

MANATEE COUNTY ZONING ORDINANCE
PDMU-97-01(Z)(G)
GULF COAST FACTORY SHOPS

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

2 06 PM '97

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 (SUBURBAN AGRICULTURE 1 DU/ACRE) TO PDMU (PLANNED DEVELOPMENT MIXED USE); APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A 633,681 SQUARE FOOT MANUFACTURER'S FACTORY OUTLET CENTER AND ANCILLARY USES; AND PROVIDING AN EFFECTIVE DATE.

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

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

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission, concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance, from A-1 (Suburban Agriculture, 1 du/acre) to PDMU (Planned Development Mixed Use), and approval of a General Development Plan to allow a 633,681 square foot manufacturer's factory outlet center and ancillary uses.

B. The Board of County Commissioners held public hearings on November 25, 1997 and December 16, 1997 regarding the proposed Official Zoning Atlas Amendment described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code), as amended, and has further considered the information received at the public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan), as amended.

Section 2. The General Development Plan, dated March 21, 1997, entitled Gulf Coast Factory Shops, is hereby APPROVED to allow a 633,681 square foot manufacturer's factory outlet center and ancillary uses, with the following conditions:

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

DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS.

- A(1). This Development Order approval shall be limited to the development amounts set forth in Table 1, below.
- A(2). Preliminary and Final Site Plan applications shall be reviewed for compliance with this Ordinance and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Ordinance or are not inconsistent with this Ordinance.
- A(3). The Developer* has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, potable water, waste water service, solid waste service, fire, police, and other emergency services and is hereby issued a Certificate of Level of Service which shall expire on January 30, 2001.

SECRETARY OF STATE

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TABLE 1

TYPE OF DEVELOPMENT: Manufacturer's factory outlet center and ancillary uses.
LOCATION: Northeast of the intersection of I-75 and U.S. 301.
TOTAL DEVELOPMENT AMOUNTS:

Type	Existing Amount	1 A Addition	1 B Addition	Total Amount	Total Acres
Parking	1,818 spaces	850 spaces	600 spaces	3,168 spaces **	17.00
Outlet Center	363,681 sf	150,000 sf	120,000 sf	633,681 sf	11.10
Ancillary Uses ***					26.54
Retention					9.80
Ditch					.62
Open Space					18.14
Build-out		12-31-98	1-30-2001		

* Land use acreages may vary slightly based upon final engineering details and design. Placement of buildings may vary upon final design.

** Includes a parking garage to be constructed concurrently with the last 120,000 square feet of building, unless additional land is added to the site through the appropriate approval process.

*** Ancillary uses include: courtyards, walkways, landscaped areas, service maintenance areas, signage areas, etc.

TRANSPORTATION CONDITIONS.

B(1). The Developer* has provided for a bus stop at a location within the project. The provision of this bus stop meets all requirements for Transportation System Management actions required by the reviewing agencies.

B(2). Effective upon the approval of this Ordinance, a biennial monitoring program to provide weekend peak-hour counts at the project entrance shall be instituted to verify that the projected number of external trips for the development, as determined by the developer's traffic engineer and approved by the County, are not exceeded. The Monitoring shall have commenced and have been reviewed by the Manatee County Planning Department prior to the issuance of any building permits for Phase 1-B. In addition, turning movement counts at 60th Avenue East and U.S. 301 shall be included. Counts will continue through build-out, plus an additional 6 years (three monitoring periods). This information shall be supplied in the required annual report. If an annual report is not submitted within 30 days of its due date, or if the annual report indicates that the total trips exceed projected counts by more than 15 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order to change or require additional roadway improvements. The results of the study may also serve as a basis for the developer or reviewing agencies to request Development Order amendments.

If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), F.S., will be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

B(3). As part of Phase 1-A construction, the developer shall:

- a. Construct the widening of the I-75 left turn off-ramps at U.S. 301 (two lanes and approximately 200 feet in length or a length approved by FDOT). Improvements shall be completed prior to issuance of a Certificate of Occupancy for Phase 1-A.

This improvement shall be fully creditable against impact fees, in accordance with Section 806 of the Manatee County Land Development Code.

