



City of North Port

ORDINANCE NO. 2000-13

(Development Order for Heron Creek, a Development of Regional Impact)

A ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ISSUING THE DEVELOPMENT ORDER FOR THE DEVELOPMENT OF REGIONAL IMPACT (DRI) KNOWN AS HERON CREEK; PROVIDING FOR FINDINGS AND CONCLUSIONS OF LAW; PROVIDING FOR INCORPORATION OF THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA) INTO THE DEVELOPMENT ORDER; PROVIDING FOR THE APPROVAL OF THE HERON CREEK DRI WITH CONDITIONS; PROVIDING FOR THIS ORDINANCE TO BE DEEMED THE DEVELOPMENT ORDER; PROVIDING FOR BUILDOUT AND DEVELOPMENT ORDER TERMINATION DATES FOR THE HERON CREEK DRI; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SERVICE AND RECORDING; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR RELATIONSHIP TO OTHER REGULATIONS; AND PROVIDING FOR CONSENT TO THE PROVISIONS OF THE ORDINANCE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1. Findings of Fact and Conclusions of Law. The City Commission of the City of North Port, Florida hereby make the following findings of fact and conclusions of law:

1.1 On November 7, 1996 Marsh Creek Properties, Inc., through its authorized agent, Betsy Benac, submitted to the City of North Port, Florida, the Southwest Florida Regional Planning Council (SWFRPC), and to the Division of Resource Planning and Management of the Florida Department of Community Affairs (DCA) an application for development approval ("ADA") in accordance with Section 380.06, Florida Statutes, for approval of a development of regional impact ("DRI") to be known as "Marsh Creek DRI" (now known as "Heron Creek") located in the incorporated City of North Port within Sarasota County north of Appomattox Drive, south of the Snover Waterway, east of the Myakkahatchee Creek, west of the Blueridge Waterway, abutting Sumter Boulevard, and approximately two miles south of I-75.

1.2 The ADA was subsequently amended to add additional lands; to add an additional applicant, Renea M. Glendinning, as Trustee, the owner of the additional lands; to modify the conceptual site plan and the mix of proposed uses; and to change the name of the project to "Heron Creek DRI".

1.3 The ADA, as amended, proposes 1,970 residential units (903 single-family and 1,067 multi-family units), 500,000 gross square feet of retail/service and 250,000 gross square feet of office, 269.38 acres of recreation and open space, 27 holes of golf, buffers and tennis center, 44 acres of conservation lands (wetlands and scrub jay habitat), 105 acres of lakes for water management and 5 acres of internal road rights-of-way, on a project site containing a total of 831.38 acres more particularly described in Exhibit "A".

1.4 The Applicant has heretofore undertaken a limited amount of the development pursuant to a preliminary development agreement(s) in accordance with Section 380.06(8), Florida Statutes.

1.5 Pursuant to Section 380.06(11), Florida Statutes, public hearing notice for hearings on said ADA before the City Commissioners of North Port were duly published in the North Port *Sun-Herald* on May 17, 2000 and were duly provided to the Florida Department of Community Affairs (DCA), the Southwest Florida Regional Planning Council and other persons designated by DCA rules.

1.6 On June 17, 2000, in accordance with Section 380.06(12), Florida Statutes, the SWFRPC rendered its report and recommendations on the regional impact of the proposed Heron Creek DRI.

1.7 On August 17, 2000 the City of North Port Planning and Zoning Advisory Board ("PZAB") held a duly noticed public hearing on said ADA and received all pertinent evidence, including the SWFRPC report and recommendation and the testimony of the general public, and recommended approval of the ADA for the Heron Creek DRI subject to certain conditions as contained in the recommendation to the City Commission.

1.8 On August 28 and September 11, 2000, The City Commission of the City of North Port held duly noticed public hearings on the ADA and received all pertinent evidence, including the reports and recommendations of the SWFRPC and the PZAB, and the testimony of the general public.

1.9 The proceedings herein relating to the Heron Creek DRI ADA have been conducted in compliance with the provisions of Chapter 380.06, Florida Statutes; and all conditions precedent to the granting of development approval required by Chapter 380.06, Florida Statutes, have occurred.

1.10 The proposed development is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

1.11 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan.

1.12 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan.

1.13 The proposed development, subject to the conditions imposed herein, is consistent with the North Port Comprehensive Plan and does not appear to conflict with other local land development regulations.

1.14 The proposed development, subject to the conditions imposed herein, is consistent with the report and recommendation of the SWFRPC pursuant to Section 380.06 (12), Florida Statutes.

1.15 When developed in accordance with the conditions imposed by this Development Order, the Heron Creek development:

(a) will have a favorable impact on the environment and natural historical resources in the area;

(b) will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;

(c) will efficiently use water, sewer, solid waste disposal, public school facilities, and other necessary public facilities;

(d) will effectively use public transportation facilities;

(e) will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment; and

(f) will comply with such other criteria for determining regional impact as the regional planning agency deems appropriate, including but not limited to, the extent to which the development would create additional demand for, or additional use of, energy.

SECTION 2. Incorporation of Application for Development Approval (ADA) and Associated Documents in the Development Order.

2.1. the following information, commitments and impact mitigating provisions submitted by the Applicant are hereby incorporated in this Development Order by reference:

- i. Heron Creek's Application for Development Approval;
- ii. Heron Creek's First Response to Sufficiency Comments;
- iii. Heron Creek's Second Response to Sufficiency Comments, incorporating Amended Application for Development Approval;
- iv. February 29, 1999 Supplemental Transportation Analysis
- v. Transportation Responses to Agency Questions re: Supplemental Transportation Analysis
- vi. Heron Creek's Application for Comprehensive Plan Amendment.
- vii. Scrub Jay Management Plan

2.2. In construing and enforcing the provisions of the documents incorporated in this Development Order by Subsection 2.1. above, the following shall apply:

(a) The most recent response of the Applicant in the above referenced documents shall control over any previous response, wherever there is a conflict, otherwise the responses shall be considered cumulative.

(b) Any information, commitments or impact mitigating provisions in the above referenced documents which are inconsistent with the specific conditions set forth in this Ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.

SECTION 3. Approval of the Heron Creek Development of Regional Impact with Conditions.

3.1 The ADA for the Heron Creek DRI is hereby approved for the following land uses and phases, subject to the conditions contained in herein, consistent with Preliminary Master Plan, Map H, dated February 2000, and subject to the other provisions of the Development Order:

Land Use	Phase I (‘97-2001)	Phase II (‘02-2006)	Phase III (‘07-2011)	Phase IV (‘12-2017)
Residential: Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential: Multi Family (LUC 220)	125 DU	471 DU	471 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		12 Courts		
Medical/Professional (LUC 720)		80,000 GLA	50,000 GLA	
Office: General (LUC 710)		65,000 GLA	55,000 GLA	
Retail: Shopping Center (LUC 820)	90,000	122,500 GLA	150,000 GLA	137,500 GLA

3.2 The City of North Port Department of Planning is hereby designated as the local government department responsible for monitoring the development, enforcing and monitoring the terms of the Development Order and for receiving the annual report required by Chapter 380.06, Florida Statutes.

3.3 Annual Report Requirements:

The Applicant shall submit an annual report pursuant to the requirements of Chapter 380.06(18), Florida Statutes, Chapter 9J-2.025(7), Florida Administrative Code (F.A.C.) and procedures established by the Southwest Florida Regional Planning Council. This report shall be submitted on the anniversary of the effective date of the Development Order or on such other date as agreed upon by the Applicant, City of North Port, the Southwest Florida Regional Planning Council, and the Department of Community Affairs until and including, such time as all terms and conditions of the Development Order are satisfied, unless otherwise specified herein. The date upon which the annual report is required to be submitted may be established to coincide with the same date upon which the Heron Creek annual report is required to be submitted. The Applicant shall submit this annual report to the City of North Port Planning Department, the Southwest Florida Regional Planning Council (SWFRPC), the Department of Community Affairs (DCA), and all affected permitting agencies required by law on Form RPM-BSP-Annual Report-1, as the same may be amended from time to time. The annual report shall contain all information required by Rule 9J-2.025(7)(a) through (j), F.A.C., as the same may be amended from time to time.

