire (attached as Exhibit B) verified that it had completed a jurisdictional determination for the then Circle-N-Bar Ranch, J.D.-41-0000-3, now Unnamed Exclusive Golf and Country Club, and that said determination was still valid and would be valid until completion of the project. The letter also states that activities proposed within the boundaries of the revalidated jurisdictional determination shall continue to be reviewed under rules adopted pursuant to sections 403.91 - 403.929 (1984 Supp. as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to section 373.414(9). The applicant has not elected to have any activities reviewed under the new environmental resource rules.

SECTION 2 CONCLUSIONS OF LAW

A. Based upon the previous finding of fact and the following conditions of Development Approval*, the Board of County Commissioners of Manatee County concluded that:

1. The Development has not and will not unreasonably interfere with the achievement of the objectives of the Adopted State Land Development Plan applicable to the area.
2. Through having limited special exception status for the issue specifically addressed in the Master Development Order* and the conditions contained herein, the Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FRCRPP), the Manatee County Comprehensive Plan, Ordinance 90-01, as amended*, the Master Development Order*, Preliminary Development Agreements, and previously approved Development Orders. The Master Development Order* provided the site with special exception status to the Comprehensive Plan for the 38,000 Square Foot Village Center relative to Commercial Locational Criteria.
3. The Development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council issued on March 8, 1993 regarding DRI #202; November 28, 1994 regarding the first NOPC; and XX, XX, 1996 regarding the second NOPC.
4. Development Order Ordinance #93-21 superseded the Circle-N-Bar Master Development Order* and the portion approved thereby as "Arvida", is not included as part of this Development Order.

B. That these proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer* is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth

below.

C. That the review by the County, the TBRPC and other participating agencies and interested citizens reveals the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order, the ADA*, and the Master Development Order* R-84-69. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Order shall prevail. A summary of the development covered by this development order is included as Table 1.

D. Upon adoption of Ordinance 93-21 for the Unnamed Golf and Country Club DRI, the MDO* was Subsumed and Superseded* by the separate and independent Arvida Corporate Park DRI and the Unnamed Exclusive Golf and Country Club DRI Development Orders.

E. That the changes proposed as part of the second NOPC do not constitute a Substantial Deviation requiring further Development of Regional Impact review pursuant to the provisions of Chapter 380.06 (19)(e) 2.f.g.3. and Chapter 380.06(19)(e)5.c. F.S.

SECTION 3. DEFINITIONS.

Note: An asterisk (*) denotes that the word is defined.

A. "Acceptable Level of Service*" shall be the Levels of Service depicted on revised Table 31-5 of the Application* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).

B. "Application*" and "Application for Development Approval*" or "ADA*" shall mean Unnamed Exclusive Golf and Country Club's Development of Regional Impact Application for Development Approval* (August 7, 1989); additional information submittals submitted by the Developer* on March 5, 1990, July 10, 1990 August 20, 1992 and October 21, 1992; amendments submitted on April 20, 1993; the NOPC submitted on November 22, 1994; and the second NOPC originally submitted on December 18, 1995.. all included herein by reference.

BB. "Arvida Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida. Containing 164.23 acres more or less. More particularly described in Exhibit A.

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 (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).

D. "Conceptual Master Plan*" shall mean a graphic depiction of the development shown on

Revised "Map H", last revised on June 26, 1996, for the Unnamed Exclusive Golf and Country Club and attached hereto as Exhibit C.

E. "Conservation Area*" shall mean areas as defined by TBRPC and shown on "Exhibit D", last revised on June 26, 1996.

EE. "Cooper Creek Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club lying and being in Sections 25 and 36, Township 35 South, Range 18 East, Manatee County, Florida. Containing 226.3 acres, more or less. More particularly described in Exhibit A.

F. "County Transportation Authority*" shall be defined as the County Division of Highways, Department of Public Works or whatever County entity is responsible for roadway approvals.

G. "Developer*" shall mean Woodlands Country Club Associates, a Florida general partnership; its heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

H. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan*, Preliminary and Final Subdivision Plat, and Final Site Plan process and/or construction drawing approval where site plans are not required.

I. "Funding Commitments*" shall mean to assure the completion of any improvement required by the Development Order, and/or any combination of the following:

1. Funding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit 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 said improvement is with the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT 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 and Land Development Code reviewed by the Bureau of State Planning and amended into the Development Order the next time the Development Order is amended for any other purpose. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.

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. roadway, drainage, water, sewer, communication, utilities, etc.

K. "Master Development Order* (MDO*)" shall mean the Circle-N-Bar Master Development Order* R-84-69, as amended by R-86-214.

L. "Master Development Plan*" shall be defined as Revised Map H, last revised on June 26,

1996 incorporated as "Exhibit C" and make a part hereof. Development on Map H shall be limited to the total number of dwelling units and non-residential development on Table 1.

M. "Owner*" shall mean Island Investments Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; Arthur Benjamin Simms, IV; Jane Griffin Simms; Anne Woodruff Simms; Lawrence Lott Edge; and Sarah Edge Shuler; and County Line Road Associates; its heirs, assign, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.

N. "Post Development Wetland*" shall mean any Wetland* area, which upon completion of the subphase, that will be a jurisdictional Wetland* under the regulations of the Southwest Florida Water Management District or Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.

O. "Preliminary Development Agreements*" (PDA*) shall mean the agreements between the Developer* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.

P. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Master Development Plan* or a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

Q. "Preservation Areas*" shall mean areas as defined by TBRPC and shown on "Exhibit D", last revised on June 26, 1996.

R. "Simms Tract*" shall mean the portion of the Unnamed Exclusive Golf and Country Club described as that portion of the south half of the northeast quarter, section 26, township 35 south, range 18 east, lying south of the Braden River. Lying and being in Manatee County, Florida. Containing 74.5 acres, more or less.

S. "Site Development Plan*" shall be defined as any preliminary plat, final plat, Preliminary Site Plan*, or final site plan to be submitted for consideration of approval pursuant to the LDC.

T. "Subsume and Supersede*" shall mean that the MDO* and PDA* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights vested or otherwise, accruing to the MDO* under law are merged and incorporated into the above-referenced Development Orders. For the portions of the MDO* identified as planned development residential, the governing DRI Development Order shall be this Unnamed Exclusive Golf and Country Club DRI Development Order, Ordinance 93-21. For the portions of the MDO* identified as planned development commercial and planned development industrial, the governing DRI Development Order is the Arvida Corporate Park DRI Development Order as amended (R-86-259). The rights, vested or otherwise, accruing to the property within the MDO* and PDA*

are only those specifically recognized in the above-referenced Development Orders.

U. "Traffic Study*" shall mean a report presented by the Developer*, using a methodology acceptable to the County Transportation Authority*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval* Process for the next Preliminary Site 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* as generally identified in "Exhibit E", to below an Acceptable Level of Service*. Any such Traffic Study* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic and traffic anticipated from prior Development Approvals*.

V. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service*. This area was generally depicted on Map J which was submitted with the ADA*.

W. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.

X. "Wallace Tract*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of section 35, township 35 south, range 18 east, and the south 1/2 of the SW 1/4 of the SW 1/4 of section 26, Township 35 South, Range 18 east, Manatee County, Florida. Containing 63 acres, more or less.

Y. "Warranted*" shall mean a determination by the County Transportation Division, Public Works Department 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 planned and reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.

Z. "Wetland*" shall mean any wetland under the jurisdictional limits defined by Chapter 17-4 Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was performed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statutes, on January 21, 1985 and included herein in Exhibit B. Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Section 30, Chapter 93-213, Laws of Florida, and the Wetland* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1, 1986. In the event the aforesaid jurisdictional determination

expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended or revised jurisdictional determination shall apply to all portions of this development which have not received Preliminary Site Plan* approval.

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

SECTION 4. DEVELOPMENT CONDITIONS.

A.(1) The Development Order approval shall be limited to Option II from Table 1: 1.604 residential units. Currently the proposal to allow commercial on University Parkway is not consistent with the Comprehensive Plan as the site is designated RES-6 and does not meet locational criteria. The applicant may apply for a Comprehensive Plan amendment and rezone and general development plan amendment to allow the commercial development referenced in Option I on University Parkway without requiring an amendment to the D.O. which would permit such commercial development. Any such Comprehensive Plan amendment and rezone/general development plan shall be reviewed for consistency with all the existing criteria in the Comprehensive Plan and Land Development Code. All or a portion of the "Other Commercial Development" and "Quality Restaurant" referenced in Option I may be allowed subject to the above with a commensurate and proportionate reduction in the two hundred (200) residential units allowed in Option II. The Board and staff have not reviewed any such plan amendment or rezone/development plan and have not determined whether Option I development is appropriate other than that the state and regional traffic considerations have been met.

An Application* for development under Option I must include an amended General Development Plan and Land Use and Phasing Schedule reallocation of commercial square footage and a request for an amended Certificate of Level of Service Compliance. A proposal for development under Option I shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and the Manatee County Comprehensive Plan.

TABLE 1
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
PROJECT SUMMARY

TYPE OF DEVELOPMENT: Mixed-use (residential and commercial)
LOCATION: University Parkway--one mile west of I-75, in southeastern Manatee County.

TOTAL DEVELOPMENT AREA: 1,471.60 acres
 Residential 928.64 acres
 Neighborhood Commercial 21.0 acres
 Village Center/Clubhouse Retail 9.9 acres
 Golf Course 320.0 acres
 Open Space (Roads, Right-of-Way, etc.) 213.60 acres

	Option I	Option II
Residential Units	<u>1,304</u> d.u.	<u>1,604</u> d.u.
Neighborhood Commercial		
Village Center	<u>38,000</u> s.f.	<u>38,000</u> s.f.
Other Commercial	40,000 s.f.	0

Table I, continued.

Quality Restaurant as defined by ITE	8,000 s.f.	0
Golf Course	27 Holes	27 Holes
Country Club & Restaurant	35,000 s.f.	35,000 s.f.
BUILD-OUT DATE	December 30, 2007	December 30, 2007

A.(2) Preliminary and Final Site Plan Applications shall be reviewed for compliance with this D.O. 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 Development Order. The Developer* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waster water service, solid waste service, fire, police and other emergency services and is hereby issued a Level of Service Certificate which will expire at buildout date.

A. (3) Upon completion of the Unnamed Exclusive Golf and Country Club Project all property within the Unnamed Exclusive Golf and Country Club boundaries shall have been platted.

A. (4) This Development Order Subsumes and supersedes* all terms and conditions of the Preliminary Development Agreement with the Department of Community Affairs and the Circle-N-Bar Master Development Order* as applied to property referenced in Section 6.

TRANSPORTATION CONDITIONS

B. (1) The Unnamed Exclusive Golf and Country Club will have a negative impact on two locations in the transportation network. These are located at University Parkway and I-75, and

University Parkway and the development entrance. Mitigation of the transportation impacts, as identified in Table 2 shall be necessary as a condition of any approval.

a. Prior to the approval of the final plat for the 461st. residential unit in the development, the Developer* shall select one of the options listed below to mitigate these impacts and the mitigation shall be completed in compliance with the option selected:

1. Option 1.

Any approval of this development shall require Funding Commitments* for the roadway improvements listed in Table 2. Without Funding Commitments* for these improvements, no final site plan or final subdivision plat shall be approved.

2. Option 2.

In the event that Funding Commitments* for transportation improvements are only adequate to permit approval of a portion (subphase) of the development, the capacity and loading of transportation facilities listed in Table 2 and referenced in Option 1, shall be limiting factors in any subsequent approvals. The subphases thresholds have been specifically identified in Table 2. The Developer* may choose to generate and provide the County, the Sarasota-Manatee Metropolitan Planning Organization ("MOP"), the Florida Department of Transportation ("FDOT") and the TBRPC, pursuant to the provisions of Chapter 380.06, Florida Statutes, with updated current traffic counts on the above listed roadways and projections of traffic volumes that will result from the completion of construction of the initially approved portion of the Project plus that to be generated by the next portion for which the Developer* is seeking approval and other Development Approvals*. Each updated traffic analysis shall serve to verify the finding of the DRI traffic analysis (referenced in Table 2) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadway and intersections referenced in Table 2 at an Acceptable Level of Service*. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted transportation engineering practices. With respect to phases or subphases which require transportation improvements which are not the subject of Funding Commitments*, said phase or subphase shall not be approved. At the time of Preliminary Site Plan* approval for each subphase, the Developer* shall submit to the County a limited transportation study which shows the distribution on the Transportation Impact Area* of projected P.M. peak hour external trips for the current subphase plus all previously approved subphases and all other Development Approvals* to demonstrate which improvements listed in Table 2 are required. In the event that such new analysis demonstrates the need for alternative improvements or different subphase thresholds, the Development Order may be amended to reflect such analysis after appropriate review by the County.

3. Option 3.

If the Manatee County Comprehensive Plan is amended to allow mitigation for transportation impacts as provided by subsequent state rulemaking and County implementation, the Developer* may request to provide such mitigation consistent with statutory requirements, administrative rules and the Manatee County Comprehensive Plan through an application for amendment to the General Development Plan. Application for said amendment shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code and

the Manatee County Comprehensive Plan. Neither the Board nor the County staff has reviewed any such Comprehensive Plan amendment or General Development Plan amendment as to this project and gives no opinion on such at this time. If the General Development Plan is amended, compliance with this option may serve to mitigate the impact of the development on the regionally significant roadway system and may satisfy the requirements of the Adequate Public Facilities Ordinance with regard to transportation facilities. The Developer* shall be entitled to receive credit against impact fees in accordance with the provisions of the Manatee County Land Development Code.

**TABLE 2
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
DEVELOPMENT**

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW

Intersections	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	466
University Parkway/Project Entrance	100	This intersection shall include the following lanes: Eastbound left turn lane; Westbound right turn lane; Southbound left turn lane; Southbound through lane; Southbound right turn lane.	completed

b. TRANSPORTATION MONITORING

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the project (413 dwelling units) or prior to final site plan approval for the 826 dwelling unit, which ever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter when the number of PM peak trips for the project equals or exceeds 373. The report shall include the information specified below.

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. County may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than semi-annually. If any report indicates that the total project P.M. peak-hour trips exceed projected substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation

analysis required pursuant to Subsection 380.06 (19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Development Order to change or require additional roadway improvements, if Warranted*, prior to any further final site plan approvals.

2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA*, then the Developer* shall conduct a capacity analysis to determine an Acceptable Level of Service* at the intersections of University Parkway and Tattle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run/Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service*. In order for the intersections to operate as shown in the Developer"s* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer* will be responsible for providing adequate storage before further site plan approvals.

B. (2) The Developer* shall provide for a bus stop at a location on University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

ENVIRONMENT AND NATURAL RESOURCES.

Air Quality and Land

C.(1) Manatee County shall reserve the right to require mitigation measures or a revision of the master plan to alleviate any potential impacts of the project on ambient air quality.

C.(2) The soil conservation measures referenced on pages 14-1 and 14-2 of the ADA* (July 20, 1989) and the measures to reduce erosion, fugitive dust and air emissions referenced on page 13-1 of the ADA*, at minimum, shall be implemented.

Water Quality, Wetlands* and Drainage

D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters 62-3, 62-302, and 62-25, F.A.C., as well as Manatee County Requirements.

D.(2) The Developer* has implemented a comprehensive surface water quality and quantity monitoring program approved by the County Environmental Management Department. This program was submitted to the City of Bradenton for review and comment. The surface water monitoring program provides for the monitoring of surface water during periods of construction and shall continue through one year beyond project buildout. In addition, the surface water monitoring program required pursuant to this condition includes an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical

methods and reporting requirements consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

Any changes to the Surface Water Quality Monitoring Program Criteria, as outlined in Exhibit E, shall be submitted to the City of Bradenton and TBRPC for review and comment and approved by Manatee County.

Should Manatee County adopt a Comprehensive Evers Reservoir Watershed Surface Water Quality Monitoring Program and the Developer* participates in this Comprehensive Surface Water Quality Monitoring Program, then the Developer*, with the approval by Manatee County and TBRPC, may terminate the required Surface Water Quality Monitoring Program contained in this Development Order.

D.(3) The Master Drainage Plan as required pursuant to MDO* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC, the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit F. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 17-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. Littoral shelves shall be constructed in the stormwater ponds northeast of the Honore Avenue Extension on the Simms Tract*. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

D.(4) The Developer* shall continue, through one year beyond project buildout, with the ongoing comprehensive ground water quality and quantity monitoring program as previously approved by EMD pursuant to Ordinance 93-21

The surface water monitoring program shall provide for the monitoring of ground water during periods of construction and continue through one year beyond project buildout. In addition, the ground water monitoring program required pursuant to this condition shall include an identification of the locations, frequency, and duration of sampling, parameters to be monitored, collection and analytical methods and reporting requirements. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

D.(5) The Wallace Tract*, Simms Tract*, and Cooper Creek Tract* shall be subject to the

requirements of Chapter 40D-4, F.A.C. All Wetlands* in the entire 1,471.6 acre development shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.

D.(6) 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.(7) Impacts to Wetlands* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2; 2.3.4.6; 3.2.1.9; and 3.3.6.4; the Developer* shall provide buffers around all Post-Development Wetlands*. Variable width buffers may be approved in accordance with Section 719.11.1 of the Land Development Code. All buffers and included Post-Development Wetlands* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plats. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 17-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit F.

D.(9) The Conservation Areas* on site encompass approximately 74.11 acres as indicated on the attached Preservation/Conservation Map, revised Exhibit D (June 26, 1996). All Conservation Areas* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of the sub-phase in which the impact occurs. A mitigation priority shall be the addition of littoral shelves to the stormwater ponds proposed for the northeast portion of the Simms Tract* with appropriate credits afforded to the Developer*. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition,

spreading and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include information on what Conservation Areas* and Preservation Areas* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

There shall be no impact to those Wetlands* encompassing approximately 22.33 acres, indicated as Preservation Areas* on the attached Preservation/Conservation Map, Exhibit D (revised June 26, 1996). However, impacts for necessary infrastructure (such as utility lines, recreational trails and paths, as provided by TBRPC policy) may be allowed.

The Developer* shall provide a 50 foot buffer around all post development wetland Preservation Areas*. All buffers and included Preservation Area* shall be identified as recorded conservation easements to Manatee County as a separate easement document acceptable to Manatee County and shall be shown on any Preliminary and Final Site Plans and Subdivision Plans. Deed restrictions shall be included that prohibit development activity and removal of native vegetation in the conservation easement unless approved by the County and any permitting agency or agencies with jurisdiction. Any replanting within the buffer shall be with flora native to the Braden River area of Manatee County.

TABLE 3
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB
MINIMUM WETLAND*, PRESERVATION, AND CONSERVATION AREA*
MITIGATION RATIOS

AREAS	MITIGATION RATIOS #	
	HERBACEOUS	FORESTED
TBRPC Conservation Area* except those located in Simms Tract* or Arvida Tracts*	1:1	1:1
TBRPC Conservation Area* located within Simms Tract* or Arvida Tracts*	2:1	3:1
TBRPC Preservation Area*	2:1	3:1
Wetlands*	2:1 ##	4:1 ##

Ratio is Mitigated Wetland*:Disturbed Wetland*

May be reduced in accordance with Section 719.8.5 of the Land Development Code.

D.(10) Within the Evers Reservoir Watershed, the guideline for maintenance of the Golf Courses and the Lake Management System (fertilizer and pesticide use) shall be consistent with the requirements of the Evers Reservoir Watershed Overlay District Comprehensive Plan and Shall be submitted within one (1) year after D.O. approval. Manatee County Planning Director and Manatee County Environmental Action Commission shall approve all such guidelines.

D.(11) The Developer* shall not seek permits for, or otherwise implement, any point source discharges of pollutants into the Braden River or its tributaries. Storm Water is not a point source discharge as defined today, and no re-definition of point source discharges shall create a requirement that storm water discharges be prohibited under this section.

FLOODPLAINS

E.(1) All habitable portions of structures shall be constructed above the 100-year floodplain, and in accordance with local, state, and federal requirements.

E.(2) Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.

E.(3) Pursuant to Rule 17-28.700, FAC, no discharges to groundwater shall be permitted on-site.

ECONOMICS

F.(1) The Unnamed Exclusive Golf and Country Club development shall promote entrepreneurship and small and minority-owned business start-up, and encourage non-discriminatory employment opportunities, pursuant to policies 21.2, State Comprehensive Plan and 215.3, FRCRPP, respectively.

WILDLIFE HABITAT AND VEGETATION

G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.003-.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC), the Environmental Action Commission (EAC), and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland* management and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.

G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach with 15 feet of a Preservation Areas* buffer.

Prior to submitting a Site Development Plan* for the applicable area of Tract "N" and the Simms Tract* located north and east of the proposed Honore Avenue alignment in which such alignment shall be located outside of the temperate hardwood hammock, the Developer* shall prepare a preserve area plan which includes a Braden River corridor plan incorporating areas within FLUCS Code 425, temperate hardwood hammock. Said plan shall be prepared in consultation with the Florida Game and Fresh Water Fish Commission, FDEP and Manatee County. The purpose of the preserve area plan is to identify the site's unique natural features to guide the detailed site planning process for the tracts balancing passive recreational needs and preservation of unique natural features.

Included in the preserve area plan shall be a Wetland* management plan which shall address Wetlands* to be preserved, proposed Wetland* alterations, if any, mitigation for lost Wetlands*, if applicable, control of on-site water quality, maintenance of hydroperiods and methods of Wetland* restoration/enhancement, if appropriate.

In order to protect the natural values of Preservation Areas* on the referenced tracts, the following shall be required at a minimum and incorporated into the preserve area plan

- a. No hydroperiod alteration shall be permitted in Preservation Areas*
- b. Dredging, filling and development activities with Preservation Areas* shall be prohibited except at road crossing, utility crossing and boardwalk locations and passive recreational facilities approved by FGFWFC, FDEP and Manatee County, as applicable.
- c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks and passive recreational facilities as permitted by FGFWFC, FDEP and Manatee County.
- d. Buffers around FDEP jurisdictional Wetlands* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.
- e. Impacts to Preservation Areas* shall require mitigation as shown on Table 3.

