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R. B. SHORE

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ORDINANCE 07-68
NORTHWEST SECTOR, DRI #26

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE NORTHWEST SECTOR DEVELOPMENT OF REGIONAL IMPACT (DRI #26) A/K/A TBRPC DRI # 256; PROVIDING FOR DEVELOPMENT APPROVAL OF PHASE I OF THE NORTHWEST SECTOR DRI; PROVIDING CONCEPTUAL APPROVAL FOR PHASE II; PROVIDING FOR DEVELOPMENT CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

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WHEREAS, on March 2nd, 2005 SMR North 70, LLC, Equitable National Property Company, L.L.C., FC, L.L.C., Park Vista Apartments, Inc., and Presidential Apartments and Housing, Inc. submitted a Development of Regional Impact (DRI) Application for Development Approval (ADA*) for 4,422 residential units; 200,000 square feet of retail; 105,000 square feet of office; a 120 bed group care home (a.k.a.: assisted living facility); and ±19.2 acres of neighborhood parks; with approval of a Land Use Equivalency Matrix (LUEM) to allow conversion between various approved uses within specific ranges; as legally described in Section 7, referred to as Northwest Sector DRI, or the Project*; and

WHEREAS, the Project* is proposed in two phases; Phase I with a buildout date of 2011, and Phase II with a buildout date of 2019. Specific approval* is requested for Phase I for 3,000 residential units, 200,000 square feet of retail, 105,000 square feet of office, and ±19.2 acres of parks. Conceptual approval* is requested for Phase II. In the future, specific approval* of Phase II is contingent upon submittal of further transportation and air quality analysis, in accordance with Section 380.06, F.S.

WHEREAS, the described Project* lies within the unincorporated area of Manatee County; 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 an ADA* for a DRI; and

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

WHEREAS, the Manatee County Planning Commission after due public notice, held a public hearing on September 14, 2006, October 12, 2006, November 9, 2006, January 11, 2007, March 8, 2007, May 10, 2007, July 12, 2007, and

August 9, 2007 to consider the Northwest Section DRI and found the Northwest Sector DRI to be consistent with the Manatee County Comprehensive Plan, the Manatee County Land Development Code, Chapter 380, Florida Statutes, and Rule 9J-2.02, FAC, subject to the conditions of approval established in this development order and recommend approval of Phase I and conceptual approval* for Phase II of DRI #26; and

WHEREAS, the Board of County Commissioners received and considered the report and recommendation of the Tampa Bay Regional Planning Council (TBRPC), the Planning Commission, and the Planning Staff; and

WHEREAS, the Board of County Commissioners held a duly noticed public hearing on October 3, 2006, December 7, 2006, February 1, 2007, April 5, 2007, May 24, 2007, July 12, 2007, September 6, 2007, and November 1, 2007 on the ADA* and has solicited, received, and considered all testimony reports, comments, evidence, and recommendations from interested citizens, County 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:

SECTION 1. FINDINGS OF FACT.

The Board of County Commissioners , after considering the testimony, evidence, documentation, ADA* (with the sufficiency responses), the recommendation and findings of the Planning Commission, and all other matters presented to the Board of County Commissioners at the public hearing, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Ordinance are adopted as findings of fact.
- B. An application has been submitted to Manatee County and is being processed concurrently with this ADA* to rezone the parcel from A (General Agriculture), AWP-E (General Agriculture/Evers Reservoir Watershed Protection Overlay District), and AWPE/ST to PDMU (Planned Development Mixed Use), PDMU/WP-E, and PDMU/WPE/ST, and to approve a General Development Plan for the entire ±1,518.90 acre Project* by the consideration of proposed Ordinance No. PDMU-05-19(Z)(G).
- C. The Board of County Commissioners has received and considered the recommendation of the Manatee County Planning Commission concerning the DRI as it relates to the real property described in Section 7 of this Ordinance, pursuant to Section 380.06, Florida Statutes. The report was rendered on August 9, 2007, following a public hearing.

- D. The Board of County Commissioners held a public hearing on November 1, 2007 regarding the ADA*, in accordance with the requirements of the 2020 Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- E. Manatee County has adopted the 2020 Manatee County Comprehensive Plan which is in compliance with applicable state laws.
- F. The Comprehensive Plan requires a Certificate of Level of Service to be issued for water, wastewater, solid waste, parks and recreation, roadways, transit, and drainage in compliance with state requirements.
- G. This Development Order is issued based on information provided by the Developer* in the ADA* (with the sufficiency responses); public hearing testimony; data, information, and recommendations provided by the Planning Commission and Planning Department, and ensures continued compliance with the Manatee County Comprehensive Plan.
- H. The real property which is the subject of this ADA* and Development Order is legally described in Section 7 of this Ordinance.
- I. The Project* is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, Florida Statutes.
- J. The authorized agent and address for the Project* is Todd J. Pokrywa of SMR North 70, LLC, 14400 Covenant Way, Bradenton, Florida 34202.
- K. The owners of the property which SMR intends to develop are SMR North 70, LLC, Equitable National Property Company, L.L.C.; FC, L.L.C.; Park Vista Apartments, Inc., and Presidential Apartments and Housing, Inc.
- L. A comprehensive review of the impacts generated by the development has been conducted by the departments of Manatee County, TBRPC, and DCA in conjunction with the ADA*, sufficiency responses, and this Development Order.
- M. The TBRPC declared the ADA* application sufficient on February 24, 2006.

SECTION 2. CONCLUSIONS OF LAW.

- A. Based upon the previous findings of fact and the following conditions of this Development Order, the Board of County Commissioners concluded that:

1. The Project* will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
2. The Project* is consistent with the local land development regulations and consistent with the State Comprehensive Plan (SCP), the Tampa Bay Regional Planning Council's Future of the Region, A Comprehensive Regional Policy Plan (FCRPP), and Ordinance 89-01, the 2020 Manatee County Comprehensive Plan, (as amended).
3. The Project*, as conditioned by this Development Order, is consistent with the report and recommendations of the TBRPC approved on April 10, 2006 regarding this ADA*.
4. 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.
5. The review by the County*, the TBRPC, and other participating agencies and interested citizens demonstrates 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 affordable housing analysis. To the extent that the ADA* is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

SECTION 3. DEVELOPMENT COMPONENTS:

- A. This Development Order approval shall constitute approval of the ADA* subject to the conditions set forth herein and shall be limited to the development amounts set forth in Table 1, below.
- B. Phase I of the Project* is specifically approved subject to the conditions found within the Development Order and a Certificate of Level of Service for all services, except potable water and sewer, will be issued for the land uses listed in Phase I (defined herein) and in Zoning Ordinance PDMU-05-19(Z)(G). Potable water and sewer concurrency will be reviewed at time of each Final Site Plan or Final Plat submittal.

Phase II is conceptually approved. Specific approval* of Phase II is contingent upon submittal of further transportation and air quality analyses, in accordance with Section 380.06, F.S. The Developer* shall

provide full ADA* responses regarding transportation when seeking specific approval* of Phase II. This shall include the prior conduct of a transportation methodology meeting to reach agreement with all appropriate transportation review entities as to the terms, variables, and assumptions to be utilized in the transportation analysis. Reanalysis of affordable housing associated with Phase II shall only be required if non-residential uses are added to Phase II or Rule 9J-2.0248, FAC is modified regarding affordable housing. Verification of adequate public utility and school capacity will also be required.

- C. Approval of Phase II will also require review and approval of a revised Zoning Ordinance to be approved by the Board of County Commissioners.
- D. Preliminary and Final Site Plan applications shall be reviewed for compliance with this Development Order and subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application.
- E. Development Totals:

TABLE 1: DEVELOPMENT TOTALS

| LAND USE | PHASE I (2007- 2011)** Base Entitlements | Phase I Minimum Entitlements^{&} | Phase I Maximum Entitlements^{&} | PHASE II (2009- 2019)* | TOTAL |
|--------------------------------|---|---|---|---------------------------------------|--------------|
| RESIDENTIAL | | | | | 4,422 |
| Single-Family (s.f.) | 2,650 | 1,590 | 2,979 ^{&} | 1,422 | 4,072 |
| Multi-Family (m.f) | 350 | 210 | 490 | 0 | 350 |
| RETAIL (square feet) | 200,000 | 120,000 | 280,000 | 0 | 200,000 |
| OFFICE (square feet) | 105,000 | 63,000 | 147,000 | 0 | 105,000 |
| PARK (acres) | 9.2 | | | 10 | 19.2 |

* The phasing buildout dates shall be December 31st of the years indicated.

Includes the option for a group care facility for up to 120 beds as part of a land use exchange. The Land Use Equivalency Matrix allows the exchange of other approved land uses (single-family detached, multi-family, commercial, and office space) for Group Care Facility (AKA: Assisted Living Facility) beds.

& The approved amount of any one land use may be increased, but only with decreases in one or more of the other land uses, per the Land Use Equivalency Matrix. The maximum number of single-family units can only be reached if all other land uses are minimized.

1. The Land Use Equivalency Matrix, below, allows the developer variations in the quantity of approved land uses without the requirement to analyze such modifications through the Notice of Proposed Change process. The conversion formulas presented below are based on p.m. peak hour trip generation factors.
2. In seeking approval of a specific Land Use Exchange, the Developer* shall prepare a request which demonstrates that the impacts generated by the revised land use mix will not exceed the impacts for transportation, potable water, wastewater treatment, solid waste disposal, mass transit, drainage, and parks and recreation, which have been approved and authorized in the Certificate of Level of Service (CLOS) issued for that phase or subphase. The Developer* must apply for a modification to the CLOS and if the proposed Land Use Exchange results in impacts in excess of those previously approved, the Developer* may be granted approval for that excess only if, and when, capacity is available. However, reapplication shall not cause the Developer* to lose capacity already approved for the Project*. If the request for a Land Use Exchange is approved, a modified CLOS shall be issued to replace the previously approved CLOS. Any modification to the CLOS shall not extend the time for which such capacity is reserved, pursuant to the CLOS.
3. An application for a Land Use Exchange must include a revised General Development Plan which will include a revised Land Use and Phasing Schedule and a reallocation of square footage. Each proposal for a land use exchange and revised General Development Plan shall be reviewed for compliance with the provisions of this Development Order, the Manatee County Land Development Code, and the 2020 Manatee County Comprehensive Plan. Any land use exchanges must be approved by the Board of County Commissioners following an advertised public hearing.
4. Each conversion request shall be submitted to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs for review and approval prior to consideration of approval by Manatee County. A maximum of two (2) conversion requests may be submitted within any calendar year.
5. The Land Use Equivalency Matrix (LUEM), Table 2, is as follows:

F. Land Use Equivalency Matrix:

TABLE 2: LAND USE EQUIVALENCY MATRIX

| CHANGE FROM: | CHANGE TO: | | | | |
|--------------------------------------|---|--|------------------------------|---------------------|--|
| | Residenti al/ SF Detached (Units) | Residenti al/ Apartme nt (Units) | COMMER -CIAL (Sq. Ft.) | OFFICE (Sq. Ft.) | ASSISTE D LIV. FAC. (Beds) |
| Residential/S.F. Detached (Units) | | 1.42 | 202.00 | 255.00 | 3.24 |
| Residential/Apartment(Units) | 0.65 | | 132.00 | 165.00 | 2.11 |
| Commercial(1,000 Sq. Ft.) | 2.73 | 3.88 | | 1,271.00 | 16.20 |
| Office (1,000 Sq. Ft.) | 0.47 | 0.68 | 176.00 | | 3.30 |
| Assisted Living Facility* (Beds) | 0.14 | 0.20 | 51.00 | 79.00 | |

- G. The following table documents the “minimums” and “maximums” associated with each of the project uses:

TABLE 3: MINIMUMS AND MAXIMUM DEVELOPMENT

| LAND USE | SPECIFICALLY APPROVED AMT. (PHASE 1) | MINIMUM | MAXIMUM |
|------------------------------|--|-----------------|-----------------|
| Residential/Single Family | 2,650 Units | 1,590 Units | 2,979 Units |
| Residential/Multi-Family | 350 Units | 210 Units | 490 Units |
| Retail | 200,000 Sq. Ft. | 120,000 Sq. Ft. | 280,000 Sq. Ft. |
| Office | 105,000 Sq. Ft. | 63,000 Sq. Ft. | 147,000 Sq. Ft. |
| Assisted Living Facility | 0 Beds | 0 Beds | 120 Beds |

SECTION 4. DEFINITIONS.