Upon notification that the annual report is not received by the Southwest Florida Regional Planning Council (SWFRPC), the Department of Community Affairs (DCA), or upon non-receipt of the annual report by City of North Port, City of North Port shall request in writing that the Applicant submit the report within thirty (30) days. Failure to

submit the report after 30 days shall result in City of North Port temporarily suspending this Development Order, and no new development permit applications shall be granted within the development until the requirements of this subsection are met.

3.4 The Applicant shall submit to the City of North Port Planning Department any monitoring reports specified in the conditions contained in Exhibit B. The director of the community development department for the City of North Port shall be the local official responsible for assuring compliance by the Applicant with this Development Order.

SECTION 4. Additional Local Conditions

4.1 The Heron Creek DRI is partially located in Activity Center #2 identified in the Comprehensive Plan, adopted November 10, 1997, Ordinance No. 97-27 (as amended). All nonresidential development (except the golf course, clubhouse and fitness center) will be located in the Town Center, a subcategory of Activity Center #2. The Town Center is designated as a mixed-use, pedestrian-oriented development. By February 2001, the applicant agrees to submit to the City of North Port Community Development Department, a draft pattern book that includes design guidelines that dictate urban form and architectural controls for nonresidential development in the Town Center. The pattern book will also address the urban form for the City of North Port's civic development in the northeast quadrant of Price and Sumter. After sufficient staff and public review, the City of North Port will adopt the pattern book.

The applicant has submitted plans for a grocery store to be located in the southwest quadrant of Price and Sumter. This grocery store is exempt from the design guidelines.

4.2 The applicant shall construct a maximum of four (4) sheltered bus stops. The first bus shelter shall be constructed concurrent with the proposed grocery store identified in 4.1 above. All other shelter locations to be mutually agreed upon between the City and the applicant. Applicant not responsible for any shelters in the City of North Port's civic development.

4.3 All roads in the Heron Creek DRI are private. If the applicant seeks approval to transfer jurisdiction from applicant/homeowner's association to the City of North Port, a public hearing shall be held and this Ordinance amended.

4.4 Open swales shall not be allowed in the right-of-way for Price and Sumter Boulevards when they are improved or expanded in the Town Center. This requirement shall not preclude use of open swales in other areas of the Heron Creek development.

- 4.5. The applicant shall promote efficient pedestrian and bicycle movement within the development. This shall be achieved through the design of bike lanes, shade trees and provisions for bicycle racks in the Town Center. Bike lanes will be designed to be either on-street, off-street or other design acceptable to the City of North Port.
- 4.6. The applicant shall provide sidewalks along both sides of Price and Sumter Blvd(s). within the project limits by the last day of the calendar year 2003, with the exception of the sidewalk on the east side of Sumter, which shall be constructed no later than adjacent commercial development. If these road sections have not been designed for improvements, the applicant shall be able to put in sidewalk sections that can be replaced at a later date. An example is asphalt. The applicant shall put in permanent sidewalks when Price and Sumter are improved.
- 4.7 The applicant and the City of North Port will enter into a developer's agreement that includes the following projects, time frames and funding commitments. For purposes of this condition, it is assumed that North Port Blvd. extension is not required and has been deleted from the Future Circulation Map of the City of North Port Comprehensive Plan.
- (1) Sumter Blvd. (4-lane adjacent to the proposed development). Sumter Boulevard 4-laning may be subject to impact fee credits, and may be paid for from the proposed proportionate share contributions outlined in Table 2 of Exhibit "B". Project substantially complete by the end of Phase II (2006).
 - (2) If the transportation analysis to be completed for Phase IV indicates that 4-laning of Price Boulevard is warranted due to existing or expected traffic from the development, revise the development agreement to provide for 4-laning Price Boulevard adjacent to the proposed development prior to the completion of phase IV (2017).
 - (3) Provided that the transportation analysis to be completed showing the addition of two lanes to Sumter does not reduce the expected additional traffic on Pan American Boulevard from the development below 5%, the applicant agrees to pay a proportionate share of the traffic calming improvements proposed by the city.
- 4.8 The right-of-way for the North Port Blvd. extension shall be designed as a public pedestrian and bicycle corridor from Price Blvd. to Appomattox Dr. and shall be incorporated into the Myakkahatchee Creek project. This right-of-way shall include a stabilized access for public safety vehicles, shall be approved by the City, and shall be

constructed prior to the last day of the calendar year 2003. After the improvements are complete, the applicant shall convey to the City fee simple title for the 50 feet of right-of-way. The ROW shall be used exclusively for a greenway/bicycle and pedestrian pathway.

- 4.9 The Public Works Director shall approve all access points to Price and Sumter Blvds.

SECTION 5. Ordinance as Development Order. This Ordinance shall be deemed the Development Order required pursuant to Section 380.06, Florida Statutes, for the Heron creek Development of Regional Impact.

SECTION 6. Build-out and Development Order Termination Dates for the Heron Creek Development of Regional Impact

6.1 The build-out date of this Development Order is December 31, 2017, provided, however, additional analyses may be required in accordance with the provisions contained in Exhibit B.

6.2 The Heron Creek Development Order shall remain in effect until December 31, 2017.

SECTION 7. Enforcement

7.1 All conditions, restrictions, requirements, commitments and impact mitigating provisions contained or incorporated by reference in this Development Order may be enforced by City of North Port by action at law or equity.

7.2 In the event it is determined by the City Commission of the City of North Port, after notice and hearing, that the Applicant has failed to comply with any conditions, restrictions, requirements or impact mitigating provisions contained or incorporated by reference in this Development Order, the City Commission may temporarily suspend the Development Order during which no development permit applications shall be granted within the development until compliance is achieved.

7.3 The obligations of this Development Order shall run with the land. The Applicant is bound by the terms of this Development Order so long as it owns such property. This Development Order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest thereto, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

SECTION 8. Severability

8.1 If any section, sentence, clause, phrase or word of this Development Order is for any reason held or declared to be invalid, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Development Order and it shall be construed to have been the intent to pass this Development Order, without such invalid or inoperative part herein, and the remainder, exclusive of such part or parts, shall be deemed and held to be valid as if such parts had not been included herein, unless to do so would frustrate the intent of this Development Order.

SECTION 9. Service and Recording

9.1 This Ordinance shall be binding upon the Applicant, its successors and assigns and upon City of North Port. Notice of the adoption of this Ordinance shall be recorded by the Applicant in accordance with Section 380.06(15)(f), Florida Statutes.


9.2 The City of North Port Clerk shall certify the date upon which certified copies of this Ordinance are deposited in the U.S. Mail for DCA, the SWFRPC, and the Applicant.

SECTION 10. Effective Date This Development Order shall take effect upon execution of the consent provided for in Section 11 of this Ordinance and transmittal of the copies of said Development Order to the parties specified in Section 380.07(2), Florida Statutes, the expiration of any appropriate appeal period, or the resolution of any appeal, whichever is later.

SECTION 11. Relationship to Other Regulations

11.1 This Development Order shall not be construed as an agreement on the part of City of North Port to exempt the Applicant, its successors and assigns, from the operation of any ordinance or other governmental regulation now in effect or hereafter adopted by City of North Port for the purpose of protection of public health, welfare and safety, which said Ordinance or regulation shall be generally and equally applicable throughout City of North Port, and which said Ordinance or regulation does not impair or otherwise frustrate the Development herein approved.

11.2 This DRI shall not be subject to down-zoning, unit density reduction or intensity reduction prior to December 31, 2017, unless City of North Port can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Applicant or that the change is clearly established by City of North Port to be essential to the public health, safety, or welfare.

11.3 Prior to the first building permit issued for Phase II, the applicant shall pay all application fees in accordance with Ordinance 96-14. 

SECTION 12. Consent to Provisions of Ordinance

12.1 The Applicant, by signing this document in the space hereinafter provided, signifies its approval of, and assent to, the provisions of this Development Order. Such signature shall also constitute a certification by the Applicant that it has delivered to the Southwest Florida Regional Planning Council and the Department of Community Affairs a complete copy of all documents specified in Section 2.2.1 above.

PASSED AND DULY ADOPTED by the City of North Port, Florida this 11th day of September, 2000.

