

ORDINANCE ~~13-25~~ 14-04 – CREEKWOOD (DRI # 13)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE CREEKWOOD DEVELOPMENT OF REGIONAL IMPACT, (ORDINANCE ~~12-15~~13-25) TO APPROVE THE FOLLOWING CHANGES TO MAP H AND THE ORDINANCE: 1) ~~MODIFY THE LAND USE OF PARCEL G FROM OFFICE TO RESIDENTIAL~~ALLOW GROUP CARE HOME (ASSISTED LIVING FACILITY) AS AN ALLOWABLE USE IN PARCEL MU; AND 2) ~~INCREASE THE TOTAL NUMBER OF RESIDENTIAL UNITS BY 112 FOR A TOTAL OF 1,362 UNITS AND DECREASE THE OFFICE SQUARE FOOTAGE BY 125,000 SQUARE FEET FOR A TOTAL OF 100,000 SQUARE FEET~~ADD 150-BED GROUP CARE HOME AND DECREASE THE COMMERCIAL SQUARE FOOTAGE BY 10,000 SQUARE FEET FOR A TOTAL OF 593,000 SQUARE FEET OF COMMERCIAL SPACE; 3) ~~DELETE LAND USE CONDITION #1 REGARDING MAXIMUM DENSITY IN THE WATERSHED;~~ 4) ~~AMEND THE STIPULATIONS RELATED TO THE I-75 BRIDGE APPROACH;~~ AND 5) ~~UPDATE THE DEVELOPMENT ORDER TO REFLECT TERMINOLOGY CHANGES, CURRENT LAND DEVELOPMENT CODE AND COMPREHENSIVE PLAN AMENDMENTS, AND DEPARTMENT REFERENCES; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.~~

WHEREAS, CREEKWOOD, INVESTORS, LTD., hereinafter referred to as "CREEKWOOD", proposed a Development of Regional Impact (DRI) for a mixed-use development located in Manatee County; and

WHEREAS, on August 27, 1985, Manatee County adopted Resolution R-85-149 granting Creekwood a DRI Development Order; and

WHEREAS, on October 22, 1985, Manatee County approved Resolution R-85-219 amending Resolution R-85-149 by providing for clarification from the Department of Community Affairs; and

WHEREAS, on May 20, 1986, Manatee County approved Resolution R-86-112 amending Resolution R-85-219 by deleting two hundred and forty (240) plus or minus acres from the approved Creekwood DRI Development Order; and

WHEREAS, on April 22, 1993, Manatee County approved Resolution R-93-25 amending Resolution R-86-112 by approving amendments to Map H, extending the build out date, and other various changes; and

WHEREAS, on December 15, 1998, Manatee County approved Ordinance 98-49 amending Resolution R-93-25 increasing the commercial uses by 69,500 square feet and land area by 2.3 acres, changing the land use designation for Parcels C-1 and C-2 from Highway Tourist Oriented at General Commercial to General Commercial, and combining Parcels C-1, C-2, and O-1 into a redesignated Parcel C; and

WHEREAS, on March 28, 2002, Manatee County approved Ordinance 00-07 amending Ordinance 98-49 to amend Phase IV of the Project Phasing Conditions to delete 25,000 square feet of office space and add 25,000 square feet of commercial space on Parcel C, modify the Project Phasing Deadlines to reflect current development approvals and schedules for the balance of approved development for this DRI, amend General Condition 17 requiring all Site Plans to comply with the 1990 Land Development Code; and other various changes; and

WHEREAS, on January 6, 2004, Manatee County approved Ordinance 04-28 amending Ordinance 00-07 to redesignate parcel identifications, add an additional roadway connection to the west, modify the Project Phasing Table to clarify, eliminate, and redistribute approved development (reduce industrial to 950,000 square feet, clarify allocation of commercial approved in the industrial category, expand the range of commercial and industrial uses permitted east of I-75, decrease residential units from 2,305 to 1,617), update and modify the Project Phasing Table to recognize completed development, transfer industrial, office, and commercial square feet from Phase I and II to Phases III and IV, amend the Development Order to update terminology and departmental references; and other changes for internal consistency, and allow biennial rather than annual DRI reports.

WHEREAS, on January 5, 2006, Manatee County approved Ordinance 05-41 amending Ordinance 04-28 to decrease residential units from 1,617 to 1,250, increase office square footage from 160,000 to 225,000, transfer 6 residential units from Phases I and II, delete the footnote under Table 1 requiring Preliminary Site Plans be submitted 18 months prior to the build out date, transfer 6 residential units from Phases I and II to Phase IV (a 13-year extension to buildout; 18-year cumulative extension), and amend the Development Order to update terminology and departmental references; and other changes for internal consistency, including recodification of the existing development order.

WHEREAS, on August 2, 2012 Manatee County approved Ordinance 12-15, amending Ordinance 05-41 to add 30,000 square feet to an existing 50,000 square foot mini-warehouse project located on Parcel C-5; update the Development Order to reflect the project extensions previously authorized by the State of Florida and Manatee County; update the water quality monitoring conditions; update the Development Totals and Table 1 – Phasing by Use to clarify previously approved reduction of 150,000 square feet of industrial entitlements; and update the Development Order to reflect terminology changes, current Land Development Code and Comprehensive Plan amendments, and department references; and

~~**WHEREAS**, on May 16, 2013, Wells Fargo Bank, N.A. filed a request to amend the Development Order pursuant to Section 380.06(19)(e)2, Florida Statutes, which does not require the filing of a Notice of Proposed Change, but, requires an application to the local government to amend the development order in accordance with the local government's procedure; and~~

WHEREAS, on December 17, 2013, Manatee County approved Ordinance 13-25, amending Ordinance 12-15 to modify the land use of Parcel G from Office to Residential; to increase the total residential units by 112 for a total of 1,362 units and to decrease the office square footage by 125,000 square feet for a total of 100,000 square feet; to delete Land Use condition #1 regarding maximum density in the watershed; and to amend the stipulations related to the I-75 bridge approach, and

WHEREAS, on November 20, 2013, Creekwood Investors, LTD filed a request to amend the Development Order pursuant to Section 380.06(19)(e)2, Florida Statutes, which does not require the filing of a Notice of Proposed Change, but, requires an application to the local government to amend the development order in accordance with the local government's procedure; and

~~**WHEREAS**, the application includes a request to modify the land use of Parcel G from Office to Residential; to increase the total residential units by 112 for a total of 1,362 units and to decrease the office square footage by 125,000 square feet for a total of 100,000 square feet; to delete Land Use condition #1 regarding maximum density in the watershed; and to amend the stipulations related to the I-75 bridge approach~~allow group care home (assisted living facility) as an allowable use in Parcel MU; and to add 150-bed group care home and decrease the commercial square footage by 10,000 square feet for a total of 593,000 square feet of commercial space.