- b. Construct extensions of the length of the existing dual eastbound left-turn lanes on U.S. 301 at the intersection of 60th Avenue East. Construction shall be completed prior to issuance of a Certificate of Occupancy for Phase 1-A. Contributions which are made by this developer for this improvement shall be fully credited against impact fees in accordance with Section 806 of the Manatee County Land Development Code.
- c. Make the following improvements, within County right-of-way, to 60th Avenue East prior to Certificate of Occupancy of Phase 1-A. The Planning Director shall allow the developer to post a bond for uncompleted or ongoing improvements at time of C.O. provided at least 50 percent of the improvements have been completed.
 - i. Extend the dual southbound right turn lanes on 60th Avenue East at U.S. 301 an additional 500 feet (700 feet total).
 - ii. At the intersection of 60th Avenue East and Factory Shops Boulevard:
 - (1) Provide dual northbound left-turn lanes from 60th Avenue East to Factory Shops Boulevard.
 - (2) Extend the northbound 60th Avenue East thru lane north of the intersection and then provide a taper back to a two lane road. Reconstruct the bridge as needed.
 - (3) Signalize the intersection of 60th Avenue East and Factory Shops Boulevard.
 - (4) Extend box culvert on the east side of 60th Avenue East to the north to allow for the alignment of the east approach of the intersection with Factory Shops Boulevard.
 - iii. Provide a raised median in 60th Avenue East, north from U.S. 301 to 20th Court East or as far as adequate right-of-way permits.
 - iv. Provide a left turn lane for northbound 60th Avenue East to 20th Court East.

These improvements shall be fully credited against impact fees in accordance with Section 806 of the Manatee County Land Development Code, except for the signal referenced in B(3).c.ii.(3).

- B(4). 60th Avenue East shall be constructed as a two lane paved road, north from the current termination to Mendoza Road. Construction shall be completed prior to the first Certificate of Occupancy for Phase 1-B. Contributions which are made by this developer, for this improvement, shall be fully credited against impact fees, in accordance with Section 806 of the Manatee County Land Development Code.
- B(5). The applicant shall prepare and implement a Transportation Systems Management (TSM) program that will divert a number of vehicle trips from the PM peak hour consistent with the assumptions used to prepare the ADA. The TSM program shall be submitted with the first DRI annual report following approval of the Development Order. The TSM program shall be developed in cooperation with Manatee County, the Florida Department of Transportation (FDOT), the Sarasota Manatee MPO, and TBRC and reviewed by those same organizations.

The TSM program shall include a biennial assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. The monitoring shall begin within one year of any portion of the unbuilt portion being occupied and continue for at least six years past buildout of the project. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as

a result of implementation of each TSM measure. Results of the TSM program shall be included in the annual report.

If the annual report indicates that the total trip diversions are not being met, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and amend the Development Order to change TSM objectives and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the developer or reviewing agencies to request Development Order amendments.

ENVIRONMENT AND NATURAL RESOURCES.

Air Quality and Land

- C(1). Manatee County shall reserve the right to require mitigation measures or a revision of the G.D.P. to alleviate potential impacts of the project on ambient air quality. Manatee County shall not require any additional or new air quality mitigation measures unless such measures are also being required of other developments in the vicinity of the project.
- C(2). The Developer shall comply with applicable requirements of the Florida Department of Environmental Protection's air quality regulations prior to construction of any parking garage.
- C(3). The soil conservation measures and the measures to reduce erosion, fugitive dust, and air emissions referenced in the ADA shall be implemented.

Water Quality, Wetlands, and Drainage

- D(1). Final drainage plans shall be consistent with Master Surface Water Management Plans, ERP, or MSSW permits issued by the Southwest Florida Water Management District (SWFWMD). The existing 363,681 square feet of development is acknowledged to have complied with all applicable surface water and drainage permitting and construction requirements.
- D(2). A ground water quality monitoring program shall be required if additional wells are constructed on-site. The requirements of the ground water monitoring program shall be set forth, if deemed necessary, by SWFWMD in the permit documents.
- D(3). The Developer* shall be responsible for operation and maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.
- D(4). There are no Conservation Areas*, or Preservation Areas* on the site. A 30 foot wetland buffer from the ordinary water level of the drainage ditch along the northeast boundary of the site shall be maintained. This drainage ditch may be rerouted or encased within a culvert with the consent and approval of applicable regulatory agencies. The setback area shall be modified in conjunction with any rerouting or encasement of the drainage ditch.
- D(5). The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the Manatee County Comprehensive Plan and Chapter 62-25, FAC, and 40D-4 Rules of the SWFWMD.