ARCHAEOLOGICAL AND HISTORICAL SITES

H.(1) Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources (DHR) and treatment of such resources shall be determined in cooperation with DHR, TBRPC and Manatee County. Treatment of such resources must be completed before resource disturbing activities are allowed to continue. A description of the project's compliance with these conditions shall be included in the subsequent annual reports, to be submitted for review to DHR, in addition to TBRPC and Manatee County.

WASTEWATER

I.(1) Sewer lift station shall be designed and equipped in accordance with Manatee County's Public Utilities Department guidelines with several means of back-up, to provide assurance against equipment failure and discharge to the environment. These shall include:

- a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
- b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability.
- c. Wet wells to contain sewage line surcharges/overflows.
- d. Emergency by-pass pumpouts for tank trucks.
- e. 100 percent redundancy in lift station pumping equipment.

I.(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. Faulty lines, or any part thereof, shall be

replace as quickly as possible. A report of all inspections, findings and repairs must be included in the annual report.

I.(3) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39).

I.(4) The Developer* shall not utilize on site wastewater treatment.

I.(5) Prior to any submittals to the Manatee County Development Review Committee, the Developer* shall provide a Conceptual Master Plan* for sanitary sewer for approval by the Planning, Permitting and Inspections Department. The sanitary sewer Conceptual Master Plan* shall show the extent of the sewer lines that shall be provided to serve the Development*, including all source/discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development* along with stub-outs for unserved land holdings.

WATER

J.(1) The Developer* shall require the installation of water conservation fixtures. Water saving device shall be installed in accordance with the Florida Water Conservation Act and Xeriscape (Section 553.14, Florida Statutes), and native vegetation or xereiscape techniques, shall be used in landscaping to the greatest extent possible.

J.(2) The Developer* shall use only non-potable water to meet non-potable demands. For purposes of this Development Order, "nonpotable" water is defined as water emanating from any source other than a public water utility. The Developer* shall pursue the stormwater reuse plan proposed in the ADA*. The use of reclaimed water in the portions of the site which do not drain to the Braden River shall be investigated. No reclaimed water shall be used with the Ever's Reservoir watershed without prior approval of Manatee County and the City of Bradenton. If spray effluent 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 spray effluent.

J.(3) The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area.

SOLID WASTE

K.(1) The Developer* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses 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 specially-designated containers/areas; and
- b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange and treatment; and
- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

K.(2) The Developer* shall notify all commercial tenants of their responsibility to comply with all

the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY

L.(1) All Unnamed Exclusive Golf and Country Club Community tenants, business, residents, etc., shall be notified in writing by the Developer* upon occupancy, that the following related practices are encouraged:

- a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery and co-generation, where economically feasible;
- b. Obtain energy audits provided by energy companies or other qualified agencies;
- c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
- d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Exclusive Golf and Country Club Community construction.
- e. Promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
- f. Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- g. Institute and utilize recycling programs; and
- h. Utilize energy efficient packaging and/or recyclable materials.

L.(2) The Developer* should designate an energy officer to establish energy policies, monitor energy use and encourage conservation for project businesses and first annual report.

EDUCATION

M.(1) The Developer* shall comply with all terms and conditions of it's agreement with the Manatee County School Board (see attached Exhibit G). This agreement outlines the requirements of the Developer* to mitigate the Unnamed Exclusive Golf and Country Club's impact on the school system.

RECREATION AND OPEN SPACE

N.(1) All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer* or the homeowner's association.

N.(2) A decrease in open space acreage shall require a substantial deviation determination conducted pursuant to Subsection 380.06(19), Florida Statutes.

N.(3) Recreation and open space areas shall be provided for golfers and non-golfers.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE

O.(1) Sheriff, emergency medical services and fire protection will be provided by Manatee County. The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable

to the County and the Developer*, has been reached for EMS and the Sheriff's Department to the issuance of this Development Order. (Exhibit H).

O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to met or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC.

GENERAL CONDITIONS

P.(1) The Developer* shall be required to adhere to any and all commitments made in Section 5 incorporated herein, unless that commitment is superseded by a Development Order Condition in which case the Development Order Condition shall prevail.

P.(2) The Developer* shall submit annual DRI reports in accordance with Section 380.06(18), Florida Statutes, to Manatee County and the Tampa Bay Regional Planning Council, the State Land Planning Agency and other agencies, as may be appropriate, on the anniversary of the effective date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of Manatee County Planning, Permitting and Inspections Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Director decide that further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners hearing wherein such report is to be considered or reviewed: provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, waiver or change of any conditions, or any terms or conditions of this Development Order. The annual report shall contain the following:

- a. Any changes in the plan of development, or in the representation contained in the ADA*, or in the phasing for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;
- c. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or Developer*;
- d. Identification and intended use of lands purchased, leased or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
- e. As assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI development order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County, the TBRPC or the Department of Community Affairs as being significant;
- f. Any known incremental DRI Applications for Development Approval* or requests for a substantial deviation determination that were filed in the reporting year and to be file during the next year;
- g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- h. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- i. A statement that all persons have been sent copies of the annual report in conformance with Sub-sections 380.04(14) and (16), Florida Statutes;

- j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer* pursuant to Sub-section 380.06(14)(d), Florida Statutes;
- k. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(18), Florida Statutes;
- l. Reports and/or information pursuant to stipulations B(1), D(2), D(7), D(9), F(1), H(1), I(2), and L(2).

P.(3) Any change in the Development from the parameters set forth in the Application* and this Development Order shall be governed by Subsection 380.06(19), Florida Statutes.

P.(4) The Manatee County Planning Director or the Director's authorized designee shall be responsible for monitoring the Development and ensuring its compliance with this Development Order. The data necessary for monitoring the Development shall be generated by building permits, certificates of occupancy, approval of plats and offering statements, the Annual Report and on-site observations. The enforcement of the Terms and conditions of this Development Order shall be through such means as are authorized by Chapter 380, Florida Statutes, and through the Manatee County Land Development Code.

P.(5) The Developer* has elected, pursuant to Section 380.06(5)(c), Florida Statutes, to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the time that this development was initially approved. Accordingly, to the extent the provision of Section 380.06(5)(c), Florida Statutes, affect the determination as to which rules are applicable to the Development, said election shall apply, notwithstanding any provision in this Development Order to the contrary.

P.(6) This Development Order shall expire 15 years from the date of approval of this amended Development Order. Build-out shall be completed by December 30, 2007. Unless otherwise specified in this Development Order, all condition shall be complied with on or before the expiration date of this Development Order.

P.(7) This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.

SECTION 5. DEVELOPER* COMMITMENTS

The following are Developer* commitments set forth in the Application Development Approval* (ADA), First (SR), Second (SRII, Third (SRII) and Fourth SRIV) Sufficiency Responses which shall be honored by the Developer*, except as they may be superseded by specific terms of this Development Order.

GENERAL PROJECT DESCRIPTION

The home sites will be clustered around the site's natural features and the golf links planned for the community. (ADA*, pg. 12-1)

Infrastructure including water, sewer and electricity, along with roadway paving, will be in place

prior to homesite development. (ADA*, pg. 32-2)

All commercial area will be accessed internally from the site. (SRII, pg. A1-5)

No direct access to University Parkway is planned from the Village Center. (SR, pg. A1-7)

Project control shall be accomplished through such techniques as buffering, architectural design, and height limitations. Furthermore, a homeowners' association will utilize restrictive covenants for all common property to ensure the highest quality and standards. (SR, pg. A1-55)

The project is intended to be a self-contained community. (ADA*, 12-1)

ENVIRONMENT AND NATURAL RESOURCES

Land

Temporary erosion control measures will be employed during project construction to minimize wind and water erosion. Temporary measures may include hay bales, silt screens, grassing, mulching, floating or staked silt barriers, sandbagging, or other appropriate methods described in the FDOT Standard Specifications for Road and Bridge Construction. Dust control measures such as watering or the use of calcium chloride will be employed as needed. (ADA*, 14-2; SRII, pg A1-10).

Permanent erosion control features, such as permanent landscaping, will be incorporated into the project at the earliest practical time. (ADA*, pg. 14-2)

Water Quality

The surface water management system planned for this property will utilize Best Management practices* to minimize adverse impacts to on- and off-site water quality. Development on the property will include both non-structural and structural management practices, to mitigate any potential adverse impacts on surface and groundwater quality. (ADA*, Pg. 15-10, as amended).

When practical, conveyance within the drainage system will incorporate isolate Wetland* systems and shallow grassy swales to provide for additional treatment assimilation of nutrients, and additional percolation and evaporation; and utilize shallow grassy swales for conveyance. (ADA*, 15-10)

Erosion control practices such as hay bales and silt screens will be used to protect sensitive areas during construction. (SR, A1-18)

Floodplains

Flood mitigation within the 100-year flood zone, if required by FEMA, will be adhered to. (SR, A1-15)

Wildlife Habitat

Clearing of existing vegetation will be highly selective, emphasizing conservation of valuable

existing plant materials and Wetlands*. (ADA*, pg. 12-5)

The development of the property will not disturb the entire pine flatwoods vegetation association, due to selective clearing and clustering of units to retain all vegetation that can practically be saved. (SR, pg. A1-5).

Economy

No capital improvements and associated costs will be borne by either the local or state government in conjunction with this project except as provided by the D.O. (ADA*, pg. 20-8)

Energy

Individual home owners will be encouraged to elect alternative energy, such as solar energy, at their discretion. (ADA*, 25-3)

The project design will consider various methods of energy efficiency and incorporate energy conserving materials, lighting and equipment. (ADA*, 25-3).

Water

Irrigation of the clubhouse area as well as the golf course will be provide by non-potable water, or the use of deep wells, as an augmenting source to stormwater reuse. (SRII, pg. A1-21)

The applicant is planning to use a highly advance irrigation system for the purpose of minimizing irrigation, pumping and reuse. Additionally, the applicant is retaining as much of the site's natural vegetation as possible to reduce the amount of landscaping and irrigation. (SRII, pg. B1-25)

The Developer* will comply with applicable local ordinances and regulations regarding water consumption including water conservation devices. (SRIII, pg. 6)

Non-potable water for the southern portion of the project will also be drawn from the lake system designed to meet on-site drainage needs. (SRIII, pg. 24)

Drainage

The total drainage flow going off-site will not be increase over pre-developed condition, and the location of the discharge is generally in the same vicinity, or in the same stream courses, as pre-developed discharge. (SRII, pg. B1-2)

There will be very little net change in surface and groundwater at buildout. The stormwater treatment ponds will be instrumental in replenishing the groundwater storage. (SR, pg. C1-8)

The detention areas of the proposed drainage system will be designed to contain the runoff from a 25-year, 24-hour storm event for post-development conditions while linking peak discharge to the pre-development conditions. (ADA*, pg. 22-1)

The project will comply with the requirement of Chapter 17-25, FAC, concerning water quality or stormwater discharge. (SRIII, pg. 6)

Water Supply

The Developer* will encourage the use of water-saving fixtures, encourage the use of the lowest quality of water for irrigation and the use of xeriscaping. Any reclaimed wastewater will be used to irrigate the portion of the property which drains south. (SRII, pg. B1-25)

The on-site potable water distribution system will be constructed by the Developer* as each specific parcel of land is developed. (ADA*, pg. 23-4)

The Developer* will encourage use of irrigation wells for landscape irrigation if permits can be obtained and will encourage the use of stormwater for irrigation if permits can be obtained. (ADA*, 23-4)

Solid Waste

This project does not anticipate generation or use of hazardous materials outside of normal household materials. (SR, pg. A1-46)

No solid waste will be disposed of on-site. All solid waste generated within the project will be stored in residential/commercial containers before removal to the county landfill (ADA*, pg. 24-3)

Recreation and Open Space

The proposed facilities and open space will be owned, operated, and maintained by the Developer*. (SRIV, pg. 17)

These recreational facilities and open spaces will not be dedicated to the county for use by the general public. (SRIV, pg. 36)

SECTION 6 LEGAL DESCRIPTION

Development of Unnamed Exclusive Golf and Country Club shall be restricted to the 1,471.6 acre tract of land described by the legal description included as Exhibit A attached to and made part of this Development Order.

SECTION 7 COMMENCEMENT OF DEVELOPMENT

Physical development of the project has commenced. If any five year period shall expire without significant development activity on the site, the Board of County Commissioners may conduct a public hearing in accordance with the Land Development Code and may, at its option, based on testimony presented at that hearing, rescind or suspend or take other appropriate action on an and all approvals granted herein except where the failure to carry out development is attributable to factors beyond the control of the Developers* (such as the unavailability of permits because of inadequate public facilities, or for any other similar reasons). For the purpose of this provision, "significant development" shall be the actual construction of Vertical Development* as part of an ongoing effort to prepare improved land or building for sale, lease or use.

SECTION 8 RESTRICTIONS ON DOWN-ZONING

For ten (10) years from the date upon which this amendment to implement the second NOPC

becomes final and the appeal period has ended, the County may not down-zone or reduce the intensity or unit density permitted by this order, unless the County can demonstrate that:

- A. Substantial changes in the conditions underlying the approval of the order have occurred; or
- B. The Order was based upon substantially inaccurate information provided by the Developer*; or
- C. The change is clearly established by the County to be essential for the public health, safety, or welfare.

Any down-zoning or reduction in intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for change in local land development regulations.

For the purposes of this order, the term "down-zone" shall refer only to changes in zoning, land use, or development regulations that decrease the development rights approved by this order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer* by this order. The inclusion of this section is not to be construed as evidencing any present or foreseeable intent on the part of the County to down-zone or alter the density of the development, but is included herein to comply with Paragraph 380.06(15)(c)3, Florida Statutes (Supp. 1988).

SECTION 9. BINDING ORDER UPON DEVELOPER*

This order shall be binding upon the Developer* and Owners*.

SECTION 10. COMPLIANCE WITH CODES, ORDINANCES

All development undertaken pursuant to this order shall be in accordance with all applicable local codes and ordinances in effect at the time of permitting, and other laws, except as specifically provided herein.

SECTION 11. RENDITION

The Planning, Permitting and Inspections Department is hereby directed to send certified copies of this Development Order within thirty (30) days of the Board of County Commissioners approval effective date of this Development Order to the Developer*, the DCA, and the TBRPC.

SECTION 12. NOTICE OF RECORDING

The Developer* shall record a notice of adoption of this order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning, Permitting and Inspection Department a copy of the recorded notice.

SECTION 13. EFFECTIVE DATE

This amended Development Order shall take effect upon being signed by the Chairman of the Board of County Commissioners and the expiration of any appropriate appeal period.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County,
Florida this XXth day of XX, 1996.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY _____
Chairman

ATTEST: R. B. SHORE
Clerk of Circuit Court

unex7
7/2/96

**NOPC
FOR
UNNAMED GOLF & COUNTRY
CLUB**

EXHIBIT #A

TO

EXHIBIT 1

LEGAL DESCRIPTION

(1) LEGAL DESCRIPTION

(1a) UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB (DRI #202)

A PARCEL OF LAND IN SECTIONS 25, 26, 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 2699.49 FEET TO THE W ¼ OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1349.81 FEET TO THE NORTHWEST CORNER OF THE SW ¼ OF THE NW ¼ OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1374.67 FEET TO THE SOUTHWEST CORNER OF THE NE ¼ OF THE NW ¼ OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1346.55 FEET TO THE SOUTHWEST CORNER OF THE SE ¼ OF THE SW ¼ OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N ¼ OF SW ¼ OF THE SW ¼ OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N ¼ OF THE SW ¼ OF THE SW ¼ THENCE N 00°03'46" E, A DISTANCE OF 1981.78 FEET TO THE W ¼ CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1333.96 FEET TO THE NORTHWEST CORNER OF THE S ¼ OF THE NW ¼ OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2840.13 FEET TO THE NORTHEAST CORNER OF SAID S ¼ OF NW ¼; THENCE S 01°26'26" W, A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE ¼ OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2807.69 FEET TO THE NORTHWEST CORNER OF THE SW ¼ OF SAID SECTION 25; THENCE 89°11'03" E, ALONG THE NORTHLINE OF SAID SW ¼ A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25; A DISTANCE OF 2673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUES S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WESTLINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WESTLINE OF SAID SECTION 36; A DISTANCE OF 1461.89 FEET; THENCE 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WESTLINE, A DISTANCE OF 2560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1800 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF THE SW ¼ OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N ¼ OF THE NE ¼ OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

(1b) LEGAL DESCRIPTION WALLACE TRACT (INCLUDED IN DRA #202)

TOGETHER WITH THE NW ¼ OF THE NW ¼ OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH ½ OF THE SW ¼ OF THE SW ¼ OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, CONTAINING 63 ACRES MORE OR LESS.

(1c) LEGAL DESCRIPTION SIMMS TRACT

THAT PORTION OF THE SOUTH ½ OF THE NORTHEAST ¼, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE CENTER-LINE OF THE BRADEN RIVER, LYING AND BEING IN MANATEE COUNTY, FLORIDA

CONTAINING 74.5 ACRES, MORE OR LESS.

(1d) UNIVERSITY PARK COUNTRY CLUB EXPANSION PARCEL

FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE 1406.29 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 35; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE 606.51 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WESTLINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WESTLINE A DISTANCE OF 2560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTHLINE OF SAID SECTION 35, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18E; THENCE CONTINUE SOUTH 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WESTLINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WESTLINE OF SAID SECTION 36, A DISTANCE OF 2561.09 FEET; THEN N 89°27'25" W, AND PARALLEL TO THE SOUTHLINE OF SAID SECTION 35, A DISTANCE OF 1435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS; NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°48'59", A DISTANCE OF 197.91 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EASTLINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THEN S 00°26'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 164.23 ACRES MORE OR LESS.

UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB

Zoller,

Najjar &

Shroyer, Inc.

JUNE 19, 1996

EXCLUSIVE UNNAMED COUNTRY CLUB EXPANSION

DESCRIPTION:

FROM THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°24'27" E, ALONG THE SOUTH LINE OF SAID SECTION 36 AND THE NORTH RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (STATE ROAD 610), A DISTANCE OF 303.59 FEET; THENCE N 00°20'22" W, PARALLEL WITH AND 303.55 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 1574.26 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°20'22" W, A DISTANCE OF 3769.16 FEET; THENCE N 02°45'45" E, PARALLEL WITH AND 303.55 FEET EASTERLY OF THE WEST LINE OF SECTION 25, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, A DISTANCE OF 2592.75 FEET; THENCE S 69°30'00" E, A DISTANCE OF 637.06 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 720.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°50'00", A DISTANCE OF 362.33 FEET TO THE P.T. OF SAID CURVE; THENCE S 40°40'00" E, A DISTANCE OF 1946.75 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 720.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41°07'00", A DISTANCE OF 516.69 FEET TO THE P.T. OF SAID CURVE; THENCE S 00°27'00" W, A DISTANCE OF 1901.82 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 720.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 62°18'00", A DISTANCE OF 782.88 FEET TO THE P.T. OF SAID CURVE; THENCE S 62°45'00" W, A DISTANCE OF 1132.88 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 720.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°30'09", A DISTANCE OF 232.51 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°15'09", A DISTANCE OF 337.75 FEET TO THE P.T. OF SAID CURVE; THENCE S 49°00'00" W, A DISTANCE OF 390.21 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°20'22", A DISTANCE OF 516.68 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 25 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 249.95 ACRES, MORE OR LESS.

ENGINEERS
EB 0002230

PLANNERS

SURVEYORS
LB 0002230

LANDSCAPE ARCHITECTS
LC 000102

P.O. BOX 9448

BRADENTON, FL 34206

(941) 748-8080

FAX (941) 748-3316

SURVEY FAX (941) 748-3747

85
RT

**NOPC
FOR
UNNAMED EXCLUSIVE
GOLF & COUNTRY CLUB**

EXHIBIT #B

TO

EXHIBIT #1

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
LETTER**

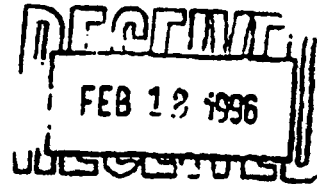


Department of Environmental Protection

Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

February 5, 1996



Virginia B. Watherell
Secretary

Steve Lewis
Lewis Longman and Walker P.A.
P.O. Box 10788
Tallahassee, FL 32302

Re. Circle-N-Bar Ranch J.D.-41-0000-3

Dear Mr. Lewis:

This letter confirms that on July 15, 1993, May 10, and October 19, 1994, the Department of Environmental Protection received proof that a jurisdictional determination had been validated by the department pursuant to rule 62-301.400(8) of the Florida Administrative Code for file J.D.- 41-0000-3. Pursuant to section 373.414(13) of the Florida Statutes (Chapter 94-122, Section 4, Laws of Florida), the jurisdictional determination for the subject property is revalidated. The Department also confirms that it has received the documentation required under Section 373.414(13), which provision extends the effective date of the revalidated jurisdictional determination until completion of the project.

Activities proposed within the boundaries of a revalidated jurisdictional determination prior to its expiration shall continue to be reviewed under the rules adopted pursuant to sections 403.91 - 403.929 (1984 Supp. as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to section 373.414(9).

Sincerely,

Janet G. Llewellyn
Assistant Director
Division of Environmental
Resource Permitting

JGL/RWC/II

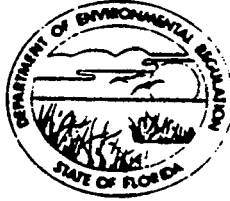
"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301-8241



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

January 21, 1985

Robert M. Rhodes, Esquire
Messer, Rhodes and Vickers
P. O. Box 1876
Tallahassee, Florida 32302-1876

Dear Mr. Rhodes:

RE: Circle-N-Bar Ranch,
JD-41-0000-3

This letter is to confirm the status of the jurisdictional determination issued by Suzanne Walker in a letter dated July 20, 1984 and aerial photograph dated August 15, 1984. (Your letter dated October 15, 1984 also requested grandfather status for your DRI project under 403.905(6), Florida Statutes. That request is under a different review process and you will be notified regarding the outcome of that review at a later date.)

Department personnel conducted a site visit and jurisdictional assessment on the property south and west of the Braden River and north of proposed State Road 610 at the Manatee/Sarasota County line, Sections 26 and 35, Township 35 South, Range 18 East, Manatee County.