THE CITY OF NORTH PORT, FLORIDA

By: 

JOSEPH E FINK, COMMISSIONER

Chairman

ATTEST:

for 
Doris J. Briggs, City Clerk

Approved as to form and correctness:


H. Jack Klingensmith, City Attorney

MARSH CREEK HOLDINGS, LTD., a Florida limited partnership, and **RENEA M. GLENDINNING**, as Trustee, under Trust Agreement dated April 30, 1988 hereby warrant that they are the owners in fee simple of all the real property described in Exhibit "A," attached hereto, and that they have reviewed, approve, and assent to all the terms, conditions and provisions of the foregoing Development Order including all attachments thereto, which Development Order is also described as City of North Port Ordinance No. 2000-13, and acknowledge that the same are binding upon the partnership, its successors and assigns and shall constitute covenants running with the property described in Exhibit "A."

WITNESSES:

William G. Schlottbauer
 Signature of Witness
William G. Schlottbauer
 Print Name of Witness
Lizabeth Berg
 Signature of Witness
Lizabeth Berg
 Print Name of Witness

MARSH CREEK HOLDINGS, LTD.

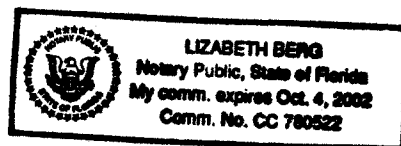
By: Marsh Creek Properties, Inc.,
 a Florida corporation,
 As General Partner

By: J. Michael Hartenstine
 J. Michael Hartenstine
 As its Vice President

STATE OF FLORIDA
 COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 14th day of September 2000 by J. Michael Hartenstine, as Vice President of Marsh Creek Properties, Inc., a Florida corporation and general partner of Marsh Creek Holdings, Ltd., a Florida limited partnership, on behalf of the corporation and the partnership. The above-named person is personally known to me or has produced _____ as identification.

(NOTARY SEAL)



Lizabeth Berg
 Signature of Notary Public
Lizabeth Berg
 Print Name of Notary Public

I am a Notary Public of the State of Florida,
 and my commission expires on 10-4-02.

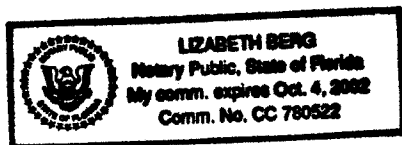
Michelle Studaker
 Signature of Witness
Michelle Studaker
 Print Name of Witness
Lizabeth Berg
 Signature of Witness
Lizabeth Berg
 Print Name of Witness

Renea M. Glendinning
 Renea M. Glendinning, as Trustee
 Under Trust Agreement dated April 30, 1998

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 15th day of September 2000 by Renea M. Glendinning, as Trustee under Trust Agreement dated April 30, 1998. The above-named person is personally known to me or has produced _____ as identification.

(NOTARY SEAL)



Elizabeth Berg
Signature of Notary Public
Elizabeth Berg
Print Name of Notary Public

I am a Notary Public of the State of Florida,
and my commission expires on 10-4-02.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a certified copy of the foregoing Development Order was deposited in the U.S. Mail to the Florida Department of Community Affairs, the Southwest Florida Regional Planning Council, and Marsh Creek Properties, Inc., this 18th day of September 2000.

Helen M. Pambian
Deputy Clerk

2750.00 FEET, A CENTRAL ANGLE OF 03°42'18", A CHORD BEARING OF S.83°52'12"W. AND A CHORD LENGTH OF 177.80 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 177.83 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.82°01'03"W., ALONG SAID NORTH LINE A DISTANCE OF 355.74 FEET TO THE NORTHWEST CORNER OF SAID 56TH ADDITION; THENCE S.82°01'01"W., ALONG THE NORTH LINE OF SAID NORTH PORT BLVD. AS PLATTED IN SAID 52ND ADDITION A DISTANCE OF 947.20 FEET; THENCE N.08°00'00"W., ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 955.00 FEET; THENCE S.82°00'00"W., ALONG THE NORTH LINE OF BLOCK 2653 A DISTANCE OF 365.00 FEET; THENCE N.08°00'00"W., ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 630.90 FEET; THENCE S.82°00'00"W., A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF LOT 39 IN SAID BLOCK 2653; THENCE S.08°00'00"E., ALONG AND EXTENDING THE WEST LINE OF SAID LOT 39 A DISTANCE OF 175.00 FEET TO THE CUL-DE-SAC CENTER AT THE NORTH END OF FLEETWAY ROAD (50 FEET WIDE); THENCE S.07°57'17"E., ALONG THE CENTERLINE OF SAID FLEETWAY ROAD A DISTANCE OF 605.90 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF CAMERO STREET (50 FEET WIDE); THENCE S.82°00'00"W., ALONG SAID CENTERLINE OF CAMERO STREET A DISTANCE OF 1636.11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF S.37°00'00"W. AND A CHORD LENGTH OF 141.42 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 157.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.08°00'00"E., ALONG THE CENTERLINE OF DAMON AVE. (50 FEET WIDE) A DISTANCE OF 185.03 FEET; THENCE S.82°00'00"W., ALONG THE LINE DIVIDING LOTS 7 AND 8 IN AFORESAID BLOCK 2653 A DISTANCE OF 150.11 FEET TO THE WEST LINE OF SAID BLOCK 2653; THENCE S.08°00'00"E., ALONG SAID WEST LINE OF SAID BLOCK 2653 A DISTANCE OF 606.62 FEET TO A POINT ON THE NORTHWESTERLY LINE OF AFORESAID NORTH PORT BLVD.; THENCE S.19°45'51"E., A DISTANCE OF 50.00 FEET TO THE CENTERLINE OF SAID NORTH PORT BLVD. AND A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 4070.00 FEET, A CENTRAL ANGLE OF 16°49'34", A CHORD BEARING OF S.61°49'22"W. AND A CHORD LENGTH OF 1190.95 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1195.24 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 700.00 FEET, A CENTRAL ANGLE OF 18°24'35", A CHORD BEARING OF S.44°12'17"W. AND A CHORD LENGTH OF 223.95 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 224.92 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1422.00 FEET, A CENTRAL ANGLE OF 09°25'25", A CHORD BEARING OF S.39°42'43"W. AND A CHORD LENGTH OF 233.62 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 233.88 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44°25'25"W., ALONG SAID CENTERLINE A DISTANCE OF 203.96 FEET TO THE POINT OF BEGINNING.

METES AND BOUNDS DESCRIPTION OF
PROPOSED REVERSIONARY BOUNDARY FOR
A PORTION OF THE 52ND. ADDITION TO
PORT CHARLOTTE SUBDIVISION

A.L. Van Buskirk
Engineers and Planners, Inc.
Civil Engineers/Land Surveyors

14224 Tamiami Trail • North Port, FL 34287 • (813) 426-0681



DWN.: H.M.	DATE: 12/11/95
CHK'D.:	DATE:
SHEET 2 OF 2	
PROJECT NO.: 95-797	

DESCRIPTION OF REAL ESTATE:

TRACT "A": A portion of Section 21, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Commencing at the Northwest corner of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Snover Waterway (200' wide), as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 14, Pages 6, 6-A through 6-V, Public Records of Sarasota County, Florida; thence S.00° 43'08"W. along the Westerly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision also being the Westerly Right-of-Way Line of Sumter Boulevard (200' wide) a distance of 100.00 feet to the POINT OF BEGINNING; at the intersection of said Right-of-Way Line with the South Line of said Snover Waterway; thence along said Westerly Right-of-Way Line of Sumter Boulevard the following two courses; S.00° 43'08"W., a distance of 1346.71 feet to the point of curvature of a 2100.00 foot radius curve to the left, with the center point bearing S.89°16'52"E.; thence Southerly along the arc of said curve, through a central angle of 15°16'04", a distance of 559.59 feet to an intersection with the Northerly Right-of-Way Line of Price Boulevard, with said point also being a point of reverse curvature of a 25.00 radius curve to the right, with the center point bearing S.75°27'04"W.; thence along the said Northerly Right-of-Way Line of Price Boulevard (100' wide) the following four courses; Southwesterly along the arc of said curve, through a central angle of 85°42'32", a distance of 37.40 feet to a point of reverse curvature of a 1650.00 foot radius curve to the left, with the center point bearing S.18°50'24"E.; thence Southwesterly along the arc of said curve, through a central angle of 22°20'06", a distance of 643.20 feet to a point of tangency; thence S.48°49'30"W., a distance of 408.66 feet to the point of curvature of a 1950.00 foot radius curve to the right, with the center point bearing N.41°10'30"W.; thence Westerly along the arc of said curve, through a central angle of 71°11'22", a distance of 2422.85 feet; thence leaving said Northerly Right-of-Way Line of Price Boulevard N.29°59'32"E., a distance of 1198.77 feet; thence N.15°00'00"W., a distance of 1800.00 feet to the South Line of the aforesaid Snover Waterway (O.R. Book 1941, Page 6); thence along said South Line, S.89°16'51"E., a distance of 2953.00 feet to the Point of Beginning.

