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R. B. SHORE

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CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**MANATEE COUNTY ZONING ORDINANCE  
PDR-89-05(G)(R 9) [F.K.A. Z-84-81]  
ISLAND INVESTMENT, ET. AL.  
[FKA ISLAND INVESTMENT, ET. AL., A.B. SIMMS/  
ISLAND INVESTMENT PROPERTIES, INC. AND CIRCLE-N-BAR]  
(UNNAMED EXCLUSIVE GOLF & COUNTRY CLUB)**

2009 SEP 14 AM 11:08  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
**FILED**

**A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,  
AMENDING A GENERAL DEVELOPMENT PLAN TO REFLECT AN  
EXTENSION OF THE BUILD-OUT DATE; SAID GENERAL  
DEVELOPMENT PLAN BEING APPLICABLE TO A PROJECT  
GENERALLY LOCATED NORTH OF UNIVERSITY PARKWAY AND WEST  
OF HONORE AVENUE; 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 of said County, after considering the testimony, evidence, documentation, application for amendment to the zoning ordinance, the recommendation and findings of the Planning Commission, and all other matters presented to said 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 approval of an amendment to the Zoning Ordinance.
- B. The Board of County Commissioners held a public hearing on September 3, 2009 regarding the proposed amendment to the Zoning Ordinance described herein, in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code) and has further considered the information received at the public hearing.
- C. The General Development Plan regarding the property described in Section 4 herein is found to be consistent with the requirements of the 2020 Manatee County Comprehensive Plan (Ordinance No. 89-01, as amended).

**Section 2.** The revised General Development Plan, dated March 26, 2001, entitled Unnamed Exclusive Golf and Country Club [also known as University Park Country Club], is being amended with this request (R9) to extend the buildout date and is hereby APPROVED to allow:

**CONDITIONS**

- A.(1) Approval shall be limited to the development amounts set forth in Table 1 below, and that shown on the General Development Plan as modified herein by the provisions of this Development Order.
- 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. The Developer\* has demonstrated the availability of adequate infrastructure including, but not limited to, roadway capacity, potable water, waste water service, solid waste service, fire, police, and other emergency services, and is hereby issued a Level of Service Certificate which will expire on December 31, 2013.

**TABLE 1  
UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB  
PROJECT SUMMARY**

<b>TYPE OF DEVELOPMENT:</b>	Residential	
<b>LOCATION:</b>	University Parkway - one mile west of I-75, in southeastern Manatee County	
<b>TOTAL DEVELOPMENT AREA:</b>		<b>1,187.59 Acres</b>
Residential		699 Acres
Golf Course/Clubhouse		320 Acres
Open Space (Roads, Right-of-Way, etc.)		168.59 Acres
<b>DEVELOPMENT TYPES:</b>		
Residential Units		1,238 d.u.
Golf Course*		27 Holes
Country Club & Restaurant**		32,000 Sq. Ft.
<b>BUILD-OUT DATE</b>		<b>December 31, 2013</b>

\* Includes related facilities typically associated with the function of a golf course

\*\* Includes administrative offices and promotional center accessory to this development.

**TRANSPORTATION CONDITIONS**

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

- a. Subsequent to approval of the final plat for the 461st residential unit in the development, the Developer\* selected Option 2 of Condition B.(1) of PDR-89-05(Z)(G)(R3) to mitigate these impacts.

**TABLE 2**

**UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB**

**DEVELOPMENT**

PROVIDE THE INTERSECTION IMPROVEMENTS LISTED BELOW			
Intersection	% Project Contribution	Required Improvement to Restore Level of Service	Total PM Peak Hour Trips for Project Before Needed
I-75/University Parkway	14	Dual left turn lanes eastbound I-75 East Ramps to northbound. Must have adequate storage lengths.	Completed
University Parkway/ Project Entrance	100	This intersection shall include the following lanes: <ul style="list-style-type: none"> <li>- Eastbound left-turn lane</li> <li>- Westbound right -turn lane</li> <li>- Southbound left-turn lane</li> <li>- Southbound through lane</li> <li>- Southbound right-turn lane</li> </ul>	Completed

b. TRANSPORTATION MONITORING

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

1. Peak-hour traffic counts at the project entrance to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than tri-annually (every three years). If any report indicates that the total project P.M. peak-hour trips reach 75% of projected counts, counts will be required bi-annually (every two years). If any report indicates that the total project P.M. peak-hour trips exceed projected counts by more than 10 percent, Manatee County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the rezone ordinance to change or require additional roadway improvements, if Warranted\*, prior to any further final site plan approvals.
  2. If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by five (5) percent pursuant to the ADA\*, then the Developer\* shall conduct a capacity analysis to determine an Acceptable Level of Service\* at the intersections of University Parkway and Tuttle Avenue, University Parkway and Lockwood Ridge, University Parkway and Whitfield, University Parkway and Longwood Run/Project Entrance, University Parkway and U.S. 301, and University Parkway and I-75 West Ramp, then the Developer\* shall conduct a capacity analysis to demonstrate an Acceptable Level of Service\*. In order for the intersections to operate as shown in the Developer's\* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer\* will be responsible for providing adequate storage before further site plan approvals.
- B.(2) The Developer\* has provided a location for a bus stop at a location on University Parkway near the project entrance when Manatee County Transit commences regularly scheduled service to the area. (This condition provides the Transportation Management System required by TBRPC).