The definitions contained in Chapter 380, Florida Statutes, the 2020 Manatee County Comprehensive Plan, and Land Development Code shall apply to this Development Order in addition to those listed herein. The following capitalized terms used herein shall have the following meanings:

- A. "Application for Development Approval*" or "ADA*" shall mean the NW Sector Development of Regional Impact Application for Development Approval* (March 2, 2005), and the sufficiency responses submitted on July 15, 2005, October 31, 2005, and January 27, 2006.
- B. "ALF" shall mean an Assisted Living Facility and may also be referred to as "ACLF" Adult Congregate Living Facility or Group Care Home.
- C. "Best Management Practices*" shall mean the method or combination of methods determined after problem assessment and examination of alternative practices, to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water quality goals. These measures could include both structural (e.g., sediment/debris basins, wetland impoundment of agricultural runoff, etc.) and nonstructural (e.g., street vacuuming, deferred grazing systems, etc.) approaches to abatement of nonpoint source pollution, and may vary on a regional and local basis depending on the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.
- D. "County*" shall mean Manatee County, a political subdivision of the State of Florida.
- E. "Conceptual Approval" shall mean general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules. A conceptual agency review approval shall be valid for up to 10 years, unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.
- E. "Developer*" shall mean SMR North 70, LLC; Equitable National Property Company, L.L.C.; FC, L.L.C.; Park Vista Apartments, Inc., and Presidential Apartments and Housing, Inc., its heirs, assigns, designees, agents, and successors in interest as to the Project* and all conditions of approval.
- F. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- G. "Funding Commitment*" shall mean projects funded for construction in the first year of an adopted work program, or committed by private sources

which can include the Developer*, for construction with funding provided within one year.

- H. "Group Care Home" shall also mean Assisted Living Facility (ALF) or Adult Congregate Living Facility (ACLF).
- I. "Master Drainage Plan*" shall mean a plan showing the proposed stormwater management components to be constructed for the entire Project* as follows:
1. existing topography;
 2. existing drainage features, both on site and off site, that will affect the drainage concept of this Development*; existing and developed drainage basins, with their direction of outfall;
 3. proposed stormwater management facilities, which shall include: detention lakes, connection of lakes, and the eventual outfall for these lakes; and
 4. off site areas that historically drain through the property shall be addressed as to the method the applicant proposes to use to accommodate off site stormwater.
- J. "Project*" shall mean the land uses by area, square footage, density, and phase described in the ADA* to be constructed on the real property described in Section 7 herein.
- K. "Specific Approval" shall mean ADA approval for Phase I only. Specific Approval* of Phase II will be contingent upon submittal of further transportation and air quality analysis in accordance with Section 380.06, F.S., with a requirement for the prior conduct of a transportation methodology meeting. Reanalysis of affordable housing associated with Phase II shall only be required if non-residential uses are added to proposed Phase II or Rule 9J-2.0248, FAC is modified regarding affordable housing. Verification of adequate public utility and school capacity is also required. Specific Approval* herein should not be confused with Specific Approval* as defined in the Manatee County Land Development Code.
- L. "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.

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

Note: An asterisk (*) in the text of this Development Order denotes that the word is defined.

SECTION 5. DEVELOPMENT CONDITIONS:

THE NORTHWEST SECTOR DRI, IS SPECIFICALLY APPROVED FOR PHASE I DEVELOPMENT AND CONCEPTUALLY APPROVED FOR PHASE II DEVELOPMENT, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

Transportation

- A.(1) The Northwest Sector DRI development will have an impact on several regionally significant roadway facilities within the primary impact area. Transportation Conditions Tables 5 and 6 (below) identify the improvements associated with Phase I approval.

**TABLE 5
PHASE I LINK IMPROVEMENTS**

ROADWAY SEGMENTS

| Link | From/To | Improvement | External Trip Threshold* |
|---------------------|-----------------------------|--|--------------------------|
| SR 64 | 39th St/Morgan Johnson Road | 6-lanes | 1,881 |
| SR 64 | Lena Rd/Lakewood Ranch Blvd | 6-lanes | 514 |
| SR 70 | Tara Blvd/I-75 West | 6 lanes with continuous E and W right turn or drop lanes | 1,822 |
| Lakewood Ranch Blvd | SR64/Center Ice Pkwy | 4-lanes | 1,148 |

* Threshold volume is based upon the number of net external trips at which Project traffic becomes significant (at least 5%) on the affected roadway segment.

TABLE 6
PHASE I INTERSECTION IMPROVEMENTS

INTERSECTIONS

| Roadway | Intersection | Improvement | External Trip Threshold |
|---------------------|-----------------------|---|--------------------------------|
| SR 70 | US 301 | Add 2 nd EBL and one Thru lane to all approaches | 2,610 |
| SR 70 | 45th St E | Add SBR, 2 nd NBL, and 2 nd WBL | 1,041 |
| SR 70 | Caruso Road | Add NB Left | 2,577 |
| SR 70 | Tara Blvd | Add WB Thru Lane to result in 8 thru lanes | 2,159 |
| SR 70 | I-75 West | Add EB Thru Lane to result in 8 thru lanes | 2,257 |
| SR 70 | Pope Road | Signalize When Warranted | N/A |
| SR 70 | 87 th St E | Add EB & WB Thru Lanes | 2,083 |
| SR 64 | Morgan Johnson Road | Add EB and WB Thru Lane to result in 6 thru lanes | 2,126 |
| SR 64 | 27th St | NBL | 3,041 |
| SR 64 | I-75 East | Add 2 nd EBL and NB receiving lane | 1,603 |
| SR 64 | Lakewood Ranch Blvd | Add 2nd EBL, 2nd WBL, and 2nd NBL and Add one Thru lane to NB approach, Add NB and SB Receiving lanes | 164 |
| SR 64 | Rye Road | Add SBR and Signalize | 733 |
| Lakewood Ranch Blvd | 44th Avenue E. | Signalize When Warranted | N/A |
| Lakewood Ranch Blvd | Malachite Drive | Signalize When Warranted | N/A |
| University Parkway | Honore Avenue | Add 2nd WBL | 1,439 |
| University Parkway | I-75 East | Add 3rd NBL | 2,388 |
| University Parkway | Market Street | Add 2nd NBL | 2,093 |
| Lorraine Road | SR 64 | Add a NBL and Signalize | 1,714 |

NB means northbound, WB means westbound, SB means southbound, and EB means eastbound.

- A.(2) Because the transportation improvements identified above have a “trip trigger”, a monitoring program is necessary to verify that the actual number of trips generated accurately reflects the transportation analysis and subsequently required improvements. This monitoring program requires driveway counts at all project entrances with public roadways (including SR 70, Lakewood Ranch Road, and Lorraine Road). The monitoring program shall commence one year after issuance of the first Certificate of Occupancy or first Final Plat, whichever occurs first, for Phase I. Monitoring shall continue on an annual basis for each access point until the trip improvement threshold is reached.

The monitoring program shall consist of weekday PM peak hour directional counts from 4:00 to 6:00 PM, with subtotals at 15-minute increments, at all project entrances at public roadways (including SR 70, Lakewood Ranch Road and Lorraine Road). Only turns to and from the project entrances need to be counted (through volumes on the public roadways will not be required). The sum of the project entrance trips will be totaled in 15-minute increments and the highest four consecutive 15 minute totals will be summed to determine the total PM peak hour traffic volume. This total will include net external trips, diverted trips, and pass-by trips of the Northwest Sector DRI.

Total PM peak hour project traffic for Phase I is estimated to be 3,340 net external, 240 pass-by, 384 internal trips, and 256 diverted trips; 4,220 total trips.

The required monitoring data shall be included in each report. If monitoring results demonstrate that the project is generating more than fifteen (15) percent above the number of trips estimated in the original analysis (as stated above) or the required report is not submitted within 30 days of its due date, Manatee County will issue no further development permits and conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), F.S. As a result, the County may amend the Development Order to change or require additional roadway improvements. The revised transportation analyses, if required, shall be subject to review by all appropriate review entities.

- A.(3) In the event that total external p.m. peak hour trips exceed the threshold levels described in Tables 5 and 6, and the corresponding Funding Commitments have not been provided, no further Final Site Plan approvals shall be granted unless an analysis is submitted which identifies the revised number of total external p.m. peak hour trips after which the required improvement would be required, according to the new subphase analysis. The

Development Order shall be amended to reflect these revised trip levels.

- A.(4) With each Final Site Plan application, the Developer shall submit to the County a limited traffic study which shows the following:
1. External P.M. peak hour trips predicted to be generated by the submitted subphase, plus all previously approved subphases, to demonstrate whether any improvement thresholds reported in Table 5 or Table 6 are reached; and
 2. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the Project covered by the Final Site Plan application.
- A.(5) Prior to approval of Phase II, a revised transportation analysis shall be required to be submitted pursuant to Section 380.06(6), Florida Statutes. This analysis shall address potential transportation impacts which might result from the development of this phase.
- A.(6) As part of Phase II approval, the Developer shall prepare a Transportation Systems Management (TSM) program. The plan shall be reviewed by Manatee County, Metropolitan Planning Organization, Florida Department of Transportation (FDOT), and TBRPC. The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of the TSM measures. Results of the TSM program shall be included in the Biennial Report.
- A.(7) Developer shall work with Manatee County Area Transit (MCAT) on identifying a potential transit stop(s) within the Project. At such time that MCAT has established a plan for service to the Project and coordinated needed location(s) for a transit stop with Developer, Developer shall accommodate the requisite stop(s) within the Project.
- A.(8) The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and park sites.
- A.(9) Provisions shall be made for the construction of all internal collector roads as shown on DRI Map H. Roads shall be constructed at the cost of the Developer, or other appropriate entity, prior to Development Approval of development requiring access on that roadway. This dedication/construction shall be eligible for impact fee credits to the extent allowed by the Manatee County Land

Development Code and applicable law. Right-of-way along 44th Avenue and Pope Road will be dedicated to Manatee County by the Developer prior to or in conjunction with any Preliminary Site Plan or Preliminary Plat approvals adjacent to or encompassing such roadways, to ensure a total of 120 feet of right-of-way adjacent to the site. This dedication shall be impact fee creditable to the extent permitted by the Manatee County Land Development Code and applicable law.

- A.(10) There shall be bicycle and/or pedestrian facilities on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike paths and lanes shall be constructed in accordance with Manatee County standards
- A.(11) The Developer shall provide adequate sidewalks along both sides of all streets and roadways throughout the Project.
- A.(12) Center Ice Parkway is planned as a Collector Roadway to be extended to Lorraine Road and beyond to the east. The exact alignment has not yet been determined. Therefore, no Preliminary Site Plan may be approved for any development in those portions of Parcels G-5, G-6, G-7, G-9, H, or I set forth on Exhibit B identified as "Potential Center Ice Parkway Right of Way" until Manatee County has completed a Corridor Route Study for the extension of Center Ice Parkway. . Manatee County has estimated that it will complete the corridor study no later than May 31, 2008. In the event Manatee County does not complete the corridor study by May 31, 2008 Manatee County shall retain full authority to review and take action on the above-described PSP. The Lakewood Ranch Stewardship District, at its option, may conduct the Corridor Route Study. If this option is exercised, the Lakewood Ranch Stewardship District shall submit the completed study for the County to review at least 30 days prior to the May 31, 2008 deadline.
- The Developer shall be responsible for the construction of Center Ice Parkway to the eastern property line and the County shall be responsible beyond the property line, which may be constructed by the Developer pursuant to a reimbursement agreement.
- A.(13) Improvements made pursuant to a proportionate fair share mitigation ordinance adopted by Manatee County on November 7, 2006 shall satisfy the requirements for mitigation of the project Phase I transportation impacts.

Vegetation, Wildlife, and Wetlands

- B.(1) No impacts to Natural Resources of Regional Significance (NRRS) as defined by TBRPC are proposed by this project. Impacts to Natural Resources of Regional Significance, as delineated on Map 3 (Attached, as Exhibit A) in the TBRPC's Final Report of the Northwest Sector DRI, adopted April 10, 2006, shall only occur if justified pursuant to *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region* Policy 4.5.2. Mitigation for justifiable impacts to Natural Resources of Regional Significance shall meet the ratios set forth in that policy and Policy 4.5.6; i.e., 2 created : 1 impacted for Special Habitats (Strategic Habitat Conservation Areas and Priority Wetlands); 3 created : 1 impacted for Riverine Habitat; and twice that amount if mitigation is in the form of restoration of disturbed habitat of a similar nature, at minimum.
- B.(2) In the event that any state or federally-listed species are discovered breeding on-site during project development, the Developer* shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.
- B.(3) Nuisance and exotic plant species shall be removed from upland areas of the project site during site development. A plan shall be developed to address how the preserved areas will be managed to limit nuisance and exotic species. The plan shall be submitted to Manatee County for approval with the first Final Site Plan or Final Plat for vertical development.
- B.(4) As committed, the applicant shall preserve and protect all wetlands except where roadway crossings are unavoidable. Unavoidable impacts to wetlands may be mitigated using credits from the Long Swamp Ecosystem Management Plan (ADA/Page 13.3).
- B.(5) Preliminary and Final Site Plans within 1,500' of the bald eagle nest shall be designed in accordance with the current Habitat Management Guidelines for the Bald Eagles published by the U.S. Fish and Wildlife Service, or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service, shall be provided prior to Final Site Plan approval.
- B.(6) The natural wildlife corridor existing along Wolf Slough shall be maintained and protected by placing the area in a conservation easement. Wildlife passage ways shall be incorporated into the roadways designed to cross this corridor as approved by appropriate state, regional, and local agencies.