Containing 170.30 Acres, more or less.

REVISIONS:

FOR:

LEGAL DESCRIPTION
TRACT "A"

A. L. Van Buskirk
Engineers and Planners, Inc.
Civil Engineers/Land Surveyors

14224 Tamiami Trail • North Port, Fl. 34287 • (813) 426-0681



DWN.:	DATE:
CHK'D.:	DATE:
FIELD BOOK:	PAGE:
PROJECT NO.:	95-797-B

DESCRIPTION OF REAL ESTATE:

TRACT "B": A portion of Sections 21 and 22, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Commencing at the Northeast corner of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Snover Waterway as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 14, Pages 6, 6-A through 6-V, Public Records of Sarasota County, Florida; thence S.00°43'08"W., along the Easterly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision, also being the Easterly Right-of-Way Line of Sumter Boulevard (200' wide) a distance of 700.00 feet to the POINT OF BEGINNING; thence leaving the said Westerly Right-of-Way Line, S.89°16'51"E., a distance of 606.00 feet, thence N.00°43'09"E., a distance of 600.00 feet to the Southerly Right-of-Way Line of the Snover Waterway (O.R. Book 1941, Page 6); thence S.89°16'51"E. along said Southerly Right-of-Way Line, a distance of 880.95 feet to the Northwestern corner of North Port Water Control District property (O.R. Book 2357, Page 382); thence leaving said Southerly Right-of-Way Line, and along the Westerly Boundary Line of the said North Port Water Control District Property, S.00°43'09"W., a measured distance of 1052.76 feet (Deed 1050.00') to the Southwest corner of said North Port Water Control District property; thence along the Southerly Boundary of said North Port Water Control District property S.89°16'51"E., a distance of 1028.67 feet to the Westerly Boundary Line of the Bluebridge Waterway (100' feet wide) (O.R. Book 1941, Page 6), said point also being a point on the arc of a 1000.00 foot radius curve with the center point of said curve bearing N.77°26'14"W.; thence along the Westerly Right-of-Way Line of said Bluebridge Waterway the following two courses; Southwesterly along the arc of said curve, through a central angle of 55°49'01", a distance of 974.19 feet to a point of reverse curvature of a 1150.00 foot radius curve to the left, with the center point bearing S.21°37'14"E.; thence Southwesterly along the arc of said curve, through a central angle of 32°16'11", a distance of 647.69 feet to the intersection of said Westerly Right-of-Way Line with the Northerly Right-of-Way Line of Price Boulevard (100' wide); thence along the Northerly Right-of-Way Line of said Price Boulevard the following three courses; N.56°24'18"W., a distance of 131.21 feet to the point of curvature of a 1650.00 foot radius curve to the left, with the center point bearing S.33°35'42"W.; thence along the arc of said curve, through a central angle of 43°52'31", a distance of 1263.51 feet to a point of reverse curvature of a 25.00 foot radius curve to the right with the center point bearing N.10°16'49"W.; thence along the arc of said curve through a central angle of 85°43'55", a distance of 37.41 feet to a point in the aforesaid Easterly Right-of-Way Line of Sumter Boulevard and the Easterly Boundary Line of the aforesaid Fifty-Sixth Addition to Port Charlotte Subdivision, said point is also the point of compound curvature of a 1900.00 foot radius curve to the right, with the center point bearing N.75°27'06"E.; thence along the said Easterly Right-of-Way Line for the following two courses; Northerly along the arc of said curve through a central angle of 15°16'02", a distance of 506.28 feet to the point of tangency; thence N.00°43'08"E. a distance of 746.71 feet to the Point of Beginning.

Containing 72.12 Acres, more or less.

REVISIONS:

FOR:

LEGAL DESCRIPTION
TRACT "B"

A. L. Van Buskirk
Engineers and Planners, Inc.

Civil Engineers/Land Surveyors

14224 Tamiami Trail • North Port, FL. 34287 • (813) 426-0681



DWN.:	DATE:
CHK'D.:	DATE:
FIELD BOOK:	PAGE:
PROJECT NO.:	95-797-B

DESCRIPTION OF REAL ESTATE:

TRACT "C": A portion of Sections 21 and 28, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Beginning at a concrete monument at the Northwest corner of the Right-of-Way of North Port Boulevard as shown on the Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof Recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, thence S.82°01'05"W. (S.82°00'00"W. Plat bearing) along the Northerly Right-of-Way of said North Port Boulevard (Myakkahatchee Boulevard) as shown on the Plat of the Fifty-Second Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 21 Pages 13, 13-A through 13-NN, Public Records of Sarasota County, Florida, a distance of 947.20 feet (946.95 feet plat distance) to a concrete monument at the Southeast corner of Block 2653 in said Fifty-Second Addition to Port Charlotte Subdivision; thence leaving said Northerly Right-of-Way Line and along the Northeastly Boundary Line of said Block 2653 the following four courses; N.08°00'00"W., a distance of 955.00 feet; thence S.82°00'00"W., a distance of 365.00 feet; thence N.08°00'00"W., a distance of 630.90 feet; thence S.82°00'00"W., a distance of 150.00 feet; thence leaving said Boundary Line, N.29°59'32"E., a distance of 1080.80 feet to the Southerly Right-of-Way Line of Price Boulevard (100' Wide); thence along said Southerly Right-of-Way Line the following five courses; S.59°55'11"E., a distance of 23.99 feet to the point of curvature of a 2050.00 foot radius curve to the left with the center point bearing N.30°04'49"E.; thence Easterly along the arc of said curve, through a central angle of 71°15'19", a distance of 2549.46 feet to a point of tangency; thence N.48°49'30"E., a distance of 408.68 feet to the point of curvature of a 1550 foot radius curve to the right, with the center point bearing S.41°10'30"E.; thence Northeastly along the arc of said curve, through a central angle of 22°06'43", a distance of 598.19 feet to a point of compound curvature of a 25 foot radius curve to the right with the center point bearing S.19°03'47"E., thence Easterly and Southerly along the arc of said curve through a central angle of 90° 27'50", a distance of 39.47 feet to a point on the Westerly Right-of-Way Line of Sumter Boulevard as shown on the aforesaid Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision, said point also being a point of reverse curvature of a 2100.00 foot radius curve to the left, with the center point bearing N.71°24'03"E.; thence along said Westerly Right-of-Way Line of Sumter Boulevard the following four courses; Southerly, along the arc of said curve through a central angle of 00°13'14", a distance of 8.09 feet to a point of reverse curvature of a 1300.00 foot radius curve to the right, with the center point bearing S.71°10'49"W.; thence Southerly along the arc of said curve, through a central angle of 77°57'00", a distance of 1768.63 feet to a point of reverse curvature of a 1600.00 foot radius curve to the left, with the center point bearing S.30°52'11"E.; thence Southwesterly along the arc of said curve through a central angle of 59°57'23", a distance of 1674.30 feet to a point of reverse curvature of a 50.11 foot radius curve to the right, with the center point bearing S.89°10'26"W.; thence Southwesterly along the arc of said curve through a central angle of 86°32'36", a distance of 75.69 feet to the aforesaid Northerly Right-of-Way Line of North Port Boulevard; thence along the said Northerly Right-of-Way Line the following three courses; S.85°43'11"W., a distance of 208.42 feet to the point of curvature of a 2750.00 foot radius curve to the left, with the center point bearing S.04°16'49"E.; thence Southwesterly along the arc of said curve, through a central angle of 03°42'20", a distance of 177.85 feet to a point of tangency; thence S.82°00'51"W., a distance of 355.73 feet to the Point of Beginning.

Containing 140.58 Acres, more or less.