As a result of that visit and assessment, a jurisdictional line was established as reflected in the material attached hereto, areas outlined in green. Areas outlined in red in Exhibit I are designated as described in the July 20, 1984 letter attached hereto as Exhibit II. No additional areas on the property were reviewed by DER for the jurisdictional determination covered by the July 20, 1984 letter.

Pursuant to Florida Administrative Code Rule 17-4.022(8), as to the property labelled Circle-N-Bar Ranch, the foregoing jurisdictional determination is validated as a binding statement of the extent of the Department's jurisdiction in regard to any future dredging or filling conducted in, on, or over the waters of the State.

JD-41-0000-3
January 21, 1985
Page 2

This letter constitutes final agency action unless a person substantially affected by this action requests an administrative hearing. Persons whose substantial interests are affected by this Order (letter) have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative determination (hearing) on the decision. The petition must conform to the requirements of Chapters 17-103 and 28-5, F.A.C., and must be filed (received) with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301, within fourteen (14) days of this notice. Failure to file a petition within the fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

If a formal proceeding pursuant to Section 120.57(1) is requested, at such formal hearing all parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination of witnesses and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. If an informal proceeding is requested, the agency will, in accordance with its rules of procedure, give affected persons or parties or their counsel an opportunity, at a convenient time and place, to present to the agency or hearing officer written or oral evidence in opposition to the agency's action or refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction, pursuant to Section 120.57(2), Florida Statutes.

The hearing process is designed to formulate agency action. Accordingly, the Department's final action as a result of a hearing may be different from the position taken by it in this stage. Therefore, any person who may wish to contest the Department's ultimate decision must petition for hearing within the fourteen day period described above.

Sincerely,

Suzanne P. Walker
Suzanne P. Walker, Chief
Bureau of Permitting

SPW/jk

Attachment

cc: Bill Kutash
Mark Latch

**NOPC
FOR
UNNAMED EXCLUSIVE GOLF & COUNTRY
CLUB**

EXHIBIT #C

TO

EXHIBIT 1

MAP H

MASTER DEVELOPMENT PLAN

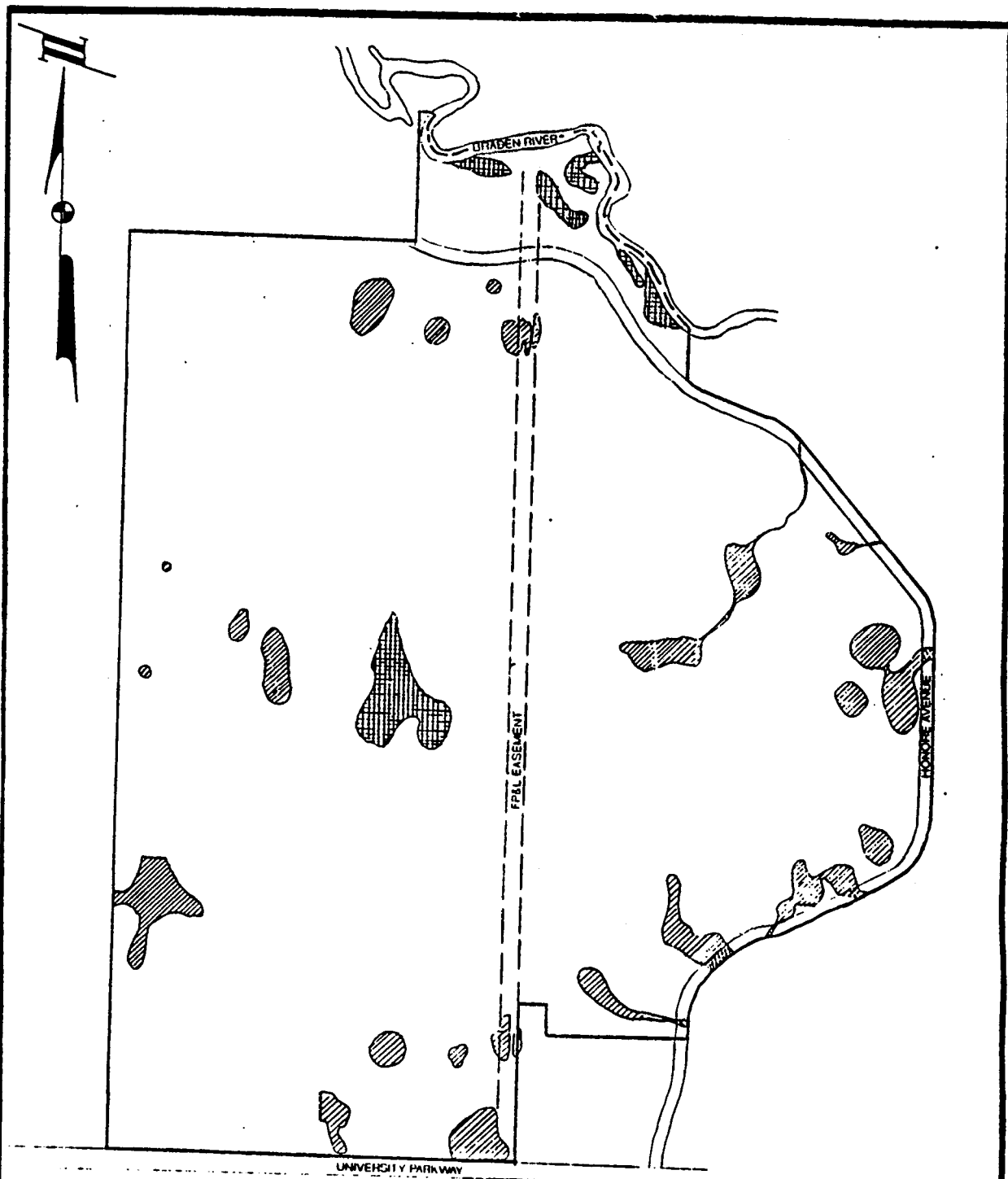
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CLUB**

EXHIBIT #D




TO

EXHIBIT #1

**PRESERVATION & CONSERVATION AREA
MAP**



SCALE 1" = 1000'

	CONSERVATION AREAS	74.11 ac.
	CONSERVATION AREA IMPACT	
	PRESERVATION AREAS	22.33 ac.

06/27/96 /

UNNAMED EXCLUSIVE GOLF CLUB
 MAINTENANCE COURSES
 THE PARK-TO-SEA WORK AREA, CENTRAL TEXAS, U.S.A.

PRESERVATION/CONSERVATION
 AREAS

MAP
 C

**NOPC
FOR
UNNAMED EXCLUSIVE GOLF & COUNTRY
CLUB**

EXHIBIT #E

TO

EXHIBIT #1

**SURFACE WATER QUALITY MONITORING
CRITERIA**

HENSLICK, SEAGLE & ASSOCIATES, INC.

ENVIRONMENTAL CONSULTANTS

FEBRUARY 7, 1994

SURFACE AND GROUND WATER MONITORING PLAN
UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB
DEVELOPMENT OF REGIONAL IMPACT

This document presents the details for a Surface Water and Ground Water Monitoring Plan as required under sections D.(1), D.(2) and D.(4) of the Unnamed Exclusive Golf and Country Club Development Order.

GROUND WATER AND SURFACE WATER MONITORING PROGRAM

Prior to initiating the following water quality and quantity monitoring program, a generic quality assurance plan will be submitted to the Manatee County Environmental Action Commission for review and approval.

SURFACE WATER:

All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three (3) grab samples shall be collected at least twenty (20) minutes apart from each other, composited and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters will be measured from the composite samples using calibrated field meters, and a staff gauge will be placed at each station and read during each monitoring event.

1748 INDEPENDENCE BLVD., SUITE E-7
SARASOTA, FL 34234
(813) 351-7728

Sampling events will be performed following storm events which create runoff. All sampling stations will be monitored following a 1/2 inch, or greater, storm event using methodologies approved by the U.S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Samples will be taken twice annually. Once during the wet season (June - September) and once during the dry season (October - May).

GROUND WATER:

Ground water will be monitored at approved locations within the project area. The approximate location of these wells are shown on the enclosed graphic. The ground water will be monitored on a semi-annual basis (wet/dry season). The elevation of the top of each ground water well will be determined and during each sampling event the distance to the ground water table will be noted. Samples from each of the monitoring sites will be composited and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters (including ground water elevation) will be measured from composite samples using calibrated field meters. All stations will be monitored using methodologies approved by the U.S. Environmental Protection Agency. Samples will be taken twice annually, beginning during construction and will continue until one (1) year beyond buildout.

EXISTING CONDITION MONITORING:

In order to gather existing condition surface water and ground water data, two (2) surface water monitoring stations are proposed and three (3) ground water monitoring stations. One surface water station will be located in the eastern most branch of the Cedar Creek tributary, and the other will be located in a creek feeding the Braden River in the northeastern portion of the site. The

HENSLICK, SEAGLE & ASSOCIATES, INC.

ENVIRONMENTAL CONSULTANTS

approximate location of these stations and the three ground water stations are shown on the enclosed graphic. Three (3) grab samples will be taken at each surface water station, as well as in-situ measurements during each monitoring event. One (1) sample will be taken at each ground water station, as well as in-situ measurements.

The parameters to be monitored are listed below:

In-situ Measurements:

- * specific conductance
- * dissolved oxygen
- * pH
- * temperature
- * flow rates (staff gauges)
- * ground water elevations

Grab Samples:

- | | | |
|--|--------------------------|------------------|
| * chlorides | * sulfates | * fluoride |
| * total dissolved solids | * total suspended solids | * ammonia |
| * nitrate | * nitrite | * total nitrogen |
| * total Kjeldahl nitrogen | * orthophosphate | * copper |
| * total phosphorous | * lead | * zinc |
| * mercury | * nickel | * arsenic |
| * cadmium | * chromium | * silver |
| * total coliform | * fecal coliform | * BOD-5 |
| * primary organics (pesticides and herbicides) | | |

Due to low expectations of the following parameters being present at their extreme expense, we propose to sample: primary organics, As, Cr, Cu, Pb, Hg, Ni, and Zn, during the first year (wet season/dry season) only. If an incidence high enough to warrant further sampling of any of these parameters is discovered, additional sampling will be performed as warranted. If it is believed it is not warranted and the monitoring program should be revised, the requested modification will be submitted to the Manatee County Environmental Action Commission, the City of Bradenton, and the Manatee County Board of County Commissioners for approval.

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SARASOTA, FL 34234
(813) 351-7728

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ENVIRONMENTAL CONSULTANTS

CONSTRUCTION PHASE MONITORING:

During the construction phase of the project, the "Existing Condition Monitoring" program (surface and ground water) will be on-going. Additional surface water monitoring stations will be established at the points of discharge from the stormwater detention areas. These areas will be monitored on a weekly basis for TSS and reports will be filed bi-weekly to Manatee County.

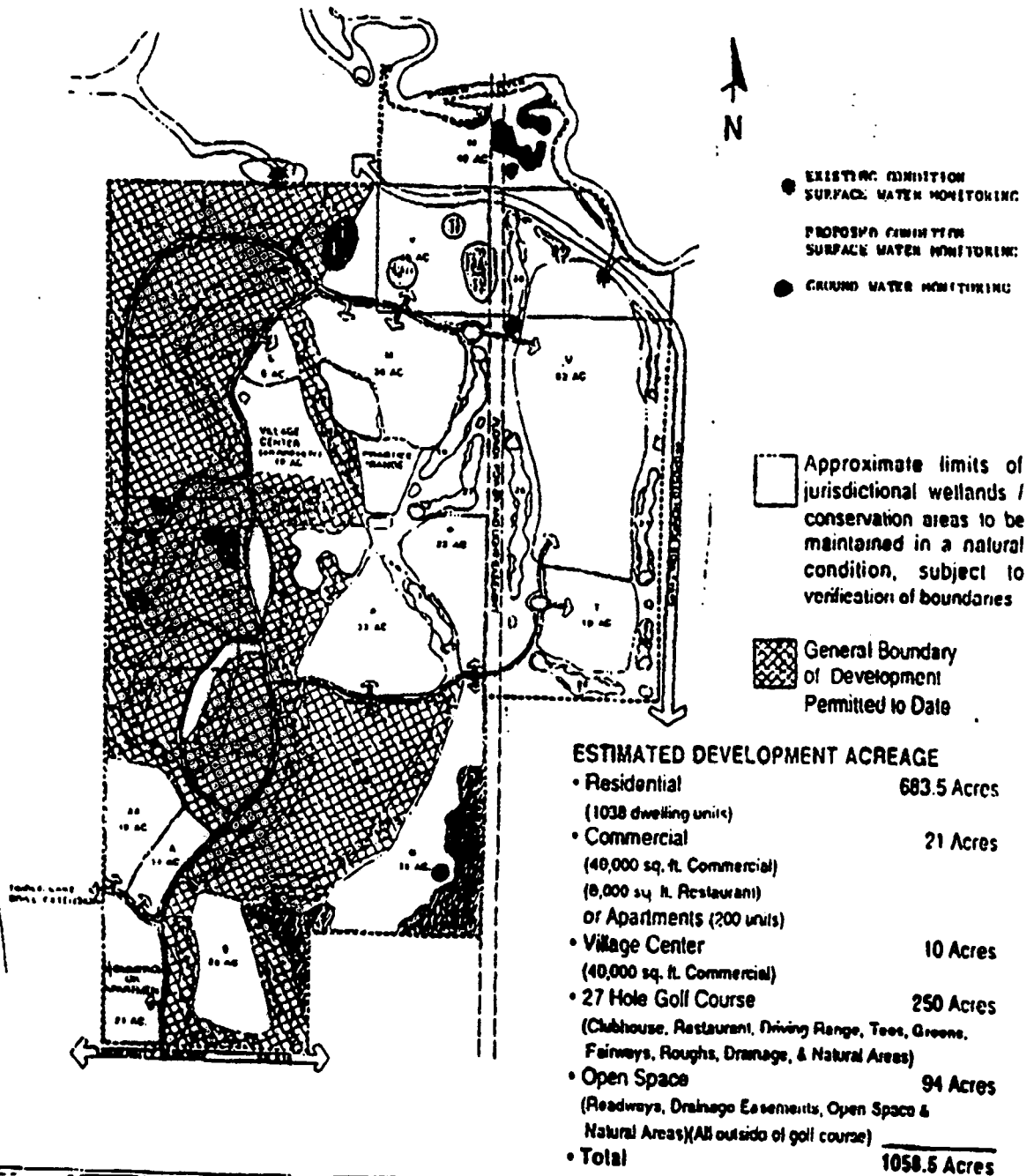
POST DEVELOPMENT CONDITION MONITORING:

In order to gather post development condition surface water data, five (5) monitoring stations are proposed, including the two (2) stations used in the "Existing Condition Monitoring" program. Two of the new stations are proposed at each of the final points of discharge from the project area. The third additional station is located at the southern boundary of the project area where surface water will enter the project area. The same ground water monitoring sites used in the "Existing Condition Monitoring" program will be used to determine ground water quality. The approximate location of these stations are shown on the enclosed graphic. Three (3) grab samples will be taken at each surface water station, as well as in-situ measurements. The same parameters will be monitored as are listed in the "Existing Condition Monitoring" program. Monitoring will continue until one (1) year beyond project buildout and will be performed at the same frequency as described for the "Existing Condition Monitoring" program (i.e. twice annually following rain events of 1/2 inch or greater).

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SARASOTA, FL 34234
(813) 351-7728

CONCEPTUAL DEVELOPMENT PLAN

Unnamed Exclusive Golf & County Club



**SURFACE WATER MONITORING PLAN
UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB
DEVELOPMENT OF REGIONAL IMPACT**

This exhibit details the Surface Water Monitoring Plan required under section D.(1) of the Unnamed Exclusive Golf and Country Club Development Order. The Developer* shall have developed a monitoring plan addressing the criteria listed below within six months of approval of this ~~Development Order~~ Ordinance 93-21.

- a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.
- b. Parametric coverage of the monitoring plan should include the following:
 - specific conductance (field)
 - temperature (field)
 - dissolved oxygen (field)
 - pH (field)
 - flow rates (field)
 - chlorides
 - sulfates
 - fluoride
 - total dissolved solids
 - total suspended solids
 - ammonia
 - nitrate
 - nitrite
 - total Kjeldahl nitrogen
 - total nitrogen
 - orthophosphate
 - total phosphorous
 - copper
 - lead
 - zinc
 - mercury
 - nickel
 - arsenic
 - cadmium
 - chromium
 - silver
 - total coliform
 - fecal coliform
 - BOD-5
 - primary organics (pesticides and herbicides)
- c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a 1/2 inch or greater storm event using methodology approved by the U. S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.

- d. The Developer* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.
- e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County and the EAEMD.
- f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

Any modifications to the above listed criteria shall be subject to review by the Manatee County Environmental Action ~~Commission~~ Management Department, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.

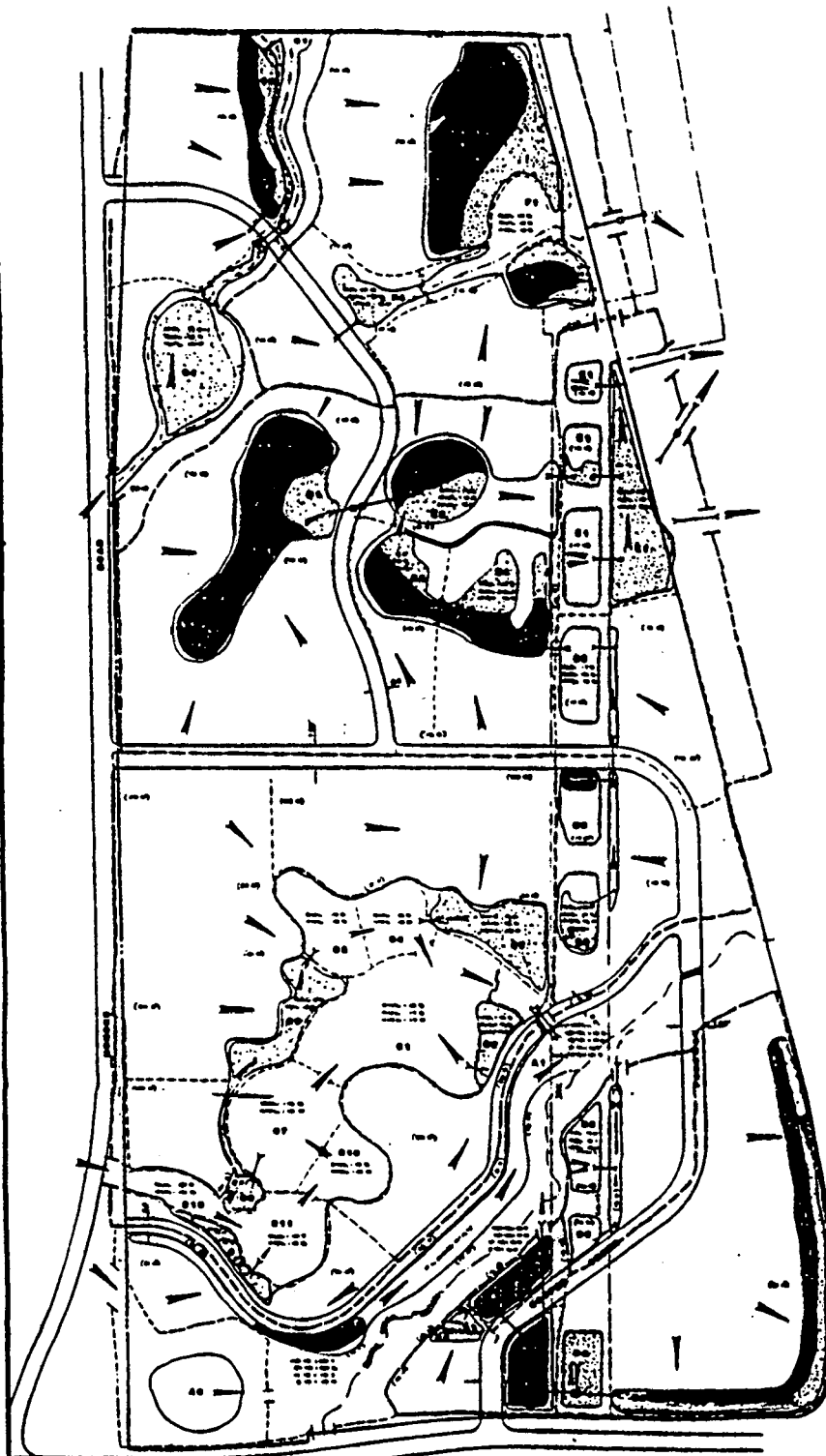
**NOPC
FOR
UNNAMED EXCLUSIVE GOLF & COUNTRY
CLUB**

EXHIBIT #F

TO

EXHIBIT #1

MASTER DRAINAGE PLAN



LEGEND

- LEFT OF WATER MANAGEMENT STATION
- DRY DETENTION
- SHALLOW POND
- DEEP LAKE
- DEEP OUTLET CONTROL STRUCTURE
- CULVERT
- OPEN
- TRIPLE BOX CULVERT
- SINGLE DRAINAGE DITCH
- ROAD DRAINAGE DITCH
- DRAINAGE OUTLET
- DETENTION WATER LEVEL
- RETENTION WATER LEVEL
- NORMAL WATER LEVEL
- DESIGN FLOOD ELEVATION
- DIRECTION OF FLOW

NOTE:
WATER LEVELS AND GROUND
ELEVATION IN FEET ABOVE M.S.L.

MAP "Q"
MASTER DRAINAGE PLAN

COOPER CREEK CENTER

DEVELOPED BY WILSON BOTS CORPORATION



**NOPC
FOR
UNNAMED EXCLUSIVE GOLF & COUNTRY
CLUB**

EXHIBIT #G

TO

EXHIBIT #1

AGREEMENT

cc [redacted] 11/15/11

THIS AGREEMENT, made and entered as of this 5th day of November, 1991, by WOODLANDS COUNTRY CLUB MANAGEMENT, INC., a Florida Corporation, as Managing Partner for WOODLANDS COUNTRY CLUB ASSOCIATES, a Florida General Partnership, hereinafter referred to as "DEVELOPER" and THE SCHOOL BOARD OF MANATEE COUNTY, FLORIDA, hereinafter referred to as "SCHOOL BOARD".