- B.(7) The project site may continue to be used for agricultural activities during development, but at no greater intensity than at present. No silvicultural or agricultural activities shall be initiated on land not currently under such use. No new clearing of tree or preservation areas shall be permitted for any new agricultural uses.
- B.(8) All proposed nature trails, board walks, and shade structures located in wetlands, wetland buffers, or upland preservation areas shall be designed to minimize impacts to trees or areas of significant vegetation and in accordance with Section 719 of the Manatee County Land Development Code. No nature trails, board walks, or shade structures shall be constructed within preserved wetlands in the areas shown as Natural Resources of Regional Significance, as delineated on Map 3 (Attached, as Exhibit A) in the TBRPC’s Final Report of the Northwest Sector DRI, adopted April 10, 2006.
- B.(9) A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to Manatee County prior to or concurrent with Final Plat approvals.
- B.(10) The Developer* shall submit a Habitat Management Plan for the upland preservation areas with the first Preliminary Site Plan for approval by Manatee County.
- B. (11) The following Pine Mesic Oak (414) and Pine Flatwood (411) Communities shall be preserved, and further stipulated:

| FLUCFCS Code | Pre-Construction | Post-Construction | | Habitat (w/in Wetland Buffers) | | Habitat (w/in Upland Conservation) | |
|--------------|------------------|-------------------|-----------------------------------|--------------------------------|--------------------------------------|------------------------------------|---|
| | Acreage | Acreage | Percentage (of habitat remaining) | Acreage | Percentage (of habitat w/in buffers) | Acreage | Percentage (of habitat w/in conservation) |
| 411 | 117.8 | 21.7 | 18.4% | 12.4 | 22.8% | 7.0 | 14.5% |
| 414 | 59.9 | 31.7 | 52.9% | 12.9 | 23.7% | 16.0 | 29.4% |
| Total | 177.7 | 53.4 | 30.1% | 25.3 | 47.4% | 23.9 | 44.8% |

| Area | 411 | 414 | Total |
|---------------------------|-------------|-------------|-------------|
| Wetland Buffers | 12.4 | 12.9 | 25.3 |
| Perimeter Buffers | 1.4 | 2.8 | 4.2 |
| Upland Preservation Areas | 7.9 | 16.0 | 23.9 |
| Total | 21.7 | 31.7 | 53.4 |

The preservation areas shall be clearly delineated, labeled and quantified on the Preliminary Site Plan. Upland Preservation Areas may be reconfigured, subject to Planning Director approval, with the Preliminary Site Plan provided that the overall acreage, general location, and quality of preserved habitat remain consistent with those shown on the approved GDP. Limited impacts may be permitted for suitable recreational areas (passive parks, pocket parks, etc.) Recreation improvements shall be designed in a manner that minimizes impacts to mature trees, dense tree clusters or significant vegetation.

Soils

- C.(1) Best Management Practices, including those identified in the ADA*, shall be employed during site preparation and construction to prevent soil erosion.

Air Quality

- D.(1) Best Management Practices*, including those identified in the ADA*, shall be employed during site preparation and construction to minimize air quality impacts.
- D.(2) The developer shall provide full ADA* responses for Air Quality when seeking specific approval* of Phase II.

Water Quality and Stormwater Management

- E.(1) The stormwater management system shall be designed to restore and maintain the natural hydroperiod of the receiving wetlands, and to meet or exceed the requirements for development within the Evers Reservoir Watershed Overlay. Upland habitat within 50 feet of the contiguous wetland system draining to the upper Braden River shall be preserved to enhance water quality.
- E.(2) Development practices shall incorporate Best Management Practices*, including those which prevent construction-related turbidity.
- E.(3) Because the project is partially within the Wolf Slough/Evers Reservoir basin, an integrated pest management program shall be implemented to minimize the use of fertilizers and pesticides, and the design and construction techniques listed below shall be utilized:
- ensuring that ponds and swales are properly grassed; and
 - implementation of a site-specific surface and groundwater quality monitoring system, through the Environmental

Monitoring Plan.

- E.(4) The Developer* shall encourage the use of water conserving landscapes and the responsible use of water by residents and occupants throughout the project.
- E.(5) Existing native vegetation shall be preserved to meet screening requirements, unless otherwise approved by the Planning Department.
- E.(6) To prevent adverse effects to groundwater quality during construction, there shall be no excavation into or through the Floridan aquifer's confining layers.
- E.(7) Stormwater management ponds shall not be constructed within wetland buffers or other natural resources of regional significance.
- E.(8) The applicant shall implement resident education advocating surface water protection.
- E.(9) Low impact development techniques shall be used throughout the development, particularly in areas draining to the Evers Reservoir. These techniques may include, but are not limited to, the following:
- Retention of the maximum amount of existing native vegetation;
 - Shallow vegetated swales in all areas, including parking;
 - Appropriate Florida-friendly plant selections;
 - Small, recessed garden areas throughout landscaped areas;
 - Porous pavement and other pervious pavement technologies; and
 - Stabilized grass areas for overflow parking.
- Specific requirements for implementation of these techniques shall be stipulated in the accompanying Zoning Ordinance.
- E.(10) Prior to construction, the applicant must provide a plan detailing the operation and maintenance of the stormwater management system. The plan shall, at a minimum, identify the responsible entity, establish a long-term funding mechanism and provide assurance through written commitments that the entity in charge of the program has the technical expertise necessary to carry out the operation and maintenance functions of the stormwater management system. The plan must be approved by Manatee County prior to the first PSP or FSP approval and implemented at construction. Failure to implement the approved plan requires the applicant to file a Notice of Proposed Change.

- E.(11) The applicant or other responsible entities shall hire a licensed engineer to conduct annual inspections of the stormwater management systems on the project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage and treatment for which it was designed and intended. Inspection results shall be included in each Biennial DRI Report.
- E.(12) All habitable structures shall be constructed in accordance with Manatee County's flood protection requirements.
- E.(13) Compensation for the loss of 100-year flood storage capacity shall be provided.
- E.(14) Manatee County Environment Management Department (MCEMD) has reviewed and approved the groundwater quality monitoring plan submitted for the Northwest Sector DRI. This approval is contingent upon the following requirements:
- The Developer* shall ensure the protection of monitoring wells and access to monitoring wells through build-out of the project. Should any of the monitoring wells be destroyed the responsible entity shall provide written notification of the incident and corrective action taken to MCEMD.
 - Should the land use change significantly or should the baseline monitoring reveal exceedances that would merit additional monitoring measures, MCEMD may require the monitoring plan to be modified accordingly.
 - If monitoring activities do not begin in a timely manner, MCEMD may require the monitoring plan to be modified accordingly.

Historical and Archaeological Sites

- F.(1) Any significant historical or archaeological resources discovered during project development shall be reported to the Florida Division of Historical Resources (FDHR) and the disposition of such resources shall be determined in cooperation with the FDHR and Manatee County.

Water

- G.(1) Water-saving devices shall be required in the project as mandated by the Florida Water Conservation Act (Section 553.14, F.S.).
- G.(2) The Developer* shall be required by Manatee County ordinances, to extend potable water service to each phase or subphase of the

Project* to assure that adequate potable water capacity exists to accommodate the Project*.

The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on-site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.

- G.(3) The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including on individual lots. Prior to Final Site Plan approval applicant shall specify source of irrigation on site plan.
- G.(4) The Developer* has committed to the following:
- utilization of a non-potable water system for all landscaped areas;
 - use of native vegetation or drought-resistant vegetation in landscaped areas and the single-family residential portion of development; and
 - the re-establishment of the previously cleared tree canopy, where possible.
- G.(5) The Developer* shall obtain verification of adequate water supply availability and service concurrent with the request for specific approval* of Phase II.
- G.(6) Water-saving plumbing fixtures must be used inside all buildings, including housing units.
- G.(7) Water-conserving irrigation systems shall be used throughout the development. Rainfall sensors shall be placed on all systems.
- G.(8) Florida-friendly landscaping principles shall be used throughout the development.
- G.(9) Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be irrigated.
- G.(10) Conservation education shall be provided for the residents and other users of the development.
- G.(11) Total potable water use for the residential development shall not

exceed 150 gallons per capita per day.

Wastewater

- H.(1) The Developer* shall be required by Manatee County ordinances, to expand wastewater service to each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project.*
- H.(2) No septic tanks are permitted within the Evers Watershed. No permanent septic tanks shall be permitted outside of the Evers Watershed.

Solid Waste

- I.(1) Commercial and office tenants shall be provided with information at the time of purchase or lease which identifies hazardous or medical materials and proper procedures for the handling and disposal of such materials. In the event that businesses using or producing hazardous materials or medical waste locate within the project, these materials shall be handled in a manner consistent with applicable Federal, State and Local regulations.
- I.(2) The Developer* shall be required by Manatee County ordinances, to extend solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.

Recreation and Open Space

- J.(1) Greenways and environmentally-sensitive features shall be maintained by the Developer* or successors such as a Home Owners Association, CDD, other legal entity and/or as directed by the permitting agencies.
- J.(2) As committed, the Developer* shall provide a 9.2-acre private park, a community center, a tot-lot (separate from the park), and recreation trails (near the wetlands along the project's eastern boundary). The park shall include a multiuse sports field, an open-air pavilion, and restrooms. In addition, a further 10 acres of parks will be located east of Pope Road (at a location to be determined with the first Preliminary Site Plan).

Health Care, Police, and Fire

- K.(1) 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 emergency medical services. The Developer* may, with the approval 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 applicable. An agreement as to the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Preliminary Site Plan, Final Site Plan, or Final Plat for Vertical Development* for Phase I or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project* and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made.

- K.(2) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, equipping, and staffing of emergency service facilities for police and fire 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 for each Phase, mutually acceptable to the County and the Developer shall be reached prior to the issuance of the first Final Site Plan or Final Plat for Vertical Development for each Phase. The pro-rata share shall not exceed the total sum of impact fees anticipated from the Project and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.
- K.(3) The applicant shall pay Manatee County EMS impact fees based on the Nursing Home rate for any Assisted Living Facility or Group Care Home facility constructed within the project.
- K.(4) As agreed upon, the applicant shall use applicable Fire Wise principles such as clearing around houses and structures, carefully spacing trees, and maintaining irrigation systems. Such practices shall be described on the Landscape Plans of each Final Site Plan.

Hurricane Preparedness

- L.(1) The Developer* shall promote awareness of hurricane and flooding hazard, preparedness and hazard mitigation through public information, neighborhood association newsletters, model homes, commercial/office buildings, etc.

Affordable Housing

- M.(1) Reanalysis of affordable housing associated with Phase II shall be required if non-residential uses are added to proposed Phase II and/or Rule 9J-2.0248, FAC is modified regarding affordable housing.

Energy

- N.(1) The Developer* shall incorporate energy conservation measures into the site design, building construction, and landscaping to the maximum extent feasible.

General Conditions

- O.(1) Should development of Phase I depart from the parameters set forth in the ADA*, the project will be subject to substantial deviation review pursuant to Section 380.06, F.S.
- O.(2) Specific Phase II approval shall be contingent upon further transportation and air quality analyses (if appropriate) submitted in accordance with Subsection 380.06, F.S., and verification of water supply availability.
- O.(3) Physical development shall commence within two years of Development Order adoption, in order to have reasonable expectation of achieving Phase I buildout by 2011. For the purpose of the Development Order, this term means construction of infrastructure, roadways, or other vertical development*.
- O.(4) Any approval of the Northwest Sector shall, at minimum, satisfy the provisions of Subsection 380.06(15), F.S., and the following provisions of the Florida Administrative Code (F.A.C.): Rule 9J-2.041 (Listed Plant and Wildlife Resources Uniform Standard Rule); Rule 9J-2.043 (Archaeological and Historical Resources Uniform Standard Rule); Rule 9J-2.044 (Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities Uniform Standard Rule); Rule 9J-2.045 (Transportation Uniform Standard Rule); and 9J-2.048 (Adequate Housing Uniform Standard Rule).
- O.(5) All of the Developer's* commitments set forth in the ADA* and subsequent Sufficiency Responses shall be honored as Development Order Conditions, except as they may be superseded by specific terms of the Development Order. Such developer commitments have been summarized in Section 6 of this Development Order.

- O.(6) Payment for any future activities of the TBRPC with regard to this development including, but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the Developer* in accordance with Rule 9J-2.0252, FAC.
- O.(7) The Developer*, its successors, assigns or transferees, shall submit Biennial DRI Reports in accordance with Section 380.06(18), Florida Statutes* to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on even number years commencing September 9, 2008 until such time as all terms and conditions of this Development Order are satisfied. Ten (10) copies of this report shall be submitted to the Director of the 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 Planning Director decide 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, modification, or change of any conditions, or any terms or conditions of this Development Order. The Biennial Report shall contain the following:
- a. Any change in the plan of development, or in the representation contained in the ADA, or in the phasing or land uses 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 land encompassed by the Development Order for the Project*;
 - 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*, TBRPC, or DCA, 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 copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(14)(d), Florida Statutes;
- j. A statement that all persons have been sent copies of the Biennial Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
- k. Information on the actual prices and rents of housing units constructed relative to the then current Department of Housing and Urban Development (HUD) affordable housing guidelines;
- l. An updated map showing the locations and acreage of upland and wetland preservation; and,
- m. Any other information required pursuant to general law.