REVISIONS:

FOR:

LEGAL DESCRIPTION
TRACT "C"

A. L. Van Buskirk
Engineers and Planners, Inc.
Civil Engineers/Land Surveyors

14224 Tamiami Trail • North Port, FL 34287 • (813) 426-0681



DWN.:	DATE:
CHK'D.:	DATE:
FIELD BOOK:	PAGE:
PROJECT NO.:	95-797-B

DESCRIPTION OF REAL ESTATE:

TRACT "D": A portion of Sections 21 and 22, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Commencing at the Northeasterly corner of the Fifty-Second Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 21, Pages 13, 13-A through 13-NN, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Blueridge Waterway (100' wide)(O.R. Book 1941, Page 6); thence leaving the said centerline and along the Northerly Boundary Line of the said Fifty-Second Addition to Port Charlotte Subdivision, N.84°56'11"W., a distance of 50.00 feet to the POINT OF BEGINNING, said point also being on the Westerly Right-of-Way Line of the said Blueridge Waterway; thence leaving said Westerly Right-of-Way Line and along the Northerly Boundary Line of said Fifty-Second Addition the following three courses; N.84°56'11"W., a distance of 1375.64 feet to the point of curvature of 400 foot radius curve to the right, with the center point bearing N.05°03'49"E., thence along the arc of said curve, through a central angle of 29°49'49", a distance of 208.26 feet to a point of tangency; thence N.55°06'22"W., a distance of 442.85 feet to a corner on the Boundary Line of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said point is also on the arc of a 2350.00 foot radius nontangent curve with the center point bearing N.55°05'20"W.; thence Southwesterly along the Westerly Boundary Line of Tract "D" as platted in said Fifty-Sixth Addition and the arc of said curve, through a central angle of 10°06'22", a distance of 414.51 feet to a point on the Easterly Right-of-Way Line of Sumter Boulevard (200' wide) as platted in said Fifty-Sixth Addition with said point also being on the arc of a 1400.00 foot radius nontangent curve with the center point bearing S.73°36'02"E.; thence Northeasterly along said Easterly Right-of-Way Line, the following three courses; along the arc of said curve, through a central angle of 42°43'51" a distance of 1044.11 feet to a point of reverse curvature of a 1500.00 foot radius curve to the left, with the center point bearing N.30°52'11"W.; thence along the arc of said curve through a central angle of 77°31'15", a distance of 2029.49 feet to a point of reverse curvature of a 25.00 foot radius curve to the right, with the center point bearing N.71°36'34"E., thence along the arc of said curve through a central angle of 98°45'30", a distance of 43.09 feet along the Southerly Right-of-Way Line of Price Boulevard (100' wide), to a point of compound curvature of a 1550.00 foot radius curve to the right with the center point bearing S.09°37'56"E., thence along the said Southerly Right-of-Way Line for the following two courses; along the arc of said curve through a central angle of 43°13'39", a distance of 1169.42 feet to a point of tangency; thence S.56°24'18"E., a distance of 131.17 feet to a point on the aforesaid Westerly Right-of-Way Line of the Blueridge Waterway, said point also being on the arc of a 1150.00 foot radius curve, with the center point bearing S.58°52'26"E.; thence along said Westerly Right-of-Way Line the following two courses; Southwesterly along the arc of said curve through a central angle of 26°04'14", a distance of 523.27 feet to a point of tangency; thence S.05°03'20"W. a distance of 1932.28 feet to the Point of Beginning.

Containing 83.90 Acres, more or less.

REVISIONS:

FOR:

LEGAL DESCRIPTION
TRACT "D"

A. L. Van Buskirk
Engineers and Planners, Inc.
Civil Engineers/Land Surveyors

14224 Tamiami Trail • North Port, FL. 34287 • (813) 426-0681



DWN.: DATE:

CHK'D.: DATE:

FIELD BOOK: PAGE:

PROJECT NO.: 95-797-B

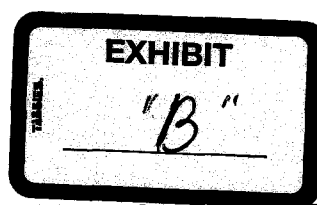


EXHIBIT "B"--Conditions of Approval of Heron Creek DRI

1. Land Use

The ADA for the Heron Creek DRI is hereby approved for the following land uses and phases, subject to the conditions contained in herein, consistent with Preliminary Master Plan, Map H, dated February 2000, and subject to the other provisions of this Development Order:

Land Use	Phase I (‘97-2001)	Phase II (‘02-2006)	Phase III (‘07-2011)	Phase IV (‘12-2017)
Residential: Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential: Multi Family (LUC 220)	125 DU	471 DU	471 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		12 Courts		
Medical/Professional (LUC 720)		80,000 GLA	50,000 GLA	
Office: General (LUC 710)		65,000 GLA	55,000 GLA	
Retail: Shopping Center (LUC 820)	90,000	122,500 GLA	150,000 GLA	137,500 GLA

2. Affordable Housing

Prior to commencement of Phase II and subsequent phases of the project, the Applicant or project employers shall provide supply data (such as Multiple Listing Services data) showing vacant, for sale and/or for rent units available within a 10-mile/20 minute radius of the project. If analysis of the demand data provided in the Application for Development Approval (ADA) and the submitted supply data shows a shortage of affordable housing units that exceeds the threshold for significant impact for the DRI, whether in one phase or cumulatively for the entire DRI, the Applicant shall mitigate the need by following one of the options outlined in Rule 9J-2.048, the Adequate Housing Uniform Standard Rule.

3. Energy

The Applicant shall comply with all commitments for energy conservation contained in the ADA.

4. **Stormwater Management**

- a. The Heron Creek DRI shall require a Southwest Florida Water Management District ("SWFWMD") Environmental Resource Permit for construction and operation of the surface water management system. At the time of permit application, the Applicant shall provide verification to District staff that the proposed system designs will meet District criteria in effect at that time.
- b. The Heron Creek DRI shall require a SWFWMD Water Use Permit for withdrawals from groundwater, project lakes, and/or other surface water bodies for irrigation or potable uses, and dewatering associated with the construction of project lakes, and/or road or building foundations, in accordance with current regulations.
- c. The Applicant shall develop an integrated Fertilizer/Pesticide/Herbicide Management Plan as a component of the golf course design process, to be approved by the City of North Port Utilities Department, the City of North Port Public Works Department with input from Sarasota County, SWFWMD, the Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection ("DEP"). The plan shall address the following items:
 - Fertilizer, pesticide, herbicide and insecticide use, storage and safety;
 - Alternative pest control strategies;
 - Golf course management methods and procedures; and
 - Quality control and assurance procedures.
- d. Elevations corresponding to a 100-year flood shall be used to set minimum building elevations on the site, taking into account the backwater elevations along the various onsite flowways.
- e. Best management practices shall be included on construction plans for development and should be submitted to the City of North Port for review and approval.
- f. All internal stormwater management lakes and ditches, and the onsite preserved/enhanced wetland areas, shall be set aside as private drainage and/or conservation easements on the recorded final plat. Stormwater lakes shall include, where practical, adequate maintenance easements around the lakes, with access to a paved roadway.
- g. During construction activities, the Applicant shall employ best management practices for erosion and sedimentation control. These practices shall be included with, or presented on, all construction plans, and shall be subject to approval by the appropriate agencies prior to their implementation.

- h. Any construction silt barriers or hay bales, and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the applicant or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.
- i. The final stormwater management plan shall consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales shall be used, whenever possible, rather than closed systems.
- j. Any shoreline banks created along the onsite stormwater management system shall include littoral zones constructed on slopes consistent with SWFWMD and City of North Port requirements and shall be planted in native emergent or submergent aquatic vegetation. The Applicant shall ensure, by supplemental replanting if necessary, that at least 80% cover by native aquatic vegetation is established within the littoral zone for the duration of the project.
- k. The Applicant shall conduct annual inspections of the Heron Creek Master Stormwater Management System and the preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.
- l. The Applicant shall confirm, to the satisfaction of all applicable federal, state, and local review agencies, and SWFWMD, that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts shall be mitigated to the benefit of onsite populations of those species.
- m. The Applicant shall participate in any ongoing or future efforts by the City of North Port and Sarasota County to establish a countywide stormwater management system.
- n. Ditch and swale slopes shall be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with grass, or other appropriate vegetation.
- o. The vegetated stormwater treatment areas shall be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and underdrain systems, shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be replaced immediately.