## **ENVIRONMENT AND NATURAL RESOURCES**

### **Air Quality and Land**

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

### **Water Quality, Wetlands\* and Drainage**

- D.(1) In order to protect water quality in the Braden River watershed and the Evers Reservoir Watershed, there shall be no degradation of water quality by stormwater exiting the site. All stormwater discharges to the Braden River shall be required to meet all state water standards and criteria as defined in Chapters ~~62-3~~, 62-302 and 62-25, F.A.C., as well as Manatee County requirements.
- D.(2) The Developer\* shall continue to conduct the approved comprehensive surface water quality and quantity monitoring program approved by the County in accordance with Exhibit J. The program shall continue through one year beyond project buildout. The frequency, duration of sampling, parameters to be monitored, collection, and analytical methods, and reporting requirements shall remain consistent with the minimum criteria listed in Exhibit J. All water quality sample collections and laboratory analysis shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and Rehabilitative Services and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

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

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

- D.(3) The Master Drainage Plan as required pursuant to MDO\* condition #5 and TBRPC DRI report condition #2 on page 9 has been reviewed and approved by the TBRPC,

the City of Bradenton, and Manatee County. This Master Drainage Plan is attached hereto as Exhibit G. The final detailed Master Surface Water Management Plans, and subsequent incremental surface water management (MSSW) permit applications (as required under FAC 62-25 and 40D-4, as applicable) shall be consistent with the Evers Reservoir Watershed Protection Overlay District and the Master Drainage Plan. The Master Surface Water Management Plans shall incorporate the drainage systems approved pursuant to the Preliminary Development Agreements\* approved on January 26, 1990, October 18, 1990, and December 11, 1992.

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

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

- D.(5) The Wallace Tract\* and Simms Tract\*, shall be subject to the requirements of Chapter 40D-4, F.A.C. All Wetlands\* in the entire 1,187.6 ± acre development shall be subject to the requirements of Section 719 of the Manatee County Land Development Code.
- D.(6) The Developer\* shall be responsible for Operation and Maintenance for all portions of the Surface Water Management System, except for those portions which are dedicated to and accepted by the County.
- D.(7) Impacts to Wetlands\* shall be in accordance with Table 3. Mitigation shall be required prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Results of the mitigation monitoring shall be included in the DRI Annual Report. Wetland\* mitigation security shall be required in accordance with applicable County Ordinances.

As required by Manatee County Comprehensive Plan policies numbered 2.3.1.2, 2.3.4.6., 3.2.1.9., and 3.3.6.4, the Developer\* shall provide buffers around all Post-

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

- D.(8) The stormwater management systems shall be designed, constructed, and maintained to meet or exceed the requirements of the adopted Manatee County Comprehensive Plan and Chapter 62-25, F.A.C. The stormwater management system within the Evers Reservoir watershed shall treat stormwater to Outstanding Florida Waters standard. Stormwater treatment shall be provided by biological filtration where required by the Master Drainage Plan as referenced as Exhibit G.
- D.(9) The Conservation Areas\* on site encompass approximately 30.49 acres as indicated on the attached Revised Preservation/Conservation Map, Exhibit C. All Conservation Areas\* shall remain undisturbed or mitigated if they are to be or have been disturbed. All impacts shall be mitigated in accordance with Table 3 prior to the completion of the sub-phase in which the impact occurs. All herbaceous mitigation areas and littoral shelves used for mitigation shall be monitored annually after planting for a period of three years. Forested mitigation areas shall be monitored annually for at least five years. Monitoring shall include survival rates, species diversity composition, spreading, and exotic species encroachment. Additional planting may be required to maintain an 85 percent survival of planted species at the end of three years. Wetland\* mitigation security shall be required in accordance with applicable County Ordinances. Each annual report shall include information on what Conservation Areas\* and Preservation Areas\* have been impacted and the steps taken to mitigate the impacts and the results of the mitigation monitoring.

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

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

TABLE 3

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

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

♦ May be reduced in accordance with Section 719.8.5 of the Land Development Code.  
 \*Ratio is Mitigated Wetland\*: Disturbed Wetlands\*.

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

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

**FLOODPLAINS**

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

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

E.(3) No discharges to groundwater shall be permitted on-site.