SECTION 6. DEVELOPER* COMMITMENTS:

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

GENERAL

1. Borrow pits will be incorporated into the site design to create focal points and separation between housing products. (ADA/Page 10.2)
2. The commercial/office area [located internal to the Project* east of Pope Road] will be connected to pedestrian and bike routes; it will have appropriate facilities for pedestrians and cyclists (such as bike racks); it will be designed for pedestrian use and orientation; and will be built on a neighborhood scale. (SR1/Page 10.16)
3. It is noted that utilities will be reanalyzed based on the current operating conditions at the time of application for a land use exchange and that utility capacities for any land use exchanges are not guaranteed at this time. (SR2/Page 10.1)
4. All retail space constructed in the Northwest Sector DRI will be

“Neighborhood Retail.” (SR2/Page 10.6)

VEGETATION AND WILDLIFE

1. The Northwest Sector DRI will incorporate elements of the natural on-site systems and features into the project design. Except for necessary roadway crossings, the on-site wetlands will be retained in their natural state or enhanced. Any necessary wetland impacts will be appropriately mitigated. (ADA/Page 10.15)
2. Existing upland plant communities will be incorporated into wetland and other buffers as much as practicable. (ADA/Page 12.5)
3. A management plan for the protection of this species (bald eagle) will be prepared in coordination with the U.S. Fish & Wildlife Service prior to any development within 1,500 feet of the nest. (ADA/Page 12.8)
4. A detailed gopher tortoise survey utilizing the methodology pursuant to the Florida Fish and Wildlife Conservation Commission will be completed within appropriate habitat types prior to submittal of the first Preliminary Site Plan. If it is determined that five or fewer tortoises are found within the project area, then the tortoises will be relocated on-site within a preserved area of suitable habitat, however, if the remnant population is greater than five, then a relocation or incidental take permit may be obtained, dependent on the suitability of available relocation sites. (ADA/Pages 12.8-12.9 & SR1/Page 12.4)
5. The land-use plan will also include the preservation of all significant wetland systems on the site. (ADA/Page 12.12)
6. The majority of on-site wetlands are proposed to be preserved, along with 30 or 50 foot wide upland buffers, thereby preserving the foraging and potential nesting habitat these areas currently provide. (ADA/Page 12.12)
7. Management plans for the gopher tortoise will be developed as more detailed surveys are performed and reveal specific populations, if found within the project boundaries. (ADA/Page 12.12)
8. Invasive/nuisance vegetation or food crops [within wetland buffer areas] will be removed through a mix of manual/mechanical techniques. Supplemental planting or seeding with native vegetation will occur as needed to restore the buffer to a native community. (SR1/Page 10.1)
9. In accordance with TBRPC Policy 4.5.1, the slough along the eastern boundary (mapped as 615) [“Stream and Lake Swamps”] will be preserved. No impacts are proposed to this area, which is classified as an area of Regional Significance. To prevent potential secondary impacts, a

50-foot upland buffer will be established around the wetland system. (SR1/Page 10.3)]

10. The amount of Pine Mesic Oak to be preserved has been increased to 21%, with the inclusion of the parcel adjacent to SR 70 for preservation. (SR1/Page 10.10)
11. Stormwater ponds will be constructed so that 35% of the required pond area will be littoral zones, and the edges will be graded to a 4:1 slope, suitable for wading birds, alligators, and any other wildlife that may utilize the areas. (SR1/Page 12.5)
12. American alligators on the site were observed in the Kent Borrow pits in the southern region of the parcel. These borrow pits will remain post-development, resulting in no loss of habitat. (SR1/Page 12.5)
13. The individual plant species that were located, which included the wild pine air plant *Tillandsia utriculata*, will be protected by being relocated to wetlands, wetland buffers, or upland conservation areas. (SR2/Page 10.6)
14. The Developer* has acknowledged the following intended Manatee County stipulations:
 - The developer shall submit a Habitat Management Plan for the upland preservation areas with the first Preliminary Site Plan; (SR3/Page 3)
 - A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to Manatee County, prior to or concurrently with Final Plat approval; (SR3/Page 3)
 - Final Site Plans within 1,500' of the bald eagle nest shall be designed in accordance with Habitat Management Guidelines for the Bald Eagle in the Southeast Region, as amended, or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service, shall be provided prior to Final Site Plan approval; (SR3/Page 3) and
 - Prior to Preliminary Site Plan approval, the Developer*] shall demonstrate avoidance and minimization of all proposed wetland impacts in accordance with Comprehensive Plan Policy 3.3.1.1. Such determination will require completion of impact avoidance and minimization analyses which clearly demonstrate the necessity for the proposed impact. (SR3/Page 3)

WETLANDS

1. The only wetland encroachments proposed are for three roadway

- crossings. Those minimal impacts can be mitigated through a variety of options including the restoration of degraded wetlands. (ADA/Page 10.13)
2. Hydroperiods of on-site wetlands will be maintained through contributions from the proposed stormwater management system. Upland buffers of 30 feet around preserved isolated wetlands and 50 feet around wetlands contiguous with waters of the state within the Evers Reservoir Watershed Overlay District will be observed, protected, and managed for wildlife habitat value in accordance with the Manatee County LDC. These buffers will remain in native vegetation where found and restored to native condition where habitat has been degraded. (ADA/Pages 13.2-13.3)
 3. Wetland areas will be clearly identified in the field prior to initiating construction. Silt fence, or other appropriate erosion control device, will be placed at the limit of the wetland buffers to prohibit encroachment and sedimentation. (ADA/Page 13.4)
 4. Stormwater lake littoral shelves within the project area will be planted with at least three species of desirable herbaceous emergent wetland vegetation. Plant materials will be bare root sized and installed on three-foot centers. (ADA/Page 13.5)
 5. Wetlands are proposed to remain undisturbed as important amenities to the site plan and will be incorporated into the surface water management plan and dedicated as Wetland Conservation Areas. (ADA/Page 15.2)
 6. Wetland compensation for impacts associated with the project will be provided by the withdrawal of available mitigation credits from the Long Swamp Ecosystem Management Plan detailed in the 'Ecosystem Management Plan' submittal to Manatee County Environmental Management Department on May 4, 1998 and approved by the Southwest Florida Water Management District. (SR1/Page 10.4)
 7. The stream swamp system located in the southern region of the parcel, known as Wolf Slough, listed on the map as NW-W59 will also be preserved, as well as any on-site isolated marshes/swamps. Adjacent buffers will be enhanced as needed, in accordance with requirements by Manatee County. (SR1/Page 10.5)
 8. The Developer* proposes to preserve the vast majority of freshwater wetlands on-site. Three impacts in total are proposed to these systems, affecting approximately 0.17 acres out of 138.5 acres, and all impacts were designed to minimize impact areas and utilize previously disturbed areas in order to preserve higher quality systems. (SR1/Pages 10.10 & 13.4)
 9. Isolated wetlands will have a buffer of approximately 30-feet in width;

linear (or connected) systems within the Evers Reservoir Watershed Overlay District will have a buffer of approximately 50-feet. These areas will be placed under a conservation easement to protect them from any future land use conversion. As a secondary measure, conservation easement and wetland buffer signs will be installed at key locations to advise those utilizing the area or performing maintenance activities of appropriate restrictions. (SR1/Page 13.1)

10. All wetlands on site will be maintained after development, except for those impacted by road crossings [approximately 0.17 acres], as shown on Map H. (SR1/Page 13.2)
11. During construction, Best Management Practices*, such as silt fencing, will protect the wetland and wetland buffers from potential secondary impacts. (SR1/Page 26.1)

WATER QUALITY

1. Water quality monitoring will be conducted in accordance with Manatee County's 'Ambient Surface Water Monitoring for Developments' if additional monitoring is deemed necessary or if the Developer* is requested to participate in a basin study in order to meet the state's reasonable assurance criteria for total maximum daily load (TMDL) allocations for impaired and potentially impaired water bodies. (ADA/Page 14.5 & SR1/Page 10.18)
2. A groundwater quality-monitoring plan is being developed and will be submitted at a later date. Per the request of the Florida Department of Environmental Protection, the Developer* will provide a detailed Environmental Monitoring Plan including a detailed Ground Water Monitoring component (and a Surface Water Monitoring component) with applicable geotechnical studies to DEP for review and approval prior to its implementation and prior to any on-site construction activities. (ADA/Page 14.6)
3. Any potential adverse effects that may result from the discharge of surface drainage from the DRI site will be mitigated by the use of best management practices* and design guidelines for the planned stormwater management and discharge system. (ADA/Page 14.6)
4. Construction water quality monitoring for turbidity will begin with the implementation of a sediment control program. Sediment control measures and daily visual checks for turbidity in or around any potentially impacted water bodies will be initiated and maintained during construction and site development activities. (ADA/Page 14.7)

5. The Developer* intends to propose and perform baseline water quality monitoring for ambient groundwater conditions... [and] A groundwater monitoring plan will be submitted to MCEMD to initiate, upon approval, prior to site development activities. The groundwater monitoring program will continue throughout the site development activities to ensure that these activities do not pose any potential adverse effects to the surficial aquifer resources. (ADA/Page 14.7)
6. Concerning the potential for water quality degradation from pollutants that may be generated from stormwater runoff, pet manure and lawn fertilizer, following development of the site, stormwater runoff will drain through a series of mitigative features such as swales, detention/retention basins, and wetlands. (SR1/Page 10.17)
7. This monitoring program will be continued under the implementation of the Environmental Monitoring Plan [EMP] which will provide components for both surface and groundwater quality to monitor the development and post-development activities (SR1/Page 14.1).
8. The EMP plan will be initiated as soon as approved in order to accomplish the pre-construction, groundwater monitoring requirement. (SR1/Page 14.3)
9. The EMP will be submitted to Manatee County and FDEP prior to its implementation and prior to any on-site construction activities. (SR1/Page 14.4)
10. Any wells found on-site will be properly abandoned or permitted for use, as appropriate. (SR1/Page 14.5)

SOILS

1. The Developer* intends to utilize underdrains to offset such soil limitations presented which will allow for further constructability of the soils for uses such as roadways. Flexible roadways and building foundations will also be utilized to offset swelling and shrinking of soils. (ADA/Page 15.3)
2. Lake bank stabilization will be achieved through the use of temporary seed and mulch until final stabilization can be achieved by means of sodding. (ADA/Page 15.3)
3. Prior to site development, soils testing will be performed to evaluate overall suitability of the soil and identify characteristics of the subsurface site. (SR1/Page 14.4)
4. Within the littoral zones of the lakes, below normal water level, native aquatic plants will be utilized. (SR1/Pages 15.1 & 19.2)

FLOODPLAINS

1. Floodplain mitigation areas will be located on-site within the Northwest Sector DRI and will be submitted to the appropriate agencies for approval of their locations. (ADA/Page 16.1 & SR1/Page 16.1)
2. Homes and other structures will be designed and built at elevations that will exceed the mapped 100-year flood levels and the designed flood levels of the onsite stormwater management system. (SR1/Page 10.17)

WATER SUPPLY

1. The Project* will use the lowest quality of water available for irrigation purposes, including non-potable quality groundwater, stormwater, and/or reclaimed water. (ADA/Page 10.13)
2. The planned use for these [six] wells will be as secondary supplements for the non-potable surface water irrigation system administered by Braden River Utilities. (ADA/Page 14.3)
3. No additional wells are proposed on-site. (ADA/Page 17.4)
4. The Developer* will operate and maintain the non-potable water supply system. (ADA/Page 17.5)
5. The Developer* will encourage responsible use of water by the occupants. The Developer* will implement non-potable (irrigation) restrictions to limit the use of non-potable water to conserve water. (ADA/Page 17.6)
6. The Developer* has taken several steps to minimize the use of water including the following:
 - the utilization of a non-potable water system for all landscaped areas;
 - the use of native vegetation or drought-resistant vegetation in landscaped areas; and
 - the re-establishment of tree canopy that has been previously cleared for agriculture activities where possible. (SR1/Page 10.12)
7. The Developer* will encourage the use of native, drought tolerant landscaping for the single-family residential portion of the development. (SR1/Page 17.6)

STORMWATER MANAGEMENT

1. The project stormwater management system will be integrated into the

natural wetlands ensuring that surface and groundwater quality during and after development will meet or exceed all state and local water quality standards. (ADA/Page 10.13)

2. Because portions of this project drains to the Ever's Reservoir, Manatee County has placed a 150% treatment requirement for all post-developed stormwater runoff within the Ever's Reservoir. In addition, due to flooding problems along portions of the Braden River, a 25% reduction in allowable discharge is in place as well. (ADA/Page 19.2)
3. The post-development storm water management system will be designed to avoid adverse impacts to property and environmentally sensitive areas, upstream and downstream of the site. Water Quality and Quantity standards will be achieved through the storm water management system which will be designed in accordance with state and local criteria and will utilize ponds, lakes, littoral zones, wetlands and control structures with skimmers to achieve the following:
 - No de-hydration or flooding of existing wetland systems;
 - Post-developed flows will be attenuated so that no upstream or downstream adverse impacts are created;
 - Storm water treatment to ensure water quality criteria is met in accordance with State and Manatee County standards; and
 - Floodplain management so that no upstream and downstream adverse impacts are created. (ADA/Pages 19.4-19.5 & SR2/Page 19.1)
4. The stormwater management system will be owned and maintained by the Developer* or assignee. A regular maintenance program will be developed for the site in accordance with SWFWMD and Manatee County. (ADA/Page 19.5)
5. The borrow pit lakes will be maintained as surface water storage areas for the non-potable water system. A portion of the stormwater system will discharge into these lakes. Some minor dressing and reshaping of the banks may occur as needed but no substantial changes are proposed. (SR1/Page 10.7)
6. The project stormwater management system within the Evers Reservoir Watershed Overlay will incorporate this design standard and will provide 150% of the treatment normally required to meet State standards. As a result, the potential transport of nutrients, trace metals, organic detritus and bacteria that may be generated from the aforementioned land uses through these areas is expected to be mitigated. (SR1/Page 10.17)
7. Stormwater ponds will be constructed so that 35% of the required treatment area will be constructed as littoral zones. (SR1/Page 12.6)