- p. Underdrain systems and grease baffles, if utilized within the Heron Creek DRI, shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.
- q. Stormwater management system maintenance requirements shall include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth and primrose willows) from all system nodes, reaches, and percolation basins, as well as from the lake littoral zones employed in the system.
- r. To the extent consistent with applicable stormwater management system and environmental regulations, any isolated wading bird pools constructed in lake littoral zones shall be excavated to a depth which provides aquatic habitat for mosquito larvae predators, such as Gambusia affinis.
- s. The Applicant shall comply with all commitments made in the ADA, and subsequent sufficiency round information, related to Question 10 (General Project Description), Question 13 (Wetlands), Question 14 (Water), Question 15 (Soils), Question 16 (Floodplains), and Question 19 (Stormwater Management), which are not in conflict with the above recommendations.

5. Transportation

- a. The applicant or his successor or assigns shall be fully responsible for the site-related roadway and intersection improvements required within Heron Creek DRI. The applicant shall be required to pay the full cost for any site-related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by the City of North Port for the project's access intersections onto Appomattox Drive, Sumter Boulevard, or Price Boulevard. The site access points shall be located and developed consistent with the City of North access management standards and permit requirements.
- b. Based on the transportation assessment of significant project impacts, the following process shall determine what regionally significant transportation improvements shall be required prior to, or coincident with, development of the Heron Creek DRI, if adopted level of service conditions are to be maintained through Phase III (2011) on regional roadway segment and intersections.

Prior to any building permits for development exceeding those identified in Phase I plus Phase II land uses, or for equivalent development generating 2,177 gross p.m. peak hour external trips, a Traffic Monitoring Study (TMS) shall be undertaken to confirm the estimates of the transportation analysis. Prior to undertaking this monitoring study, a meeting shall be held with staff of the SWFRPC, FDOT and the

City of North Port. The purpose of the meeting will be to identify the scope and procedures to be utilized in this study. At a minimum, the TMS shall contain p.m. peak hour, peak season, trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed below and a calculation of the existing peak season level of service at these intersections and on the road segments indicated below. The levels of service shall be calculated according to current professional standards. The study shall also provide a calculation of the existing levels of service on the facilities and the estimated levels of service and project impact for the next increment for which development approval is desired. The TMS shall also identify any road improvements required to meet existing adopted level of service thresholds. Further, the study shall address the issues identified by all applicable review agencies in the SWFRPC staff assessment report. Specifically, the study shall confirm the allocation of traffic signal green time on US 41 and that road's ability to continue to meet traffic demands for the project phases through Phase III.

Regional Roadways

I-75 Kings Highway to Toledo Blade Blvd.
 I-75 Toledo Blade Blvd. to Sumter Blvd.
 US 41 North Port Blvd. To Pan American Blvd.
 US 41 Biscayne Drive to Ortiz Blvd.
 US 41 Toledo Blade Blvd. to Enterprise

Regional Intersections

I-75/Kings Highway (all ramps)
 I-75/Toledo Blade Blvd. (all ramps)
 I-75/Sumter Blvd. (all ramps)
 US 41/North Port Blvd.
 US 41/Pan American Blvd.
 US 41/Biscayne Drive
 US 41/Ortiz Blvd.
 Price Blvd./Sumter Blvd.
 Price Blvd./Salford Blvd.
 Appomattox Dr./North Port Blvd.
 Appomattox Dr./Sumter Blvd.

The transportation impacts to the roads and intersections above shall be appropriately addressed consistent with Southwest Florida Regional Planning Council policies and the determination of proportional share and/or pipelining of the regional road improvements shall be in accordance with Section 163.3220, F.S., which requires a Local Government Development Agreement.

- c. The applicant is eligible to apply for impact fee credits pursuant to Chapter 380.06, Florida Statutes, and the City of North Port Ordinance No. 2000-4, as it may be amended, and the applicant may receive credits as authorized by the Ordinance. Further, impact fee payments made prior to the time at which proportionate share payments are due, if mitigation (described below) is selected, shall be held in escrow by the City of North Port and applied against the proportionate share payment.
- d. **Mitigation Options.** The following options are established for purposes of mitigating Phases I, II and III impacts. Prior to preliminary plat or preliminary site plan approval for 740 single family detached residential units or equivalent land uses which will result in 651 net new external p.m. peak hour trips, the applicant and the City of North Port shall select one or a combination of the following alternatives to mitigate the project's transportation impacts, provided that the combination(s) selected achieve the required degree of mitigation. The applicant shall report the option selected in the first required annual report following its selection. Further, the status of any transportation improvements required by the option selected shall be included in each subsequent required annual report. Continued issuance of development permits by the City of North Port for the project shall require a determination by the City of North Port for compliance with one of the options set forth below:
1. **Funding commitments.** For the purpose of this order, funding commitments shall be defined in Section 9J-2.045(7)a.1, FAC. The improvements listed in the table below include roadway link and intersection improvements required for the development of Phases I through III.

TABLE 1
PHASES I, II AND III (2011)
REQUIRED LINK AND INTERSECTIONS

LOCATION	IMPROVEMENT	% OF PH. I, II & III (OR NET EXTERNAL TRIPS)
Price @ Sumter	Signalize, Add EL, WL, WR, NL, NR, SL turn lanes	24% (651)
Appomattox @ Sumter	Signalize, Add ER, NL, SR turn lanes	31% (867)
I-75: Sumter to Toledo Blade	Widen to 6 lanes	54% (1,523)
Price @ Salford	Signalize, add EL, WL, NL turn lanes	62% (1,735)
Appomattox @ North Port	Signalize, add NR turn lane	76% (2,168)
I-75: Toledo Blade to King	Widen to 6 lanes	98% (2,761)

Page 6 of 15

Highway		
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With each preliminary plat or preliminary site plan, the applicant shall submit a projection of gross external p.m. peak hour trips anticipated to be generated by the development included in the preliminary plat or preliminary site plan plus any development for which a preliminary plat or preliminary site plan has been previously approved.

- a. No building permits shall be issued for land uses that will result in 651 net new external trips until funding commitments are in place for the first improvement identified in Table 1 above.
- b. No building permits shall be issued for land uses that will result in 867 new external p.m. peak hour trips until funding commitments are in place for the second improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization, as published in the Manual on Uniform Traffic Control Devices are met.
- c. No building permits shall be issued for land uses that will result in 1,523 net new external trips until funding commitments are in place for the third improvement identified in Table 1 above.
- d. No building permits shall be issued for land uses that will result in 1,735 net new external trips until funding commitments are in place for the fourth improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization, as published in the Manual on Uniform Traffic Control Devices are met.
- e. No building permits shall be issued for land uses that will result in 2,168 net new external trips until funding commitments are in place for the fifth improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization, as published in the Manual on Uniform Traffic Control Devices are met.
- f. No building permits shall be issued for land uses that will result in 2,761 net new external trips until funding commitments are in place for the sixth improvement identified in Table 1 above.

In the event that funding commitments for the above transportation improvements are not in place, the applicant shall have the option to submit an NOPC to the City, DCA and the SWFRPC pursuant to Section 380.06(10), Florida Statutes, with updated traffic counts on the impacted roadways that do not have commitments for required transportation improvements. The applicant shall further submit projections of traffic volumes that include the currently approved project development, plus the volumes to be generated from an additional increment of development for which the applicant is seeking approval and future background traffic. If the submittal, as approved by the above agencies, shows that the unimproved road will operate at an acceptable level of service, the City of North Port may issue building permits for the requested increment

of development.

The funding commitments for the above improvements shall be assessed and reported in the required annual report. The City of North Port shall cease issuance of any further building permits if the annual monitoring report shows that any of the required improvements is no longer funded as defined in Table 1 (above).