Floodplain

- E(1). Any encroachment of the 100-year floodplain or floodway shall be mitigated in accordance with FEMA and Manatee County standards.
- E(2). No discharges to groundwater shall be permitted.

ECONOMICS.

- F(1). The Gulf Coast Factory Shops shall promote entrepreneurship and small and minority-owned business start up, and encourage non-discriminatory employment opportunities.

WILDLIFE HABITAT AND VEGETATION.

- G(1). In the event any species listed in Rule 39-27.003 through 39-27.005, FAC are observed frequenting the site for nesting, feeding, or breeding, proper protection and mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC) and Manatee County EMD. This may include a wildlife management plan which contains information on impacts to listed species, site maintenance, and boundary protection.

ARCHAEOLOGICAL AND HISTORICAL RESOURCES.

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

WASTEWATER.

- I(1). Sewer lift stations shall be designed and equipped in accordance with Manatee County's Public Works Department guidelines with several means of back-up to provide assurance against equipment failure and discharge to the environment. This design shall include:
- a. lift stations with 35 HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
 - b. stations with greater than 35 HP motors shall include an on-site stationary generator set with remote transfer capability.
 - c. wet wells to contain sewage line surcharges or overflows.
 - d. emergency by-pass pumpouts for tank trucks.
 - e. 100 percent redundancy in lift station pumping equipment.
- I(2). The Developer* previously submitted to Manatee County a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer. This plan was approved by Manatee County, and identified the entity responsible for the monitoring and time schedule for conducting the inspections. Any new infrastructure shall be built and maintained in accordance with this approval. Faulty lines, or any part thereof, shall be replaced as quickly as possible. A report of all inspections, findings, and repairs shall be submitted to the Public Works Department.
- I(3). Disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39), or its successors.
- I(4). The Developer* shall not utilize on-site wastewater treatment.

WATER.

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

- J(2). The Developer* shall use only non-potable water to meet non-potable demands to the maximum extent practicable. For purposes of this Ordinance, "non-potable" water is defined as water emanating from any source other than a public potable water utility. If reclaimed water is permitted by Manatee County and other agencies having jurisdiction, no amendment to the Ordinance shall be required to allow the Developer to use reclaimed water for irrigation purposes.
- J(3). The Developer* shall comply with the rules and recommendations of the SWFWMD in regard to protection of the groundwater resources.

SOLID WASTE.

- K(1). The Developer* shall provide to all on-site tenants and businesses information that:
- a. indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers or areas.
 - b. concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment.
 - c. advises of applicable statutes and regulations regarding hazardous wastes and materials.
- K(2). The Developer* shall notify all commercial tenants of their responsibility to comply with all applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

ENERGY.

- L(1). The Developer* shall notify all tenants and businesses that the following related practices are encouraged:
- a. energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible.
 - b. energy audits provided by energy companies or other qualified agencies.
 - c. water heater timers and water heaters set at 103 degrees Fahrenheit or lower.
 - d. energy conservation by employees.
 - e. reduced levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate.
 - f. recycling programs.
 - g. energy efficient packaging or recyclable materials.
- L(2). The Developer* shall designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses.

RECREATION AND OPEN SPACE.

- M(1). All recreation and open space areas not dedicated to the County or other state agencies shall be maintained by the Developer.

SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICES.

- N(1). Gulf Coast Factory Shops shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012, FAC, or be in compliance with the Manatee County Comprehensive Plan, Land Development Code, and Building Code requirements.

- N(2). Upon issuance of a hurricane evacuation order, the developer will take all necessary measures to ensure the safe evacuation of all employees and any remaining customers at the site.
- N(3). The developer shall coordinate with the Manatee County Public Safety to plan for the safe evacuation of the facility and the use of the facility as a staging area, if necessary, to the recovery of the area. The applicant should work with the County to address shelter needs, building closings, security and safety precautions, and evacuation plans.

GENERAL CONDITIONS.