**ECONOMICS**

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

## **WILDLIFE HABITAT AND VEGETATION**

- G.(1) In the event that any species listed in Rule 39-27.003 through 39-27.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection or mitigation measures shall be employed immediately in cooperation with the Fish and Wildlife Conservation Commission FWCC, Manatee County, and the Department of Community Affairs. This shall include, at a minimum, a wildlife management plan which contains information on impacts to listed species, site maintenance, fire frequency, Wetland\* management, and boundary protection. Any such plan not adopted as part of the original Development Order shall require an amendment to the Development Order.
- G.(2) The temperate hardwood hammock in Tract "N" and the Simms Tract\* possesses numerous physical characteristics which render the tracts uniquely appropriate for a combination of passive recreation and preservation land uses benefitting the residents of Manatee County. Residential structures or accessory uses shall not encroach within 15 feet of a Preservation Areas\* buffer.

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

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

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

- a. No hydroperiod alteration shall be permitted in Preservation Areas\*.
- b. Dredging, filling, and development activities within Preservation Areas\* shall be prohibited except at road crossing, utility crossing, and boardwalk locations and passive recreational facilities approved by FWCC, FDEP, and Manatee County, as applicable.

- c. Authorized activities include stormwater management structures, roadway crossings, utility crossings, boardwalks, and passive recreational facilities as permitted by FWCC, FDEP, and Manatee County.
- d. Buffers around FDEP jurisdictional Wetlands\* and the Braden River shall be required unless waivers from the provisions of Sections 719.11 and 719.12 Manatee County Land Development Code are provided.
- e. Impacts to Preservation Areas\* shall require mitigation as shown on Table 3.

## **ARCHAEOLOGICAL AND HISTORICAL RESOURCES**

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

## **WASTEWATER**

- I.(1) Wastewater services shall be provided by Manatee County.

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

- a. Lift stations with 35HP (or less) motors shall have an auxiliary generator receptacle on the panel box.
  - b. Stations with greater than 35HP motors shall include an on-site stationary generator set with remote transfer capability.
  - c. Wet wells to contain sewage line surcharges/overflows.
  - d. Emergency by-pass pumpouts for tank trucks.
  - e. 100 percent redundancy in lift station pumping equipment.
- I.(2) The Developer\* previously submitted to Manatee County, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer\*. This plan was approved by Manatee County, and identified the entity responsible for the monitoring and time schedule for conducting the inspections. Faulty lines, or any part thereof, shall be replaced as quickly as

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

- I.(3) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (91-39).
- I.(4) The Developer\* shall not utilize on-site wastewater treatment.
- I.(5) Prior to any submittals to the Manatee County Development Review Committee, the Developer\* shall provide a Conceptual Master Plan\* for sanitary sewer for approval by the Planning Department. The sanitary sewer Conceptual Master Plan\* shall show the extent of the sewer lines that shall be provided to serve the Development\*, including all source and discharge points. The plan shall also show all off-site sewer facilities that are required to be extended for this Development\* along with stub-outs for unserviced land holdings.

## **WATER**

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

## **SOLID WASTE**

- K.(1) The Developer\* shall provide to all Unnamed Exclusive Golf and Country Club Community businesses information that:
  - a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas;
  - b. Concerns the availability of existing companies that will accept wastes for recycle, reuse, exchange, and treatment; and

- c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

K.(2) The Developer\* shall notify all commercial tenants of their responsibility to comply with all the applicable sections of Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).

## **ENERGY**

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

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

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

## **EDUCATION**

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

## **RECREATION AND OPEN SPACE**

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

## **SHERIFF, FIRE, AND EMERGENCY MEDICAL SERVICE**

- O.(1) Sheriff, emergency medical services, and fire protection will be provided by Manatee County. The Developer\* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for police, fire, and emergency medical services or any combination thereof. The Developer\* may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as allowed by the Land Development Code, if applicable. An agreement as to pro-rata share, mutually acceptable to the County and the Developer\*, was reached for EMS and the Sheriff's Department concurrent with the issuance of the rezone ordinance, PDR-89-05(Z)(G)(R), approved 09/27/93 (Exhibit I).Completed
- O.(2) The Unnamed Exclusive Golf and Country Club development shall be designed and constructed to meet or exceed specifications of the State Fire Code - Rule 4A-3.012, FAC or be in compliance with the Manatee County Comprehensive Plan and Land Development Code requirements.