WHEREAS, the described project lies within the unincorporated area of Manatee County, a political subdivision of the State of Florida; and

WHEREAS, the public notice requirements of Manatee County and Chapter 380.06, Florida Statutes have been adhered to and satisfied; and the Planning Commission held a duly noticed public hearing; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06(19)(e)2, Florida Statutes, and has the statutory authority to consider and approve amendments to a Development Order for an approved DRI; and

WHEREAS, the Planning Commission has reviewed the application to amend the Development Order and has filed a recommendation on this application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has received and considered the recommendation of the Planning Commission; and

WHEREAS, the Board of County Commissioners of Manatee County on ~~December 17, 2013~~ April 3, 2014, held a duly noticed public hearing on Ordinance ~~13-25-14-04~~ and the application to amend the Development Order and has solicited, received, and considered reports, comments, and recommendations from interested citizens, county agencies, the applicant, as well as the review and report of the Manatee County Building and Development Services Department.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA IN A REGULAR MEETING ASSEMBLED THIS ~~17th DAY OF DECEMBER, 2013~~ 3rd DAY OF APRIL, 2014 AS FOLLOWS:

SECTION 1. AMENDMENT AND RESTATEMENT OF DEVELOPMENT ORDER FOR DRI 13, ORDINANCE ~~12-15-13-25~~.

The previous development order for Creekwood, which was adopted on August 27, 1985, and all subsequent amendments are replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

SECTION 2. FINDINGS OF FACT

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for amendment of approved Map H, the recommendation and findings of the Planning Commission of Manatee County, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the application to amend the Development Order as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a public hearing on ~~December 17, 2013~~ April 3, 2014, regarding the application to amend the Development Order described herein, in accordance with the requirements of Manatee County Ordinance 90-01, as amended (the Manatee County Land Development Code) and Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan) and has further considered the testimony, comments, and information received at the Public Hearing.
- C. The proposed change to the DRI regarding the property described in Exhibit "A" is found to be consistent with the requirements of Manatee County Ordinance 89-01, as amended (the 2020 Manatee County Comprehensive Plan), provided it proceeds in accordance with the Development Conditions specified herein.

- D. The real property, which is the subject of this Development Order, is legally described as set forth in Exhibit "A" of this Development Order.
- E. The Project is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- F. The authorized agent for the Project is ~~King Engineering Associates, Inc.~~ Allison-Gause, Inc., and their address is ~~2930 University Parkway, Sarasota, Florida 34243.~~ 926 14th Street West Bradenton, Florida 34205.
- G. The original owner of the property was Creekwood Investors, ~~Ltd LTD.~~, and the owner of Parcel ~~G~~ MU is ~~Wells Fargo Bank, NA~~ Creekwood Investors, LTD.
- H. A comprehensive review of the impacts generated by the Development has been conducted by the departments of Manatee County, the Planning Commission and the Board of County Commissioners.
- I. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.

SECTION 3. CONCLUSIONS OF LAW

Based upon the previous findings of fact and the following conditions of the Development Order, the Board of County Commissioners of Manatee County concluded that:

- A. The Project is consistent with the local land development regulations and is consistent with the State Comprehensive Plan (SCP) the Tampa Bay Regional Planning Council's Future of the Region, A Strategic Regional Policy Plan, and Ordinance 89-01, as amended (The 2020 Manatee County Comprehensive Plan, as amended).
- B. That these proceedings have been duly conducted pursuant to applicable law 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, 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.
- D. That the changes proposed by this amendment to Ordinance ~~12-15~~ 13-25 as described in Section 4 and which were requested in the application to amend the Development Order ,along with the previous changes to the DRI, are not a

Substantial Deviation or an NOPC pursuant to Section 380.06(19)(e)2, Florida Statutes.

SECTION 4. AMENDMENTS TO APPROVED DEVELOPMENT

The application to amend the Development Order for the Creekwood DRI is hereby approved, amending the previous Development Order and its amendments in their entirety, subject to the conditions listed herein, to allow the following changes in the plan of development:

1. Modify Map H attached hereto Exhibit “B” and the Development Order with the following changes:
 - A. ~~Modify the use of Parcel G from Office to Residential~~Allow group care home (assisted living facility) as an allowable use in Parcel MU; and
 - B. ~~Increase the number of Residential units by 112 for a total of 1,362 units with a simultaneous decrease of office square footage by 125,000 square feet to allow a revised total of 100,000 square feet;~~Add 150-bed group care home and decrease the commercial square footage by 10,000 square feet for a total of 593,000 square feet of commercial space.
 - C. ~~Delete Land Use Condition #1 regarding the maximum density in the Watershed.~~
 - D. ~~Amend the stipulations related to the I-75 bridge approach; and~~
 - E. ~~Update the Development Order to reflect terminology changes and department references.~~

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this ordinance authorizes development of the following land uses, when developed in conjunction with the terms of this ordinance, and any applicable local, regional, state, or federal regulations.

- A. 1,362 dwelling units
- B. ~~603,000~~ 593,000 square feet of commercial
- C. 800,000 square feet of industrial
- D. 100,000 square feet of office
- E. 100 room hotel (93,000 square feet)
- F. 80,000 square feet of mini-warehouse
- G. 150-bed group care home (assisted living facility)

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING AND BUILDOUT CONDITIONS

- The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 1 below:

Table 1 - Phasing by Use

| PHASES | | | | | |
|---|------------------|---------------------|---------------------------|--------------------------------------|--|
| Uses | Acreage 818.3 | I, II (Complete) | III (1996- 11/22/2018) | IV (2001- 11/22/2019) | Total |
| RESIDENTIAL | 390.1 | 592 | 140 | 630 | 1,362 |
| COMMERCIAL [RETAIL AND SERVICE- 380.0651(3)(f)] | 137.63***** | 455,048 | 55,000 | 92,952 <u>82,952**</u> | 603,000 <u>593,000**</u> |
| HOTEL [Hotel or motel - 380.0651(3)(g)] | | | | 100 rooms 93,000 | 100 rooms 93,000 |
| OFFICE | | | 60,000* | 40,000* | 100,000* |
| INDUSTRIAL | 170.94 | | 230,000 | 570,000*** | 800,000*** |
| MINI-WAREHOUSE | 6.5 | | | 80,000**** | 80,000**** |
| <u>GROUP CARE HOME*****</u> | | | | <u>150 beds</u> | <u>150 beds</u> |
| OPEN SPACE (ROADS, RIGHT-OF-WAY, CONSERVATION, PRESERVATION, ETC.) | 113.13 | | | | |

* Office space may include up to 85,000 square feet of medical office. Office entitlements have been removed from Parcel G for a total reduction of 125,000 sq. ft. of office space. The reduction of office entitlements was requested by the owner of Parcel G and approved by the Board of County Commissioners on December 17, 2013 (Ordinance 13-25). No entitlements have been taken from any other Parcel in the DRI at that time.