- O.(1) This Ordinance shall expire 10 years from its date of approval. Buildout shall be completed by January 30, 2001. Unless otherwise specified in this Ordinance, all conditions herein shall be complied with on or before the expiration date of this Ordinance.
- O.(2) Prior to the first Certificate of Occupancy for Phase 1-A, a 30 foot wide buffer shall be provided along the northern property line, south of 29th Street East. A berm or wall (a minimum height of 4 feet) and a hedge (a minimum height of 6 feet at maturity) shall be provided within the length of the buffer, except where a driveway is provided.
- O.(3) The proposed parking garage shall not exceed 35 feet in height.
- O.(4) A landscape buffer with an average width of 50 feet, however not less than 30 feet, shall be provided along the south side of the creek, from the eastern property line to the northern property boundary of PDMU-96-02. Prior to the first Certificate of Occupancy for the first subphase, extensive canopy tree planting, (an average of at least 1 tree per 750 square feet of buffer area) evenly distributed within the buffer, shall be planted. Trees shall be a minimum dbh of 2.5 inches at time of planting and shall show significant growth prior to issuance of building permit for the parking garage for subphase 2. This condition may be disregarded if the parking garage is built on the south side of Factory Shops Boulevard.
- O.(5) Buildings fronting I-75 shall be constructed with a double frontage consistent with the architecture of the existing buildings.
- O.(6) A cross access easement to the Parcel to the northwest shall be provided prior to Certificate of Occupancy of Phase 1-A.
- O.(7) Prior to the installation of access to 29th Street East, 29th Street East shall be paved to County standards from 60th Avenue East to the entrance. This condition shall not apply to access which is used for emergency purposes only as required pursuant to Condition O.(8).
- O.(8). Prior to Certificate of Occupancy for Phase 1-A, an emergency access, in addition to the Factory Shops Boulevard Drive shall be provided for this site.

DEFINITIONS

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.

- B. "Application" and "Application for Development Approval" or "ADA" shall mean Gulf Coast Factory Shops Limited Partnership's DRI ADA submitted on March 13, 1997 and sufficiency responses submitted on June 2, 1997 and July 22, 1997.
- C. "Best Management Practices" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code.
- D. "Conservation Area" shall mean areas as defined by TBRPC.
- E. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- F. "County Transportation Authority" shall mean whatever County entity is responsible for roadway approvals.
- G. "Developer" shall mean Gulf Coast Factory Shops Limited Partnership, its heirs, assigns, designees, agents, and successors in interest as to the Gulf Coast Factory Shops DRI.
- H. "Funding Commitments" shall mean to assure completion of any improvement required by this Development Order, or any combination of the following:
 - 1. binding commitments for actual construction with a posting of a cash bond, irrevocable letter of credit, or other financial instrument, in a form satisfactory to the County; or
 - 2. actual construction; or
 - 3. the placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required, as long as the improvement is within the first two years of the responsible entity's work plan at the time of Preliminary Site Plan approval of a subphase or phase; or
 - 4. a local development agreement as defined by Florida Statutes or the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development. Compliance with Condition B.(3), B.(4), and B.(5) shall also constitute a funding commitment.
- I. "Horizontal Development" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development* (e.g., roadways, drainage, water, sewer, communications, utilities, etc.).
- J. "Master Development Plan" shall mean Map H, attached as Exhibit 1 and incorporated herein by reference.
- K. "Owner" shall mean Gulf Coast Factory Shops Limited Partnership and I.M.G. Enterprise, Inc, their heirs, assigns, designees, agents, and successors in interest.
- L. "Preservation Area" shall mean areas as defined by TBRPC.
- M. "Vertical Development" shall mean and be deemed to include the construction of or the addition to any existing structure.
- N. "Warranted" shall mean a determination by the County, based on generally accepted transportation engineering practices that the Acceptable Level of Service* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.

- O. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 17-4, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A-1 (Suburban Agriculture, 1 d.u. per acre) to PDMU (Planned Development Mixed-Use), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