TRANSPORTATION

1. Access to the small commercial parcel “will be provided from Pope Road only with no direct access to S.R. 70.” (ADA/Page 10.3)
2. This project will consist of amenities within all components of the development, including sidewalks and bicycle paths, which will allow movement of people by means other than private automobile. (ADA/Page 21.31)
3. The Developer will work with the Community Services Department to provide appropriate infrastructure on Lakewood Ranch Boulevard for transit services. (SR2/Page 9.2)
4. The Developer* will work with the agency [TBRPC] on the inclusion of an external trip monitoring program for the Project. (SR3/Page 11)

AIR QUALITY

1. The Project* will utilize approved methodologies for prevention of fugitive dust particles during construction. (ADA/Page 10.13)
2. In order to minimize the amount of fugitive dust, only the individual parcels of land where construction is scheduled to proceed will be cleared. Additional measures to be employed to minimize fugitive dust include sodding, seeding, mulching, or planting of landscaped materials in cleared and disturbed areas. Watering procedures will be employed as necessary to minimize fugitive dust. (ADA/Page 22.1)

RECREATION AND OPEN SPACE

1. A ±10-acre park will be developed on the parcel west of Pope Road (ADA/Page 10.3) and will developed in Phase I (ADA/Page 26.1).
2. The development will include passive and active recreation facilities. These will include a pedestrian and bicycle system along roadways and also a system in conjunction with the wetland system. (ADA/Page 10.10)
3. All open space and recreation facilities within the project* will be maintained by the Developer* or successors such as a Homeowner’s Association(s) or Community Development District(s). (ADA/Page 26.1)
4. This project requires a minimum of two parks in accordance with provisions of the Manatee County Comprehensive Plan. The project* is planned to contain one park. The project will maintain consistency with the Comprehensive Plan by paying Manatee County impact fees for

county-wide parks and local parks. (ADA/Page 26.2)

5. Wetlands, wetland buffers, and any proposed upland preservation areas will be placed under a conservation easement to Manatee County and will be protected from any future land use. (SR1/Page 26.1)
6. The only on-site recreation facilities will be a 10-acre private park, the community center, a tot-lot (separate from the park), and recreation trails. Other recreational facilities will be identified as planning and development proceeds. The park will include a multiuse sports field (baseball, softball, football, and soccer), an open-air pavilion, tot lot, and restrooms. The recreation trails will be located along the project eastern side, adjacent to wetlands and preserved uplands. (SR1/Page 26.5)

EDUCATION

1. Two school sites have been provided to the School Board. On September 26, 2005, the Manatee County School District approved the acquisition of 51 acres from the Developer* north of 44th Avenue, between Lakewood Ranch Boulevard and Pope Road, for construction of an elementary and middle school. (SR2/Page 27.1)

ENERGY

1. The developer will encourage the identified energy conservation methods be used by builders in the Northwest Sector DRI. Further, similar to Lakewood Ranch, the Developer* anticipates that the Northwest Sector Project will be certified as a "green development" by the Florida Green Building Coalition (FGBC) under its Green Development Standard. To ensure the continuance of green development, Northwest Sector builders will be required to construct energy- and resource-efficient facilities and receive certification from FGBC. (SR1/Page 29.2)
2. The developer is working with TECO/Peoples Gas to insure that natural gas is available within the project. (SR1/Page 29.2)

SECTION 7. LEGAL DESCRIPTION:

LEGAL DESCRIPTION PARCEL 1

A tract of land lying in Sections 7, 8, 9, 15 and 16, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East ; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet to the POINT OF BEGINNING; Thence S82°55'49"W,

912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of $34^{\circ}25'49''$, said curve having a radius of 2,143.00 feet and being subtended by a chord which bears $S65^{\circ}42'55''W$, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of $44^{\circ}37'25''$, said curve having a radius of 2,023.00 feet and being subtended by a chord which bears $S70^{\circ}48'42''W$, 1,536.04 feet to the point of tangency of said curve; Thence $N86^{\circ}52'35''W$, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of $91^{\circ}33'16''$, said curve having a radius of 50.00 feet and being subtended by a chord which bears $N41^{\circ}05'57''W$, 71.66 feet to the point of tangency of said curve; said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; the following 2 calls are along said east line of Lakewood Ranch Boulevard; Thence $N04^{\circ}40'41''E$, 2,619.78 feet to a point of curvature; Thence 933.27 feet along the arc of said curve to the left through a central angle of $25^{\circ}57'27''$, said curve having a radius of 2,060.00 feet and being subtended by a chord which bears $N08^{\circ}18'02''W$, 925.31 feet to a point of reverse curvature; Thence 83.52 feet along the arc of a curve to the right through a central angle of $95^{\circ}42'23''$, said curve having a radius of 50.00 feet and being subtended by a chord which bears $N26^{\circ}34'26''E$, 74.14 feet; Thence $N74^{\circ}25'37''E$, 50.78 feet to a point of curvature; Thence 721.56 feet along the arc of said curve to the right through a central angle of $14^{\circ}53'05''$, said curve having a radius of 2,777.50 feet and being subtended by a chord which bears $N81^{\circ}52'09''E$, 719.53 feet; Thence $N00^{\circ}41'18''W$, 12.50 feet to a point on the arc of a curve; Thence 643.57 feet along the arc of said curve to the right through a central angle of $13^{\circ}12'59''$, said curve having a radius of 2,790.00 feet and being subtended by a chord which bears $S84^{\circ}04'49''E$, 642.15 feet to a point of reverse curvature; Thence 2,117.60 feet along the arc of a curve to the left through a central angle of $41^{\circ}16'07''$, said curve having a radius of 2,940.00 feet and being subtended by a chord which bears $N81^{\circ}53'37''E$, 2,072.13 feet to a point of reverse curvature; Thence 805.71 feet along the arc of a curve to the right through a central angle of $16^{\circ}32'46''$, said curve having a radius of 2,790.00 feet and being subtended by a chord which bears $N69^{\circ}31'57''E$, 802.91 feet; Thence $S12^{\circ}11'41''E$, 12.50 feet to a point on the arc of a curve; Thence 633.68 feet along the arc of said curve to the right through a central angle of $13^{\circ}04'19''$, said curve having a radius of 2,777.50 feet and being subtended by a chord which bears $N84^{\circ}20'29''E$, 632.31 feet; Thence $S89^{\circ}07'21''E$, 354.65 feet to a point on the arc of a curve; Thence 36.14 feet along the arc of said curve to the right through a central angle of $41^{\circ}24'35''$, said curve having a radius of 50.00 feet and being subtended by a chord which bears $N70^{\circ}10'21''E$, 35.36 feet; Thence $S89^{\circ}07'21''E$, 808.68 feet; Thence $N00^{\circ}52'39''E$, 10.36 feet to a point on the arc of a curve; Thence 127.15 feet along the arc of said curve to the left through a central angle of $02^{\circ}29'11''$, said curve having a radius of 2,930.00 feet and being subtended by a chord which bears $N88^{\circ}44'06''E$, 127.14 feet to the point of reverse curvature of said curve ; Thence 2,138.82 feet along the arc of said curve to the right through a central angle of $43^{\circ}45'59''$, said curve having a radius of 2,800.00 feet and being

subtended by a chord which bears S770°37'30"E, 2,087.20 feet to the point of tangency of said curve; Thence S48°44'31"E, 1,779.99 feet to a point of curvature; Thence 1,253.44 feet along the arc of said curve to the left through a central angle of 24°30'39", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears S60°59'50"E, 1,243.90 feet to the point of tangency of said curve; Thence S00°10'39"W, 111.78 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence S00°12'01"W, 1,321.71 feet; Thence S89°26'33"E, 601.98 feet; Thence S00°02'33"W, 660.46 feet; Thence S89°28'53"E, 735.80 feet; Thence S00°06'56"E, 659.98 feet; Thence N89°31'12"W, 1,343.23 feet; Thence S00°24'15"E, 1,319.40 feet; Thence S00°25'33"E, 1,253.39 feet; Thence N89°20'55"W, 129.12 feet; Thence N00°13'59"E, 756.06 feet; Thence N89°05'49"W, 353.71 feet; Thence S15°32'18"W, 181.54 feet; Thence S69°04'52"E, 191.91 feet; Thence S40°52'20"E, 174.58 feet; Thence S01°06'51"W, 127.77 feet; Thence S84°30'37"W, 241.82 feet; Thence S04°24'14"W, 231.83 feet; Thence N89°20'55"W, 644.47 feet; Thence N89°43'18"W, 1,128.10 feet; Thence N00°16'21"E, 195.76 feet; Thence N34°32'27"W, 127.88 feet; Thence N74°22'37"W, 27.04 feet; Thence N89°06'07"W, 130.35 feet; Thence N50°59'38"W, 52.87 feet; Thence N89°43'39"W, 67.72 feet; Thence S34°23'48"W, 150.71 feet; Thence N00°07'45"W, 1,045.68 feet; Thence N89°21'00"W, 672.60 feet; Thence S00°08'39"E, 1,267.67 feet; Thence N89°43'18"W, 66.35 feet; Thence N10°16'40"E, 140.44 feet; Thence N03°14'20"W, 121.92 feet; Thence N89°43'20"W, 265.15 feet; Thence N67°44'14"W, 65.42 feet; Thence N89°03'25"W, 74.89 feet; Thence South, 285.36 feet; Thence N89°43'18"W, 150.77 feet to a point of curvature; Thence 78.54 feet along the arc of said curve to the right through a central angle of 90°00'00", said curve having a radius of 50.00 feet and being subtended by a chord which bears N44°43'18"W, 70.71 feet to the point of tangency of said curve; Thence N00°16'42"E, 1,581.12 feet to a point of curvature; Thence 1,394.32 feet along the arc of said curve to the left through a central angle of 27°15'57", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N13°21'17"W, 1,381.21 feet to the point of tangency of said curve; Thence N26°59'15"W, 1,159.92 feet to a point of curvature; Thence 853.47 feet along the arc of said curve to the right through a central angle of 17°27'52", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N18°15'19"W, 850.17 feet to a point of reverse curvature; Thence 1,194.50 feet along the arc of a curve to the left through a central angle of 23°21'30", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N21°12'08"W, 1,186.24 feet to a point of reverse curvature; Thence 1,321.41 feet along the arc of a curve to the right through a central angle of 27°02'23", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N19°21'42"W, 1,309.18 feet to the POINT OF BEGINNING.

Containing 1479.6 acres, more or less.

TOGETHER WITH:

LEGAL DESCRIPTION PARCEL 2:

A tract of land lying in Sections 7 AND 8, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East ; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet; Thence S82°55'49"W, 912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of 34°25'49", said curve having a radius of 2,143.00 feet and being subtended by a chord which bears S65°42'55"W, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of 44°37'25", said curve having a radius of 2,023.00 feet and being subtended by a chord which bears S70°48'42"W, 1,536.04 feet to the point of tangency of said curve; Thence N86°52'35"W, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of 91°33'16", said curve having a radius of 50.00 feet and being subtended by a chord which bears N41°05'57"W, 71.66 feet to the point of tangency of said curve; said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; thence along said east line of Lakewood Ranch Boulevard, N04°40'41"E, 1649.57 feet; Thence N85°19'19"W, 120.00 feet to an intersection with the west line of said Lakewood Ranch Boulevard and the POINT OF BEGINNING; Thence S86°50'17"W, 227.27 feet; Thence S40°02'37"W, 121.13 feet; Thence S28°36'43"W, 108.34 feet; Thence S43°57'34"W, 79.62 feet; Thence S56°46'06"W, 71.21 feet; Thence N22°59'39"W, 32.80 feet; Thence S59°56'00"W, 91.50 feet; Thence S54°50'36"W, 42.43 feet; Thence S21°03'16"W, 42.67 feet; Thence S64°33'59"W, 57.70 feet; Thence S78°35'00"W, 52.83 feet; Thence S26°29'07"W, 28.22 feet; Thence S72°42'09"W, 41.01 feet; Thence N88°04'14"W, 58.26 feet; Thence N63°20'21"W, 61.49 feet; Thence N77°09'41"W, 34.90 feet; Thence N87°11'33"W, 50.79 feet; Thence N88°21'13"W, 70.97 feet; Thence N59°06'15"W, 54.56 feet; Thence S87°08'17"W, 75.46 feet; Thence N27°44'24"E, 782.09 feet; Thence N08°14'34"E, 859.88 feet; Thence N04°53'06"W, 605.45 feet to a point on the arc of a curve; Thence 552.19 feet along the arc of said curve to the left through a central angle of 10°42'56", said curve having a radius of 2,952.50 feet and being subtended by a chord which bears N79°47'05"E, 551.38 feet to the point of tangency of said curve; Thence N74°25'37"E, 69.64 feet to a point of curvature; Thence 72:98 feet along the arc of said curve to the right through a central angle of 83°37'55", said curve having a radius of 50.00 feet and being subtended by a chord which bears S63°45'26"E, 66.67 feet to a point of compound curvature; Thence 901.48 feet along the arc of said curve to the right through a central angle of 26°37'27", said curve having a radius of 1,940.00 feet and being subtended by a chord which bears S08°38'03"E, 893.39 feet; Thence S04°40'41"W, 970.22 feet to the POINT OF BEGINNING.