** Construction of the initial 50,000 sq. ft. of Mini-Warehouse was acknowledged within the RY 2007-08 Annual Report. The Annual Report reflected that 50,000 sq. ft. of Mini-Warehouse was equivalent to 24,000 sq. ft. of Commercial. As appropriate, this amount of Commercial has been deducted from the Phase IV and overall Commercial entitlements reflected in this Table for the project (Ordinance 12-15).

A total of 10,000 sq. ft. of commercial space has been removed from the commercial entitlements in Parcel MU. The reduction of commercial entitlements was requested by the owner of Parcel MU and approved by the

Board of County Commissioners on April 3, 2014 (Ordinance 14-04). No entitlements have been taken from any other Parcel in the DRI at that time.

*** 150,000 sq. ft. reduction of industrial entitlements was requested by the master developer and approved by the Board of County Commissioners on December 4, 2008 [Z-84-76(R8)].

**** Mini-Warehouse consists of 50,000 sq. ft. constructed during 2007-08 as well as the 30,000 sq. ft. expansion proposed with Ordinance 12-15.

***** Commercial acreage includes Hotel and Office to reflect acreage of mixed use, non-residential parcels. The acreage of the Commercial only parcels is 71.9 acres and the Mixed Use parcel is 65.73 acres.

***** Group Care Home has been included as an allowable use in Parcel MU (Ordinance 14-04).

1. The developer shall submit a revised transportation analysis with any request for project extension, beyond those which may be granted by State law. The Manatee County Board of County Commissioners shall review this analysis and determine whether or not the requested extension constitutes a Substantial Deviation pursuant to Section 380.06 Florida Statutes.

3. The developer must adhere to the following phasing buildout schedule.

Phase I - 1986-1996

Phase II - 1993-2003

Phase III - 1996-November 22, 2018

Phase IV - 2001-November 22, 2019

4. Preliminary Site Plans shall be valid for a maximum period of five (5) years. Final Site Plans shall be valid for a maximum period of four (4) years, however, not to exceed the end of the phase for which development is proposed as described in the phasing build out schedule.

LAND USE CONDITIONS

1. At the time of Preliminary Site Plan submittal, the applicant shall demonstrate compliance with the requirements of the Planned Development District in effect at that time including, but not limited to, such concerns as Entranceway requirements, aesthetic appearance from State Road 70 (S.R. 70) and Interstate 75 (I-75), ample provision for open space, adequate restrictions to prohibit unsightly vehicles, trash, etc., and a maintenance program which assures that an attractive appearance will be maintained.

2. Light manufacturing, industrial service establishments, wholesale trade establishments, research and development activities, warehouse, mini-warehouse, heavy printing, and ancillary office use are permitted uses proposed within Parcel I. Construction service establishment (with no retail and rental sales) is allowed on the east side of Lena Road only. Industrial uses to be constructed within the Evers Reservoir Watershed Protection Overlay District, must employ Best Possible Technology so that such uses will not be contrary to

the public health, safety, and welfare. Best Possible Technology shall be in accordance with the laws in effect at the time of Preliminary Site Plan approval and shall be shown on the plan or plat for consideration and approval.

3. All buildings, parking, and service areas within Parcels MU and I shall maintain a minimum setback of 100 feet from S.R. 70 and I-75. All trash and garbage receptacles that are visible from S.R. 70, I-75, 54th Drive East, and adjacent residential shall be screened with materials similar to the adjacent building facade. All truck loading, service areas, outside storage, and parking of heavy equipment, semi-trucks or trailers or other vehicles over 1-1/2 tons shall be located at the non-street side of the building when adjacent to I-75, and S.R. 70, unless they are not visible from a height of five (5) feet at the edge of pavement of said street, to be determined at time of Certificate of Occupancy.
4. The Developer shall provide a 20-foot wide greenway adjacent to one side of the right of way for Lena Road, from S.R. 70 to the northern terminus of Lena Road. Within this greenway, the Developer shall install a ten foot wide paved bicycle and pedestrian path.
5. The developer shall be allowed to construct a total of 1,362 dwelling units. Dwellings shall be constructed in accordance with the density approved for each specific parcel in the revised Map H (Exhibit "B").

BUFFER CONDITIONS

1. (Reserved)
2.
 - a. A building setback of at least fifty (50) feet shall be provided west of and adjacent to the existing power line easement traversing Parcels MU & I. Native trees lying within shall not be removed. Trees of a native species shall be planted within 20 feet of the FP&L line where the base of trees closer than twenty-five (25) feet apart do not already exist. In addition, the screening buffers required between zoning district boundaries by the Land Development Code shall be required, except for the requirements for trees if more stringent within this stipulation. These plantings shall occur prior to a certificate of occupancy for each lot and they shall meet the minimum standards of the Land Development Code.
 - b. A 50-foot wide roadway buffer shall be required along east side of I-75. (Completed)
 - c. Buildings on the east side Lena Road in Parcel I shall be located on the western two-thirds of the lots.
3. Residential

- a. The 100-foot wide roadway buffer along the west side of I-75 shall be provided. Additionally, the depth, design, and location of landscaped buffers will be determined when a Preliminary Site Plan is submitted for approval. Continued maintenance of these buffers shall be assured through appropriate measures such as covenants and deed restrictions.

- b. Prior to Final Site Plan approval a noise analysis shall be done based on the potential 10 lane configuration of I-75 and anticipated traffic in 2025.

Manatee County noise level criteria for residential properties

| |
|---|
| <p>MANATEE COUNTY NOISE STIPULATION*</p> <p>No residential dwelling units <u>including group care home (assisted living facility)</u> shall be allowed in areas where the exterior noise level is;</p> <p>Ldn > 65 dBA: Leq design hour > 65 dBA: or L10 design Hour > 68 dBA</p> <p>Unless protected by some performance equivalent measure to achieve;</p> <p>Ldn # 65 dBA, Leq design hour # 65 dBA, or L10 design Hour # 68 dBA</p> |
| <p>NOISE REDUCTION REQUIRED*</p> <p>Sound attenuating barriers should be provided between the residential units and the noise source.</p> <p>Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms.</p> <p>Buildings shall be positioned to maximize the distance between the residential units and the noise source.</p> |

* For more detailed information see “The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development’s Noise Policy”, prepared by The Environmental Planning Division, Office of Environment and Energy.

