

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

APR 5 8 38 AM '94

MANATEE COUNTY ORDINANCE NO. Z-88-64(R<sup>2</sup>)  
MANATEE JOINT VENTURE (RIVER CLUB)

AN ORDINANCE OF THE COUNTY OF MANATEE,  
FLORIDA, AMENDING MANATEE COUNTY ORDINANCE NO.  
Z-88-64(R), AS AMENDED, TO AMEND CONDITIONS  
B.(1)b, B.(1)c, B.(1)d, G.(3) AND I.(17);  
PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

MAR 31 8 15 AM '94

FILED

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 of Ordinance Z-  
88-64, as amended, the recommendation and findings of the Planning  
Commission of said County as well as all other matters presented to  
said Board at the Public Hearing hereinafter referenced, hereby  
makes the following findings of fact:

A. The Board of County Commissioners has received and  
considered the report of the Manatee County Planning Commission  
concerning the amendment to Z-88-64, as amended, to amend  
conditions B.(1)b, B.(1)c, B.(1)d, G.(3) and I.(17).

B. The said Board of County Commissioners held Public  
Hearings on October 28, 1993, November 18, 1993, December 16, 1993,  
January 27, 1994 and March 24, 1994 regarding said proposed  
amendment to approved Manatee County Ordinance No. Z-88-64, as  
amended), 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 said Public Hearings.

C. The proposed amendment to Ordinance Z-88-64, as  
amended, regarding the property described in Section 4 herein is  
found to be consistent with the requirements of Manatee County  
Ordinance 89-01, the Manatee County Comprehensive Plan.

D. The Public Hearings referenced above have been  
conducted in conjunction with public hearings upon an Application  
for the Notice of Proposed Change (NOPC) for the same development  
project, submitted pursuant to Chapter 380, Florida Statutes.

Section 2. Conditions B.(1)b, B.(1)c, B.(1)d, G.(3)  
and I.(17), of Manatee County Ordinance Z-88-64, as amended, are  
hereby amended to read in their entirety as follows:

- B. (1)b Separate Preliminary Site Plans may be  
submitted for each separate cluster  
development subphase. The last Preliminary  
Development Plan for such subphase shall be  
submitted within nine years of approval of the  
Development Order. Each Final Site Plan shall  
cover the Preliminary Site Plan\* and shall not  
be in increments. All site plans submitted  
after the effective date of this Resolution R-  
93-238 shall obtain a certificate of level of  
service prior to approval.
- B. (1)c All Final Site Plans\* shall be submitted by  
November 29, 1999.
- B. (1)d Construction of all infrastructure for single  
family lots and construction of cluster/villas  
shall be completed by November 29, 2000.
- G. (3) Approval of each Preliminary Development Plan\*  
for each and every Subphase of the project  
shall be contingent upon satisfaction of one  
of the following:

- a) Approval and development of the Preliminary Development Plan shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals\*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service\* on any roadway segments or intersections within the Transportation Impact Area\*. Prior to approval of each additional Preliminary Development Plan\*, the County shall insure in a written finding of fact that the regional roadways within the Transportation Impact Area\* are operating at an Acceptable Level of Service\* and that the expected trips to be generated by such approval will not cause the roadways to operate below an Acceptable Level of Service\*; OR
- b) If approval and development of a Preliminary Development Plan\* generates traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals\*, will have the probable result of causing or contributing to a degradation of the Acceptable Level of Service\* on roadway segments or intersections within the Transportation Impact Area\*, one of the following conditions shall be met:
1. All of the Warranted\* improvements to prevent degradation of Acceptable Level of Service\* within the Traffic Impact Area\* including, but not limited to, the improvements identified on Exhibit B, shall be scheduled for construction commensurate with the buildout schedule for the applicable subphase of River Club\* through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a five-year capital improvement program, other local government programming of construction of the improvements within a five-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR
  2. The Developer\* may elect, within thirty (30) days of the Development Order approval, to mitigate the transportation impacts of River Club\* through the payment to Manatee County of \$800,000.00 for the construction of transportation projects designed to mitigate the development's impact on

transportation as set forth below. This payment has been determined to be in excess of the development's proportionate share for transportation impacts which has been calculated pursuant to approved Subsection 380.06, Florida Statutes methodology.

Manatee County shall utilize this payment to construct or obtain the construction of one or more improvements to State Road 70 in the area between U.S. 301 and Interstate 75. The completion of construction of the project(s) shall be by November 29, 1994.

Any payments due Manatee County shall be paid in cash or by certified check under this subparagraph G.(3).b.2. and shall be paid within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects under subparagraph G.(3).b.2.