Containing 39.281 acres (1,711,094 square feet), more or less.

SECTION 8. DEADLINE FOR COMMENCEMENT OF DEVELOPMENT:

Physical development of the Project* shall commence within two years of the effective date of this Ordinance, as amended, unless the time period for commencement is extended by the Board of County Commissioners. If more than two years elapse between the effective date of this Order and commencement of actual development, or if construction of a phase is not begun or completed by the timeframe contained in Section 4 above, or if any three 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. Any delay in construction commencement shall not be deemed to extend any timeframe 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 9. RESTRICTIONS ON DOWN-ZONING:

Prior to the buildout date of this Development Order, the County shall not down-zone or reduce the intensity or unit density permitted by this Development Order, unless the County can demonstrate that:

- A. Substantial changes in the condition 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 or unit density shall be affected only through the usual and customary procedures required by statute 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 Project*, but is included herein to comply with paragraph 380.06(15)(c)3, Florida Statutes.

SECTION 10. ORDER BINDING UPON DEVELOPER*:

This Order shall be binding upon the Developer*.

SECTION 11. RENDITION:

The Planning Department is hereby directed to send certified copies of this Order within thirty days of the date of signature by the Chairman of the Board of County Commissioners to the Developer*, the Florida Department of Community Affairs, and 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 with 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 provision or portion 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, 07-68, shall become effective upon the filing of a certified copy of the executed Ordinance with the Department of State; and provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted for this Development Order until the resolution of the appeal.

ADOPTED AND APPROVED WITH A QUORUM PRESENT AND VOTING THIS
1st day of November, 2007.

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

BY: *Guy Stein*
Chairman



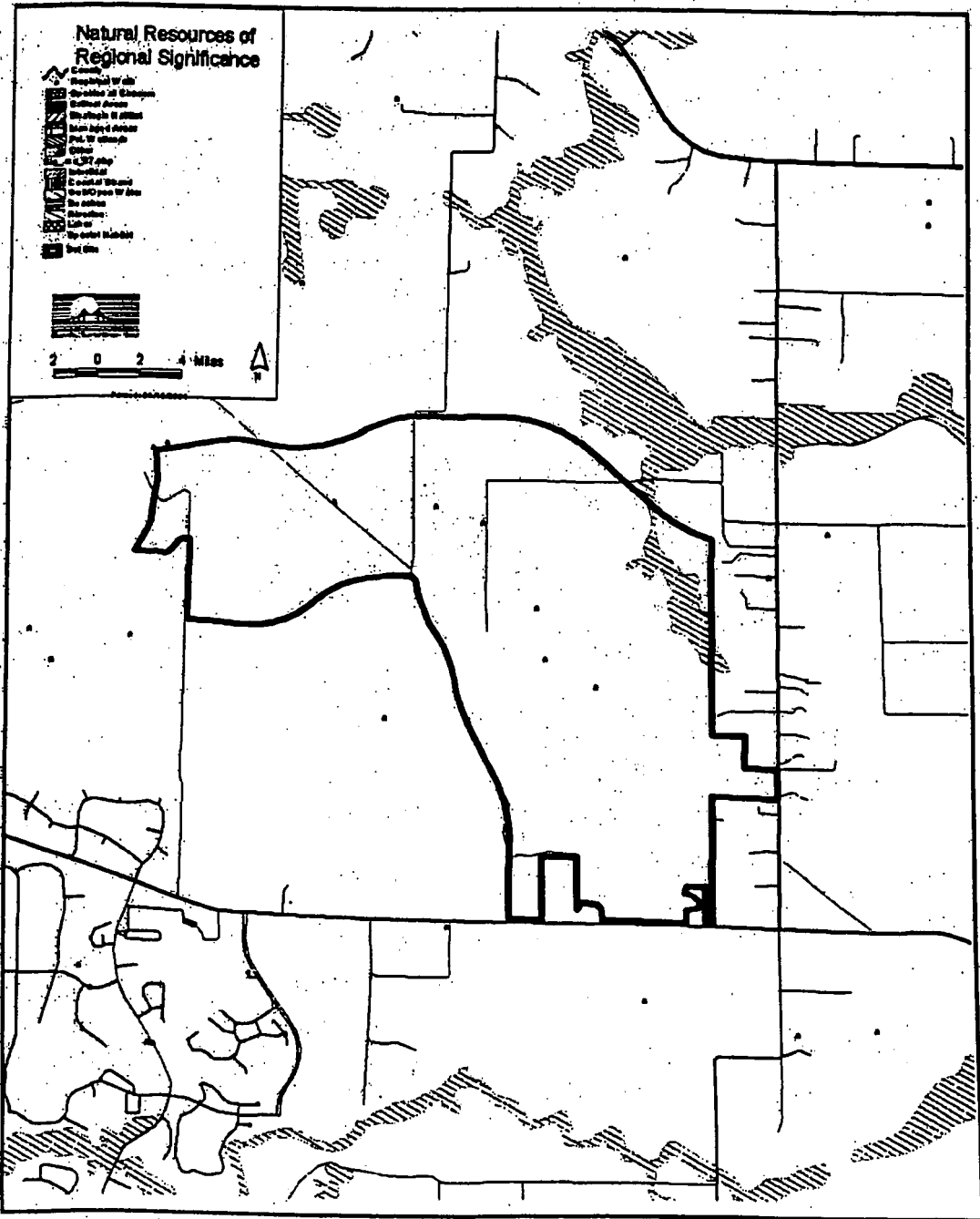
ATTEST: **R. B. SHORE**
Clerk of the Circuit Court

BY: *Susan D. Romine*
Deputy Clerk

Exhibits to Ordinance 07-68

- Exhibit A – Natural Resources of Regional Significance, as delineated on Map 3
- Exhibit B – Potential Center Ice Parkway Right of Way
- Exhibit C – Map A, General Location (Revised July 2007)
- Exhibit D – Map B, Aerial (July 2007)
- Exhibit E – Map C, Topography and 100 Year Floodplain (February 2005)
- Exhibit F – Map D, Existing and Approved Land Uses (February 2005)
- Exhibit G – Map E, Soils (February 2005)
- Exhibit H – Map F, Vegetation Association (Revised July 2007)
- Exhibit I – Map G, Significant Plant and Wildlife Resources (Revised October 2005)
- Exhibit J – Map H, Master Development Plan (Revised September 2007)
- Exhibit K – Map I-1, Drainage Plan Existing (Revised October 2005)
- Exhibit L – Map I-2, Drainage Plan Proposed (Revised October 2005)
- Exhibit M – Map J, Transportation Study Area (July 2007)

MAP #3
NORTHWEST SECTOR
NATURAL RESOURCES OF REGIONAL SIGNIFICANCE



Source: *Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region (SRPP)*, adopted March 12, 1996, as amended.

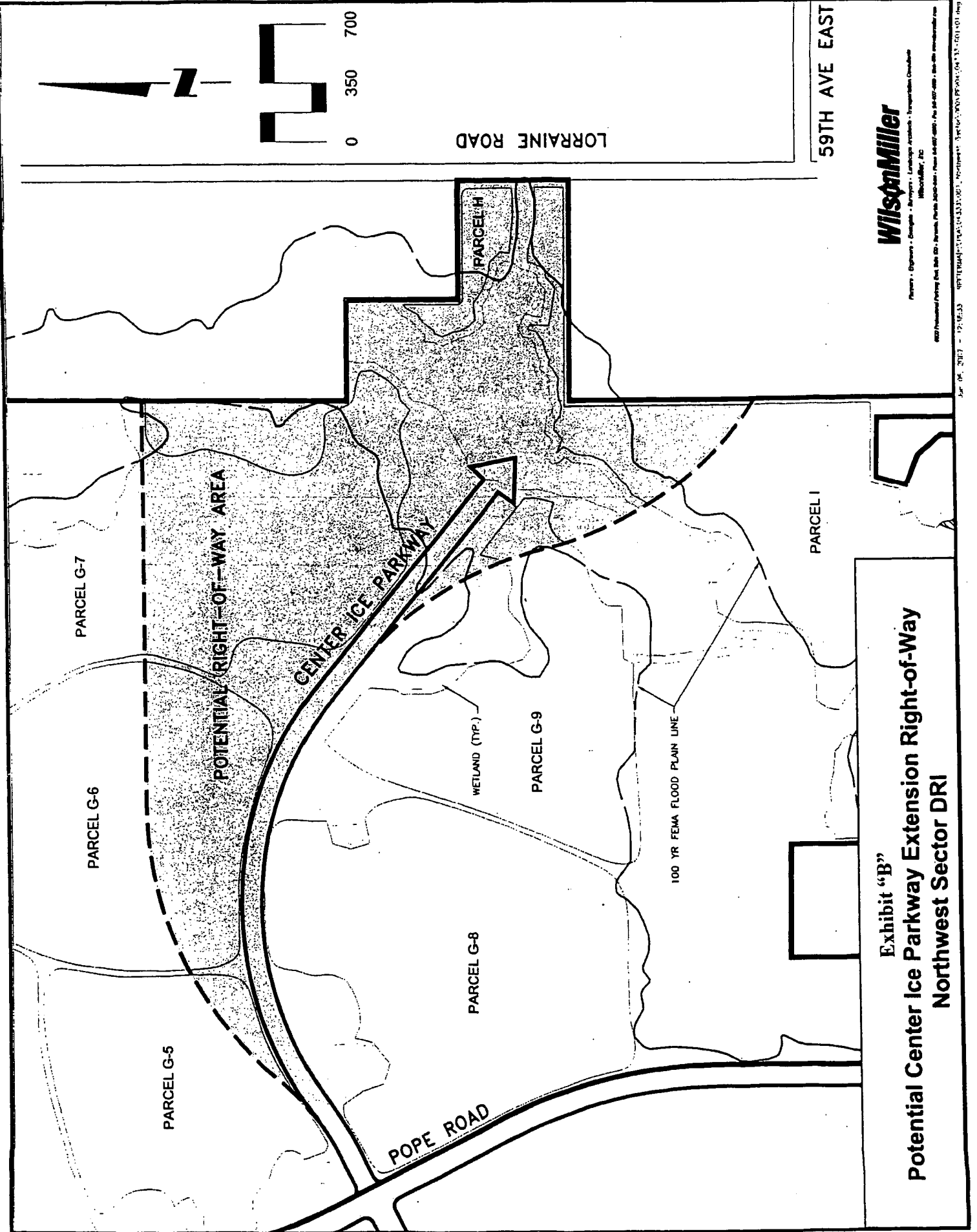


Exhibit "B"
Potential Center Ice Parkway Extension Right-of-Way
Northwest Sector DRI

Wilson Miller

Survey • Design • Mapping • Landmarks Analysis • Transportation Consulting
 Wilson Miller, Inc.

4000 Professional Parkway East, Suite 100 • Bethesda, Maryland 20814 • Phone 301.467.4000 • Fax 301.467.4001 • Web site: www.wilsonmiller.com

Map No. 2007 - 12 (REV. 3) 4/11/07 10:33:06 AM 10/11/07 10:33:06 AM 10/11/07 10:33:06 AM

NORTHWEST SECTOR

Manatee County, Florida

A Development of Regional Impact by Schroeder-Manatee Ranch, Inc.