ENVIRONMENTAL CONDITIONS

- 1. At the time of the first Preliminary Site Plan submittal, a Master Drainage Plan for the entire development, including a demonstration that the effect the proposed altering and deepening of existing wetlands will have on their ability to filter surface water and percolating groundwater will be acceptable, shall be submitted. This Master Drainage Plan, though it may have been approved by

the County, will be subject to modifications by new state-of-the-art techniques and surface water management performance standards that may be developed or adopted during the course of the development process. (Completed)

2. Stormwater management system design for that portion of the development lying within the Evers Reservoir Watershed shall meet or exceed any requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as may be amended. This shall not be interpreted to mean that the developer is required to retrofit any approved and existing stormwater systems which do not meet this requirement.
3. In conjunction with the submittal of the first Preliminary Site Plan, a demonstration of compliance with the Watershed Protection, Special Treatment, and Agricultural Fringe Overlay zones shall be submitted. As required by the Special Treatment District, the Board of County Commissioners must make a determination prior to construction that "Best Possible Technology" is being employed prior to construction. (Completed)
4. The Stormwater Maintenance Plan, submitted with the first Preliminary Plan, shall be designed using accepted best management practices to provide a natural hydroperiod within each wetland. Isolated wetlands shall, where practical, be incorporated into the stormwater system. Construction and post-construction monitoring of surface and groundwater quality and quantity shall be outlined and implemented; included in this plan shall also be the design and execution of a maintenance program to ensure the adequate functioning of the system beyond project build out. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, as needed.
5. All jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which appropriate environmental permits and local approvals are obtained.

All development shall comply with the wetland policies of the Comprehensive Plan and the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.

6. The Preliminary Site Plan, as submitted by phase, shall specifically also outline which and how much of each vegetation association is being preserved. Every effort shall be made by the developer and any future developers of this property to preserve a diverse range of the existing wildlife habitat. These preserve areas should be as large as possible and should be located adjacent to wetlands or a different upland community type.
7. Wetlands on the project site shall be preserved consistent with Map F-1 on page 44 of the ADA additional information response and with s.2.7 of the Council's

adopted Future of the Region. In addition, the wetland on Parcel C-5 shall be preserved.

8. Representative tracts of all major upland vegetative communities shall be preserved in their natural state to serve as conservation/recreation areas.
9. The wind and soil erosion controls including sodding, hydroseeding, mulching and bare soil wetting, committed to by the developer in the ADA, shall be required.

WATER QUALITY CONDITIONS

1. To assure water quality is maintained:
 - a. The developer shall institute a program to provide a body of initial baseline water quality data before any significant groundbreaking takes place, as well as institute a bi-annual on-going monitoring program through project build-out. Sampling stations shall be at the sampling sites shown in "Exhibit B" (attached to Resolution R-93-25).

Sampling should be taken on a cresting hydrograph and should occur immediately after a one-inch storm event, and after a dry period, during both the rainy season (June-September) and the dry season (November-February). Significant water quality parameters should include, but not be limited to, the following:

- streamflow (cu. ft./sec.);
- turbidity (ntu);
- specific conductance (umho/cm at 25 deg. C);
- dissolved oxygen (mg/l);
- biochemical oxygen demand (mg/l);
- pH;
- total orthophosphate as P (m/l);
- total organic nitrogen as N (mg/l);
- total organic carbon as C (mg/l);
- total coliforms, multiple tube method, MPN (col/100 ml);
- total lead as Pb (ug/l); and
- temperature (deg. C).

Any changes to the sampling stations identified in "Exhibit B", the sampling frequency, or the above list of parameters shall be submitted to Manatee County and TBRPC for review and comment, with approval by Manatee County.

All water quality methods and procedures shall be thoroughly documented and should comply with EPA/DEP Quality Control standards and should be submitted to Manatee County and TBRPC.

- b. The developer shall provide baseline water-level contour maps for the unconfined aquifer on the Creekwood site, to reflect conditions present during both the wet season (June - September) and the dry season (November - February). In addition, the developer shall provide for review annually updated ground water contour maps as described above; until the project reaches completion.
2. In order to protect water quality, the following parameters shall be included in the project drainage plan.
- a. The developer shall submit for approval a wetland-lake management plan, to be implemented during construction and after completion of the project. The plan shall address, but not be limited to, the following:
 - proposed wetland/lake alterations;
 - control of exotic species;
 - control of on-site water quality
 - maintenance of natural hydroperiod; and
 - methods for wetland restoration/enhancement.
 - b. The drainage system shall be designed to provide retention, or detention with filtration/assimilation treatment for the first inch of runoff generated from the site during the 25-year, 24-hour design storm; and that maximum post-development shall not exceed pre-development flows for the same design storm.
 - c. The proposed retention/detention wetland systems shall be designed to be consistent with the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC 1978). The design criteria of this system should include the following elements:
 - (1) A minimum of 15 but no more than 50 percent of the surface area of the detention pond at the normal water level (NWL) shall consist of a shallow vegetated littoral shelf.
 - (2) The littoral shelf shall be incorporated into the pond bank, preferably near the pond outlet, to provide a final polishing treatment for the stormwater. As an alternative, the littoral shelf shall be established on a shallow submerged island in the middle of the pond.
 - (3) A sediment sump shall be provided at all influent pipes to accumulate sediment and to provide easy access for sediment removal.

- (4) The littoral shelf, if located along the pond bank, shall have side slopes no greater than 7:1 with the top of the shelf at NWL and sloping to a depth of three feet or less.
- (5) The littoral shelf shall be vegetated with a diverse group of native species which can include Sagittaria, pickerel-weed, Juncus, water lilies, cypress, etc. These species aid in nutrient and heavy metal uptake as well as enhance the pond by providing blooming flowers and presenting a more "natural" appearance.
- (6) A copy of an operation and maintenance (O & M) schedule shall be provided to the owner, and be submitted to TBRPC with the annual report. The O & M schedule should include an estimation of the frequency of sediment removal operations and should mention the periodic need for removing dead vegetation.

HAZARDOUS WASTE CONDITIONS

1. Prior to the construction of industrial facilities, hazardous waste storage and disposal plans, including transportation of wastes, shall be provided and approved.
2. The developer shall provide separate hazardous waste storage containers/areas within the project prior to or concurrent with the certificate of occupancy for the first business within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials. Such containers shall also be designed to prevent unauthorized use or entry. The hazardous waste storage containers/areas shall be allowed to be located within the Evers Reservoir Watershed Overlay District until such time as the first industrial use outside of the Evers Reservoir Watershed Overlay District is constructed, at which time the storage containers/areas shall be relocated outside of the Evers Reservoir Watershed Overlay District.

The developer shall provide to all Creekwood businesses information that:

- a. Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designed containers; and
- b. Indicates the location of the specially-designed hazardous waste and materials containers; and
- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

ARCHAEOLOGICAL CONDITION

1. At the time a Preliminary Site Plan for the specific areas referenced in the May 24, 1984 letter from the State Division of Archives, History and Records Management is submitted, the developer must show the location of all archaeological and historic sites identified by a systematic, professional archaeological and historic survey. If any sites exist, the ones which are significant must be protected and preserved.