The developer\* shall post an irrevocable letter of credit acceptable to County, to secure the full amount of the payment which shall be subject to being reduced to cash at such time as payments are required to be made for the State Road 70 project(s) as set forth above. Such letter of credit shall be from a federally insured bank or savings and loan association within one hundred (100) miles of Bradenton, Florida. The amount of the irrevocable letter of credit shall not have the effect of establishing the payment amount as being equal to the then existing impact fees due under Manatee County ordinance 86-09. Revisions in the impact fee schedule set forth in said Ordinance shall apply to impact fees due herein, unless the impact fees are paid in cash pursuant to a Fee Agreement prior to any such revisions becoming effective.

- c) Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer\*. Any payment made under sub paragraph G.(3).b.2. above, shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer\* has posted a Letter of Credit, and no payment has been paid pursuant to subparagraph G.(3).b.2.

above, and provided that no more than 250 units have been constructed in River Club\* and if the Developer\* is legally prohibited from utilizing the mitigation option set forth in subparagraph G.(3).b.2. above, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer\*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.

In the event Manatee County fails to construct or have constructed the Transportation Project(s) pursuant to the approved construction timing, all development activity, including the issuance of building permits and certificates of occupancy, development shall cease in River Club\* and no development may proceed under this Development Order unless the requirements of either subparagraphs G.(3).a. or G.(3).b.1. of stipulation G.(3) are met. This paragraph shall not be construed as a waiver or granting of any rights by or to the Developer\* against Manatee County for Manatee County's failure to construct the Transportation Project(s).

In the event the Developer\* fails to pay his proportionate share as defined in subparagraph G.(3).b. in a timely manner set forth therein, the options to the Developer\* under subparagraph G.(3).b. shall terminate.

- I. (17) This Development Order shall expire on December 30, 2000, except for the provisions relating to monitoring and maintaining the stormwater and groundwater quantity and quality and for the construction of single family homes by individual lot owners.

Section 3. All other provisions of Manatee County Ordinance No. Z-88-64, as amended, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Ordinance and the Ordinance referred to above, the terms of this Ordinance shall control.

Section 4. LEGAL DESCRIPTION

A parcel of land lying in Sections 19, 30 and 31, Township 35 South, Range 19 East, Manatee County, Florida, being described as follows:

Begin at the S.E. corner of said Section 30; thence N 89°49'07" W, along the south line of said Section 30, a distance of 3164.97 feet; thence S 01°07'22" W, and parallel with the west line of said Section 31, a distance of 1532.73 feet; thence N 89°49'07" W, and parallel with the south line of said Section 30, a distance of 1438.64 feet to the west line of said Section 31; thence N 01°07'22" E, a distance of 1532.73 feet to the S.W. corner of said Section 30; thence N 00°15'29" E, a distance of 2698.36 feet to the west 1/4 corner of said Section 30; thence N 01°11'02" E, along the west line of said Section 30, a distance of 1050 feet, more or

less, to the southerly ordinary high water line of the Braden River; thence northeasterly and southeasterly along said ordinary high water line, a distance of 8400 feet, more or less, to the east line of aforesaid Section 30; thence S 00°13'20" W, a distance of 4894 feet, more or less to the point of beginning.

Subject to pertinent easements, rights-of-way, and restrictions of record.

Containing 612 acres, more or less.

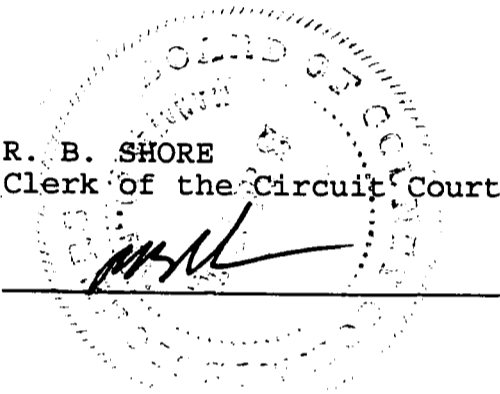
Section 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 24th day of March, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Stan Stephen  
Chairman

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



STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true  
copy of ORDINANCE NO. Z-88-64 (R<sup>2</sup>) adopted by the  
Board of County Commissioners of said County on  
the 24 day of March, 1994, this 28 day  
of March, 1994, in Bradenton, Florida.

R. B. Shore  
Clerk of Circuit Court  
By  Evelyn Floyd D.C.



FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State  
DIVISION OF ELECTIONS  
Bureau of Administrative Code  
The Elliot Building  
Tallahassee, Florida 32399-0250  
(904) 488-8427

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Honorable R. B. Shore  
Clerk of the Circuit Court  
Manatee County Courthouse  
Post Office Box 1000  
Bradenton, Florida 34206

Attention: Evelyn Lloyd, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of March 28, 1994 and certified copies of Manatee County Ordinance Numbers PDC-92-13, (Z)(P)/92-S-26 and Z88-64(R2), which were received and filed in this office on March 31, 1994.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

Enclosures (2)