FROM THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST RUN S 89°37'26" W A DISTANCE OF 597.65 FEET TO THE INTERSECTION WITH THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF I-75 ALSO BEING THE POINT OF BEGINNING; THENCE N 20°19'31" W ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 404.25 FEET; THENCE N 89°37'26" E, A DISTANCE OF 362.00 FEET; THENCE S 00°22'34" E A DISTANCE OF 134.00 FEET; THENCE N 89°37'26" E, A DISTANCE 1048.69 FEET; THENCE S 00°30'30" E, A DISTANCE OF 198.00 FEET; THENCE N 89°37'26" E, A DISTANCE OF 626.92 FEET TO THE PC OF A CURVE TO LEFT WHOSE RADIUS POINT LIES N 00°22'34" W, A DISTANCE OF 25.00 FEET; THENCE NORTHEASTERLY ALONG ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 38.87 FEET THROUGH A CENTRAL ANGLE OF 89°04'46" TO THE INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF 60TH AVENUE EAST; THENCE S 00°32'40" W ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 72.60 FEET; THENCE S 00°08'23" E CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 61.10 FEET TO THE POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT LIES S 89°51'37" W, A DISTANCE OF 25.00 FEET; THENCE NORTHWESTERLY ON THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 39.37 FEET THROUGH A CENTRAL ANGLE OF 90°14'11" TO THE PT OF SAID CURVE; THENCE S 89°37'26" W, A DISTANCE OF 625.31 FEET; THENCE S 00°30'30" E, A DISTANCE OF 294.11 FEET TO THE NORTHWEST CORNER OF BLOCK 1, PHILLIPS & ALLEN SUBDIVISION, PLAT BOOK 1, PAGE 308A; THENCE S 00°30'30" E ALONG THE WEST LINE OF SAID BLOCK 1, A DISTANCE OF 330.12 FEET TO THE NORTHWEST CORNER OF BLOCK 4, SAID PHILLIPS & ALLEN SUBDIVISION; THENCE CONTINUING S 00°30'30" E ALONG THE WEST LINE OF SAID BLOCK 4, A DISTANCE OF 11.91 FEET TO A POINT ON THE NORTH LINE OF PROPERTY RECORDED IN O.R. BOOK 395, PAGE 175; THENCE S 89°58'42" W ALONG SAID NORTH LINE, A DISTANCE OF 41.18 FEET; THENCE S 11°20'52" W ALONG THE WEST LINE OF SAID PROPERTY, A DISTANCE OF 318.92 FEET TO THE NORTH LINE OF A PLATTED RIGHT OF WAY VACATED BY O.R. BOOK 44, PAGE 463; THENCE N 89°56'18" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 52.00 FEET; THENCE S 00°32'01" W, A DISTANCE OF 20.00 FEET TO THE CENTER LINE OF SAID PLATTED RIGHT OF WAY THIS PORTION VACATED BY O.R. BOOK 1331, PAGE 369; THENCE N 89°56'18" W ALONG SAID CENTER LINE, A DISTANCE OF 166.22 FEET TO THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF I-75; THENCE NORTHWESTERLY ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE THE FOLLOWING SIX COURSES: N 39°12'27" W, A DISTANCE OF 137.71 FEET; THENCE N 61°58'18" W, A DISTANCE OF 362.11 FEET; THENCE N 55°00'53" W, A DISTANCE OF 254.45 FEET; THENCE N 41°09'59" W, A DISTANCE OF 254.39 FEET; THENCE N 27°16'28" W, A DISTANCE OF 254.52 FEET; THENCE N 20°19'31" W, A DISTANCE OF 166.09 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 30.14 ACRES, MORE OR LESS.

FROM THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST RUN S 89°37'26" W, A DISTANCE OF 597.65 FEET TO THE INTERSECTION OF THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF I-75; THENCE N 20°19'31" W ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 404.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 20°19'31" W ALONG SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 96.41 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES N 74°24'05" E, A DISTANCE OF 5555.58 FEET; THENCE NORTHERLY ON THE ARC OF SAID CURVE TO THE RIGHT ALSO BEING SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 396.94 FEET THROUGH A CENTRAL ANGLE OF 04°05'38"; THENCE N 89°37'26" E, A DISTANCE OF 1161.14 FEET TO THE CENTER LINE OF A CREEK; THENCE SOUTHERLY AND EASTERLY ALONG SAID CENTER LINE THE FOLLOWING NINE COURSES: THENCE S 51°48'13" E, A DISTANCE OF 34.91 FEET; THENCE S 40°26'57" E, A DISTANCE OF 76.73 FEET; THENCE S 33°34'49" E, A DISTANCE OF 92.01 FEET; THENCE S 39°49'36" E, A DISTANCE OF 24.06 FEET; THENCE S 16°06'55" E, A DISTANCE OF 48.13 FEET; THENCE S 41°33'24" E, A DISTANCE OF 28.60 FEET; THENCE S 51°20'40" E, A DISTANCE OF 97.01 FEET; THENCE S 71°13'53" E, A DISTANCE OF 52.85 FEET; THENCE N 86°50'36" E, A DISTANCE OF 72.77 FEET TO THE END OF SAID CENTER LINE; THENCE S 00°30'30" E, A DISTANCE OF 292.24 FEET; THENCE S 89°37'26" W, A DISTANCE OF 1048.69 FEET; THENCE N 00°22'34" W, A DISTANCE OF 134.00 FEET; THENCE S 89°37'26" W, A DISTANCE OF 362.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 17.62 ACRES, MORE OR LESS.