PARKS AND RECREATION CONDITIONS

1. Implementation of the bike/pedestrian path shall be required as committed in the ADA, unless more restrictive conditions have been placed on the development in this order.
2. Development plans shall assure adequate buffering between the industrial, office, commercial, and residential designations of this development through appropriate measures such as covenants and deed restrictions.
3. Assignment of specific responsibility for open spaces shall be made at the time of Final Plat submittal, unless no plat is required, then it shall be required at time of Final Site Plan submittal.
4. The 25-acre park located in the northwest quadrant of the project as shown on Revised Map H shall be deeded to the County by the Developer upon request of the County. The County shall utilize said acreage for public park purposes. The Developer shall be entitled to impact fee credit as set forth in Section 806.4.1 of the Land Development Code, as may be amended. (Completed)

If the County desires to develop the park prior to the Developer extending Creekwood Boulevard from the southern boundary of Williams Creek north, the County may construct that portion of Creekwood Boulevard necessary to access the park. The Developer shall provide Manatee County with sufficient right-of-way for said construction. If Manatee County undertakes construction of any portion of the roadway, Manatee County shall obtain all necessary permits including any wetland impact permits required for said construction. The Developer shall have the right to review construction plans prior to commencement of construction to determine compatibility with its development plans including, but not limited to, provision of sufficient curb cuts to access development parcels. The road will be constructed to County standards. If the County constructs the road described in this paragraph, and the road is of a type not eligible for impact fee credits pursuant to Section 806.4 of the Land

Development Code, then the developer shall reimburse the county for the cost of construction. Reimbursement shall be required in conjunction with Final Site Plan or Final Plat approval for development of the parcels adjacent to that portion of the road which the county constructs. If the road is eligible for impact fee credit and the county constructs the roadway, the developer will not be entitled to reimbursement. The Developer shall have the right to relocate the right-of-way or constructed roads at its expense.

PUBLIC SAFETY CONDITIONS

1. Creekwood shall contribute a pro-rata share of the cost of constructing a fire station on the Tara public service site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)
2. Creekwood shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Site Plan submittal. (Completed)
3. The use of street names for the main entrance roads to both the residential and industrial portion of the project may be allowed. The entrance road to the residential portion of the project shall be allowed as a designation of Creekwood Boulevard and the entrance road to the industrial portion of the project may be allowed to be named as a boulevard at a later time. All other streets within the project shall be numbered in accordance with the revised county grid system, unless street names are allowed by the Board of County Commissioners for those other streets at a later time.

TRANSPORTATION CONDITIONS

1. Improvements shall be required to the project entrances on S.R. 70 and to the intersection of S.R. 70 and I-75. Such improvements shall include, but not be limited to, left turn storage lanes, signalization, ramp improvements and additional through lanes. The extent and timing of improvements required shall be determined by the County Transportation Authority with the review of an updated traffic analysis for each increment of development.
2. Developer shall provide for a 120-foot wide right-of-way for 44th Avenue East (Cortez Road Extended) through the project. Two lanes of this roadway shall be constructed through the project by the developer with development of parcels adjacent thereto except for the bridge approach to the I-75 crossing. Sufficient right-of-way to construct the bridge approach shall be reserved and shall not be dedicated unless the right-of-way is voluntarily dedicated by the owner thereof pursuant to a development agreement. The developer shall not be responsible for constructing the bridge over I-75 as an on-site transportation improvement.

- The developer shall enter into an agreement with the County to either oversize the internal stormwater pond system to be constructed on Parcel D or reserve capacity in the existing stormwater pond system to accept stormwater from the future 44th Avenue extension. The agreement must be entered into prior to Preliminary Site Plan approval for Parcel D.
3. Construction of approximately 1,600 feet of 44th Avenue East, from the west property boundary west to the existing pavement by the developer, to a two-lane section, including payment for acquisition of necessary right of way, shall be required prior to Final Plat approval of the 101st dwelling unit north of Williams Creek. The primary entrance road (Creekwood Boulevard) to the residential portion of the project shall connect to 44th Avenue at the time of construction of the extension of 44th Avenue, mentioned herein. Manatee County shall cooperate with Creekwood in the condemnation of any land necessary to meet this requirement.
 4. A cross access easement between Parcels C-6 and C-7 and the Campbell Commercial Center to the west shall be recorded and this roadway connection shall be constructed or bonded prior to the next Certificate of Occupancy for Parcels C-6 or C-7. This cross access easement shall be located within 50 feet of the northern right-of-way of S.R. 70 at the western property line of Parcel C-7 and shall be extended eastward to the northern-most driveway on Creekwood Boulevard in Parcel C-6. (Completed)
 5. The proposed entrance onto S.R. 70 at the southwest corner of the development shall be relocated eastward to facilitate the frontage road from the Campbell Commercial Center and to avoid conflict with regard to intersection function. (Completed)
 6. The intersections of any driveway (including the frontage road) with the project entrance boulevard onto S.R. 70 shall be located as far from S.R. 70 right-of-way as necessary to avoid conflict with regard to intersection function. (Completed)
 7. All roads shown on the General Development Plan, including required stub-outs to the property boundary shall be dedicated to Manatee County with adequate rights-of-way as determined by the Transportation Department except for the bridge approach for the 44th Avenue crossing of I-75.
 8. The need for wider internal roads or potential changes in their proposed alignment shall be addressed at the time of Preliminary Site Plan submittal.
 9. The proposed owner's association documents shall contain a provision requiring the occupants of the Parcel I to coordinate shift changes to reduce peak hour traffic.
 10. In accordance with the Traffic Element of the Manatee County Comprehensive Plan, adopted level of service as of the effective date of this ordinance, as

determined by the procedures reported in the Highway Capacity Manual (HCM) 2000 and using the most recent version of the Highway Capacity Software (HCS), or most current HCM manual and HCS software, and in accordance with guidelines and conclusions acceptable to the County, Tampa Bay Regional Planning Council, and the Department of Economic Opportunity shall be maintained on all of the following thoroughfares which have been identified by the Tampa Bay Regional Planning Council as receiving from Creekwood, five percent (5%) or more of daily Level of Service "C" capacity:

- a. University Parkway from Lockwood Ridge Road to I-75
- b. S.R. 70 from U.S. 41 to I-75
- c. Lockwood Ridge Road from University Parkway to S.R. 70
- d. S.R. 64 from Morgan Johnson Road to I-75
- e. I-75 from University Parkway to S.R. 70
- f. S.R. 780 from Honore Avenue to I-75
- g. Intersection of S.R. 70 and S.R. 683
- h. Intersection of S.R. 70 and 45th Street East
- i. Intersection of S.R. 70 and Caruso Road
- j. Intersection of S.R. 70 and U.S. 301
- k. Intersection of S.R. 64 and Morgan Johnson Road
- l. Intersection of S.R. 70 and the Project Entrances
- m. Intersection of S.R. 70 and I-75
- n. Intersection of S.R. 70 and U.S. 41
- o. S.R. 70 from I-75 to Lorraine Road

No plat or site plan shall receive approval if the approval of such increment of development would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstance upon which the County may base traffic projections, will have the likely result of causing or contributing to a degradation of the Level of Service on these road links and intersections to a daily level below the adopted level of service as of the effective date of this ordinance. S.R. 70 shall maintain an acceptable Level of Service. Each request for plat or site plan approval must be

accompanied by a traffic study prepared or provided in this paragraph. Level of Service on the above referenced links and intersections shall be verified as part of each annual report as required by Chapter 380.06(16) Florida Statutes. If any traffic study required above for any increment of development shows that the project will contribute more than ten percent (10%) of the Level of Service C capacity of S.R. 70 between S.R. 683 (15th Street East) and U.S. 301, then that increment of development shall not be approved unless the improvements necessary to achieve the adopted level of service on that segment under construction.