2. Proportionate share. This option shall only be available if the City of North Port Comprehensive Plan authorizes payment of proportionate share contribution for local and regional significant traffic impacts in accordance with Section 163.3180(12), Florida Statutes, and Rule 9J-2.045(7)a.3, FAC. With City of North Port and FDOT approval, the applicant may pay to the City of North Port a proportionate share contribution, pursuant to Section 9J-2.045, FAC, of those improvement projects listed in Section 1 above for which funding remains uncommitted. The proportionate share contribution shall be used to improve any one of the listed impacted roadways for which funding remains uncommitted, pursuant to a roadway construction agreement to be entered into between the applicant, City of North Port and the responsible government agencies (if applicable), subject to the following terms and conditions.
 - a. No further building permits shall be issued by the City of North Port subsequent to the triggering of transportation needs shown in Table 1. Table 1 will be mitigated by the selection of Option 2 until the roadway construction agreement is executed. Further, should the applicant default in the payment of the proportionate share in accordance with the agreement, no further building permits shall be issued until the applicant is in compliance with the agreement.
 - b. The agreement shall be in the form of either a clearly identified, executed, and recorded local government development agreement consistent with Sections 163.3220 through 163.3243, Florida Statutes, an interlocal agreement, an FDOT joint participation agreement, or a written acceptance by the affected local government board or the FDOT, as appropriate. The agreement to accept proportionate share payments shall be attached as an exhibit to the development order through a Ch. 380.06(10) (19)-e(2) amendment following the selection of this option and the execution of the agreement at the time of the next development order amendment. The agreement shall require the receiving local governmental agency to apply the contributed monies only towards the construction of one or more of the roadway improvements listed in Table 1 of this development order. If the contributed money is sufficient to fully construct one or more of the required improvements, the receiving governmental agency shall agree, as a condition of acceptance, to expeditiously apply the received monies for the construction of the improvement.

- c. The specific nature and scope of the selected improvements(s) shall be set forth in the roadway construction agreement. The roadway construction agreement shall address the timing of the applicant's payments toward design, ROW acquisition, construction and the selected improvement(s).
- d. The proportionate share amount is as set forth in Table 2 (attached and incorporated as part of this development order) in accordance with 9J-21.045(7)3, FAC. The proportionate share has been calculated in Year 2000 dollars. This amount shall be updated at the time of payment in accordance with the FDOT construction Cost Price Trends Index. The proportionate share in Table 2 mitigates the impacts of all development in Phases I, II and III. If any of the required improvements have been completed prior to the applicant's selection to pay the proportionate share, then the proportionate share amount shall be reduced by deleting the completed road improvement from the proportionate share computation.
- e. Any delay or change to the proportionate share payment due to a change in the development schedule shall require a re-analysis of the proportionate share amount as part of any amendment to the build-out date of the development. Payment of the proportionate share does not release the applicant from the obligation to pay impact fees as provided for in the City's Transportation Impact Fee Ordinance; however, the proportionate share is creditable against impact fees in accordance with state law.
- f. The applicant shall dedicate 50 feet of right-of-way for a greenway/bicycle and pedestrian pathway extending on the west side of the property running parallel to the Myakkahatchee preserve from Appomattox to Price Boulevard.
- g. The applicant shall promote efficient pedestrian and bicycle movement within the development.
- h. The applicant shall help to accommodate any local and/or express transit service, if established by the City of North Port or Sarasota County, through the inclusion of bus stops or other means deemed necessary by the City of North Port or Sarasota County.

6. Vegetation and Wildlife/Wetlands

- a. The Applicant shall comply with all commitments contained in the Wildlife and Habitat Management Plan and Scrub Jay Management Plan ("Management Plan")

which is incorporated by reference into this Development Order. The Applicant shall also comply with the commitments in the ADA, and subsequent sufficiency round information, related to Question 10 (General Project Description), Question 12 (Vegetation and Wildlife) and Question 13 (Wetlands) to the extent that they are consistent with the Management Plan.

- b. The applicant must coordinate the location, size and management plan for the Florida scrub jay preserve with the US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission in Vero Beach to avoid any permit delays.
- c. The conservation easement over wetlands and uplands including the scrub jay preserve will be written to comply with the requirements of Rule 9J-2.041(9)(b)3, FAC.
- d. Native habitats will also be preserved as part of the golf course design and the open space requirements.
- e. In accordance with SWFWMD policy, Heron Creek will maintain or enlarge pre developed contributing areas to each wetland in the post-developed condition to the extent possible.
- f. The "Proposed Mitigation Summary" as part of the last sufficiency will serve as a framework for conceptual wetland mitigation approaches for the proposed impacts to 22 acres of wetlands.
- g. A total of 43.56 acres of wetlands (36.2 acres of Freshwater Marshes and 7.4 acres of Hardwood Hammock) will be preserved and enhanced.
- h. There will be a minimum of 16 +/- acres of vegetated uplands preserved plus additional upland acreage associated with the Scrub Jay Preserve to be determined at final development design and layout.
- i. The applicant will preserve some of the cabbage palm hammocks in place and relocating other portions while attempting to preserve significant oak trees.

7. Wastewater Management/Water Supply

- a. The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices and methods, consistent with the criteria outlined in the water conservation plan of the public supply permit issued to the City of North Port Utilities Department by SWFWMD.

- b. For the purpose of non-potable and/or reclaimed water conservation, the Heron Creek DRI shall to the extent possible utilize xeriscape principles in all common landscaped areas, and in the landscape design of the golf course and other recreational facilities. Ecologically viable portions of existing (pre-development) native vegetation shall be incorporated into the Development's landscape design to the greatest extent practicable.
- c. The Applicant shall apply for water use permits as required, for withdrawals from groundwater, project lakes, and/or other surface water bodies for irrigation or potable use and for any dewatering activities proposed for the construction of onsite lakes, and/or road or building foundations.
- d. At the time of application for the SWFWMD Water Use Permit for the proposed irrigation system, the Applicant shall provide verification that the proposed plumbing and irrigation system designs meet SWFWMD criteria in effect at that time.
- e. The Applicant shall comply with the applicant's agreement with the City of North Port for the provision of potable water, wastewater treatment and nonpotable water, by the City of North Port Utilities Department.
- f. The requirements for reclaimed water for the Heron Creek development are governed by the Second Developer's Agreement between the City of North Port and the Applicant, dated June 5, 2000.
- g. Prior to applying for any well permits from Sarasota County, the Applicant shall actively pursue alternative methods for obtaining non-potable water. Such efforts shall include (but are not limited to) cisterns, reclaimed stormwater, reclaimed water from a regional resource, offsite canals, or any comprehensive approach that will reduce or eliminate the need for onsite wells.
- h. The use of reclaimed water, pesticides, herbicides or fertilizers shall be prohibited within onsite wetland buffers and the wetlands they protect. Irrigation systems shall be designed and located so as to ensure that reclaimed wastewater does not contact or enter any open water, canal or waterway, within or adjacent to the DRI, which is ultimately tributary to Myakkahatchee Creek.
- i. In order to help protect water quality within the Myakkahatchee Creek Watershed and to increase public awareness about local water supply sources and the natural systems that support them, the Applicant shall provide educational materials to property buyers, residents and businesses within the DRI concerning the proper use and disposal of chemicals and hazardous materials, as well as local and regional water

quality issues. Such materials shall include guidelines for homeowners concerning lawn and landscape irrigation, and the proper application, handling and storage of fertilizers, pesticides, herbicides and other chemicals. The Applicant may use existing publications covering these topics, if such are found to exist and to be suitable for the North Port area. The development shall also participate in any County or City-sponsored "Amnesty Days" program, and should consider providing a central site for collection of hazardous materials.

- j. Temporary septic systems may be utilized in conjunction with construction and sales offices and model homes. Septic systems shall not be allowed onsite, other than for construction and sales offices golf course restrooms and model homes. All temporary septic systems shall be properly abandoned and/or removed by a licensed septic system firm at the time when permanent or interim wastewater treatment facilities come online.
- k. All potable water facilities shall be properly sized to supply average and peak day domestic demand, in addition to fire flow demand, at a rate approved by the City of North Port Fire and Rescue District.
- l. The Applicant shall comply with all commitments in the ADA and subsequent sufficiency round information, related to Question 10 (General Project Description), Question 14 (Water), Question 17 (Water Supply), and Question 18 (Wastewater Management), that are not in conflict with the above recommendations.
- m. Potable water for the Heron Creek DRI shall be served by the City of North Port Utilities Department. A Developer's Agreement between the applicant and the City, has been executed the entire project. The agreement reserves potable water supply for Phase I of the Heron Creek DRI. The Developer's Agreement articulates specific water supply facility upgrades that are the sole responsibility of the applicant.
 - 1. In order to insure that water supply facilities will be in place and available to serve each phase of development no later than the issuance by the City of North Port of a certificate of occupancy or its functional equivalent, the City and the Applicant shall comply with their respective obligations under the developer's agreements dated August 31, 1998 and June 16, 2000.
 - 2. The City of North Port Utility Master Plan, dated March 1999, shall serve as the basis for projecting potable water supply demands and allocating appropriate capital expenditures to serve the Heron Creek DRI development. The master plan is incorporated herein by reference.
 - 3. Annually, the City of North Port shall review the utility master plan to ensure consistency with it's Capital Improvements Program and the applicable water supply and sewer provisions in the comprehensive plan.