WITNESSETH:

WHEREAS, Section 380.06(15)(e)(2), Florida Statutes, authorizes approval of Development of Regional Impacts (DRI) by a local government only if adequate provisions for the public facilities necessary to accommodate the impacts of the proposed development are made, and

WHEREAS, Section 235.193, Florida Statutes, requires consideration of the effect of new residential development upon local public school facilities; and

WHEREAS, Section 230.22, Florida Statutes, empowers the SCHOOL BOARD to perform duties and exercise responsibilities which it may find necessary for the improvement of the district school system; and

WHEREAS, Section 230.23, Florida Statutes, empowers the SCHOOL BOARD as the entity responsible for receiving money and purchasing public school property to ensure that adequate educational facilities are provided for the district's school children; and

WHEREAS, Section 163.3177(10)(h), Florida Statutes, requires that public facilities be provided concurrently with the impact of development; and

WHEREAS, Policies 13.1.5.1 and 13.1.7.5 of the Manatee County Comprehensive Plan requires coordination between Manatee County and the SCHOOL BOARD to ensure that the increased demand for public educational services generated by development is met; and

WHEREAS, Section 909.4.1 - 909.4.3 of the Manatee County Comprehensive Zoning and Land Development Code requires coordination between Manatee County and the SCHOOL BOARD to ensure that residential development should be located in an area in which public schools are or will be available and adequate for the uses proposed or that the developer provide adequate assurance or provision, through developer land dedication or monetary contributions, of public schools to meet the needs related to the development; and

WHEREAS, Section 736.3.22 of the Manatee County Comprehensive Zoning and Land Development Code requires that all Developments of Regional Impact work with the SCHOOL BOARD to identify all educational impacts and to ensure mitigation of those impacts.

WHEREAS, Island Investment Properties, Ltd., a Florida Limited Partnership, Kabara N.V., a Netherland Antelles Corporation authorized to do business in Florida, Tidelands Investment Company, a Delaware Corporation, and Erop Corporation, a Florida corporation are the owners ("Owners") of the real property described in attached Exhibit A and known as unnamed Country Club (DRI #202), hereinafter "Development" located in Manatee County, Florida, which property is subject to a Master Development Order rendered by Manatee County, a political subdivision of the State of Florida, (R-84-69 as amended); and

WHEREAS, WOODLANDS COUNTRY CLUB ASSOCIATES, ("Developer") is the developer of the Development, and is responsible for complying with applicable rules and regulations pertaining to the Development; and

WHEREAS, the Developer elects to satisfy school site requirements pursuant to the Manatee County Comprehensive Plan and Manatee County Land Development Code by entering into this Agreement for the payment of an amount of money to the SCHOOL BOARD to be utilized to offset the cost of purchasing land to provide additional educational site acreage which the parties agree will be required and made necessary by the Development; and

WHEREAS, the schedule and method of payment of such money and its utilization as provided herein for school site purchase/expansion are agreed upon as appropriate under the circumstances of the Development of ADA #202 as presently proposed by the Developer.

NOW, THEREFORE,

IN CONSIDERATION of the mutual covenants contained herein, the parties agree as follows:

1. The Developer shall pay to the SCHOOL BOARD the amount of \$20,000.00 within forty-five (45) days of signing this Agreement. Should Manatee County deny a DRI Development Order for ADA #202, "Unnamed Country Club", then within sixty (60) days of said denial, the SCHOOL BOARD shall refund the amount of \$20,000.00 to Developer.

2. Before the preliminary plan approval of each phase of the Development, the SCHOOL BOARD will review the proposed plan pursuant to the County's Land Development Code and will evaluate the number of students in utilizing the school system from existing phases in the Development. The number of students will be based on school attendance records. If the number of students from the Development at any one time exceeds fifty (50) students, then the Owners and the Developer will be required to mitigate the

educational impacts of all students exceeding fifty (50) students, before final site plan approval of that phase, according to the following methodology:

Number of Students x .021 Acres per Student x \$20,000.00

Cost of Land per acre = Developer Contribution.

3. Nothing stated herein shall waive the rights of the parties to seek judicial review of this Agreement.

4. The SCHOOL BOARD agrees that payment in accordance with this Agreement satisfies the consideration of present educational impacts of the development as proposed under the provisions mandated in Sections 380.06(15)(e)(2), 235.193, 230.22, 230.23, 163.3177(10)(h), Florida Statutes, Policies 13.1.5.1 and 13.1.7.5 of the Manatee Comprehensive Plan, Section 909.4.1 - 909.4.3 and 736.22.1 of the Manatee County Land Development Code and also presently satisfies the Developer's entire obligation regarding public education contained in Master DRI Development Order (R84-69 as amended).

5. The SCHOOL BOARD agrees that compliance with the terms of this Agreement will exempt the Owners and Developer from all existing or future educational site dedication requirements, impact fee, or ordinance required of Developer for the purpose of satisfying educational impacts of the Development. This provision is not an exemption to the payment of ad valorem taxes for

educational purposes. Further, this provision is not an exemption from payment by future property owners of any legally imposed impact fees assessed due to a change of use of their property such as the addition of bedrooms.

6. Upon execution of this Agreement by the Owners, Developer, and the SCHOOL BOARD, the SCHOOL BOARD or its designee shall issue a letter to the Manatee County Board of County Commissioners that a stipulation incorporating and requiring fulfillment of this Agreement will adequately mitigate the Owners and Developer's related educational impacts of the Development as presently proposed.

7. This Agreement shall be binding upon and the benefits hereof inure to the respective successors and assigns of the Parties.

IN WITNESS WHEREOF, the parties have fully executed this Agreement on the day and year below stated.

Signed, Sealed and Delivered
in the Presence of:

THE SCHOOL BOARD OF
MANATEE COUNTY, FLORIDA

By: Karen Van Ken

Attest: [Signature]

Superintendent

Approved as to form
G W/O 11/5/91

WOODLANDS COUNTRY CLUB ASSOCIATES,
LIMITED, a Florida General Partnership
By its Managing Partner
WOODLANDS COUNTRY CLUB
MANAGEMENT, INC., a Florida corporation,

By: *Patrick K. Neal*
Patrick K. Neal

(SEAL)

STATE OF FLORIDA
COUNTY OF MANATEE

Before me personally appeared SARAH JAN NESS,
Chairman, and GENE WITT, Superintendent of the School
Board of Manatee County, Florida, known to me to be the persons
described in and who executed the foregoing Agreement and
acknowledged to me that they executed same for the purposes herein
expressed.

Witness my hand and official seal this 6th day
of November, 1991.

Susan M. Chackman
Notary Public
My commission expires: 12/31/92
MY COM. EXPIRES 12/31/92
BONDED THRU GEN. SEC. 1992

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me
this 22nd day of October, 1991, by Patrick K. Neal
as President of Woodlands Country Club, on behalf of said
partnership.
Managing Partner

Donna L. Chackman
Notary Public
My commission expires: 2/23/92
Donna L. Chackman

**NOPC
FOR
UNNAMED EXCLUSIVE GOLF & COUNTRY
CLUB**

EXHIBIT #H

TO

EXHIBIT #1

PUBLIC SAFETY AGREEMENT

ISLAND INVESTMENT PUBLIC SAFETY PRO RATA SHARE
IMPACT FEE AGREEMENT FOR
EMERGENCY MEDICAL SERVICES

THIS AGREEMENT, made and entered into, as of this 14th day of January, 1994, by ISLAND INVESTMENT PROPERTIES, LTD., a Florida limited partnership ("Island"); KABARA CORPORATION N.V., a Netherlands Antilles corporation ("Kabara"); WILLIAM T. HARRISON, JR., as Trustee under Land Trust Agreement dated January 24, 1986, and under Deed recorded in Public Records - 1135, Page 285, Public Records of Manatee County, Florida ("Trustee"); and WOODLANDS COUNTRY CLUB ASSOCIATES, a Florida corporation ("Developer") (Island, Kabara, Trustee, and Developer are collectively referred to herein as "Island Investment"); and THE COUNTY OF MANATEE, a Subdivision of the State of Florida ("Manatee County").

W I T N E S S E T H:

WHEREAS, Island Investment is the owner of certain property located in Manatee County described on the attached Exhibit "A," which Developer is developing as a Development of Regional Impact (the "Project"); and

WHEREAS, Manatee County issued a Development Order approving the Application for Master Development Approval (ADA) for a Development of Regional Impact (DRI #12 - Resolution R-84-69) for the Project and approved rezoning ordinances for the lands of the Project (2-84-81 and 2-84-01(2)); and

WHEREAS, the Department of Community Affairs has entered into a Preliminary Development Agreement with Island Investment to allow the development of 795 dwelling units prior to issuance of a Final Development Order; and

WHEREAS, in Section 2, paragraph 2 (under the heading of Fire Protection/Emergency Services) of zoning ordinance 2-84-81, Island Investment was required to contribute a pro rata share of the cost of a site for constructing and equipping the emergency services portion of a public services building; and

WHEREAS, in Section 2, paragraph 1 (under the heading of Police Protection) of zoning ordinance 2-84-81, Island Investment was required to contribute a pro rata share of the cost of the Sheriff Department's portion of a public services building; the specific requirements are to be determined at the ADA stage of the development process. Thus, Island Investment's Sheriff Department's pro rata contribution will be determined at a later date with the ADA record of The Unnamed Exclusive Country Club.

WHEREAS, under Section 2, paragraph 1 (under the heading of Fire Protection/Emergency Services) of zoning ordinance 2-84-81, the impacts of the development upon emergency services shall be identified in advance of development by the developer using methodology acceptable and utilized generally by the County. The first Final Plat for residential development will be The Unnamed Exclusive Country Club, Parcel 1 of Parcel B ("Hampton Green"); and

WHEREAS, the parties have further agreed upon the cost for a site and to construct and equip the Emergency Medical Services portion of the public services building, the proportionate share to be borne by the Project as currently approved, and the timing of said contribution payments by Island Investment, and that such payments shall fully satisfy all of Island Investment's responsibilities and obligations with regard to the Emergency Medical Services portion of the public services building for the 3450 dwelling units and 40,000 square feet of Commercial/Professional, as referenced under Section 2 under the heading of Fire Protection/Emergency Services of zoning ordinance 2-84-81; or if the Final Development Order for the project is not issued prior to January 1, 1994, this agreement shall only satisfy Island Investment's responsibilities and obligations with regard to the Emergency Medical Services portion of the public services building for the 795 dwelling units, as authorized in the Preliminary Development Agreement;

Agreement/Island Investment

Page 2

WHEREAS, Island Investment's pro rata share to satisfy all of Island Investment's responsibilities and obligations with regard to the Emergency Medical Services portion of the public services building as referenced under Section 2 under the heading of Fire Protection/Emergency Services of zoning ordinance Z-84-81 for 3450 dwelling units and 40,000 square feet of commercial/office shall be \$61,163.00. Island Investment's pro rata share to satisfy Island Investments' responsibilities and obligations with regard to the Emergency Medical Services portion of the public services building for 795 dwelling units is \$13,944.30. After February 1, 1992 the amount shall be adjusted to compensate for inflation, based on the date on the Consumer Price Index for Urban Consumers between December 1, 1991 and the date(s) of payment.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. The unit of allocation to determine the pro rata share payable to the County shall be the residential dwelling unit (RDU) and the equivalent residential unit (ERU).

2. Presently, Manatee County has granted Conceptual Approval for 3450 residential units (3450 RDUs) and 40,000 square feet of commercial and professional square footage (100 ERUs), for a total of 3550 RDUs/ERUs. The Department of Community Affairs has entered a Preliminary Development Agreement to allow the construction of 795 dwelling units, for a total of 795 RDUs/ERUs.

3. The pro rata share amount of \$17.54 will be paid for each RDU or ERU constructed on the property described in Exhibits "A" and "B". After February 1, 1992 this amount shall be adjusted to compensate for inflation based on changes in the Consumer Price Index for Urban Consumers between December 1991 and the date of payment described in Paragraph 5 below.

4. To satisfy all of Island Investment's obligations and duties as set forth in Section 2, paragraph 2 (under the heading of Fire Protection/Emergency Services), of zoning ordinance Z-84-81, or if the Final Development Order for the project is not issued prior to January 1, 1994, to satisfy all of Island Investments' obligations and duties for 795 dwelling units, Island Investment shall make the payments as identified in paragraph 5 below, which Manatee County shall accept as full satisfaction of such obligation and duty for the services.

5. To satisfy all, or part, of Island Investment's obligations with regard to Emergency Medical Services pursuant to the zoning ordinance recited above, Island Investment agrees to pay the total pro rata share due under Section 4 as outlined in (a) and (b) below:

(a) The first payment shall be in the amount of \$4,858.58, which shall be paid in full to Manatee County within 30 days from the date the Final Subdivision Plat is approved by the Board of County Commissioners for Hampton Green. This \$4,858.58 shall be credited the pro rata share for Emergency Medical Services for the first 277 residential dwelling units to be constructed at Hampton Green, Regents Park, St. James Park and Whitebridge Court; and

(b) The remainder of the total pro rata share due pursuant to this Agreement shall be payable prior to each Final Site Plan approval, provided that after January 1, 1994 that Manatee County may request full payment of the remainder of the total pro rata share at any time, 60 days prior to the commencement of construction of the Public Services facility; however,

payment may not be requested by Manatee County for any RDU's/ERU's over 795 unless a Final Development Order has been issued for the Project prior to January 1, 1994. Island Investment shall make such payment within thirty (30) days of such written notification by Manatee County.

All pro rata share payments made after February 1, 1992 shall be adjusted to compensate for inflation, based on changes in the Consumer Price Index for Urban Consumers, between December 1991 and the date of payment.

6. Island Investment shall satisfy its obligation to make the payments outlined in paragraph 5 by remitting a certified or bank cashier's check made payable to Manatee County.

7. Island Investment shall be entitled to Emergency Medical Services impact fee credit for payments made to Manatee County pursuant to paragraphs 3, 4 and 5 of this Agreement for all building permits obtained after execution of this Agreement.

8. Any contribution not expended or encumbered for professional services, construction or acquisition of Emergency Medical Services facilities in the Southeast Manatee County region within ten (10) years after the payment shall be returned to Island Investment or its designee. Any credit for impact fees received, pursuant to paragraph 7 of this Agreement, shall be deducted from the amount returned, pursuant to this section.

9. The County agrees that this agreement constitutes and satisfies Island Investment's entire obligation for Emergency Medical Services regarding Emergency Medical Services for the 3450 residential units and 40,000 square feet of commercial/professional as set forth in zoning ordinance 2-84-81.

10. The terms and conditions of this Agreement shall inure to the benefit of, and be binding upon, the heirs, personal representatives, successors and assigns of the parties hereto. Each party covenants and represents to the others that it is validly organized and existing under the laws of Florida, that it has full power and authority to enter this Agreement and comply with the terms hereof, and that the persons executing this Agreement on behalf of such party have been duly and properly authorized to sign on behalf of such party.

IN WITNESS WHEREOF, the parties have executed and caused to be executed this Agreement in duplicate as of the day and year first above written.

WITNESSES:

Cheri Seary
Signature of Witness
Cheri Seary
Print Name of Witness
Juanita Kinn
Signature of Witness
Juanita Kinn
Print Name of Witness

WOODLANDS COUNTRY CLUB ASSOCIATES
By: Woodlands Country Club
Management, Inc., a Florida
corporation, as General Partner.
By: James R. Schier
James R. Schier
As its President

ISLAND INVESTMENT PROPERTIES, LTD.
By: Suncoast Realty Management
Company, Inc., a Florida
corporation, as General Partner

By: James R. Schier
- James R. Schier
As its President

Cheri Seary
Signature of Witness
Cheri Seary
Print Name of Witness
Janita Kern
Signature of Witness
Janita Kern
Print Name of Witness

KABARA CORPORATION N.V.

By: William T. Harrison, Jr.
William T. Harrison, Jr.
As its Attorney-in-Fact

J. Michael Hartenstine
Signature of Witness
J. Michael Hartenstine
Print Name of Witness
Samuel W. Altman
Signature of Witness
Samuel W. Altman
Print Name of Witness

J. Michael Hartenstine
Signature of Witness
J. Michael Hartenstine
Print Name of Witness
Samuel W. Altman
Signature of Witness
Samuel W. Altman
Print Name of Witness

William T. Harrison, Jr.
WILLIAM T. HARRISON, JR.
As Trustee aforesaid and not
Individually

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on this 13th day of January 1992, before me, an officer duly authorized to take acknowledgments in the state and county named above, personally appeared James R. Schier, as President of Woodlands Country Club Management, Inc. a Florida corporation and general partner of WOODLANDS COUNTRY CLUB ASSOCIATES, a Florida general partnership, to me known to be the person described in and who executed the foregoing instrument, and he acknowledged, not under oath, that he executed the foregoing instrument for and on behalf of the corporation and the partnership as such officer for the purposes therein expressed and that he was duly authorized by the corporation and the partnership to do so.

(Notary Seal)

Cheri Seary
Signature of Notary Public
Cheri A. Seary
Print Name of Notary Public
I am a Notary Public of the State
of Florida and my
commission expires on 12/25/94.

STATE OF FLORIDA
COUNTY OF SARASOTA

I HEREBY CERTIFY that on this 13th day of January 1992, before me, an officer duly authorized to take acknowledgments in the state and county named above, personally appeared William T. Harrison, Jr., as Attorney-in-Fact for KABARA CORPORATION N.V., a Netherlands Antilles corporation, on behalf of the corporation, to me known to be the person described in and who executed the foregoing instrument, and he acknowledged, not under oath, that he executed the foregoing instrument for and on behalf of the corporation as its authorized agent for the purposes therein expressed and that he was duly authorized by the corporation to do so.

(Notary Seal)

SANDRA W. ALTMAN
Notary Public State
Of Florida
No. CC168487
Commission Expires Dec. 1, 1995

Sandra W. Altman
Signature of Notary Public

Sandra W. Altman
Print Name of Notary Public
I am a Notary Public of the State
of Florida and my
commission expires on 12-1-95.

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on this 13th day of January 1992, before me, an officer duly authorized to take acknowledgments in the state and county named above, personally appeared James R. Schier, as President of Suncoast Realty Management Company, Inc., a Florida corporation and a general partner of ISLAND INVESTMENT PROPERTIES, LTD., a Florida limited partnership, to me known to be the person described in and who executed the foregoing instrument, and he acknowledged, not under oath, that he executed the foregoing instrument for and on behalf of the corporation and the partnership as such officer for the purposes therein expressed and that he was duly authorized by the corporation and the partnership to do so.

(Notary Seal)

Cheri Searcy
Signature of Notary Public

Cheri Searcy
Print Name of Notary Public
I am a Notary Public of the State
of Florida and my
commission expires on 12/25/94.

STATE OF FLORIDA
COUNTY OF SARASOTA

I HEREBY CERTIFY that on this 15th day of January 1992, before me, an officer duly authorized to take acknowledgments in the state and county named above, personally appeared William T. Harrison, Jr., as Trustee aforesaid and not individually, to me known to be the person described in and who executed the foregoing instrument, and he acknowledged, not under oath, that he executed the foregoing instrument freely and voluntarily for the purposes therein expressed.

(Notary Seal)

SANDRA W. ALTMAN

Sandra W. Altman
Signature of Notary Public

Sandra W. Altman
Print Name of Notary Public

COUNTY OF MANATEE, FLORIDA,
by and through its Board of
County Commissioners

By: Kathy A. Snell
Kathy A. Snell
Chairman

ATTEST:

B. Shore
B. Shore
Clerk of the Circuit Court

EXHIBIT "A"

TRACT 1 - A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 2699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2840.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE, CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE, CONTINUE N 89°27'25" W, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2 TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

TRACT 3 TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST. AND THE SOUTH 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 63.0 ACRES MORE OR LESS.

**NOPC
FOR
UNNAMED EXCLUSIVE GOLF & COUNTRY
CLUB**

EXHIBIT #2

SUBSTANTIAL DEVIATION CHARTS

SUBSTANTIAL DEVIATION DETERMINATION CHART

Attraction/ Recreation

Unanned Exclusive Golf and Country Club **SUBSTANTIAL DEVIATION DETERMINATION CHART**

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Industrial	Acreage, including drainage, ROW, easements, etc. # Parking Spaces Building (gross square feet) # Employees Chemical storage (barrels and lbs.) Site locational changes # External Vehicle Trips D.O. conditions ADA representations	<i>N/A</i>		
Mining Operations	Acreage mined (year) Water Withdrawal (Gal/day) Size of Mine (acres), including drainage, ROW, easements, etc. Site locational changes # External Vehicle Trips D.O. conditions ADA representations	<i>N/A</i>		
Office	Acreage, including drainage, ROW, easements, etc. Building (gross square feet) # Parking Spaces # Employees Site locational changes # External Vehicle Trips D.O. conditions ADA representations	<i>N/A</i>		

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
---------------------	--------------------	------------------	------------------	--------------------------------

Petroleum/Chem.
Storage

Storage Capacity
(barrels and/or lbs.)
Distance to Navigable
Waters (feet)
Site locational changes
Facility Acreage, including
drainage, ROW, easements, etc.
External Vehicle
Trips
D.O. conditions
ADA representations

N/A

Ports (Marinas)

boats, wet storage
boats, dry storage
Dredge and fill (cu.yds.)
Petroleum storage (gals.)
Site locational changes
Port Acreage, including
drainage, ROW, easements, etc.
External Vehicle
Trips
D.O. conditions
ADA representations

N/A

Residential

dwelling units
Type of dwelling units
lots
Acreage, including
drainage, ROW, easements, etc.
Site locational changes
External Vehicle
Trips
D.O. conditions

1604
SF and MF
1238
SF and MF

928.64
Add'd Acreage 755

1239
No change 1031

Includes all trips as
Proposed is a P.U.D.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.	9	10	
	Floor Space (gross square feet)	38,000	40,000	
	# Parking Spaces	As Required by Code		
	# Employees	No change		
	Site locational changes	No change		
	# External Vehicle Trips	120 PUD Goals: See Resolution		
	D.O. conditions	No change		
	ADA representations	No change		
	# Rental Units			
	Floor Space (gross square feet)			
Hotel/Motel	# Parking Places			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
	Acreage, including drainage, ROW, easements, etc.			
	# Parking Spaces			
	Buildings (gross square feet)			
R.V. Park	# Employees			
	Site locational changes			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
	Acreage, including drainage, ROW, easements, etc.			
	# Parking Spaces			
	Buildings (gross square feet)			
	# Employees			
	Site locational changes			

38,000
As Required by Code
No change
No change
120 PUD Goals: See Resolution
No change
No change

N/A

N/A

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Open Space (All natural and vegetated non-impervius surfaces)	Acreage Site locational changes Type of open space D.O. conditions ADA representations	213.6 Added acreage natural and landscaped areas no change no change	133 Added acreage no change	N/A
Preservation, Buffer or Special Protection Areas	Acreage Site locational changes Development of site proposed D.O. conditions ADA representations	56.44 Added acreage none, except for permitted crossings no change no change	57.24 Added acreage no change	

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

**NOPC
FOR
UNNAMED EXCLUSIVE GOLF & COUNTRY
CLUB**

EXHIBIT #3

**MANATEE COUNTY LAND DEVELOPMENT
APPLICATION**

**MANATEE COUNTY GOVERNMENT
PLANNING, PERMITTING AND INSPECTIONS
DEPARTMENT
LAND DEVELOPMENT APPLICATION**

FOR STAFF USE ONLY

Date: _____ File Number: _____

File Name: _____

This application shall be used for all land development,
rezone or comprehensive plan amendment requests.