## **DEVELOPER COMMITMENTS**

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

## GENERAL CONDITIONS

- Q.(1) The maximum number of residential units shall be limited to 1,238. With each preliminary plan submitted, a Residential Sector Data Table shall be provided to include the number of units that have Final Site Plan approval.
- Q.(2) (Reserved)
- Q.(3) If, prior to the time permanent fire protection facilities in this area of the county are deemed desirable by the Fire District, a temporary station is deemed desirable. The developer shall enter into an agreement to contribute a pro rata share of the cost of a site for, and of constructing and equipping a fire protection facility, if required by the Fire Department with the appropriate Final Site Plan approval.
- Q.(4) The adjacent 120' right-of-way for Honore Avenue has been dedicated with both the final approval for the golf course and the Final Plat for Parcel V. The ROW was located outside of the temperate hardwood hammock and the ROW crossing at the tributary to the Braden River was kept to a minimum and approved at time of site plan approval. Within the Arvida parcel the developer shall dedicate right-of-way for Honore Avenue, consisting of 120 feet of width as shown on revised map H within 60 days of the approval of this request to add the Arvida Tracts\* to the Unnamed Exclusive Golf and Country Club (Completed).
- Q.(5) The Timberlake Drive connection shall be converted to paved emergency access only, and constructed to Manatee County structural road construction standards
- Q.(6) To satisfy the requirement for an interneighborhood tie and a second means of access for this project, the developer shall:
- a. Provide an access to Honore Avenue with the development of Parcel V. This access shall be constructed to the standards of an urban local street. (Completed)
  - b. Construct a 24' wide section of Honore Avenue, to County urban standards, from the Honore Avenue access referenced in condition Q.(6)a., above, to the limits of the development (including the right-of-way to be dedicated within the triangle of Mote Ranch property, owned as of August 8, 1994 by Island Investment Properties, Inc. and Kabara N.V.), prior to August 23, 1997. The Developer has posted a bond for construction of such road prior to further Final Subdivision Plat approvals for this project. Further, prior to June 30, 1996, the Developer provided a temporary stabilized emergency access from the northern end of Park Boulevard to University Parkway and dedicated the aforesaid right-of-way within the triangle at Mote Ranch; and (Completed)
  - c. The boulevard shall be considered as two means of access for this project until approval of the Final Plat for the 885th residential dwelling unit in the

project. Prior to the Final Plat approval for the 885th residential unit, the developer shall:

- (1) construct a 24' wide section of Honore Avenue or provide a bond to do so, to County urban standards, from a point within the development to the nearest paved County street outside of the development which connects to another paved County street, pursuant to Section 712.2.8, Diagram A, Number 1 or 2; or
  - (2) construct a 24' wide street, or provide a bond to do so, to County urban standards, from Tract AR-1 to University Parkway. In the event this option is selected, the existing street connection between Tracts R-1 and R-2 shall remain in place; and
- d. Payments or land or facilities provided by the Developer to the County pursuant to conditions Q.(6) b, and c, above, shall be eligible to receive credits towards the transportation component impact fee as may be allowed pursuant to Section 806 of the Land Development Code; and
- e. Any bonds posted shall be consistent with performance bonds standards set forth in Section 910.2 of the Land Development Code.
- Q.(7) Upon completion of the project, all property within the 1,187.6± acre boundaries shall have been platted, unless the Land Development Code is amended so that platting is not required. Project, as herein defined, shall mean the 1,187.6± acre tract together with any extensions or additions thereto.
- Q.(8) The developer shall maintain adequate right-of-way to allow the parcel to the east, known as "the Nelson Tract," access to Honore Avenue through this development.
- Q.(9) **DEFINITIONS** Note: An asterisk (\*) denotes that the word is defined.
- A. "Acceptable Level of Service\*" shall be the Levels of Service depicted on revised Table 31-5 of the Application\* (August, 1992 Sufficiency Response), or as shown on Table 5.1 of the Manatee County Comprehensive Plan, whichever is more restrictive. Acceptable Level of Service\* for links and intersections in Sarasota County, Florida shall mean Level of Service as set for the affected roadways in the Sarasota County Comprehensive Plan (APOXSEE).
  - AA. "Arvida Tract\*" shall mean that area lying and being in Sections 35 and 36, Township 35 South, Range 18 East, Manatee County, Florida. Containing 150.45 acres, more or less. More particularly described in Section 4 below.
  - B. "Application\*" and "Application for Development Approval\*" or "ADA\*" shall mean Unnamed Exclusive Golf and County Club's Development of Regional Impact Application for Development Approval\* (August 7, 1989) and

additional information submittals submitted by the Developer\* on March 5, 1990; July 10, 1990; August 20, 1992; and October 21, 1992, and amendments submitted on April 20, 1993, September 1, 1999, and January 5, 2001.

- C. "Best Management Practices\*" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).
- D. "Conceptual Master Plan\*" shall mean a graphic depiction of the development described in the DRI Application\* and shown as "Revised Map H" of Exhibit B of the Unnamed Exclusive Golf and Country Club General Development Plan\*.
- E. "Conservation Area\*" shall mean areas as defined by TBRPC and shown on "Revised Exhibit C"
- F. "County Transportation Authority\*" shall be defined as the County Division of Highways, Department of Public Works, or whatever County entity is responsible for roadway approvals.
- G. "Developer\*" shall mean Woodlands Country Club Associates, a Florida general partnership; it heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.
- H. "Development Approval\*" shall mean any approval for development granted through the Preliminary Site Plan\*, Preliminary and Final Subdivision Plat, and Final Site Plan process or construction drawing approval where site plans are not required.
- I. "Funding Commitments\*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following:
  - 1. Binding commitments for the actual construction with a posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County; or
  - 2. Actual construction; or
  - 3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required as long as said improvement is

within the first two years of the Manatee County Capital Improvement Plan or the first two years of the FDOT Work Plan at the time of Preliminary Site Plan approval of a subphase or phase; or

4. A local development agreement as defined by Florida Statutes and the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.
  