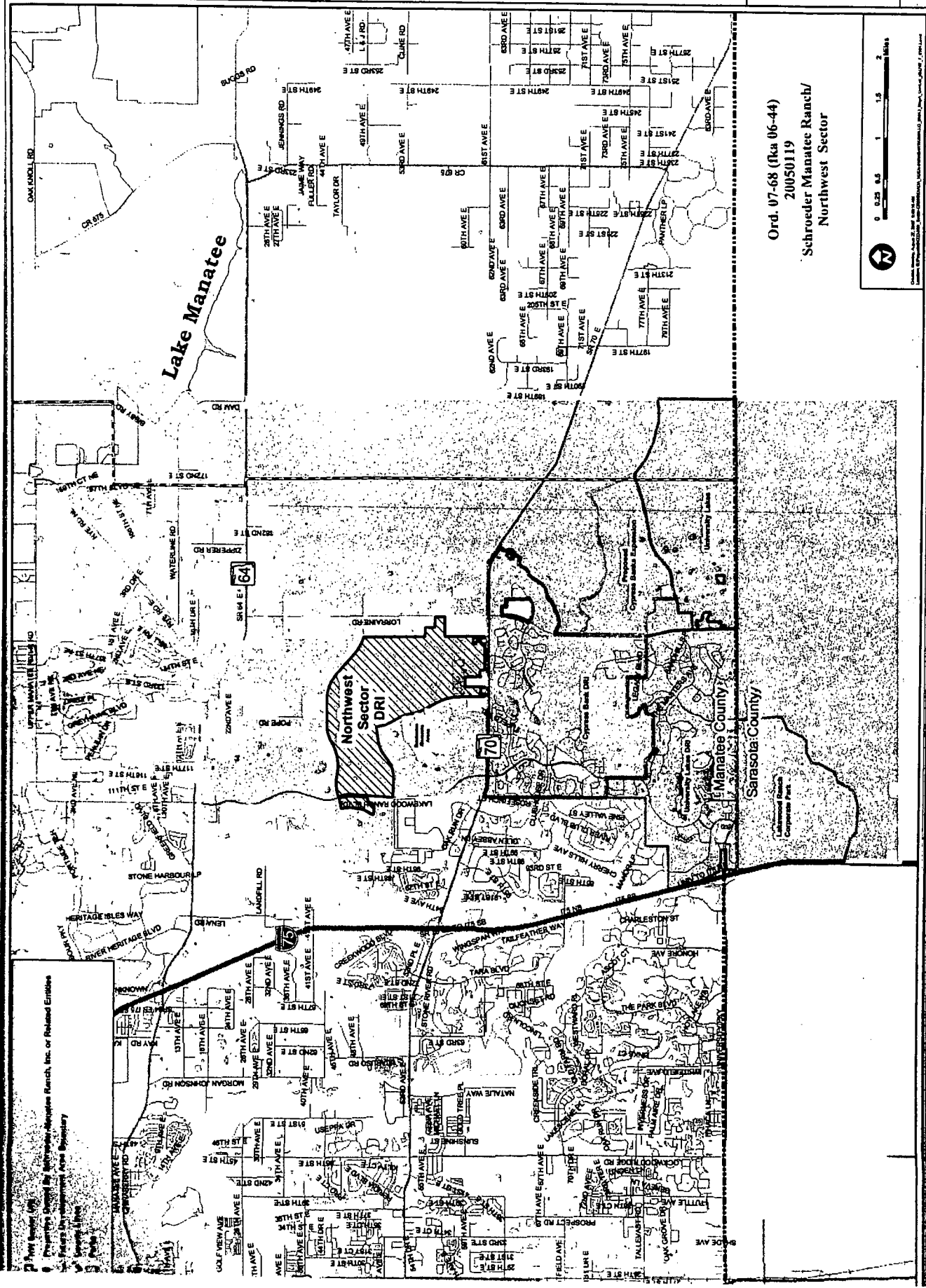
MAP A

GENERAL LOCATION

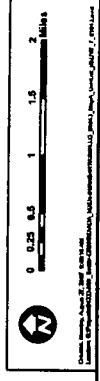
REVISED
JULY 2007

CONSULTANT TEAM

Wetzelstein, Inc. Planning and
 Engineering
 Parsons & Associates, Inc. Planning
 and Engineering
 Gensel & Associates, Inc. Planning
 and Engineering
 Environmental
 Consultants
 and
 Architects
 and
 Engineers
 P.A.
 of
 Manatee
 County
 Florida



Ord. 07-68 (fla 06-44)
20050119
Schroeder Manatee Ranch/
Northwest Sector



All other streets shown are
 property owned by Schroeder-Manatee Ranch, Inc. or Related Entities
 unless otherwise noted.

Exhibit "C"

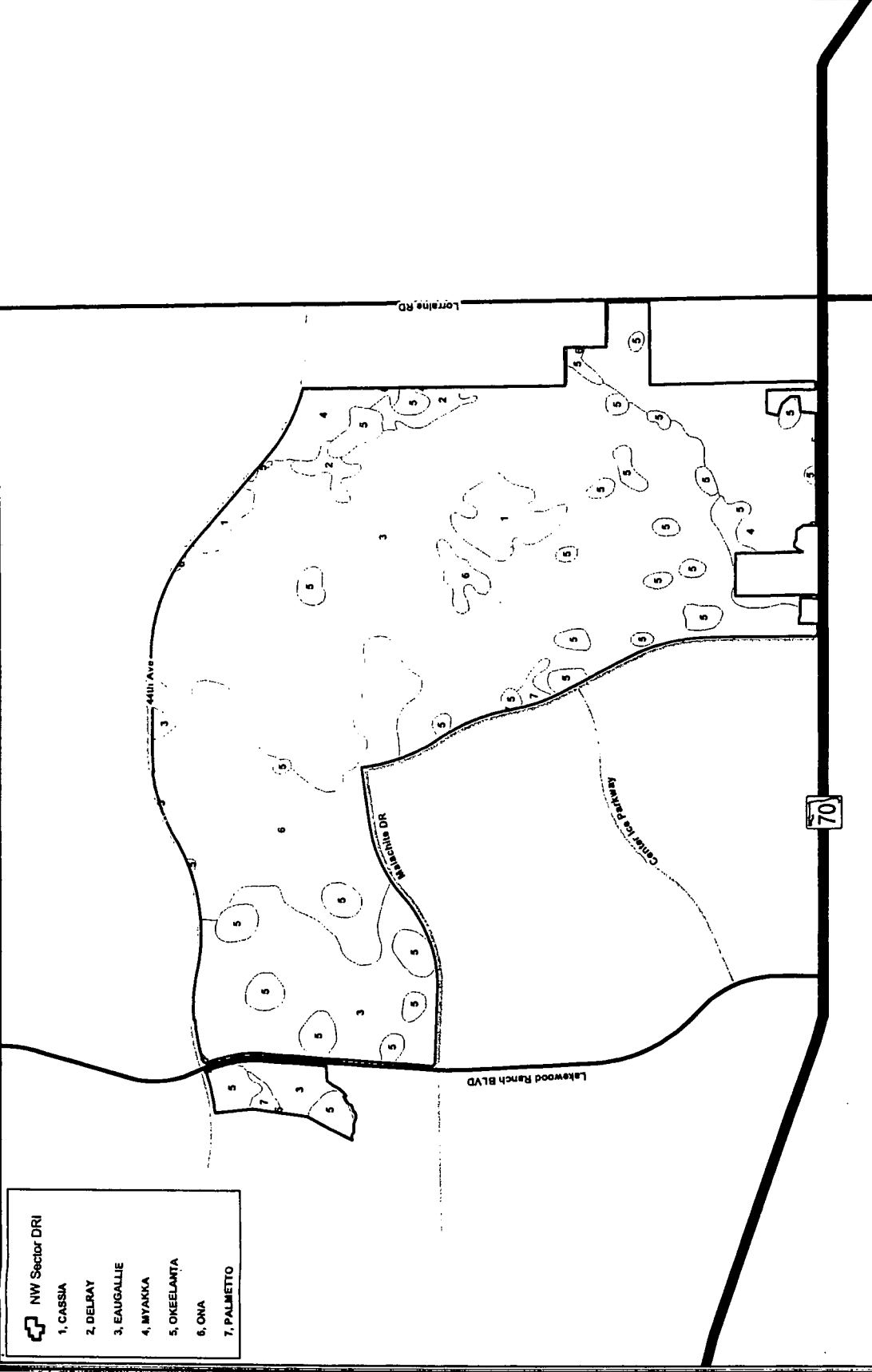
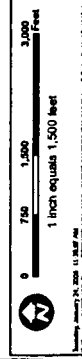
NORTHWEST SECTOR
 Manatee County, Florida
 A Development of Regional Impact by Schroeder-Manatee Ranch, Inc.

MAP E

SOILS

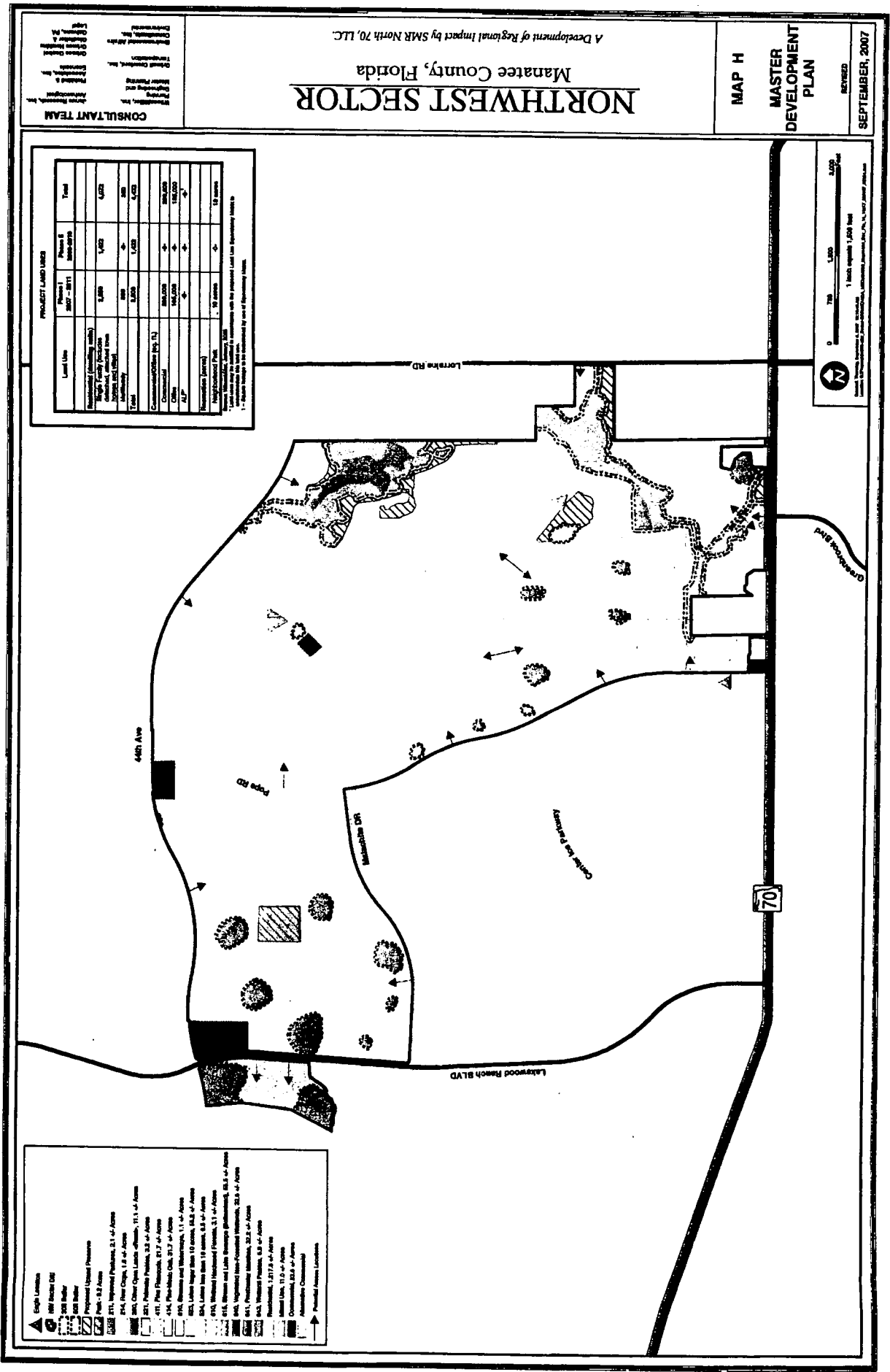
FEBRUARY 2005

CONSULTANT TEAM
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 Surveying
 Robert T. James
 President &
 Director
 James Research, Inc.
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 www.jamesresearch.com
 Environmental
 Consultants, Inc.
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- NW Sector DRI**
- 1. CASSIA
 - 2. DELRAY
 - 3. EAUGALLIE
 - 4. MYAKKA
 - 5. OKEELANTA
 - 6. ONA
 - 7. PALMETTO

Exhibit G



CONSULTANT TEAM
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 813-941-1111
 www.pae.com

NORTHWEST SECTOR
 Manatee County, Florida
 A Development of Regional Impact by SMR North 70, LLC

MAP H
MASTER DEVELOPMENT PLAN
 REVISED
 SEPTEMBER, 2007

PROJECT LAND USES

| Land Use | Phase I 2007 - 2011 | Phase II 2012 - 2015 | Total |
|-----------------------------|------------------------|-------------------------|---------------|
| Office (Professional) | 1,000 | 1,000 | 2,000 |
| Office (General) | 500 | 500 | 1,000 |
| Office (Retail) | 500 | 500 | 1,000 |
| Office (Mixed-Use) | 500 | 500 | 1,000 |
| Office (Total) | 2,500 | 2,500 | 5,000 |
| Commercial | 500 | 500 | 1,000 |
| Community (P.O., T.I.) | 500 | 500 | 1,000 |
| Community (Total) | 1,000 | 1,000 | 2,000 |
| Residential (Single-Family) | 10,000 | 10,000 | 20,000 |
| Residential (Total) | 10,000 | 10,000 | 20,000 |
| Open Space | 10,000 | 10,000 | 20,000 |
| Open Space (Total) | 10,000 | 10,000 | 20,000 |
| Other | 500 | 500 | 1,000 |
| Other (Total) | 500 | 500 | 1,000 |
| Total | 34,500 | 34,500 | 69,000 |

1 - All numbers are estimates and subject to change. 2 - All numbers are estimates and subject to change. 3 - All numbers are estimates and subject to change. 4 - All numbers are estimates and subject to change. 5 - All numbers are estimates and subject to change. 6 - All numbers are estimates and subject to change. 7 - All numbers are estimates and subject to change. 8 - All numbers are estimates and subject to change. 9 - All numbers are estimates and subject to change. 10 - All numbers are estimates and subject to change.