DESCRIPTION: NORTH PARCEL WEST OF CREEK

FROM THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, THENCE RUN SOUTH 89°58'55" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 124.00 FEET THE CENTER LINE OF THE CREEK ALSO BEING THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID CENTER LINE OF CREEK THE FOLLOWING SEVENTEEN COURSES: THENCE SOUTH 15°52'24" EAST, A DISTANCE OF 223.93 FEET; THENCE SOUTH 43°07'28" EAST A DISTANCE OF 81.28 FEET; THENCE SOUTH 25°12'27" EAST A DISTANCE OF 84.01 FEET; THENCE SOUTH 10°08'46" EAST A DISTANCE OF 50.43 FEET; THENCE SOUTH 01°34'14" WEST A DISTANCE OF 86.94 FEET; THENCE SOUTH 36°55'08" EAST A DISTANCE OF 70.38 FEET; THENCE SOUTH 21°23'11" EAST A DISTANCE OF 83.48 FEET; THENCE SOUTH 44°43'53" EAST A DISTANCE OF 50.59 FEET; THENCE SOUTH 01°59'49" WEST A DISTANCE OF 29.19 FEET; THENCE SOUTH 03°41'32" WEST A DISTANCE OF 151.29 FEET; THENCE SOUTH 31°01'55" WEST A DISTANCE OF 107.28 FEET; THENCE SOUTH 07°04'01" WEST A DISTANCE OF 58.23 FEET; THENCE SOUTH 16°45'04" EAST A DISTANCE OF 48.89 FEET; THENCE SOUTH 63°26'49" EAST A DISTANCE OF 41.62 FEET; THENCE NORTH 83°54'15" EAST A DISTANCE OF 57.99 FEET; THENCE SOUTH 59°32'58" EAST A DISTANCE OF 68.18 FEET; THENCE SOUTH 51°48'13" EAST A DISTANCE OF 56.90 FEET TO THE END OF SAID CENTER LINE OF CREEK; THENCE SOUTH 89°37'26" WEST A DISTANCE OF 1161.14 FEET TO THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF I-75 ALSO BEING A POINT ON A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES NORTH 78°79'43"

EAST, A DISTANCE OF 5555.58 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 472.30 FEET THROUGH A CENTRAL ANGLE OF 04°52'15" TO THE END OF SAID CURVE; THENCE NORTH 89°54'37" EAST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 9 A DISTANCE OF 615.97 FEET; THENCE NORTH 00°11'23" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 9, A DISTANCE OF 656.42 FEET; THENCE NORTH 89°58'55" EAST ALONG THE AFOREMENTIONED NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 9, A DISTANCE OF 210.73 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

CONTAINING 16.19 ACRES, MORE OR LESS.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED WITH A QUORUM PRESENT AND VOTING BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THIS THE 16TH DAY OF DECEMBER, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Patricia N. Bass*
Chairman

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

B4 Susan G. Louine

Copy to: Joanne/Planning 1/2/98 ja

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of ORDINANCE NO. 12(6) adopted by the
Board of County Commissioners of said County on
the 16th day of December 1997 this 23rd day
of December 1997 in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court

By J. Keaney D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing



MEMBER OF THE FLORIDA CABINET
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
Ringling Museum of Art

FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

December 26, 1997

Honorable R. B. Shore
Clerk to Board of County Commissioners
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
DEC 31 2 06 PM '97

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your eight letters of December 18 and 22, 1997 and certified copy each of Manatee County Ordinance Nos. 97-31, 97-78, Z-84-76-(R-2), PDMU-97-01 (Z) (G), PDO-96-02(Z) (P), 97-02, 97-03, 97-04, 97-05, 97-06, 97-20, 97-34, 97-50, 97-54, 97-81, and PDMU-92-01 (Z) (G) (R 4), which were filed in this office on December 26, 1997.

The duplicate copy of each showing the filing date is being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud" with a small "vm" or similar mark at the end.

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Enclosures