- J. "Horizontal Development\*" shall mean and shall be deemed to include the construction of any and all improvements required to serve Vertical Development\* (e.g., roadway, drainage, water, sewer, communication, utilities, etc.).
  
- K. "Master Development Order\* (MDO\*)" shall mean the Circle-N-Bar Ranch Master Development Order\* R-84-69, as amended by R-86-214.
  
- L. "Master Development Plan\*" shall be defined as Revised Map H incorporated as part of "Exhibit B" and made a part hereof. Development on Revised Map H shall be limited to the total number of dwelling units and non-residential development listed on Table 1, of the Development Order.
  
- M. "Owner\*" shall mean Island Investment Properties LTD.; Kabara Corporation N.V.; W.T. Harrison Jr., as trustee; Northern Capital Group, a Florida general partnership; and Lawrence Lott Edge; their heirs, assigns, designees, agents, and successors in interest as to the Unnamed Exclusive Golf and Country Club DRI and all its stipulations.
  
- N. "Post Development Wetland\*" shall mean any Wetland\* area, which upon completion of the subphase, that will be a jurisdictional Wetland\* under the regulations of the Southwest Florida Water Management District or the Florida Department of Environmental Protection. This definition shall not apply to stormwater ponds or littoral shelves not required for mitigation.
  
- O. "Preliminary Development Agreements\*" (PDA\*) shall mean the agreements between the Developer\* and the Department of Community Affairs dated January 26, 1990, October 18, 1990, and December 11, 1992 allowing the Developer\* to obtain county approval for 795 residential units and an 18 hole golf course and support uses on certain property within the legally described project.
  
- P. "Preliminary Site Plan\*" (PSP\*) shall mean a Preliminary Master Development Plan\* or a Preliminary Site Plan\* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code, (Ordinance 90-01) for a Phase or Sub-Phase.

- Q. "Preservation Areas\*" shall mean areas as defined by TBRPC and shown on "Revised Exhibit C".
- R. "Simms Tract\*" shall mean the portion of the Unnamed Exclusive Country Club described as that portion of the South Half of the Northeast Quarter, Section 26, Township 35 South, Range 18 East, lying south of the Braden River. Lying and being in Manatee County, Florida. Containing 74.5 acres, more or less.
- S. "Site Development Plan\*" shall be defined as any Preliminary Plat, Final Plat, Preliminary Site Plan\*, or Final Site Plan to be submitted for consideration of approval pursuant to the LDC.
- T. "Subsume and Supersede\*" shall mean that the MDO\* and PDA\* are hereby recognized to be merged and incorporated into the Arvida Corporate Park DRI and Unnamed Exclusive Golf and Country Club DRI Development Orders as referenced herein. All rights, vested or otherwise, accruing to the MDO\* under law are merged and incorporated into the above-referenced Development Orders.
- U. "Traffic Study\*" shall mean a report presented by the Developer\*, using a methodology acceptable to the County Transportation Authority\*, the Tampa Bay Regional Planning Council, and the Department of Community Affairs to trigger the Development Approval\* Process for the next Preliminary Site Plan\*. Such study will be designed to determine if the proposed development will reduce daily or peak hour Level of Service\* on any of the roadway segments or intersections within the Transportation Impact Area\* as generally identified in "Exhibit D", to below an Acceptable Level of Service\*. Any such Traffic Study\* shall include traffic to be generated by the proposed Phase or Sub-Phase, existing traffic, and traffic anticipated from prior Development Approvals\*.
- V. "Transportation Impact Area\*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by a proposed PSP\* in combination with prior approvals of this project will be five percent (5%) or more of the Acceptable Level of Service\*. This area was generally depicted on Map J ("Exhibit D") which was submitted with the ADA\*.
- W. "Vertical Development\*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any structure.
- X. "Wallace Tract\*" shall mean that portion of the Unnamed Exclusive Golf and Country Club described as together with the NW 1/4 of Section 35, Township 35 South, Range 18 East, and the South 1/2 of the SW 1/4 of the SW 1/4 of

Section 26, Township 35 South, Range 18 East, Manatee County, Florida.  
Containing 63 acres, more or less.