- ▲ Single Location
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- 200' Buffer
- 300' Buffer
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- 500' Buffer
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- 700' Buffer
- 800' Buffer
- 900' Buffer
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CONSULTANT TEAM

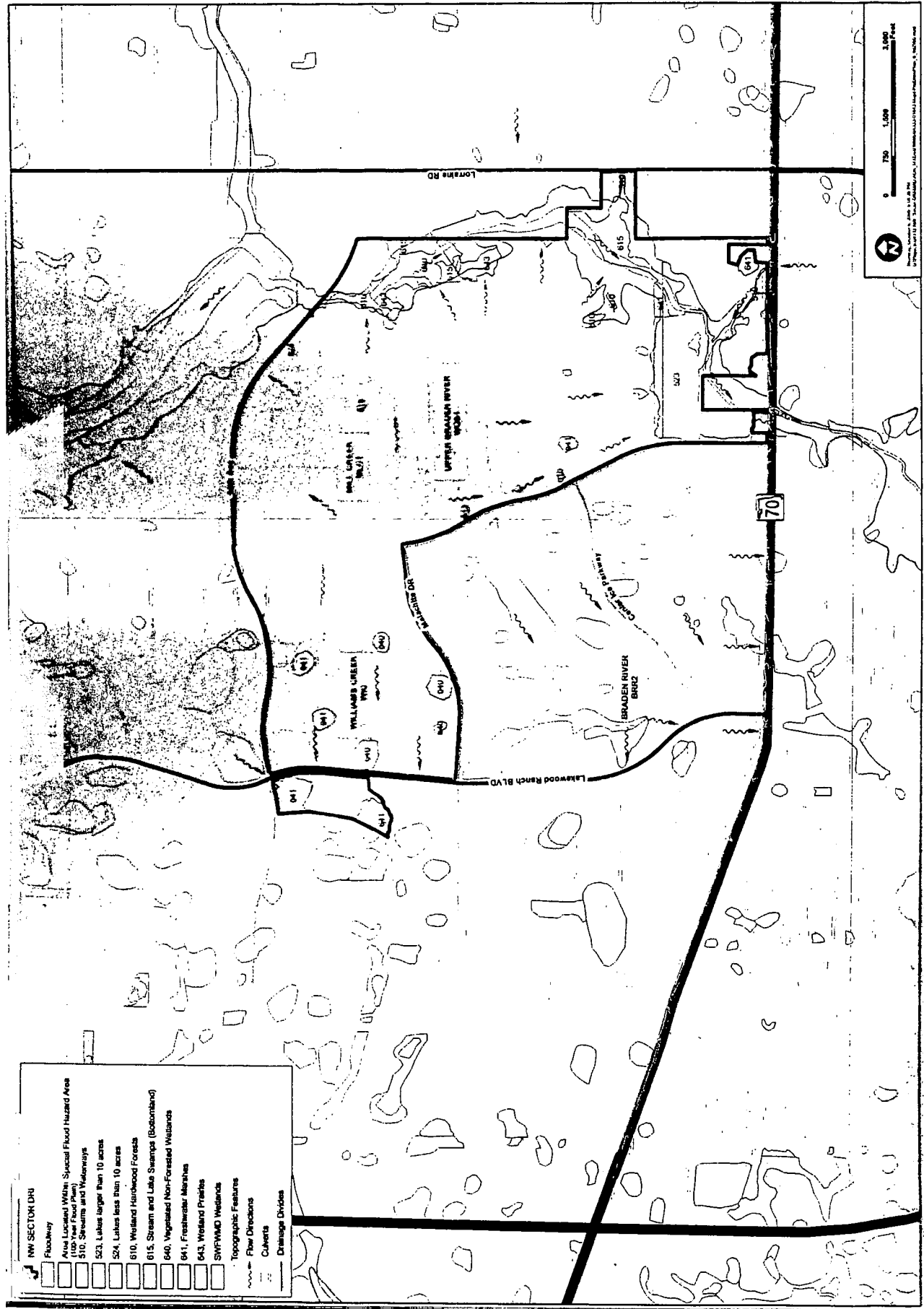
Wetland/Soil, Inc.
 James Research, Inc.
 Archdiocese of
 Miami
 Planning and
 Engineering
 Associates, Inc.
 Associated, Inc.
 General Contracting, Inc.
 Transportation
 Developmental Areas
 Consultants, PA
 Land

NORTHWEST SECTOR
 Manatee County, Florida
 A Development of Regional Impact by Schreyer-Manatee Ranch, Inc.

MAP I-2

**DRAINAGE
 PLAN
 PROPOSED**

REVISED
 OCTOBER 2005



- NW SECTOR DHI**
- Flackway
 - Area Located Within Special Flood Hazard Area
 - 510, Stream and Waterways
 - 523, Lakes larger than 10 acres
 - 524, Lakes less than 10 acres
 - 610, Wetland Hardwood Forests
 - 615, Stream and Lake Swamps (Bobombano)
 - 640, Vegetated Non-Forested Wetlands
 - 641, Freshwater Marshes
 - 643, Wetland Prairies
 - SWFWMD Wetlands
 - Topographic Features
 - Flow Directions
 - Culverts
 - Drainage Divides

Exhibit "L"



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

Witness my hand and official seal this 7th day of
November, 2007

R.B. SHORE
Clerk of Circuit Court

By: G. Colorado D.C.



FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

November 13, 2007

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

FILED FOR RECORD
R. B. SHORE

2007 NOV 20 AM 8:43

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

Attention: Quantana Acevedo, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 7, 2007 and certified copies of Manatee County Ordinance No. 07-68, PDR-06-09(Z)(P), PDMU-05-19(Z)(G), PDC-07-16(Z)(P), PDR-06-31(Z)(P) and PDR-05-77(Z)(P), which were filed in this office on November 9, 2007.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosures

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dills.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

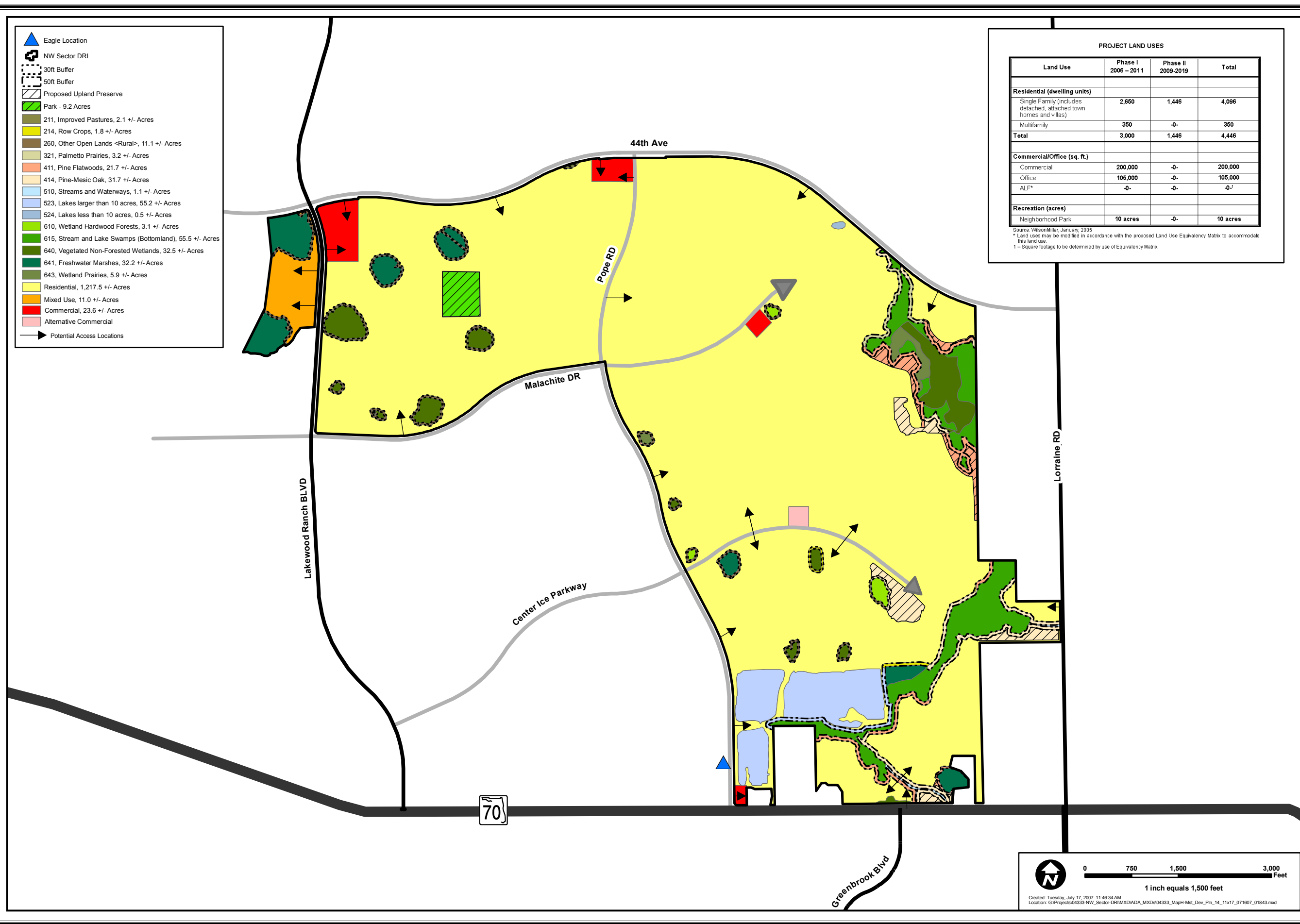
ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

- Eagle Location
- NW Sector DRI
- 30ft Buffer
- 50ft Buffer
- Proposed Upland Preserve
- Park - 9.2 Acres
- 211, Improved Pastures, 2.1 +/- Acres
- 214, Row Crops, 1.8 +/- Acres
- 260, Other Open Lands <Rural>, 11.1 +/- Acres
- 321, Palmetto Prairies, 3.2 +/- Acres
- 411, Pine Flatwoods, 21.7 +/- Acres
- 414, Pine-Mesic Oak, 31.7 +/- Acres
- 510, Streams and Waterways, 1.1 +/- Acres
- 523, Lakes larger than 10 acres, 55.2 +/- Acres
- 524, Lakes less than 10 acres, 0.5 +/- Acres
- 610, Wetland Hardwood Forests, 3.1 +/- Acres
- 615, Stream and Lake Swamps (Bottomland), 55.5 +/- Acres
- 640, Vegetated Non-Forested Wetlands, 32.5 +/- Acres
- 641, Freshwater Marshes, 32.2 +/- Acres
- 643, Wetland Prairies, 5.9 +/- Acres
- Residential, 1,217.5 +/- Acres
- Mixed Use, 11.0 +/- Acres
- Commercial, 23.6 +/- Acres
- Alternative Commercial
- Potential Access Locations

| PROJECT LAND USES | | | |
|---|------------------------|-----------------------|-----------------|
| Land Use | Phase I 2006 - 2011 | Phase II 2009-2019 | Total |
| Residential (dwelling units) | | | |
| Single Family (includes detached, attached town homes and villas) | 2,650 | 1,446 | 4,096 |
| Multifamily | 350 | -0- | 350 |
| Total | 3,000 | 1,446 | 4,446 |
| Commercial/Office (sq. ft.) | | | |
| Commercial | 200,000 | -0- | 200,000 |
| Office | 105,000 | -0- | 105,000 |
| ALF* | -0- | -0- | -0 ¹ |
| Recreation (acres) | | | |
| Neighborhood Park | 10 acres | -0- | 10 acres |

Source: WilsonMiller, January, 2005
* Land uses may be modified in accordance with the proposed Land Use Equivalency Matrix to accommodate this land use.
1 - Square footage to be determined by use of Equivalency Matrix.

- CONSULTANT TEAM**
- WilsonMiller, Inc.
Planning
Engineering and
Master Planning
 - Janus Research, Inc.
Archaeological
 - Fishkind & Associates, Inc.
Economic
 - Grimaldi Crawford, Inc.
Transportation
 - Grimes Gobel
Grimes Gobel
Gudfeller &
Galvano, PA
Environmental Affairs
Consultants, Inc.
Environmental
Legal



NORTHWEST SECTOR

Manatee County, Florida

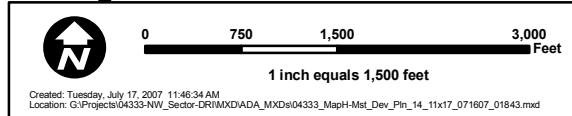
A Development of Regional Impact by SMR North 70, LLC.

MAP H

MASTER DEVELOPMENT PLAN

REVISED

JULY, 2007



Created: Tuesday, July 17, 2007 11:46:34 AM
Location: G:\Projects\04333-NW_Sector-DR\IMXD\ADA_MXD\04333_MapH-Mst_Dev_Pln_14_11x17_071607_01843.mxd