Please attach appropriate standards or supplementary information, as applicable.

TYPE OF APPROVAL DESIRED: DRI - Notice of Proposed Change

LIST CASE NUMBERS OF PREVIOUS APPROVALS: _____

A. Property Information

Exclusive Unnamed C.C.

1. Legal Description: ATTACHED
2. D. P. Number(s): SEE ATTACHMENT FOR PROPERTY I.D. NUMBERS
3. Section: 25, 26, 35 & 36 Township: 35S Range: 18E
4. Subdivision Name (if Platted): EXCLUSIVE UNNAMED COUNTRY CLUB
5. Lot: N/A 6. Block: N/A
7. Address or Location of Property (See Address Coordinator, if physical address is needed):
8301 PARK BOULEVARD
UNIVERSITY PARK, FL 34201
8. Present Zoning Classification: PDI, PDR, WOE/ST
9. (If Rezone) Proposed Zoning Classification: PDR
10. (If Comprehensive Plan Map Amendment) Proposed Future Land Use Category: N/A
11. Future Land Use Category: MU & RES 6
12. Flood Zone Category: _____ Map/Panel Numbers: _____
13. Property Size (to the nearest tenth of acre or sq. ft.): _____
14. Existing Use(s) of Subject Property (i.e.: vacant, residence, commercial, etc.):
AGRICULTURAL
15. Surrounding Land Use(s) (i.e.: vacant, residence, commercial, etc.):
a. North: AGRICULTURAL c. East: VACANT
b. South: AGRICULTURAL d. West: RESIDENTIAL/GOLF COURSE
16. Description of Proposed Activity or Use (Attach Separate Sheet if Necessary):
RESIDENTIAL & OPEN SPACE

B. Names/Addresses

List all person(s) having ownership in subject property.

1. Name of Property Owner: _____
Address: _____
Zip: _____ Phone: _____
2. Name: _____
Address: _____
Zip: _____ Phone: _____

3. Name of Agent: WILLIAM OCKUNZZI
Address: 2706 FIRST STREET, STE. 4, INDIAN ROCKS BEACH, FL
Zip: 34615 Phone: (813) 786-0456
Contact Person: WILLIAM OCKUNZZI
4. Name of Engineer: ZOLLER, NAJJAR & SHROYER, INC.
Address: P.O. BOX 9448, BRADENTON, FL
Zip: 34206 Phone: (941) 748-8080
Contact Person: TOM MCCOLLUM
5. Name of Architect: _____
Address: _____
Zip: _____ Phone: _____
Contact Person: _____
6. Name of Landscape Architect: ZOLLER, NAJJAR & SHROYER, INC.
Address: P.O. BOX 9448, BRADENTON, FL
Zip: 34206 Phone: (941) 748-8080
Contact Person: TOM MCCOLLUM

NOTE: UNLESS OTHERWISE NOTED ALL WRITTEN CORRESPONDENCE WILL BE MAILED TO THE AGENT. IF THERE IS NO AGENT, COMMENTS WILL BE SENT TO THE PROPERTY OWNER.

C. Signature

I hereby certify that the information in this application is true and correct. I have read this application and understand that other review processes and fees may be required prior to applying for and receiving Building Permits and/or Final Development Approval.

By executing this application, I acknowledge that I am familiar with the Rules of Procedure which apply to the boards or commissions which will act on my application and that I have read and understand such Rules of Procedures.



(Signature of Property Owner or Agent)

WILLIAM OCKUNZZI

MANATEE COUNTY PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

AFFIDAVIT OF OWNERSHIP/AGENT AUTHORIZATION

AFFIDAVIT

FILE NUMBER _____

County Line Road Associates

P.O. Box 2078, Sarasota, FL 34230

(Print) PROPERTY OWNER, MAILING ADDRESS, OFFICER'S NAME, TITLE

Being first duly sworn, depose(s) and say(s):

1. That I am (we are) the owner(s) and record title holder(s) of the following described property legal description, to wit: County Line Road Associates

2. That this property constitutes the property for which a request for N.O.P.C., Rezoning and General Development Plan

(Type of Application Approval Requested)

is being applied for to Manatee County, Florida;

3. That the undersigned has (have) appointed and does (do) appoint William Okudzko as agent(s) to execute any petitions or other documents necessary to affect such petition; and request that you accept my agent(s) signature as representing my agreement of all terms and condition of the approval process;

4. That this affidavit has been executed to induce Manatee County, Florida to consider and act on the foregoing request;

5. That I, (we) the undersigned authority, hereby certify that the foregoing is true and correct.

[Signature] /General Partner
Owner Signature/Print Title

Owner Signature/Print Title

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 12-15-95 by Paul L. Lawer
(date) (named by person acknowledging)

who is personally known to me or who has (name of person acknowledging) produced _____
type of identification)

as identification.

Sharon K. Chaney
Signature of Person Taking Acknowledgement



SHARON K. CHANEY
MY COMMISSION # CC 203284 EXPIRES
May 25, 1996
BANKERS TRUST FIDELITY AND GUARANTEE, INC.

Name

Title or Rank

Serial Number, if any

My Commission Expires: _____

Commission No.: _____

Revised 05/04/94

**NOPC
FOR
UNNAMED EXCLUSIVE GOLF & COUNTRY
CLUB**

EXHIBIT #4

AFFIDAVIT OF OWNERSHIP/AGENT AUTHORIZATION

OCKUNZZI & ASSOCIATES
1516 First St. East, Suite Three
Indian Rocks Beach, Florida 33785

813-595-7006
Fax 813-595-8568

March 31, 1997

Mr. J. Thomas Beck, Chief
Bureau of Local Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Unnamed Exclusive Golf and Country Club DRI, Manatee County: Modifications to
Proposed NOPC.

Dear Mr. Beck:

Please accept the information provided below as an amendment to the proposed NOPC for the Unnamed Exclusive Golf and Country Club DRI in Manatee County. The proposed NOPC is being modified because plans to purchase and transfer land from the developers of the adjacent DRI, Cooper Creek Center, have been abandoned and are no longer being pursued.

We believe that the information, data, clarification and explanation of the changes to the existing Unnamed Exclusive Golf and Country Club Development Order continue to meet the Department's requirements for approval, including non Substantial Deviation status.

The changes now proposed for the Unnamed Exclusive Golf and Country Club DRI are not dependant upon or connected to the approval of any complementary changes to the Cooper Creek DRI Development Order currently in effect or the Cooper Creek Center NOPC, as amended, currently being processed.

You may consider the commitments made in this letter as amendments to the Unnamed Exclusive Golf and Country Club NOPC application. Corresponding changes to the proposed DO amendments (including existing DO exhibits to be modified) are attached hereto.

We would appreciate receiving correspondence from the Department regarding concurrence with this letter to facilitate efforts by all parties to successfully conclude the NOPC process. If you have any questions or need additional information or documentation please contact me.

Summary of changes now requested to the existing Unnamed Exclusive Golf and Country Club DRI DO.

1. Extend the Development Order buildout date to December 30, 2007.

2. Approve Development Order modifications to accurately reflect the status of the option selected to mitigate transportation impacts and the status of transportation mitigation; the status of compliance with certain other Development Order conditions (surface and ground water quality monitoring, approval of Evers Reservoir Watershed guidelines, the commencement of development, and amendment to Map H to provide for a "second means of access" that is required by the Manatee County Land Development Code).

Ms. Pennington of your staff requested that the pending NOPC for Unnamed Exclusive Golf and Country Club be modified to delete the request for approval of the addition of acreage and residential units from the adjacent DRI. This letter modification reflects our compliance with this request.

We believe that the changes now proposed to the Unnamed Exclusive Golf and Country Club DRI Development Order still constitute and deserve a non Substantial Deviation status determination by the Department.

Attached hereto is a proposed revision to the Unnamed Exclusive Golf and Country Club DRI Development Order and associated exhibit that is being modified (Map H only). The base document for these changes is the last DO draft provided by Manatee County. This draft DO has been revised with hand written interlineations to reflect the changes necessary to delete the proposal to add acreage and units and implement the changes enumerated above.

Thank you for your time and patience with regard to the proposed changes to the Unnamed Exclusive Golf and Country Club DRI. We believe the proposed changes are non substantial in nature, quantity, and consistent with provisions of the existing DO. We desire to move forward as rapidly as possible and look forward to the Department's approval of the proposed changes, as modified herein, which will be beneficial to the area by allowing the continuing development of an economically and environmentally sound and successful project.

By copy of this letter to Manatee County and TBRPC we are respectfully requesting their approval and final processing of the proposed changes, as amended.

Please contact me if you have any questions or need additional information.

Sincerely,


William A. Ockunzzi

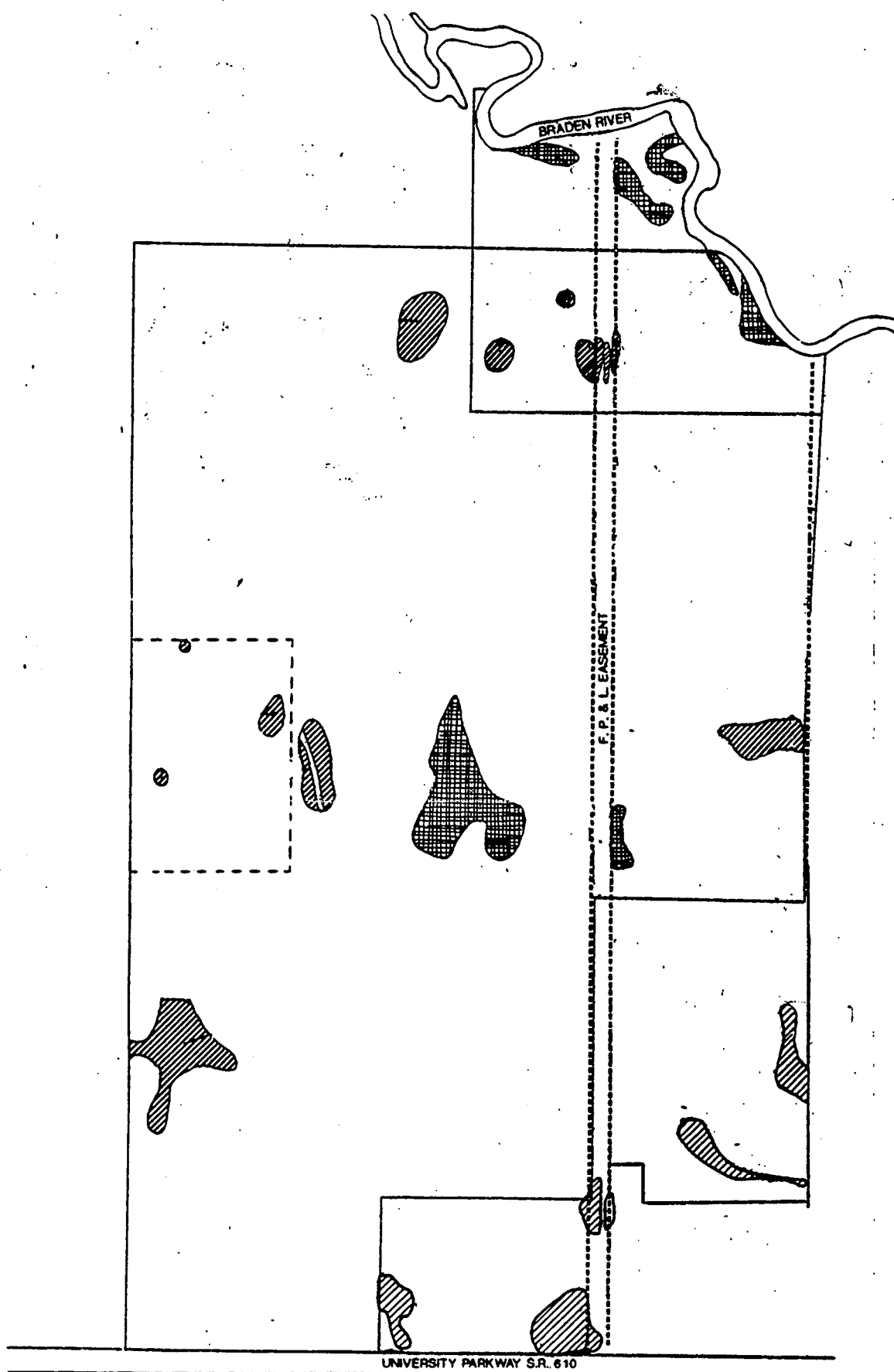
cc: Ms. Clarke, Mr. Peterson, Mr. Luppino, Manatee County; Ms. Greene, Mr. Butts, TBRPC; Ms. Pennington, Mr. Taylor, DCA; Mr. Pat Neal; Mr. McCollum; Mr. Roy Chapman; Mr. Steve Lewis, Esquire.

enclosure: proposed revised draft Development Order and Exhibit to be modified.
unex14

CONTAINING 164.23 ACRES, MORE OR LESS.

• Residential:	(1238 Dwelling Units)	755 Acres
• Commercial	(40,000 sq. ft. commercial 8,000 sq. ft. restaurant or apartments 200 units)	21 Acres
• Village Center	(40,000 sq. ft. commercial)	4.5 Acres
• 27 Hole Golf Course	(clubhouse, restaurant, driving range, tees greens, fairways, roughs, drainage & natural areas)	322.26 Acres
• Roadways		68 Acres
• Others*		64.64 Acres
(*Includes easements, jurisdictional areas conservation areas, misc. open space other than golf course)		

LAP
B



UNIVERSITY PARKWAY S.R. 610

LEGEND



Conservation Areas to remain undisturbed. 34.91 ac.



Preservation areas to remain undisturbed. 22.33 ac.



EXHIBIT "C"

Map of Manatee County, Florida, showing major roads and intersections. The map includes US 19, SR 64, SR 79, SR 84, and US 301. Key intersections are marked with black dots, indicating required intersection improvements. The map also shows the Manatee County/Sarasota County boundary and the University Parkway.

Legend: ● - Required Intersection Improvement

Map Labels:

- US 19
- SR 64
- SR 79
- SR 84
- US 301
- 1-75
- 9TH ST. W.
- 11TH ST. E.
- 13TH ST. E.
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Legal Description

GENERAL DEVELOPMENT PLAN PARCEL:

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'06" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2,699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1,349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1,374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1,346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1,380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1,981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1,333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2,840.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1,334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2,807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2,673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1,461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2,560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1,800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1,320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2,154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: TOGETHER WITH THAT PORTION OF THE UNNAMED EXCLUSIVE COUNTRY CLUB DESCRIBED AS THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE BRADEN RIVER. LYING AND BEING IN MANATEE COUNTY, FLORIDA.

CONTAINING 74.5 ACRES, MORE OR LESS.

ARVIDA TRACT: FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1,406.29 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1,354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 605.51 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1,320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WEST LINE A DISTANCE OF 2,560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE CONTINUE S 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2,561.09 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,435.71 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°48'59" A DISTANCE OF 192.91 FEET; THENCE N 17°33'00" E, A DISTANCE OF 68.92 FEET; THENCE N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EAST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THENCE S 00°26'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1,320.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 164.23 ACRES, MORE OR LESS.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2800 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301-6241



BOB GRANAM
GOVERNOR
VICTORIA J. TSCHINKEL
SECRETARY

January 21, 1985

Robert M. Rhodes, Esquire
Messer, Rhodes and Vickers
P. O. Box 1876
Tallahassee, Florida 32302-1876

Dear Mr. Rhodes:

RE: Circle-N-Bar Ranch,
JD-41-0000-3

This letter is to confirm the status of the jurisdictional determination issued by Suzanne Walker in a letter dated July 20, 1984 and aerial photograph dated August 15, 1984. (Your letter dated October 15, 1984 also requested grandfather status for your DRI project under 403.905(6), Florida Statutes. That request is under a different review process and you will be notified regarding the outcome of that review at a later date.)

Department personnel conducted a site visit and jurisdictional assessment on the property south and west of the Braden River and north of proposed State Road 610 at the Manatee/Sarasota County line, Sections 26 and 35, Township 35 South, Range 18 East, Manatee County.

As a result of that visit and assessment, a jurisdictional line was established as reflected in the material attached hereto, areas outlined in green. Areas outlined in red in Exhibit I are designated as described in the July 20, 1984 letter attached hereto as Exhibit II. No additional areas on the property were reviewed by DER for the jurisdictional determination covered by the July 20, 1984 letter.

Pursuant to Florida Administrative Code Rule 17-4.022(8), as to the property labelled Circle-N-Bar Ranch, the foregoing jurisdictional determination is validated as a binding statement of the extent of the Department's jurisdiction in regard to any future dredging or filling conducted in, on, or over the waters of the State.

Protecting Florida and Your Quality of Life

WETLAND EXEMPTION
EXHIBIT "F"

(Page 1 of 5)

JD-41-2000-3
January 21, 1985
Page 2

This letter constitutes final agency action unless a person substantially affected by this action requests an administrative hearing. Persons whose substantial interests are affected by this Order (letter) have a right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative determination (hearing) on the decision. The petition must conform to the requirements of Chapters 17-103 and 28-5, F.A.C., and must be filed (received) with the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301, within fourteen (14) days of this notice. Failure to file a petition within the fourteen (14) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

If a formal proceeding pursuant to Section 120.57(1) is requested, at such formal hearing all parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination of witnesses and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. If an informal proceeding is requested, the agency will, in accordance with its rules of procedure, give affected persons or parties or their counsel an opportunity, at a convenient time and place, to present to the agency or hearing officer written or oral evidence in opposition to the agency's action or refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction, pursuant to Section 120.57(2), Florida Statutes.

The hearing process is designed to formulate agency action. Accordingly, the Department's final action as a result of a hearing may be different from the position taken by it in this stage. Therefore, any person who may wish to contest the Department's ultimate decision must petition for hearing within the fourteen day period described above.

Sincerely,

Suzanne P. Walker
Suzanne P. Walker, Chief
Bureau of Permitting

SPW/jk

Attachment

cc: Bill Kutash
Mark Latch

Bob Rhodes
July 20, 1984
Page 3

The attached maps have been marked to correspond with the text above. All areas of concern are identified by red letters. The approximate dredge and fill permitting jurisdiction is marked in black. Please initial both copies and return one copy to this office. If you have any questions, please call me or Mark Latch at 904/488-0130..

Sincerely,

Suzanne P. Walker

Suzanne P. Walker, Chief
Bureau of Permitting

SPW/jk

cc: Bill Kutash, DER, Tampa
Sandy Young/Ross McWilliams
Bruce Franklin

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301-6241



208 GRAHAM
GOVERNOR
VICTORIA J. TSCHINKEL
SECRETARY

July 20, 1984

Bob Rhodes
Messer, Rhodes, and Vickers
P. O. Box 1876
Tallahassee, Florida 32302

Dear Mr. Rhodes:

As you requested in our meeting of May 21, 1984 my staff has evaluated jurisdiction on the property known variously as IIP Kabara, Cypress Lakes, and Circle N-Bar Ranch. The area is located between the Braden River and S.R. 610 in Sections 26 and 35, Township 35 South, Range 18 East, Manatee County.

In making this determination, the information developed during the June 14, 1984 site visit by members of my staff and our Tampa district office and the hydrologic data concerning groundwater levels were reviewed. In all discussions that follow, the letter designations refer to the same areas as the March 5, 1982 letter from William B. Carey to Bruce Franklin. The same designations are used on the aerial photographs. Each area will be discussed separately unless two or more areas are connected.

1. Area A is a large grass pond that frequently contains water. Although the drainage area from the pond to the culverts under and south of S. R. 610 was vegetated by some plants on the current vegetation list, the preponderance of vegetation was not listed. The culverts under S.R. 610 showed some stain lines and other indications that there was occasional water flow. However, examination of the groundwater data and survey elevations indicated that flow from the pond area is very infrequent. This area was determined not to be within the dredge and fill permitting jurisdiction of the Department.
2. Areas B and C are connected and are similar to Area A. These areas were determined not to be within the dredge and fill permitting jurisdiction of the Department.

RECEIVED JUL 25 1984

Protecting Florida and Your Quality of Life

Bob Rhodes
July 20, 1984
Page 2

3. Area D is a hardwood forest area with a small associated meadow. Although there are many plant species present that are tolerant of wet conditions, the dominant plant community is not made up of listed species. In addition, there was no indication of flow through the area. This area was determined not to be within the dredge and fill permitting jurisdiction of the Department.
4. Area E is a freshwater marsh that discharges to the northeast through a ditch. Although the ditch and the marsh were vegetated with listed plant species, neither a vegetated connection or hydrologic connection could be found between the marsh and the ditch. The dredge and fill permitting jurisdiction would extend up the ditch from the Braden River to the southernmost crossing of the ditch, or approximately the 16 ft. contour. The marsh itself was determined not to be within the dredge and fill permitting jurisdiction of the Department.
5. Areas F and G were determined to be connected by listed vegetation as well as hydrologically. Area G is contiguous with the Braden River. Areas F and G were determined to be within the dredge and fill permitting jurisdiction of the Department.
6. Area H is contiguous with the Braden River and is vegetated by listed vegetation and is therefore within the dredge and fill permitting jurisdiction of the Department.
7. Area I is a steep-sided ditch that is connected to the Braden River and is vegetated with listed vegetation. The dredge and fill permitting jurisdiction in this area is limited to the vegetated ditch and is approximated by the 16 ft. contour.
8. Areas K and L are large ponding areas that may infrequently discharge through Area J to a ditch vegetated by listed plants that is contiguous with Cedar Creek. The dominant plant community in Area J or in the connection between Area J and Area K is not made up of listed species. Examination of the groundwater data and survey elevations indicated that flow through Area J is very infrequent. The dredge and fill permitting jurisdiction of the Department is limited to the ditch, north of the northern property boundary.