- Y. "Warranted\*" shall mean a determination by the County Transportation Division, Public Works Department based on generally accepted transportation engineering practices that the Acceptable Level of Service\* cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination, not merely the trips generated by Unnamed Exclusive Golf and Country Club.
- Z. "Wetland\*" shall mean any wetland under the jurisdictional limits defined by Chapter 40D-4.021, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District. It is recognized that Arvida Corporation and its successors, including the Developer\*, received a jurisdictional determination covering the Circle-N-Bar Ranch property, which was preformed and verified by the Florida Department of Environmental Regulation on July 20, 1984, and validated as a binding jurisdictional statement pursuant to Section 403.913(5), Florida Statutes, on January 21, 1985 (Exhibit F). Subject to the conditions contained in this definition, all rights accruing from this validation shall continue to be protected in this ordinance pursuant to Subsection 373.414.(12), Florida Statutes, and the Wetland\* permitting criteria set forth in Chapter 40D-4, Florida Administrative Code, in effect prior to October 1, 1986. In the event the aforesaid jurisdictional determination expires, is withdrawn, or is otherwise no longer valid or binding, then any new, amended, or revised jurisdictional determinations shall apply to all portions of this development which have not received Preliminary Site Plan\* approval.

Q(10) Development within University Park Country Club shall comply with the standards of the Land Development Code, except as follows:

- a. The minimum lot width for single-family semi-detached, zero-lot-line residences, or residences with attached garages shall be 40 feet. Said unit types shall not consist of more than 25 percent of the total units in the development.
- b. The minimum front yard building setback for residences with side loaded garages shall be 20 feet. The minimum front yard building setbacks for all other residences shall be 25 feet.
- c. The minimum side yard building setback for zero-lot-line and single-family semi-detached residences or garages which are semi-detached shall be 0 feet adjacent to one property line and 15 feet on the opposite side. The

minimum building setback for all other side yards in the development shall be 7.5 feet.

- d. A minimum 5 foot rear yard setback for single-family semi-detached and zero-lot-line residences shall be required between the upland edge of a wetland buffer and adjacent structures provided a walled courtyard is provided in the rear of the residence and that there not be any doorway on the rear side of the courtyard within 15 feet of the buffer.
- e. The minimum pavement width for all one-way street segments around cul-de-sacs which serve less than seven lots shall be 20 feet.

Q(11) Unless specifically modified with this or previous approvals, or subsequent approvals, development in the project shall comply with all requirements of the Land Development Code. Modifications which may be approved administratively by the Director may be considered on a case by case basis.

Q(12) Prior to the approval of each final site plan, a Fugitive Particulate Abatement Plan must be approved by the County.

Q(13) There shall be no multi-family units allowed in the project, and parcels A & AA shall be limited to single-family detached lots only.

Q(14) The waterfront setbacks shall be 30', except for 10' which was previously approved in Whitebridge Court.

**MODIFICATIONS:**

1. Modification to Section 603.7.4.8 of the Land Development Code, reducing minimum lot width to 40 feet for single-family semi-detached and zero-lot-line residences.
2. Modification to Section 603.7.4.7 of the Land Development Code, reducing front yard setbacks to 20 feet for units with side loaded garages, side yard setbacks to 0 feet on one side of all single-family attached and zero-lot-line residences, a 15 foot side yard setback on one side of all zero-lot-line residences and for single-family attached, and 7.5 feet for all other side yards in the development.
3. Modification to Section 702.6.10 of the Land Development Code to allow a 5 foot setback for single-family attached and zero-lot-line residences between the upland edge of the wetland buffer and an adjacent structure.
4. Modification to Section 907.9.2.4 of the Land Development Code to allow a pavement width of 20 feet for one-way street segments around cul-de-sacs which serve less than seven lots.

5. Modification to Section 712.2.8 of the Land Development Code to allow greater than 100 units in Virginia Waters Subdivision with only one means of access.
6. Modification to Section 907.7.3 of the Land Development Code to allow side lot lines to deviate more than 22.5 degrees from the side lot line drawn perpendicular to the street line.

#### **Section 4. LEGAL DESCRIPTION.**

##### **GENERAL DEVELOPMENT PLAN PARCEL:**

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

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

00°26'00" W, ALONG SAID WEST LINE, A DISTANCE OF 2,560.80 FEET; THENCE N 89°27'42" W, A DISTANCE OF 1,800.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 1,320.00 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 35; THENCE N 89°28'17" W, A DISTANCE OF 2,154.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 877.94 ACRES, MORE OR LESS.

**TRACT 2:** TOGETHER WITH AND INCLUDING ALL THAT PART OF THE N ½ OF THE NE 1/4 OF SAID SECTION 26, LYING SOUTHERLY AND WESTERLY OF THE BRADEN RIVER.

CONTAINING 42.7 ACRES, MORE OR LESS.

**WALLACE TRACT:** TOGETHER WITH THE NW 1/4 OF THE NW 1/4 OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND THE SOUTH ½ OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 63.0 ACRES, MORE OR LESS.

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

CONTAINING 74.5 ACRES, MORE OR LESS.