This stipulation shall not be construed as diminishing any rights to credits for improvements paid for by the developer pursuant to this stipulation that would be available under Stipulation 14 of the general conditions contained herein.

11. Access to the project shall be as shown on the Revised Map H.
12. A cross-access easement shall be provided between Residential Parcels C and E. The location shall be approved by the Building and Development Services and Public Works Departments prior to or concurrent with the Preliminary Site Plan, for Parcel E.

OFF SITE FACILITY DEVELOPMENT FEE CONDITIONS

1. The developer, its successors, and assigns shall be bound by any and all impact fee ordinance(s) in effect at the time of building permit issuance. Impact fees shall be collected by Manatee County unless provisions have been made for another entity to collect all or part of the fees.

GENERAL CONDITIONS

1. The developer shall demonstrate the availability of adequate service/capability to provide, wastewater treatment, solid waste disposal, electricity, police, fire, and EMS service with each Preliminary Site Plan submittal,.
2. All structures shall meet at a minimum the building requirements of the Southern Standard Building Code, as amended.
3. The developer shall satisfy county requirements regarding the provision of EMS and police services to this portion of the County.
4. The energy conservation measures referenced in the ADA shall be required as a condition of approval.
5. Implementation of the bike/pedestrian path shall be required as committed in the ADA.

6. The development of this project shall proceed in accordance with the information plans, projections, representations and materials contained in the Application for Master Development Approval and application for rezoning and General Development Plan approval, except as modified by the stipulations, conditions, and requirements set forth herein or in the approval of the ADA, or set forth in subsequent DRI or local approvals required for this development.
7. Nothing herein shall be construed as limiting the authority of Manatee County, in the course of review and development of this project, to implement and apply laws, ordinances, rules, and regulations under its jurisdiction, consistent with the approval hereby granted.
8. The matters addressed herein, as well as additional matters that are appropriate to consider at later stages of review, may be reflected in additional or more detailed stipulations, conditions, and requirements to be formulated and applied at later stages of review of this project under local procedures.
9. In the event that the import of any of the stipulations contained herein appears uncertain, interpretation thereof should be by reference to the staff report presented to the Planning Commission and Board of County Commissioners in connection with their consideration of this development proposal, and by reference to the record of the hearings before these bodies.
10. In the event ownership of any portion of the property embraced by this project, or any of the development rights acquired by virtue of this or subsequent approvals, is transferred to any party other than the applicant, the applicant or other transferor of such property or rights shall notify the Board of County Commissioners thereof and shall, in writing, identify the party or parties who will then be responsible to fulfill the obligations and meet the conditions established by these stipulations and by any subsequently established stipulations.
11. Nothing herein shall be construed as authorizing any use of the property other than as described in the General Development Plan hereby approved, nor shall anything herein be construed as denying the property owner or developer any rights to the continuation of existing uses that may be provided by the Land Development Code or other applicable law.
12. The terms "fair share" and "pro-rata share" as used herein refer to a contribution or participation by the developer, whose purpose is to address an impact generated by new development upon the public domain or upon services or facilities provided by the County, in an amount or of a value that reflects as nearly as is practicable, the impact of this development as a proportion of the total of impacts upon the same services, facilities, or element of the Public domain, that are expected to be generated by all developments in the impact area that have received approval or that are specifically anticipated on the basis of submitted development requests.

13. Where these stipulations require, expressly or by implication, an exercise of discretion or judgment, but do not specify the nature or parameters thereof, or where some determination must be made or approval granted or condition satisfied, the necessary decision or judgment shall be made by the County; but in doing so the County shall act reasonably and in good faith and, where appropriate, in accordance with accepted practice.
14. In the event the County or other government entity with jurisdiction in the matter establishes impact fees or similar charges that are designed to pay the cost of any of the types of facilities, services, or impacts upon the public domain that the developer by virtue of these stipulations has an affirmative obligation to address, and such fees are payable with respect to portions of the development thereafter completed or finally approved, appropriate reductions in developer's obligations as set forth herein shall be considered and should be reflected in stipulations made a part of subsequent approvals.
15. The developer and any successors in interest shall submit annual DRI reports in accordance with Section 380.06(16), Florida Statutes, to Manatee County, the TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on (October 22, 1985) and each year until such time as all terms and conditions of this Order are satisfied. Six copies of this report shall be submitted to the Director of the Manatee County Building and Development Services Department who shall be responsible for assuring the developments compliance with this order, to this end the Director shall review the report for compliance with the terms and conditions of this Order. Should the director decide that further orders and conditions are necessary to ensure compliance with the terms and conditions of this Order, he shall submit the report to the Manatee County Board of County Commissioners. The Developer shall be notified of any Board of County Commissioners hearing wherein such report is to be 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 conditions as to any terms or conditions of this Order. The annual report shall contain:
 - a. The information required by the State Land Planning Agency to be included in the annual report, which information is described in the Rules and Regulations promulgated by that Agency, pursuant to Section 380.06(16), Florida Statutes;
 - b. Changes in the plan of development or phasing for the reporting year and for the next year, together with a description of all development activities proposed to be conducted pursuant to this Order for the year immediately following the annual report;
 - c. A summary comparison of development activity proposed and actually conducted for the reporting year;

- d. A summary providing the actual daily water and sanitary sewer requirements, in terms of gallons per day, for the reporting year and a projection of the expected daily water and sewer flow requirement for each of the five (5) succeeding years;
 - e. Undeveloped tracts of land that have been sold to a separate entity or developer and the identify of that purchaser, together with a statement listing the names and addresses of any heir, assignee, or successor in interest to this Order;
 - f. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the DRI site since the Order was issued;
 - g. An assessment of the Developer's and local government's compliance with conditions of approval contained in the Order;
 - h. Any requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
 - 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 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. Failure to file an annual report as provided within shall suspend any further development.
16. All references made in Ordinance 13-25 to a conceptual development plan shall hereinafter refer to revised Map H (Exhibit "B"), as amended herein.
17. All Preliminary and Final Site Plans shall comply with the requirements of the 1990 Land Development Code, as amended. Parcels which have approved Preliminary and Final Site Plans may continue to be developed in a manner consistent with the most recent approval, provided that such approval has not expired.
18. The Developer shall include in each Notice to Buyer for any property sold east of I-75 within the DRI boundaries, a statement that the use of the two hundred forty (240) plus or minus acres excluded from the Creekwood, Ltd. Development of Regional Impact approval is for a County owned treatment facility that may include spray irrigation.
19. If the Development Order is appealed by the Department of Economic Opportunity (DEO), the Developer shall pay all costs and fees of County staff

and attorneys that the County is required to expend related to said appeal. Said costs and fees shall be paid at the rate of the processing fee for Development of Regional Impacts under the current Building and Development Services Department fee schedules. Payment of all billings by the Developer related to such reasonable fees and costs shall be paid within 45 days of the submittal of an invoice, except those fees in dispute and under review or appeal. If the Development Order is appealed by DEO, and Manatee County chooses to pursue the appeal over the objections of the Developer, the Developer shall not be responsible for costs incurred subsequent to the Developer's objection.