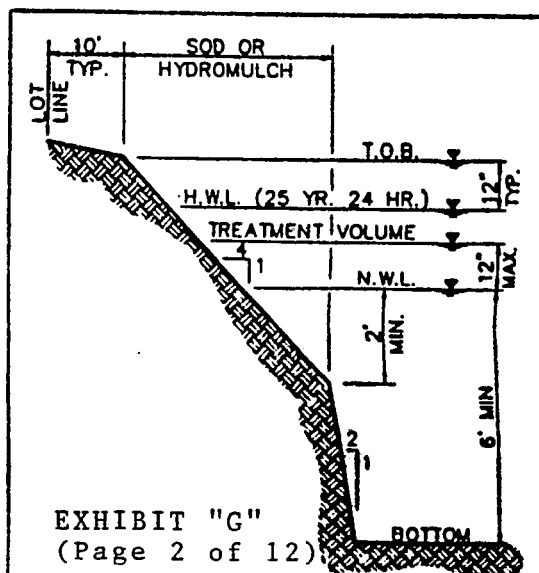
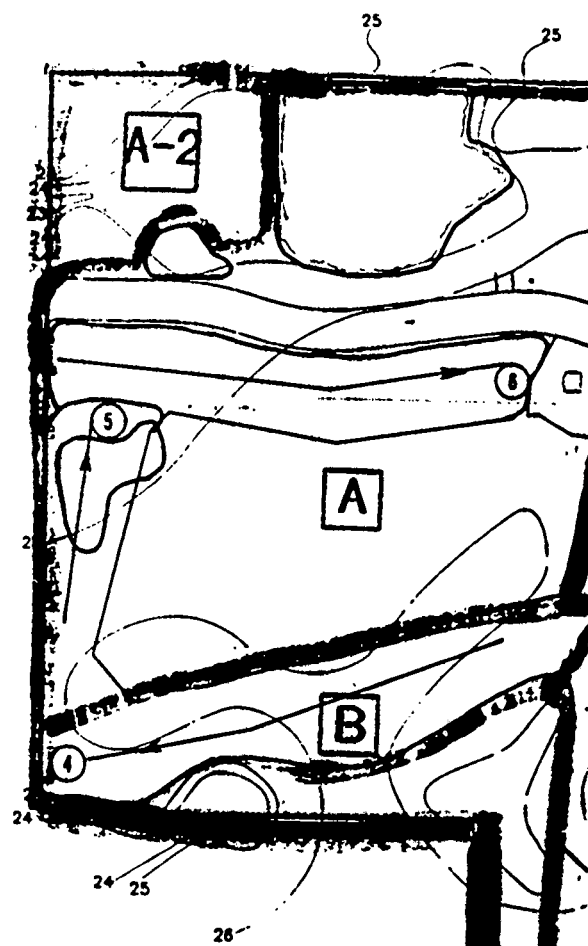
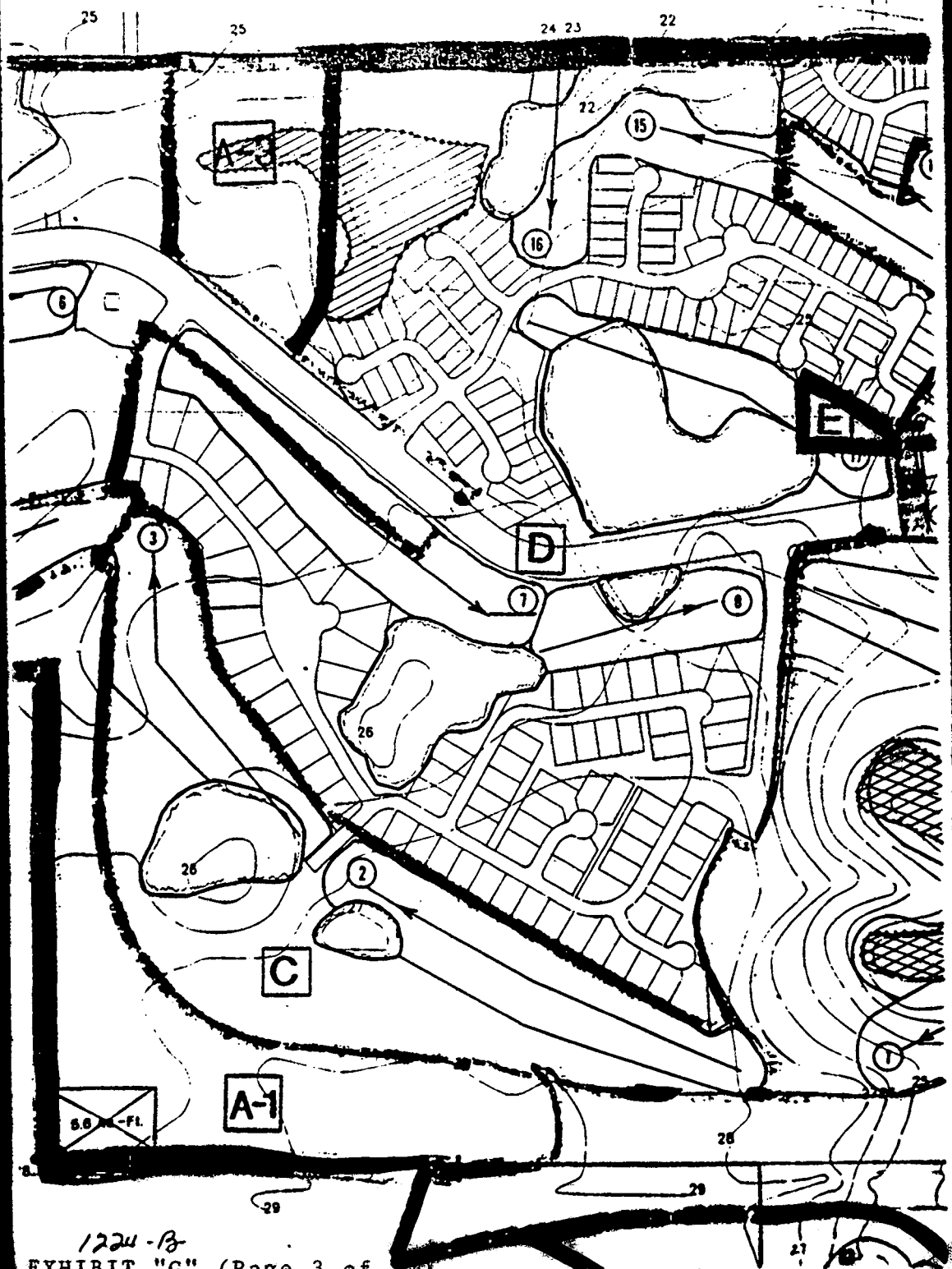


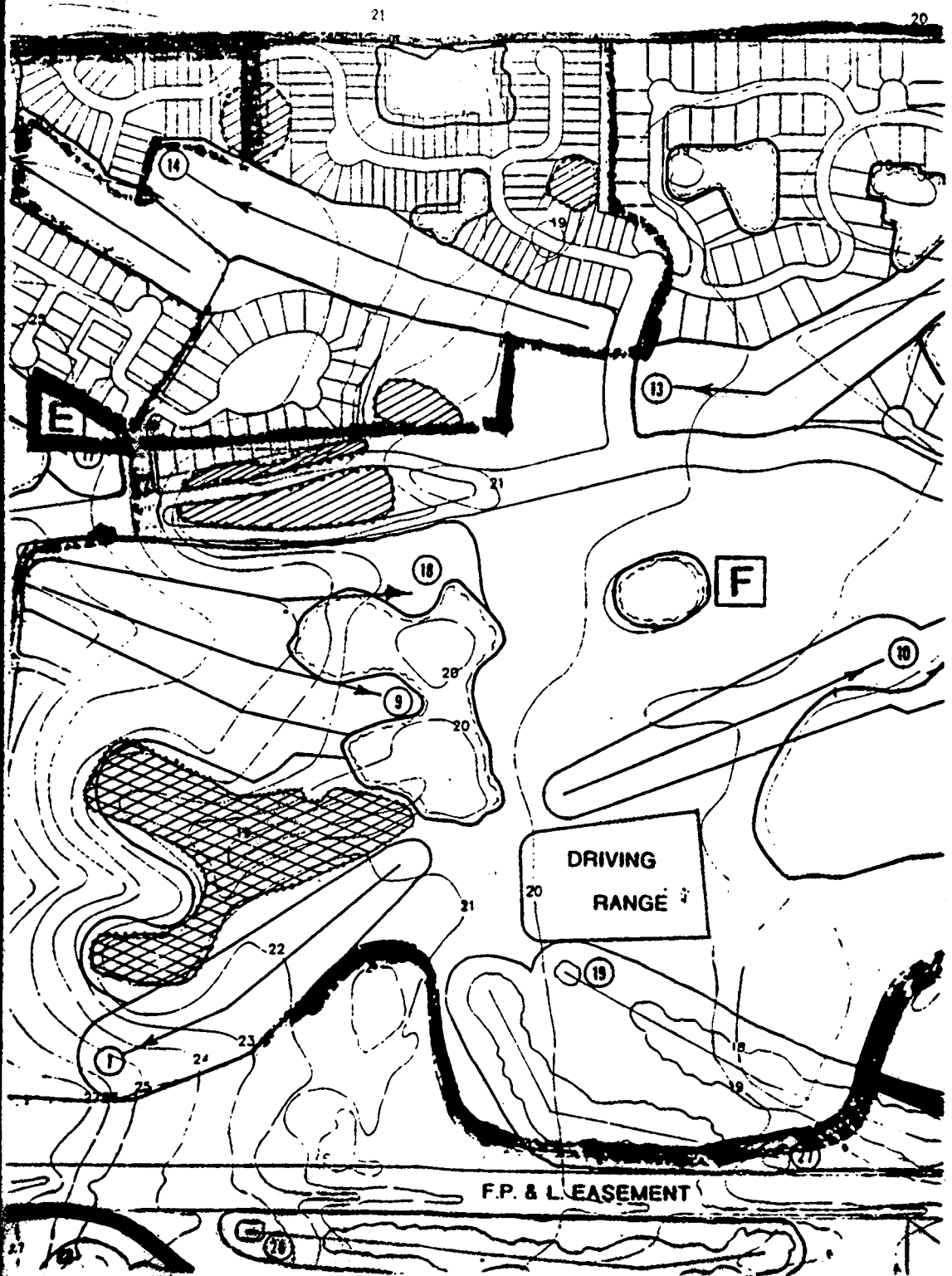
EXHIBIT "G"
(Page 2 of 12)

1224-A



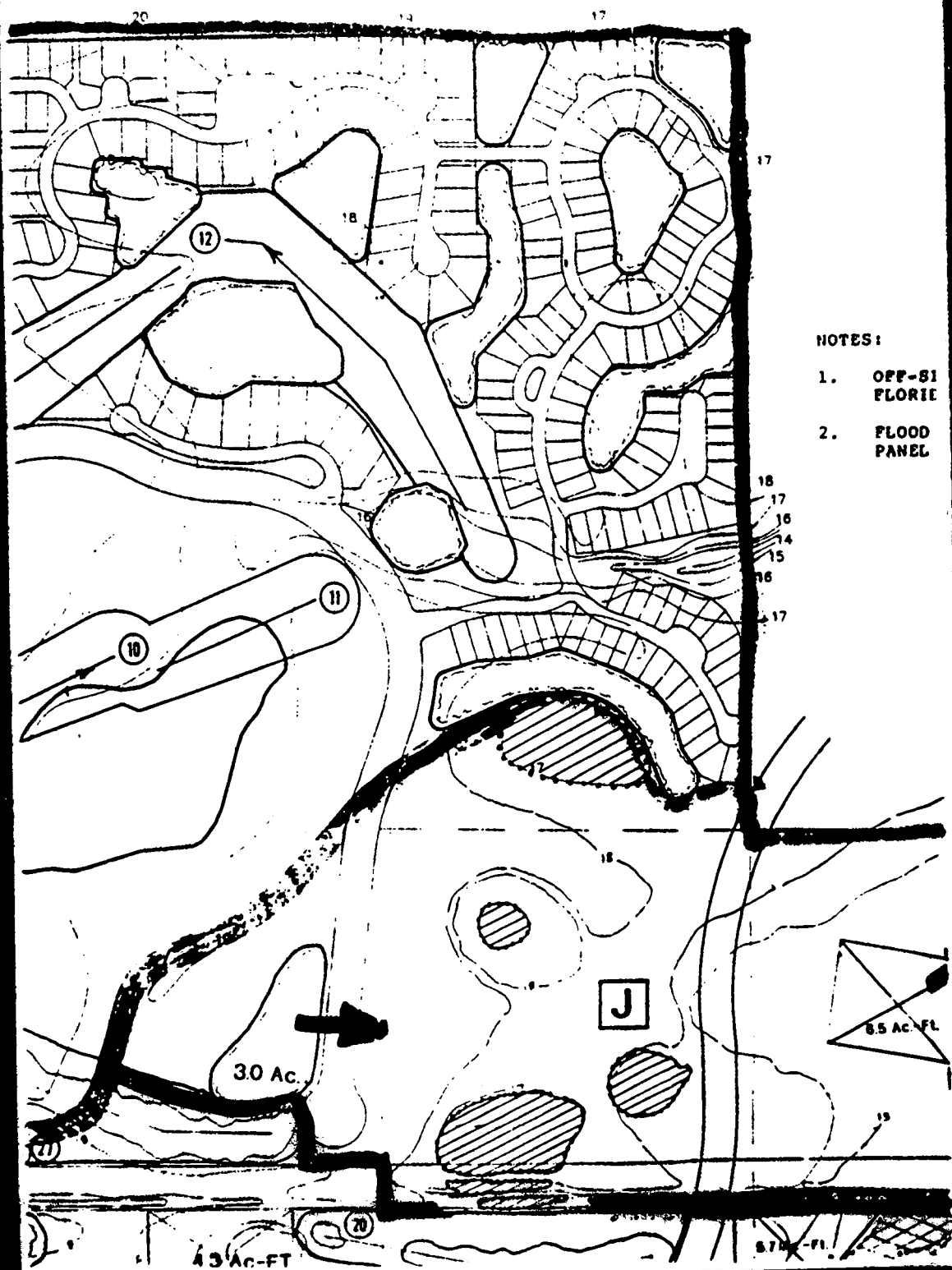
122-D

EXHIBIT "G"
(Page 5 of 12)



1224-L

EXHIBIT "G"
(Page 6 of 12)





SCALE 1" = 400'

NOTES:

1. OFF-SITE DRAINAGE AREAS AND CONTOURS WERE TAKEN FROM SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AERIAL MAPS.
2. FLOOD ZONE LINES WERE TAKEN FROM FLOOD INSURANCE RATE MAP, PANEL NO. 1201530365C, JULY 1992.

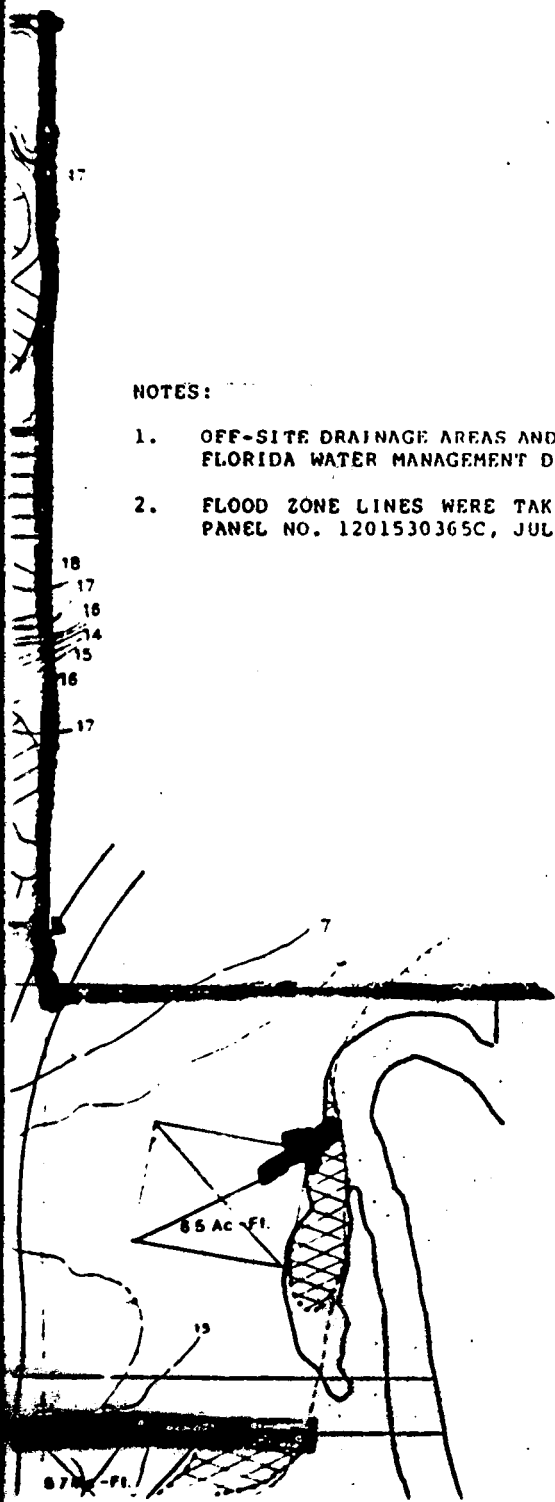
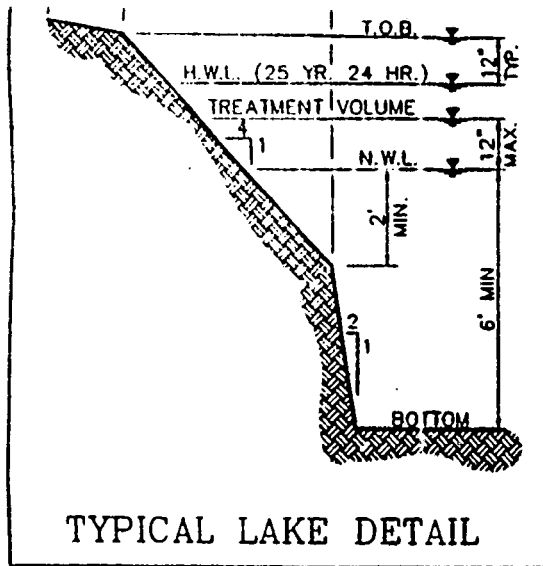


EXHIBIT "G"
(Page 7 of 12)

1224-F

5-10001



TYPICAL LAKE DETAIL

LEGEND



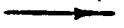






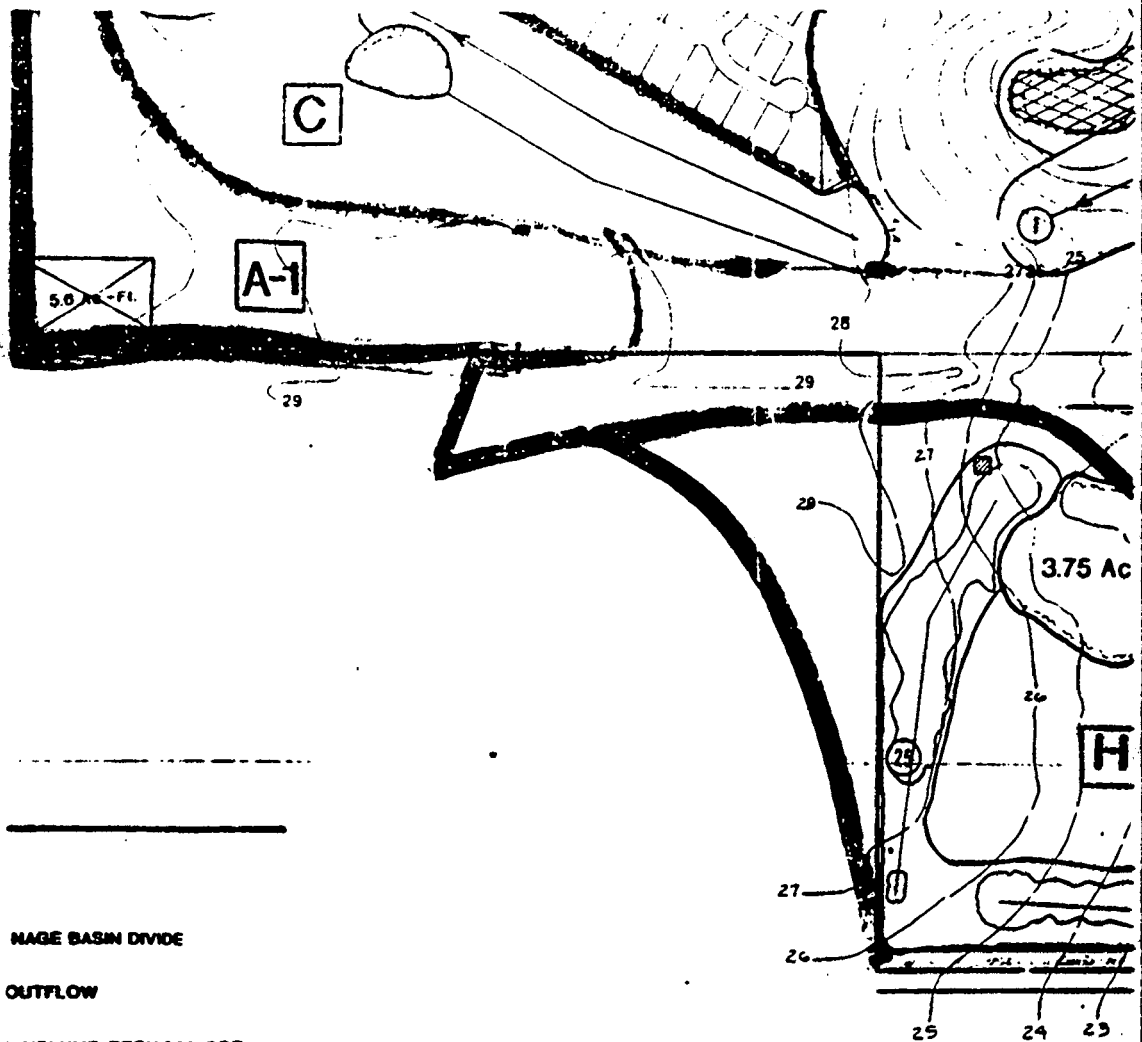
-  BASIN
-  MAJOR DRAINAGE BASIN
-  POINTS OF OUTFLOW
-  DESIGNATED VOLUME RE ATTENUATION AND FILTRATION FOR BASIN AREA
-  CONSERVATION AREAS
-  PRESERVATION AREAS TO REMAIN UNDISTURBED
-  PROPOSED STORMWATER W / DESIGNATED ACREAGE
-  FLOODWAY
-  GOLF HOLE #