**ARVIDA TRACT:** FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1,406.29 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 1,354.49 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE N 89°28'17" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE OF 605.51 FEET; THENCE N 00°26'00" E, A DISTANCE OF 1,320.00 FEET; THENCE S 89°27'42" E, A DISTANCE OF 1800.00 FEET TO THE WEST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE N 00°26'00" E, ALONG SAID WEST LINE A DISTANCE OF 2,560.80 FEET; THENCE S 89°27'25" E, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,513.94 FEET TO THE WEST LINE OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE CONTINUE S 89°27'25" E, A DISTANCE OF 303.59 FEET TO A POINT THAT IS 303.55 FEET EAST OF, AS MEASURED AT A RIGHT ANGLE TO, THE WEST LINE OF SAID SECTION 36; THENCE S 00°20'22" E, AND PARALLEL TO THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 2,561.09 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,435.71 FEET TO A POINT ON A

CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT HAVING A TANGENT BEARING OF S 31°21'59" W, AND LYING ON THE EASTERLY LINE OF LANDS OF FLORIDA POWER & LIGHT COMPANY DESCRIBED IN OFFICIAL RECORDS BOOK 1184, PAGE 3443, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY, AND WESTERLY LINES OF SAID LANDS THE FOLLOWING FIVE CALLS: NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°48'59" A DISTANCE OF 192.91 FEET; THENCE N 17°33'00" E, A DISTANCE OF 68.92 FEET; THENCE N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE N 89°27'25" W, AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 355.00 FEET TO THE EAST LINE OF SAID 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT; THENCE S 00°26'00" W, ALONG SAID EAST LINE, A DISTANCE OF 400.00 FEET; THENCE S 00°26'00" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 1,320.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 164.23 ACRES, MORE OR LESS.

LESS AND EXCEPT 21± ACRES FOR HONORE ROAD RIGHT OF WAY DEDICATED TO MANATEE COUNTY AS REQUIRED IN DEVELOPMENT OR DEED; AND

LESS AND EXCEPT THE FOLLOWING 13.8± ACRES DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 00°20'22" W, ALONG THE EAST LINE OF THE S.E. 1/4 OF SAID SECTION 35, A DISTANCE OF 1320.16 FEET TO THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 35 AND THE POINT OF BEGINNING; THENCE N 89°27'25" W, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4, A DISTANCE OF 1132.12 FEET TO AN INTERSECTION WITH A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1184, PAGE 3443 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 58°38'01" W, AT A DISTANCE OF 800.00 FEET; THENCE ALONG THE OUTLINE OF SAID PARCEL THE FOLLOWING THREE (3) COURSES: (1) NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'59", A DISTANCE OF 192.91 FEET TO A POINT OF TANGENCY; (2) N 17°33'00" E, A DISTANCE OF 68.92 FEET; (3) N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE S 89°27'25" E, A DISTANCE OF 11.27 FEET; THENCE N 41°08'00" E, A DISTANCE OF 394.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°30'00", A DISTANCE OF 133.52 FEET TO A POINT OF TANGENCY; THENCE 62°22'00" E, A DISTANCE OF 84.95'; THENCE S 15°20'00" E, A DISTANCE OF 131.26'; THENCE S 48°35'00" E, A DISTANCE OF 163.63 FEET; THENCE S 78°20'00" E, A DISTANCE OF 155.00 FEET; THENCE S 70°00'00" E, A DISTANCE OF 306.75 FEET; THENCE S 72°19'56" E, A DISTANCE OF 154.48 FEET; THENCE S 00°20'22" E, A DISTANCE OF 273.93 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE N.W. 1/4 OF THE S.W. 1/4 OF

SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°17'25" W, ALONG SAID SOUTH LINE, A DISTANCE OF 183.57 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

**Section 5. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State provided, however, that the filing of Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Ordinance, until the resolution of said appeal. However, this is not intended to suspend development previously authorized pursuant to PDR-89-05(G)(R78) during the pendency of any appeal.

**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the ~~24th day of April, 2001~~ the 3<sup>rd</sup> day of September 2009.

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

BY: *Dr. Gwendolyn Y. Brown*  
Dr. Gwendolyn Y. Brown, Chairman

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

BY: *Susan Blomene*  
Deputy Clerk



## EXHIBIT E - LEGAL DESCRIPTION

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

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

CONTAINING 877.94 ACRES, MORE OR LESS.

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

CONTAINING 42.7 ACRES, MORE OR LESS.

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

CONTAINING 63.0 ACRES, MORE OR LESS.

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

CONTAINING 74.5 ACRES, MORE OR LESS.