SECTION 7. LEGAL DESCRIPTION

Development of Creekwood shall be restricted to the 818.26 acres owned by the Developer and described by the legal description included as Exhibit "A" attached to, and made a part of, this Development Order.

SECTION 8. GENERAL

1. This Ordinance shall constitute a Development Order issued in accordance with Chapter 380, Florida Statutes.
2. Definitions and matters contained in Chapter 380, Florida Statutes, shall control the construction of any defined terms and matters appearing in the Development Order.
3. The following are hereby incorporated by reference and made a part of this Development Order:
 - a. The "Application for Development Approval" together with supporting documents submitted by CREEKWOOD.
 - b. The Application for an amendment to the Development Order.

SECTION 9. RESTRICTIONS ON DOWN-ZONING

The County may not down-zone or reduce the intensity or unit density permitted by this Order prior to November 22, 2019, 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 of intensity or unit density shall be affected only through the usual and customary procedures required by statute and/or ordinance for changes 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 or intensity of the Project, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes.

SECTION 10. BINDING ORDER UPON DEVELOPER

This Development Order shall be binding upon the Developer.

SECTION 11. DEADLINE FOR COMMENCEMENT OF CONSTRUCTION

Physical development of the Project* shall commence within three years of the effective date of this Ordinance unless the time period for commencement is extended by the Board of County Commissioners (Development has commenced). If more than three years shall elapse between approval of this order and commencement of actual development, or if construction of a phase is not begun or completed by the time frame contained in Section 6. above, or 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, rescind any and all approvals granted herein, including the Certificate of Level of Service. Any delay in construction commencement shall not be deemed to extend any time frame for completion of construction, commencement of subsequent phases, or the termination date of this Development Order. For the purpose of this provision, "significant development" shall be the actual construction of site improvements or buildings as part of an ongoing effort to prepare improved land or buildings for sale, lease, or use.

SECTION 12. RENDITION

The Building and Development Services Department is hereby directed to send certified copies of this Order within thirty (30) days of the date of signature by the Chairman of the Board of County Commissioners to the Developer and, the Florida Department of Economic Opportunity.

SECTION 13. NOTICE OF RECORDING

The Developer shall record a notice of amendment of this Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Building and Development Services Department a copy of the recorded notice.

SECTION 14. 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 provision or portion shall be deemed null and void, and to this end the provisions of this Ordinance are declared severable, but all remaining provisions and portions of this Development Order shall remain in full force and effect.~~ If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

SECTION 15. EFFECTIVE DATE

This Ordinance shall become effective upon the filing of a certified copy of the executed ordinance with the Department of State; provided, however, that the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes shall suspend development authorization granted by this Development Order until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to Ordinance ~~12-15~~ 13-25 during the pendency of any appeal.

ADOPTED AND APPROVED with a quorum present and voting this 17th day of December, 2013 3rd day of April, 2014.

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

BY: _____
Larry Bustle, Chairman

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

BY: _____
Deputy Clerk

EXHIBIT A

LEGAL DESCRIPTION FOR REVISED CREEKWOOD

CREEKWOOD

THE EAST ½ OF SECTION 11, TOWNSHIP 35, RANGE 18 E., LESS THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO:

THAT PART OF SECTION 12., TOWNSHIP 35., RANGE 18E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75).

ALSO:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70

ALSO:

THAT PART OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., LYING WEST OF STATE ROAD NO. 93 (INTERSTATE 75), AND NORTH OF STATE ROAD NO. 70.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A LITERWOOD POST FOUND MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE SOUTHWEST CORNER OF THE EAST ½ OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E., FOR A POINT OF BEGINNING: THENCE S 00°43'18" E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF SECTION 14, A DISTANCE OF 193.63 FT. TO THE NORTHEAST CORNER OF "CAMPBELL COMMERCIAL SUBDIVISION" AS RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, AFORESAID PUBLIC RECORDS: THENCE CONTINUE S 00°43'10" E, ALONG THE EAST LINE OF SAID "CAMPBELL COMMERCIAL SUBDIVISION", SAME BEING THE OCCUPIED WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 513.00 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13160-2503; THENCE S 70°20'03" E, ALONG SAID NORTHERLY R/W, A DISTANCE OF 7.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 17120.74 FT.; THENCE RUN SOUTHEASTERLY, ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 339.93 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 17256.74 FT.; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°08'15", A DISTANCE OF 342.63 FT. TO THE P.T. OF SAID CURVE; THENCE S 70°20' 03" E. ALONG SAID NORTHERLY R/W, A DISTANCE OF 35.37 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND SAID STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE S 80°04'21" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 82.10 FT.; THENCE S 70°20'03" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 400.14 FT.; THENCE S 73°01'06" E. ALONG SAID NORTHERLY INTERCHANGE R/W, 100.26 FT.; THENCE S 70°20'03" E, ALONG SAID NORTHERLY INTERCHANGE R/W, 218.97 FT.; THENCE S 78°46'36" E, ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 136.27 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W, OF SAID STATE ROAD NO. 93 (INTERSTATE 75); THENCE S 70°20'03" E, ALONG SAID NORTHERLY LIMITED ACCESS R/W, 298.34 FT.; THENCE S 72°37'29" E. ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 628.85 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 622.20 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 52°23'42". A DISTANCE OF 568.98 FT. TO THE P.T. OF SAID CURVE; THENCE N 54°E58'49" E,

ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 351.55 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING RADIUS OF 721.51 FT.; THENCE RUN NORTHEASTERLY ALONG SAID LIMITED ACCESS R/W, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°03'07". A DISTANCE OF 632.91 FT. TO THE P.T. OF SAID CURVE, THENCE N 04°55'42" E, ALONG SAID LIMITED ACCESS R/W, 518.38 FT.; THENCE N 00°55'22" E, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4990.44 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST. HAVING A RADIUS OF 5530.30 FT.; THENCE RUN NORTHERLY ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'59", A DISTANCE OF 450.42 FT. TO THE INTERSECTION WITH THE LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°26'05" W, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1065.82 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 33 S., RANGE 18 E., SAME BEING THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 35 S., RANGE 18 E.; THENCE N 89°36'09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1404.27 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 915, PAGE 966, AFORESAID PUBLIC RECORDS; THENCE S 00°26'58" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT.; TO THE SOUTHEAST CORNER OF SAID CERTAIN PARCEL; THENCE N 89°36'09" W, ALONG THE SOUTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.00 FT. TO THE SOUTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE N 00°26'58" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 660.16 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 11, THENCE N 89°35' 09" W, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 660.11 FT. TO THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 11; THENCE S 00°45'32" E. ALONG THE WEST LINE OF THE EAST ½ OF SAID SECTION 11. A DISTANCE OF 5292.41 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 11, 12, 13 AND 14 MANATEE COUNTY, FLORIDA.