EXHIBIT "G"
(Page 8 of 12)



DRAINAGE BASIN DIVIDE

OUTFLOW

1 VOLUME REQUIRED FOR
IN AND FILTRATION VOLUMES
AREA

ION AREAS

ION AREAS TO
DISTURBED

STORMWATER FACILITIES
DATED ACREAGE

E #

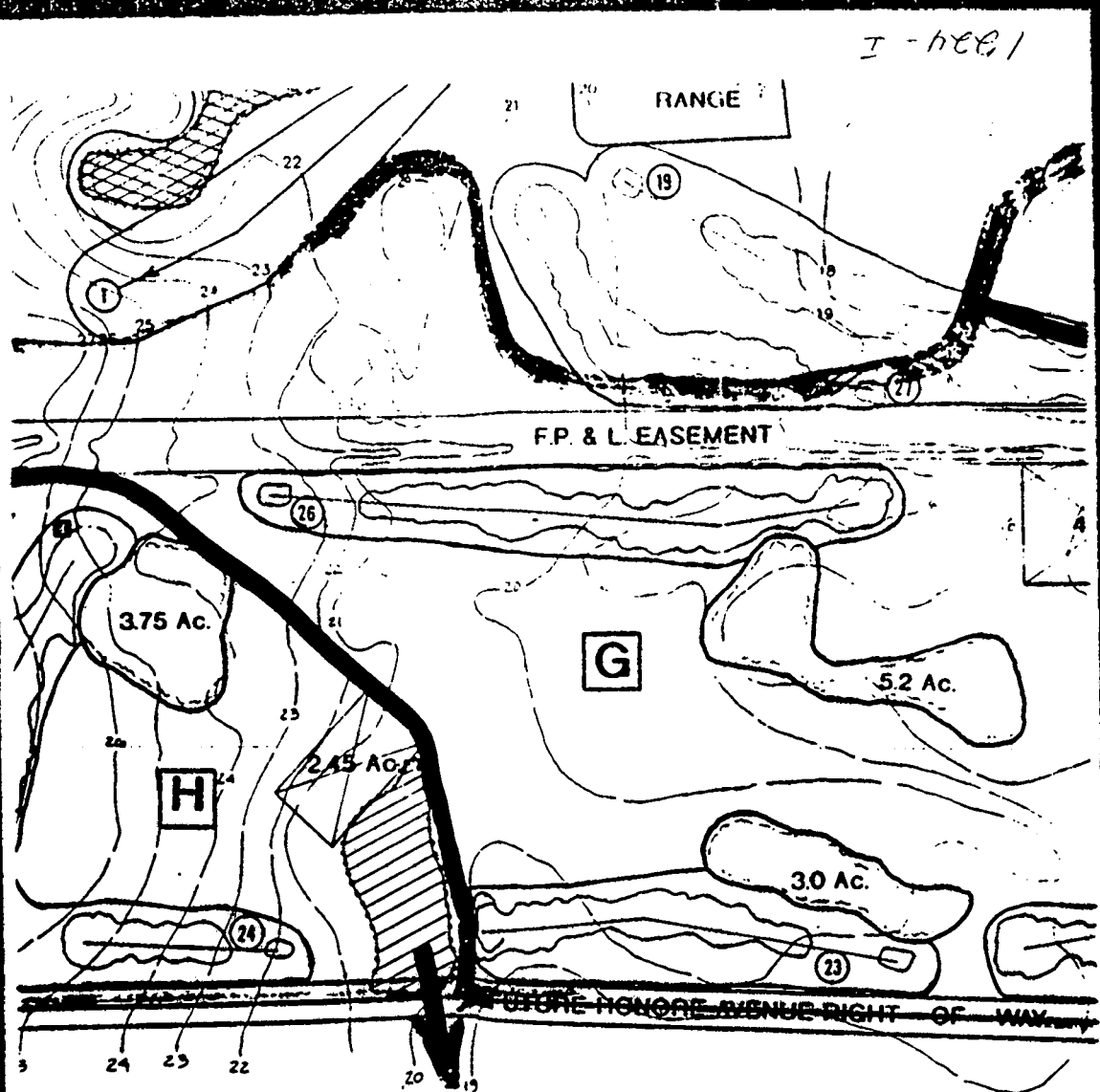
EXHIBIT "G"
(Page 9 of 12)

1224-H

DRAINAGE
BASIN

A-1
A
B
C
D
E
F
G
H
I
J
A-2
A-3

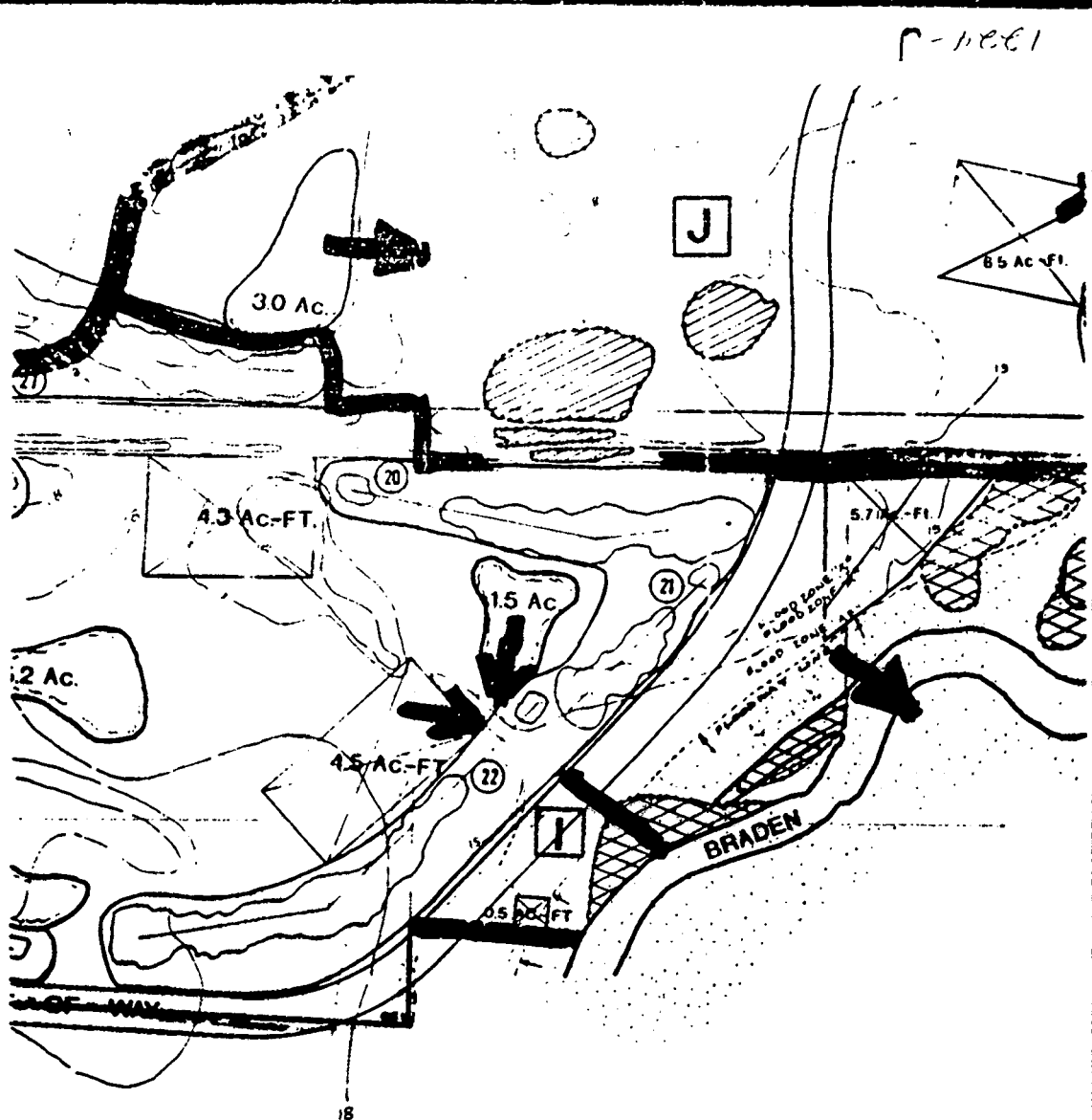
• 3/4" TR:
• 9.6 ACI
• 9.5 AC
•••• THIS
WITH



PROPOSED CONDITION BASIN DATA

DRAINAGE BASIN	BASIN AREA (AC)	REQUIRED WATER QUALITY VOLUME* (AC-FT)	MINIMUM STORMWATER FACILITY SIZE REQUIRED (AC-FT)
A-1	31.0	1.94	5.6
A	66.0	4.13	8.3
B	42.5	2.65	7.7
C	139.3	8.71	22.5
D	0.7	0.04	0.08
E	374.2	21.39	47.0
F	189.0***	11.81	24.2
G	55.0***	3.40	6.2
H	4.5	0.28	0.5
I	92.2	5.76	9.5
A-2	6.2	0.43	0.9
A-3	11.4	0.71	1.4

* 3/4" TREATMENT FOR EVERS RESERVOIR
 ** 9.6 ACRES OFF-SITE
 *** 9.5 ACRES OFF-SITE
 **** THIS BASIN UTILIZES OVERLAND FLOW INFILTRATION WITHIN AN 80' BUFFER ZONE

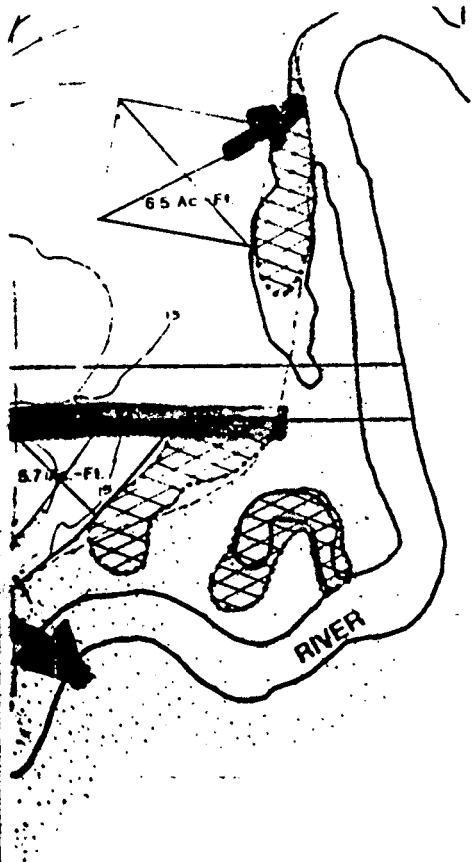


REVISED M
SURFACE WATER M.
FO
UNNAMED EXCLUSIV

LOCATE
SEC. 25, 26, 35 & 36, T
MANATEE COUN

REVISIONS	
1	ADD BASINS A-Z (SEE DETAIL T-211)
2	(CONSERVATION) ADD PRESERVATION AREA 8/10/63
3	
4	
5	
6	
7	

Zoller, Najjar
Engineers, Planners, Surveyors
DESIGNED _____ CHECKED _____
DRAWN ALP COMP _____ JOB NO 257-143



*Exhibit G
for plan
(see...)*

**REVISED MASTER
ACE WATER MANAGEMENT PLAN
FOR
MED EXCLUSIVE COUNTRY CLUB**

Planning, Permitting
SEP 27 1993
Inspections

LOCATED IN:
SEC. 25, 26, 35 & 36, TWP. 35 S, RGE 18 E.
MANATEE COUNTY, FLORIDA.

SEP 27 1993

Miller, Najjar & Shroyer, Inc.
SERS, Planners, Surveyors & Landscape Architects

EXHIBIT "G"
(Page 12 of 2)

CHECKED _____ DATE 5/11/93 SCALE 1" = 400'
JOB NO 237-14331 FILE NO 10360 SHEET 1 OF 1

1224-K

Exhibit 'G'

AGREEMENT

THIS AGREEMENT, made and entered as of this 6th day
of November, 1991, by WOODLANDS COUNTRY CLUB MANAGEMENT, INC., a
Florida Corporation, as Managing Partner for WOODLANDS COUNTRY CLUB
ASSOCIATES, a Florida General Partnership, hereinafter referred to
as "DEVELOPER" and THE SCHOOL BOARD OF MANATEE COUNTY, FLORIDA,
hereinafter referred to as "SCHOOL BOARD".

WITNESSETH:

WHEREAS, Section 380.06(15)(e)(2), Florida Statutes,
authorizes approval of Development of Regional Impacts (DRI) by a
local government only if adequate provisions for the public
facilities necessary to accommodate the impacts of the proposed
development are made, and

WHEREAS, Section 235.193, Florida Statutes, requires
consideration of the effect of new residential development upon
local public school facilities; and

WHEREAS, Section 230.22, Florida Statutes, empowers the
SCHOOL BOARD to perform duties and exercise responsibilities which
it may find necessary for the improvement of the district school
system; and

WHEREAS, Section 230.23, Florida Statutes, empowers the SCHOOL BOARD as the entity responsible for receiving money and purchasing public school property to ensure that adequate educational facilities are provided for the district's school children; and

WHEREAS, Section 163.3177(10)(h), Florida Statutes, requires that public facilities be provided concurrently with the impact of development; and

WHEREAS, Policies 13.1.5.1 and 13.1.7.5 of the Manatee County Comprehensive Plan requires coordination between Manatee County and the SCHOOL BOARD to ensure that the increased demand for public educational services generated by development is met; and

WHEREAS, Section 909.4.1 - 909.4.3 of the Manatee County Comprehensive Zoning and Land Development Code requires coordination between Manatee County and the SCHOOL BOARD to ensure that residential development should be located in an area in which public schools are or will be available and adequate for the uses proposed or that the developer provide adequate assurance or provision, through developer land dedication or monetary contributions, of public schools to meet the needs related to the development; and

WHEREAS, Section 736.3.22 of the Manatee County Comprehensive Zoning and Land Development Code requires that all Developments of Regional Impact work with the SCHOOL BOARD to identify all educational impacts and to ensure mitigation of those impacts.

WHEREAS, Island Investment Properties, Ltd., a Florida Limited Partnership, KaBara N.V., a Netherland Antilles Corporation authorized to do business in Florida, Tidelands Investment Company, a Delaware Corporation, and Erop Corporation, a Florida corporation are the owners ("Owners") of the real property described in attached Exhibit A and known as unnamed Country Club (DRI #202), hereinafter "Development" located in Manatee County, Florida, which property is subject to a Master Development Order rendered by Manatee County, a political subdivision of the State of Florida, (R-84-69 as amended); and

WHEREAS, WOODLANDS COUNTRY CLUB ASSOCIATES, ("Developer") is the developer of the Development, and is responsible for complying with applicable rules and regulations pertaining to the Development; and

WHEREAS, the Developer elects to satisfy school site requirements pursuant to the Manatee County Comprehensive Plan and Manatee County Land Development Code by entering into this Agreement for the payment of an amount of money to the SCHOOL BOARD to be utilized to offset the cost of purchasing land to provide additional educational site acreage which the parties agree will be required and made necessary by the Development; and

WHEREAS, the schedule and method of payment of such money and its utilization as provided herein for school site purchase/expansion are agreed upon as appropriate under the circumstances of the Development of ADA #202 as presently proposed by the Developer.

NOW, THEREFORE,

IN CONSIDERATION of the mutual covenants contained herein, the parties agree as follows:

1. The Developer shall pay to the SCHOOL BOARD the amount of \$20,000.00 within forty-five (45) days of signing this Agreement. Should Manatee County deny a DRI Development Order for ADA #202, "Unnamed Country Club", then within sixty (60) days of said denial, the SCHOOL BOARD shall refund the amount of \$20,000.00 to Developer.
2. Before the preliminary plan approval of each phase of the Development, the SCHOOL BOARD will review the proposed plan pursuant to the County's Land Development Code and will evaluate the number of students in utilizing the school system from existing phases in the Development. The number of students will be based on school attendance records. If the number of students from the Development at any one time exceeds fifty (50) students, then the Owners and the Developer will be required to mitigate the

educational impacts of all students exceeding fifty (50) students, before final site plan approval of that phase, according to the following methodology:

Number of Students x .021 Acres per Student x \$20,000.00
Cost of Land per acre = Developer Contribution.

3. Nothing stated herein shall waive the rights of the parties to seek judicial review of this Agreement.
4. The SCHOOL BOARD agrees that payment in accordance with this Agreement satisfies the consideration of present educational impacts of the development as proposed under the provisions mandated in Sections 380.06(15)(e)(2), 235.193, 230.22, 230.23, 163.3177(10)(h), Florida Statutes, Policies 13.1.5.1 and 13.1.7.5 of the Manatee Comprehensive Plan, Section 909.4.1 - 909.4.3 and 736.22.1 of the Manatee County Land Development Code and also presently satisfies the Developer's entire obligation regarding public education contained in Master DRI Development Order (R84-69 as amended).
5. The SCHOOL BOARD agrees that compliance with the terms of this Agreement will exempt the Owners and Developer from all existing or future educational site dedication requirements, impact fee, or ordinance required of Developer for the purpose of satisfying educational impacts of the Development. This ~~provision~~ is not an exemption to the payment of ad valorem taxes for

educational purposes. Further, this provision is not an exemption from payment by future property owners of any legally imposed impact fees assessed due to a change of use of their property such as the addition of bedrooms.

6. Upon execution of this Agreement by the Owners, Developer, and the SCHOOL BOARD, the SCHOOL BOARD or its designee shall issue a letter to the Manatee County Board of County Commissioners that a stipulation incorporating and requiring fulfillment of this Agreement will adequately mitigate the Owners and Developer's related educational impacts of the Development as presently proposed.

7. This Agreement shall be binding upon and the benefits hereof inure to the respective successors and assigns of the Parties.

IN WITNESS WHEREOF, the parties have fully executed this Agreement on the day and year below stated.

Signed, Sealed and Delivered
in the Presence of:

THE SCHOOL BOARD OF
MANATEE COUNTY, FLORIDA

By: James Van Ken

Attest: [Signature]

Superintendent

Deposited in to file.

11/5/91

GWS

WOODLANDS COUNTRY CLUB ASSOCIATES,
LIMITED, a Florida General Partnership
By its Managing Partner
WOODLANDS COUNTRY CLUB
MANAGEMENT, INC., a Florida corporation,
By: Patrick K. Neal
Patrick K. Neal

(SEAL)

STATE OF FLORIDA
COUNTY OF MANATEE

Before me personally appeared KARON VAN NESS
Chairman, and Gene WITT, Superintendent of the School
Board of Manatee County, Florida, known to me to be the persons
described in and who executed the foregoing Agreement and
acknowledged to me that they executed same for the purposes herein
expressed.

Witness my hand and official seal this 12 day
of November, 1991.

James M. Chisholm
Notary Public
My commission expires 12/31/92
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES 12/31/92
BOARDED FROM GENERAL REG. 1232

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me
this 22 day of October, 1991, by Patrick K. Neal
as President of Woodlands Country Club, on behalf of said
partnership.

James M. Chisholm
Notary Public
My commission expires: 12/31/92
Patrick K. Neal

ISLAND INVESTMENT PUBLIC SAFETY PRO RATA SHARE
IMPACT FEE AGREEMENT FOR
EMERGENCY MEDICAL SERVICES: POLICE PROTECTION

THIS AGREEMENT, made and entered into, as of this 14th day of February, 1994, by ISLAND INVESTMENT PROPERTIES, LTD., a Florida Limited Partnership ("Island"); KABARA CORPORATION, N.V., a Netherlands Antilles Corporation ("Kabara"); WILLIAM T. HARRISON, JR., as Trustee under Land Trust Agreement dated January 24, 1986, and under deed recorded in Official Records Book 1135, page 285, Public Records of Manatee County, Florida ("Trustee"); and WOODLANDS COUNTRY CLUB ASSOCIATES, a Florida General Partnership ("Developer") (Island, Kabara, Trustee, and Developer being collectively referred to herein as "Island Investment"); and THE COUNTY OF MANATEE, a Subdivision of the State of Florida ("Manatee County").