**ARVIDA TRACT:** FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, RUN N 89°27'25" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY, ALSO BEING THE SOUTH SECTION LINE OF SAID SECTION 35, A DISTANCE OF 1,406.29 FEET TO THE EAST LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 996, PAGE 1979, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE N 89°27'25" W, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH SECTION LINE, A DISTANCE

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

LESS AND EXCEPT 21± ACRES FOR HONORE ROAD RIGHT OF WAY DEDICATED TO MANATEE COUNTY AS REQUIRED IN DEVELOPMENT OR DEED; AND

LESS AND EXCEPT THE FOLLOWING 13.8± ACRES DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 00°20'22" W, ALONG THE EAST LINE OF THE S.E. 1/4 OF SAID SECTION 35, A DISTANCE OF 1320.16 FEET TO THE SOUTHEAST CORNER OF THE N.E. 1/4 OF THE S.E. 1/4 OF SAID SECTION 35 AND THE POINT OF BEGINNING; THENCE N 89°27'25" W, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF THE S.E. 1/4, A DISTANCE OF 1132.12 FEET TO AN INTERSECTION WITH A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1184, PAGE 3443 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 58°38'01" W, AT A DISTANCE OF 800.00 FEET; THENCE ALONG THE OUTLINE OF SAID PARCEL THE FOLLOWING THREE (3) COURSES: (1) NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'59", A DISTANCE OF 192.91 FEET TO A POINT OF TANGENCY; (2) N 17°33'00" E, A DISTANCE OF 68.92 FEET; (3) N 00°26'00" E, A DISTANCE OF 158.17 FEET; THENCE S 89°27'25" E, A DISTANCE OF 11.27 FEET; THENCE N 41°08'00" E, A DISTANCE OF 394.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°30'00", A DISTANCE OF 133.52 FEET TO A POINT OF TANGENCY; THENCE 62°22'00" E, A DISTANCE OF 84.95'; THENCE S 15°20'00" E, A DISTANCE OF 131.26'; THENCE S 48°35'00" E, A DISTANCE OF 163.63 FEET; THENCE S 78°20'00" E, A DISTANCE OF 155.00 FEET; THENCE S 70°00'00" E, A DISTANCE OF 306.75 FEET; THENCE S 72°19'56" E, A DISTANCE OF 154.48 FEET; THENCE S 00°20'22" E, A DISTANCE OF 273.93 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°17'25" W, ALONG SAID SOUTH LINE, A DISTANCE OF 183.57 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

**EXHIBITS B, C, D, F, G, H, and I**

**ARE NOT ATTACHED, BUT ARE ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS  
TO THE PREVIOUSLY APPROVED DEVELOPMENT ORDER PDR-89-05(G)(R5)  
APPROVED ON JULY 8, 1997 FOR THE UNNAMED EXCLUSIVE GOLF AND COUNTRY  
CLUB.**

## EXHIBIT J

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

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

- a. All points of measurable surface water discharge from the property boundaries, within the Braden River Watershed, shall be monitored on a semiannual basis (wet/dry season). At each station, during each sampling event, three grab samples shall be collected, composited, and transported to an FDEP approved laboratory for chemical analysis. In addition, in-situ field parameters should be measured from the composite sample using appropriately calibrated field meters. The three grab samples encompassing the composition sample shall be collected at least twenty minutes apart.
  
- b. Parametric coverage of the monitoring plan should include the following:
  - specific conductance (field)
  - temperature (field)
  - dissolved oxygen (field)
  - pH (field)
  - flow rates (field)
  - chlorides
  - sulfates
  - fluoride
  - total dissolved solids
  - total suspended solids
  - ammonia
  - nitrate
  - nitrite
  - total Kjeldahl nitrogen
  - total nitrogen
  - orthophosphate
  - total phosphorous
  - copper
  - lead
  - zinc
  - mercury
  - nickel
  - arsenic
  - cadmium
  - chromium

- silver
  - total coliform
  - fecal coliform
  - BOD-5
  - primary organics (pesticides and herbicides)
- c. Sampling events should be performed following storm events of sufficient intensity to create runoff. All points of measurable surface water inflow and discharge from the site should be sampled following a ½ inch or greater storm event using methodology approved by the U. S. Environmental Protection Agency for stormwater sampling associated with the NPDES permitting process. Storm event sampling should be performed twice annually, during wet (June-September) and dry (October-May) seasons, respectively.
- d. The Developer\* shall place a staff gauge in the Cedar Creek tributary and all other applicable sampling stations, for the purpose of obtaining volumetric flow measurements.
- e. The results of the monitoring program, and any modifications to the program, shall be subject to reviewed by the County, City of Bradenton, and any other agency requesting review privileges, and for approval by Manatee County and the EMD.
- f. All monitoring reports shall be submitted to TBRPC with each annual report and to Manatee County, the City of Bradenton, and any other agency requesting a copy.

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



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 9th day of September, 2009

R.B. SHORE  
 Clerk of Circuit Court

By: Diebi Essner d.c.



FILED FOR RECORD  
R. B. SHORE

2009 SEP 21 PM 2:41

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**KURT S. BROWNING**  
Secretary of State

## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

September 15, 2009

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

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 9, 2009 and certified copies of Manatee County Ordinance Nos. PDR-89-05(G)(R9)FKA Z-84-81 and 09-46, which were filed in this office on September 14, 2009.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

#### DIRECTOR'S OFFICE

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