CONTAINING 540.56 ACRES MORE OR LESS

CREEKWOOD-EAST

THAT PART OF SECTIONS 12 AND 13, TOWNSHIP 35 S., RANGE 18 E., LYING EAST OF STATE ROAD NO. 93 (INTERSTATE 75), AND LYING NORTH OF STATE ROAD NO. 70. LESS LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, 3035 AND OFFICIAL RECORDS BOOK 1145, PAGE 3377, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 01°00'42" W. ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 821.22 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20' 03" W, ALONG SAID NORTHERLY R/W , 1492.94 FT.; THENCE N 33°10'32" W. ALONG SAID NORTHERLY R/W, 83.17 FT.; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W, 70.00 FT.; THENCE S 74°16'39" W. ALONG SAID NORTHERLY R/W, A DISTANCE OF 79.73 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 74°16'39" W, ALONG SAID NORTHERLY R/W, 7.01 FT.; THENCE N 70°20'30" W, ALONG SAID NORTHERLY R/W, A DISTANCE OF 512.00 FT. TO THE INTERSECTION WITH THE NORTHERLY INTERCHANGE R/W OF STATE ROAD NO. 93 (INTERSTATE 75), AND STATE ROAD NO. 70; THENCE N 60°14'02" W. ALONG SAID NORTHERLY INTERCHANGE R/W, A DISTANCE OF 217.32 FT. TO THE INTERSECTION WITH THE NORTHERLY LIMITED ACCESS R/W OF SAID STATE ROAD NO. 93

(INTERSTATE 75), THENCE N 70°20'03" W. ALONG SAID NORTHERLY LIMITED ACCESS R/W, 400.78 FT.; THENCE N 66°31'12" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 493.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 216.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 48°55'49", A DISTANCE OF 184.46 FT. TO THE P.T. OF SAID CURVE; THENCE N 17°35'24" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 250.16 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1300.23 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°33'05", A DISTANCE OF 352.91 FT. TO THE P.T. OF SAID CURVE; THENCE N 33°08'29" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 513.14 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1338.39 FT.; THENCE RUN NORTHWESTERLY AND NORTHERLY, ALONG SAID LIMITED ACCESS R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°55'25", A DISTANCE OF 769.08 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°13'03" W, ALONG SAID LIMITED ACCESS R/W, A DISTANCE OF 4772.30 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SECTION 12, TOWNSHIP 35 S., RANGE 18 E.; THENCE S 89°26'05" E, ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 1251.28 FT. TO A CONCRETE MONUMENT FOUND MARKING THE NORTHWEST CORNER OF THE EAST ½ OF SAID SECTION 12; SAME BEING THE INTERSECTION WITH THE WEST LINE OF A 330.0 FT. WIDE FLORIDA POWER & LIGHT CO. EASEMENT, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 612, PAGE 508, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID WEST LINE, SAME BEING THE WEST LINE OF SAID EAST ½ OF SECTION 12, A DISTANCE OF 2561.96 FT. MORE OR LESS TO THE INTERSECTION WITH THE PHYSICAL CENTERLINE OF A 30.0 FT. WIDE FLORIDA GAS TRANSMISSION COMPANY EASEMENT (FORMERLY KNOWN AS HOUSTON TEXAS GAS & OIL CORPORATION, A DELAWARE CORPORATION) AS DESCRIBED AND RECORDED IN DEED BOOK 399, PAGE 117, AFORESAID PUBLIC RECORDS; THENCE N 59°39'32" E, ALONG SAID PHYSICAL CENTERLINE 63.89 FT.; THENCE N 59°36'32" E, ALONG SAID PHYSICAL CENTERLINE, A DISTANCE OF 316.93 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID 330.0 FT. WIDE POWER & LIGHT COMPANY EASEMENT, SAME BEING THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE S 00°25'44" E, ALONG SAID EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2932.78 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID EAST ½ OF SECTION 12, SAME BEING THE NORTH LINE OF THE EAST ½ OF SAID SECTION 13; THENCE S 01°10'44" W, ALONG SAID EAST EASEMENT LINE AND THE WEST LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 2180.91 FT.; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, THE FOLLOWING COURSES AND DISTANCES; N 74°57'17" E, A DISTANCE OF 109.85 FT. TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 74°57'17" E, 290.00 FT.; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36°25'25", A DISTANCE OF 184.36 FT. TO THE P.T. OF SAID CURVE; THENCE S 51°28'08" E, 69.79 FT.; THENCE S 67°12'08" E, 132.97 FT.; THENCE S 76°52'08" E, 119.24 FT.; THENCE N 83°31'52" E, 306.67 FT.; THENCE S 06°28'08" E, 180.22 FT.; THENCE S 19°39'57" W, 360.60 FT. TO THE POINT OF BEGINNING.

CONTAINING 265.86 ACRES MORE OR LESS.

PARCEL "B"

COMMENCE AT A CONCRETE MONUMENT FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 35 S., RANGE 18 E., THENCE S 01°00'42" W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 13, A DISTANCE OF 279.10 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 01°00'42" W, ALONG SAID EAST LINE OF THE SOUTHEAST 1/4, A DISTANCE OF 542.12 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W

OF STATE ROAD NO. 70, AS SHOWN ON F.D.O.T. R/W MAP, SECTION 13075-2402; THENCE N 70°20'03" W, ALONG SAID NORTHERLY R/W. 1492.94 FT., THENCE N 33°10'32" W, ALONG SAID NORTHERLY R/W 1.61 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1029, PAGE 3035, AFORESAID PUBLIC RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL THE FOLLOWING COURSES AND DISTANCES; N 19°39'57" E, 215.12 FT.; THENCE N 83°57'11" E, A DISTANCE OF 410.86 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST. HAVING A RADIUS OF 283.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°37'41", A DISTANCE OF 161.16 FT.; THENCE S 43°52'49" E, 121.17 FT.; THENCE S 10°11'25"E, 72.10 FT.; THENCE S 43°52'49" E, 240.00FT.; THENCE S 34°24'49" E, 88.00 FT.; THENCE N 85°27'11" E. 175.71 FT.; THENCE N 75E17'11" E, 113.23 FT.; THENCE N 34°52'11" E. 120.63 FT.; THENCE S 74°45'26" E, 103.64 FT. TO THE POINT OF BEGINNING.

CONTAINING 11.84 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.