WITNESSETH:

WHEREAS, Island Investment is the owner of certain property located in Manatee County described on the attached Exhibit "A," which Developer is developing as the Unnamed Exclusive Golf and Country Club (aka University Park) Development of Regional Impact (the "Project"); and

WHEREAS, Manatee County issued a Development Order approving the Application for Master Development Approval (ADA) for a Development of Regional Impact (DRI #12 - Resolution R-84-69) for the Project and approved rezoning ordinances for the lands of the Project (Z-84-81 and PDR-89-05(Z)); and

WHEREAS, the Department of Community Affairs has entered into a Preliminary Development Agreement with Island Investment to allow the development of 795 dwelling units prior to issuance of a Final Development Order; and

WHEREAS, under Section 2, paragraph 1 of the Police Protection Subsection of Ordinance Z-84-81, the impacts of the development upon Sheriff's Department services shall be identified in advance of development by the developer using methodology acceptable to, and utilized generally by, the County; and

WHEREAS, in Section 2, paragraph 2 of The Fire Protection/Emergency Services Subsection of Ordinance Z-84-81, Island Investment was required to contribute a pro rata share of the cost of a site for constructing and equipping the emergency medical services portion of a public services building; and

WHEREAS, on January 13, 1991 the Board of County Commissioners approved an Impact Fee agreement for Emergency Medical Services for 3450 dwelling units and 40,000 square feet of commercial/ professional (The 1991 Fee Agreement); and

WHEREAS, pursuant The 1991 Fee Agreement, the developer has paid \$9,189.28 for 515 residential units previously approved pursuant to the Preliminary Development Agreement; and

WHEREAS, on October 13, 1993 Island Investment received County approval for a Development of Regional Impact (DRI) and revised Conceptual Site Plan approval for 1238 dwelling units and 40,000 square feet of commercial/professional; and

WHEREAS, Island Investment now wishes to amend the Fee Agreement dated January 13, 1991 and retain credit for the 515 units, for which Island Investment has previously contributed; and

WHEREAS, the parties have further agreed upon the cost for a site and to construct and equip the Emergency Medical Services portion of the public services building and the cost of the Sheriff's Department portion of the public services building, the proportionate share to be borne by the Project as approved in the DRI, and the timing of said contribution payments by Island Investment, and that such payments shall fully satisfy all of Island Investment's responsibilities and obligations with regard to the Emergency Medical Services and the Sheriff's Department portion of the public services building for the Project; and

WHEREAS, Island Investment's pro rata share to satisfy all of Island Investment's remaining responsibilities and obligations with regard to the Emergency Medical Services portion of the public services building referenced under Section 2 of the Fire Protection/Emergency Services Subsection of zoning ordinance Z-84-81 for the remaining unpaid 720 dwelling units and 40,000 square feet of commercial/office shall be \$16,421.00; and

WHEREAS, Island Investment's pro rata share to satisfy all of Island Investment's responsibilities and obligations with regard to the police protection portion of the public services building referenced under Section 2 under the heading of Police Protection of zoning ordinance Z-84-81 for the Project shall be \$29,624.00.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. To satisfy all of Island Investment's remaining obligations with regard to Emergency Medical Services, pursuant to Section 2, paragraphs 1 and 2 of the Fire Protection/Emergency Services Subsection, ordinance Z-84-81, Island Investment shall make the following payment to Manatee County for allocation to the Emergency Medical Services Department of Manatee County: A payment of \$16,421.00, adjusted for inflation as set forth below, prior to the next Final Plat approval for the Project or the impact fees for Emergency Medical Services component for the remaining units of the project whichever is greater.

The \$16,421.00 shall be adjusted to compensate for inflation for any unpaid balances after January 15, 1994, based on changes in the Consumer Price Index for Urban Consumers, between November 1, 1993 and the date of payment.
2. To satisfy all of Island Investment's obligation with regard to police protection pursuant to Section 2, paragraph 1 of the Police Protection Subsection, Ordinance Z-84-81, Island Investment shall make the following payment to Manatee County for allocation to the Sheriff's Department of Manatee County: A payment of \$29,624.00, adjusted for inflation as set forth below, prior to the next Final Plat approval for the Project or the impact fees for the Law Enforcement component, whichever is greater.

The \$29,624.00 shall be adjusted to compensate for inflation, for any unpaid balances after January 15, 1994, based on the Consumer Price Index for Urban Consumers between November 1, 1993 and the date of payment.
3. Island Investment shall satisfy its obligation to make the payments outlined in paragraphs 1. and 2. by remitting a certified or bank cashier's check made payable to Manatee County.
4. Island Investment shall be entitled to Emergency Medical Services/Police Protection impact fee credit for payments made to Manatee County pursuant to paragraphs 1. and 2. of this Agreement for all building permits obtained after execution of this Agreement.
5. Any contribution not expended or encumbered for professional services, construction or acquisition of Public Safety facilities to serve this project within ten (10) years after the payment shall be returned to Island Investment or its designee. Any credit for impact fees received, pursuant to paragraph 4. of this Agreement, shall be deducted from the amount returned, pursuant to this section.
6. The County agrees that this Agreement constitutes and satisfies Island Investment's entire obligation for Emergency Medical Services regarding Emergency Medical Services and Police Protection for the Project as set forth in the proposed DRI, provided that the Agreement does not address or satisfy Island Investment's obligations regarding Fire Protection.
7. The terms and conditions of this Agreement shall inure to the benefit of, and be binding upon, the heirs, personal representatives, successors and assigns of the parties hereto. Each party covenants and represents to the others that it is validly organized and existing under the Laws of Florida, that it has full power and authority to enter this Agreement and comply with the terms hereof, and that the persons executing this Agreement on behalf of such party have been duly and properly authorized to sign on behalf of such party.
8. This agreement amends the 1991 Fee Agreement in its entirety.

IN WITNESS WHEREOF, the parties have executed and caused to be executed this Agreement in duplicate as of the day and year first above written.

WITNESSES:

Margaret Ann Olson
Signature of Witness
Margaret Ann Olson
Print/Type Name of Witness
Ann M. Olson
Signature of Witness
Print/Type Name of Witness
ANN M. OLSON

WOODLANDS COUNTRY CLUB ASSOCIATES,
a Florida General Partnership
By: James R. Schier
Woodlands Country Club Management,
Inc., a Florida Corporation, as
General Partner
By: James R. Schier
James R. Schier, as President of
Woodlands Country Club Management, Inc.

Margaret Ann Olson
Signature of Witness
Margaret Ann Olson
Print/Type Name of Witness
Ann M. Olson
Signature of Witness
Print/Type Name of Witness
ANN M. OLSON

ISLAND INVESTMENT PROPERTIES, LTD.,
a Florida Limited Partnership
By: James R. Schier
Suncoast Realty Management
Company, a Florida Corporation, as
General Partner
By: James R. Schier
James R. Schier, as President of
Suncoast Realty Management Company

M. Rebecca Clifton
Signature of Witness
M. Rebecca Clifton
Print/Type Name of Witness
Sandra W. Altman
Signature of Witness
SANDRA W. ALTMAN
Print/Type Name of Witness

KABARA CORPORATION, N. V.,
a Netherlands Antilles Corporation

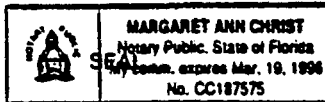
By: William T. Harrison, Jr.
William T. Harrison, Jr., as its
Attorney-in-Fact

M. Rebecca Clifton
Signature of Witness
M. Rebecca Clifton
Print/Type Name of Witness
Sandra W. Altman
Signature of Witness
SANDRA W. ALTMAN
Print/Type Name of Witness

William T. Harrison, Jr.
WILLIAM T. HARRISON, JR., as Trustee
aforesaid and not individually

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on January 10 1994 (date), before me, the undersigned Notary, personally appeared James R. Schier, as President of Woodlands Country Club Manatee, Inc., a Florida Corporation and General Partner of WOODLANDS COUNTRY CLUB ASSOCIATES, a Florida General Partnership, personally known to me to be the person whose name is subscribed to the within and annexed instrument as a party thereto, executed the same, and that said affiant subscribed his name to this Agreement, and he acknowledged, not under oath, that he executed the foregoing instrument for and on behalf of the corporation and the partnership as such officer for the purposes therein expressed and that he was duly authorized by the corporation and the partnership to do so.



Margaret Ann Christ
Signature of Person Taking Acknowledgement

Margaret Ann Christ
Type Name

My Commission Expires:

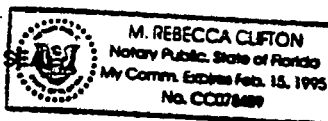
Title or Rank

Commission No.:

Serial Number, if any

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on January 11, 1994 (date), before me, the undersigned Notary, personally appeared William T. Harrison, Jr., as Attorney-in-Fact for KABARA CORPORATION N.V., a Netherlands Antilles Corporation, on behalf of the corporation, personally known to me to be the person whose name is subscribed to the within and annexed instrument as a party thereto, executed the same, and that said affiant subscribed his name to the annexed instrument, and he acknowledged, not under oath, that he executed the foregoing instrument for and on behalf of the corporation as its authorized agent for the purposes therein expressed and that he was duly authorized by the corporation and the partnership to do so.



M. Rebecca Clifton
Signature of Person Taking Acknowledgement

M. Rebecca Clifton
Type Name

My Commission Expires:

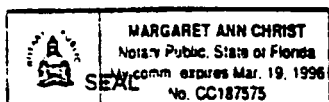
Notary Public
Title or Rank

Commission No.:

Serial Number, if any

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on January 10 1994 (date), before me, the undersigned Notary, personally appeared James R. Schier, as President of Suncoast Realty Management Company, Inc., a Florida Corporation and a General Partner of ISLAND INVESTMENT PROPERTIES, LTD., a Florida Limited Partnership, personally known to me to be the person whose name is subscribed to the within and annexed instrument as a party thereto, executed the same, and that said affiant subscribed his name to the annexed instrument, and he acknowledged, not under oath, that he executed the foregoing instrument for and on behalf of the corporation as such officer for the purposes therein expressed and that he was duly authorized by the corporation and the partnership to do so.



Margaret Ann Christ
Signature of Person Taking Acknowledgement

Margaret Ann Christ
Type Name

My Commission Expires:

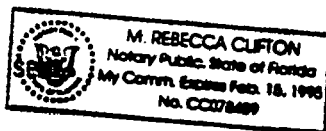
Title or Rank

Commission No.:

Serial Number, if any

STATE OF FLORIDA
COUNTY OF MANATEE

I HEREBY CERTIFY that on January 11, 1994 (date), before me, the undersigned Notary, personally appeared William T. Harrison, Jr., as Trustee aforesaid and not individually, personally known to me to be the person whose name is subscribed to the within and annexed instrument as a party thereto, executed the same, and that said affiant subscribed his name to the annexed instrument, and he acknowledged, not under oath, that he executed the foregoing instrument for the purposes therein expressed.



My Commission Expires:

Commission No.:

M. Rebecca Clifton
Signature of Person Taking Acknowledgement

M. Rebecca Clifton
Type Name

Notary Public
Title or Rank

Serial Number, if any

Page 6 - Agreement/Island Investment

COUNTY OF MANATEE, FLORIDA, by and through its
Board of County Commissioners

By: Stan Stephens
Chairman 1/4/94

ATTEST:

[Signature]
R. B. Shore
Clerk of the Circuit Court

EXHIBIT "I"
(Page 6 of 8)

EXHIBIT "A"

TRACT 1: A PARCEL OF LAND IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N 00°01'08" W, (WITH BEARINGS REFERRED TO GRID NORTH OF THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATION SYSTEM), A DISTANCE OF 2699.49 FEET TO THE W 1/4 OF SAID SECTION 35; THENCE N 00°00'58" W, A DISTANCE OF 1349.81 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE S 89°03'17" E, A DISTANCE OF 1374.67 FEET TO THE SOUTHWEST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 35; THENCE N 00°05'44" W, A DISTANCE OF 1346.55 FEET TO THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 00°45'13" E, A DISTANCE OF 662.30 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 26; THENCE N 88°59'30" W, A DISTANCE OF 1380.82 FEET TO THE SOUTHWEST CORNER OF THE SAID N 1/2 OF THE SW 1/4 OF THE SW 1/4; THENCE N 00°03'46" E, A DISTANCE OF 1981.78 FEET TO THE W 1/4 CORNER OF SAID SECTION 26; THENCE N 00°07'13" E, A DISTANCE OF 1333.96 FEET TO THE NORTHWEST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 26; THENCE S 89°13'01" E, A DISTANCE OF 2840.13 FEET TO THE NORTHEAST CORNER OF SAID S 1/2 OF THE NW 1/4; THENCE S 01°26'26" W, A DISTANCE OF 1334.27 FEET TO THE NORTHWEST CORNER OF THE SE 1/4 OF SAID SECTION 26; THENCE S 89°12'40" E, A DISTANCE OF 2807.69 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 25; THENCE S 89°11'03" E, ALONG THE NORTH LINE OF SAID SW 1/4, A DISTANCE OF 303.73 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO THE WEST LINE OF SAID SECTION 25; THENCE S 02°45'45" W, AND PARALLEL TO THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 2673.33 FEET TO THE NORTH LINE OF SAID SECTION 36; THENCE CONTINUE S 02°45'45" W, A DISTANCE OF 1.04 FEET TO A POINT THAT IS 303.55 FEET EAST OF AS MEASURED AT A RIGHT ANGLE TO WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36; A DISTANCE OF 1461.89 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 35, A DISTANCE OF 303.59 FEET TO THE EAST LINE OF SAID SECTION 35; THENCE CONTINUE N 89°27'25" W, A DISTANCE OF 1513.94 FEET TO THE WEST LINE OF A 160 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, THENCE S 00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

TRACT 2: TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N 1/2 OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

WALLACE TRACT: TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 63.0 ACRES, MORE OR LESS.

SIMMS TRACT: THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE CENTER LINE OF THE BRADEN RIVER, LYING AND BEING IN MANATEE COUNTY, FLORIDA.

CONTAINING 74.5 ACRES, MORE OR LESS.

(1) LEGAL DESCRIPTION
(1a) UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB
(DPS 2/2021)

[illegible]

CONTAINING 877.34 ACRES, MORE OR LESS.

TOGETHER WITH AND INCLUDING ALL
THAT PART OF THE N 1/4 OF THE NE 1/4 OF
SAID SECTION 14 AND SAID SECTION 15 AND

WESTERLY OF THE BRACKEN RIVER.
CONTAINING 2 FACTS MORE ON THE

(1b) LEGAL DESCRIPTION
WALLACE TRACT
COMMINGLED IN OIL & GAS

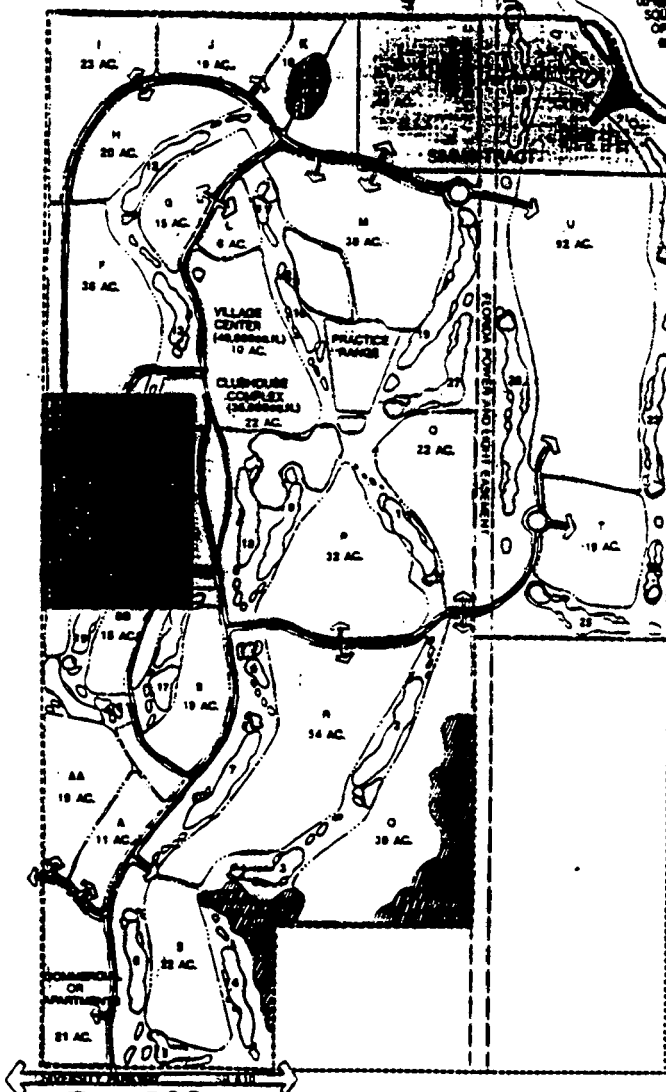
TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 28, TOWNSHIP 38 SOUTH, RANGE 18 EAST, AND THE SOUTH 1/2 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 28, TOWNSHIP 38 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINS OR ADJACENT MORE OR LESS.

(1c) LEGAL DESCRIPTION
 SUBDIVISION
 (1d) TO WHOM -

THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 28, TOWNSHIP 28 SOUTH, RANGE 18 EAST, LYING SOUTH OF THE CENTERLINE OF THE BRADEN RIVER, LYING AND BEING IN MANATEE COUNTY, FLORIDA.

CONTACT ALL ACTS NOW ONLINE



LEGEND

■ APPROXIMATE LIMITS OF JURISDICTIONAL WETLANDS
CONSERVATION AREAS TO BE MAINTAINED IN A NATURAL
CONDITION, SUBJECT TO VERIFICATION OF BOUNDARIES

ESTIMATED DEVELOPMENT ACREAGE

- RESIDENTIAL: 11000 DWELLING UNITS 636 ACRES
- COMMERCIAL: 140,000 sq. ft. COMMERCIAL
- (6,000 sq. ft. RESTAURANT) OR
- APARTMENTS: 200 UNITS
- VILLAGE CENTER: 40,000 sq. ft. COMMERCIAL 21 ACRES
- 10 ACRES
- 27 HOLE GOLF COURSE 276 ACRES
- (CLUBHOUSE, RESTAURANT, DRIVING RANGE, TREES, GREENS,
- FAIRWAYS, ROUGHNS, CRASHAGE & NATURAL AREAS)
- ROADWAYS 54 ACRES
- OTHERS 36 ACRES
- (DRAINAGE BASINMENTS, OPEN SPACE & NATURAL AREAS)



WAGE TRIM, INC.
OFFICIALS OFFICE OF
BUREAU BUREAU

REVISÉ
3/20/83

UNLAMEX-EXCLUSIVE GOLF & COUNTRY CLUB
GOLF COURSE, FLORIDA
PROVIDES FOR GOLF AND COUNTRY CLUB ASSOCIATES

CONCEPTUAL MASTER DEVELOPMENT
PLAN AND LEGAL DESCRIPTIONS

EXHIBIT J

SURFACE AND GROUND WATER MONITORING PLANS UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB DEVELOPMENT OF REGIONAL IMPACT

This exhibit details the Surface and Ground Water Monitoring Plans required under Sections D.(2) and D.(4) of the Unnamed Exclusive Golf and Country Club Development Order. The Developer* shall have developed a monitoring plan addressing the criteria listed below within six months of approval of Ordinance 93-21.

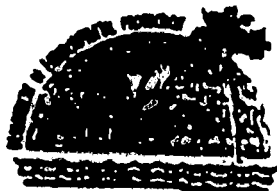
- a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.

- b. Parametric coverage of the monitoring plan should include the following:
 - specific conductance (field)
 - temperature (field)
 - dissolved oxygen (field)
 - pH (field)
 - flow rates (field)
 - chlorides
 - sulfates
 - fluoride
 - total dissolved solids
 - total suspended solids
 - ammonia
 - nitrate
 - nitrite
 - total Kjeldahl nitrogen
 - total nitrogen
 - orthophosphate
 - total phosphorous
 - copper
 - lead
 - zinc
 - mercury
 - nickel
 - arsenic
 - cadmium
 - chromium
 - silver
 - total coliform
 - fecal coliform
 - BOD-5
 - primary organics (pesticides and herbicides)

- c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a 1/2 inch or greater storm event using methodology approved by the U. S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.

- d. The Developer* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.
- e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County and the EMD.
- f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

Any modifications to the above listed criteria shall be subject to review by the Manatee County Environmental Management Department, the City of Bradenton, and any other agency requesting review privileges, and shall be approved by the Manatee County Board of County Commissioners.

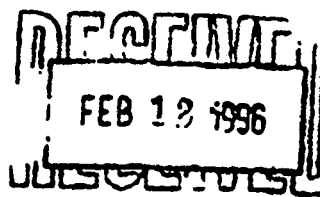


Lawton Chiles
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

February 5, 1996



Virginia B. Wetherell
Secretary

Steve Lewis
Lewis Longman and Walker P.A.
P.O. Box 10788
Tallahassee, FL 32302

Re: Circle-N-Bar Ranch J.D.-41-0000-3

Dear Mr. Lewis:

This letter confirms that on July 15, 1993, May 10, and October 19, 1994, the Department of Environmental Protection received proof that a jurisdictional determination had been validated by the department pursuant to rule 62-301.400(8) of the Florida Administrative Code for file J.D.- 41-0000-3. Pursuant to section 373.414(13) of the Florida Statutes (Chapter 94-122, Section 4, Laws of Florida), the jurisdictional determination for the subject property is revalidated. The Department also confirms that it has received the documentation required under Section 373.414(13), which provision extends the effective date of the revalidated jurisdictional determination until completion of the project.

Activities proposed within the boundaries of a revalidated jurisdictional determination prior to its expiration shall continue to be reviewed under the rules adopted pursuant to sections 403.91 - 403.929 (1984 Supp, as amended) of the Florida Statutes in existence before the effective date of the new environmental resource permitting rules adopted under section 373.414(9), unless the applicant elects to have such activities reviewed under the new environmental resource rules adopted in accordance with the 1993 amendments to section 373.414(9).

Sincerely,

Janet G. Llewellyn
Assistant Director
Division of Environmental
Resource Permitting

JGL/RWC/II

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

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EXHIBIT "K" (Page 1 of 1)

COPIES TO:

Joanne - Planning
Barbara - Rec

DATE 7/22/91
BY RK

STATE OF FLORIDA COUNTY OF MANATEE

I hereby certify that the foregoing is a true
copy of ORDINANCE NO. 92-24, adopted by the
Board of County Commissioners of said County on
the 8 day of July, 1991, this 14 day
of July, 1991, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: R. B. Shore P.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

MEMBER OF THE GOVERNOR'S CABINET
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
Ringling Museum of Art

July 17, 1997

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
JUL 21 5 03 PM '97

Honorable R. B. Shore
Clerk to Board of County Commissioners
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of July 9, 1997 and certified copy of Manatee County Ordinance No. 97-24, which was filed in this office on July 17, 1997.

The duplicate copy showing the filing date is being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Enclosure