4. By 2001, the City of North Port shall update the utility master plan and include an analysis of existing and future demands, capital expenditures and feasibility of purchasing water from a public regional water source.
5. Annually, the City of North Port Utility Department shall prepare a report as to the status of the guaranteed improvements of the water supply improvements. The assessment shall be included in the annual DRI status report. If the report shows evidence that the needed potable water supply facility improvements are no longer scheduled or guaranteed, the City of North Port will cease to issue building permits until the supply facility improvements return to a guarantee or scheduled status.
6. Should the water supply improvements schedule change or cause delay to the Heron Creek DRI approved schedule, the applicant shall be required to amend the approved development schedule through the Notice of Proposed Change provisions of Section 380.06(19), Florida Statutes. This process automatically amends the development order.
7. Nothing herein shall relieve the City or the Applicant of their reciprocal obligations under the developer's agreements dated August 31, 1998 and June 16, 2000.

8. Police and Fire Protection

- a. To assure the project does not dilute the delivery of service during the site and development/construction plan approval process, the Applicant shall meet with the North Port Police Department to ensure that security features are incorporated within the project design.
- b. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, shall file hazardous materials reporting applications in accordance with sections 302, 303, 304, or 311-312. Applications must be updated annually by each reporting facility.
- c. Fire protection shall be provided according to existing standards or fire flow criteria promulgated by the City or recommended guidelines developed by the National Fire Protection Association.
- d. The City of North Ports Unified Land Development Code requires up to 1,500 G.P.M. for residential and up to 4,000 G.P.M. for commercial development. The Heron Creek potable water distribution/building fire sprinkler systems shall be designed to meet the City's requirements.

9. Solid Waste/Hazardous Waste/Medical Waste

- a. Any business located within the Heron Creek Development which generates hazardous or infectious waste shall be responsible for the temporary storage, siting and proper disposal of the waste generated by such businesses. Outside storage of hazardous waste or infectious waste should be prohibited. However, there should be no siting of hazardous waste storage facilities contrary to North Port's Zoning Regulations.
- b. Loading, off loading, and storage areas for regulated substances shall be curbed and provided with impervious bases, free of cracks and gaps, to fully contain spills and leaks.
- c. All hazardous materials shall be handled, stored, and applied in accordance with applicable regulations. F.A.C., Chapter 62-730, is the governing regulation covering hazardous waste, which would be applied to any generator who may become a tenant at Heron Creek.
- d. The project shall participate in the City of North Port's recycling program, which at present consists of curbside pickup of newspaper, cardboard, plastics, glass, tin, and aluminum cans to aid in the reduction of solid waste sent to the landfill.
- e. The applicant shall explore the possibility of mulching trees and brush in the land clearing operations to meet on site needs.

10. General Conditions

- a. All commitments and impact mitigating actions provided by the Applicant in the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.
- b. The development-phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval. If development order conditions and applicant commitments incorporated within the development order, ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the development order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue, except as provided in Section 7 m 6.

- c. If the City of North Port, during the course of monitoring the development, can demonstrate that substantial changes in the conditions underlying the approval of the development order has occurred or that the Development Order was based on substantially inaccurate information provided by the applicant, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred.
- d. Pursuant to Chapter 380.06(16), the Applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, to the extent the Applicant is also subject by City ordinances to impact fees or exactions to meet the same needs. The City of North Port and the Applicant may enter into a capital contribution front-ending agreement to reimburse the Applicant for voluntary contributions in excess of the fair share.

EXHIBIT "A"

Page 1 of 5

DESCRIPTION OF THE PROPOSED REVERSIONARY BOUNDARY FOR A PORTION OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGES 13 THROUGH 1344 AND A PORTION OF THE 58TH ADDITION PER PLAT THEREOF RECORDED IN PLAT BOOK 25, PAGES 50 AND 504 PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA WITH SAID BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF NORTH PORT BLVD. (FORMERLY MYAKKAHATCHEE BLVD) WITH THE NORTHERLY LINE OF APPONATTOX DRIVE AS PLATTED IN SAID 52ND ADDITION; THENCE S.45°34'35"E., ALONG SAID NORTHERLY LINE OF APPONATTOX DRIVE A DISTANCE OF 1833.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 25°13'38", A CHORD BEARING OF S.57°11'24"E. AND A CHORD LENGTH OF 104.68 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 105.40 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.65°43'15"E., ALONG SAID NORTHERLY LINE A DISTANCE OF 2715.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 17°44'15", A CHORD BEARING OF S.77°40'20"E. AND A CHORD LENGTH OF 80.17 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 80.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.86°32'28"E., ALONG SAID NORTHERLY LINE A DISTANCE OF 403.32 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 85°58'27", A CHORD BEARING OF N.45°28'18"E. AND A CHORD LENGTH OF 35.35 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 39.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.05°29'05"E., ALONG THE WESTERLY LINE OF SUMTER BLVD. (200 FEET WIDE) A DISTANCE OF 7.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1524.84 FEET, A CENTRAL ANGLE OF 26°10'34", A CHORD BEARING OF N.16°34'22"E. AND A CHORD LENGTH OF 690.60 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 694.64 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.29°39'33"E., ALONG SAID WESTERLY LINE OF SUMTER BLVD. A DISTANCE OF 1900.39 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 949.64 FEET, A CENTRAL ANGLE OF 35°45'49", A CHORD BEARING OF N.11°48'46"E. AND A CHORD LENGTH OF 583.18 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 532.75 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.05°06'10"W., ALONG SAID WESTERLY LINE A DISTANCE OF 682.16 FEET TO THE SOUTHEAST CORNER OF TRACT "A" AS PLATTED IN SAID 58TH ADDITION; THENCE N.05°05'10"W., ALONG SAID WESTERLY LINE OF SUMTER BLVD. A DISTANCE OF 405.72 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 7600.00 FEET, A CENTRAL ANGLE OF 05°18'00", A CHORD BEARING OF N.03°27'41"W. AND A CHORD LENGTH OF 147.95 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 143.01 FEET TO A POINT OF CUSP WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 86°32'01", A CHORD BEARING OF S.47°27'20"W. AND A CHORD LENGTH OF 68.54 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 75.51 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.85°43'21"W., ALONG THE NORTH LINE OF AFORESAID NORTH PORT BLVD. (100 FEET WIDE) A DISTANCE OF 208.40 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2750.00 FEET, A CENTRAL ANGLE OF 05°42'18", A CHORD BEARING OF S.83°52'12"W. AND A CHORD LENGTH OF 177.80 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 177.83 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.82°01'03"W., ALONG SAID NORTH LINE A DISTANCE OF 355.74 FEET TO THE NORTHWEST CORNER OF SAID 58TH ADDITION; THENCE S.82°01'01"W., ALONG THE NORTH LINE OF SAID NORTH PORT BLVD. AS PLATTED IN SAID 52ND ADDITION A DISTANCE OF 947.20 FEET; THENCE N.08°00'00"W., ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 955.00 FEET; THENCE S.82°00'00"W., ALONG THE NORTH LINE OF BLOCK 2653 A DISTANCE OF 365.00 FEET; THENCE N.08°00'00"W., ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 630.90 FEET; THENCE S.82°00'00"W., A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF LOT 39 IN SAID BLOCK 2653; THENCE S.08°00'00"E., ALONG AND EXTENDING THE WEST LINE OF SAID LOT 39 A DISTANCE OF 175.00 FEET TO THE CUL-DE-SAC CENTER AT THE NORTH END OF FLEETWAY ROAD (50 FEET WIDE); THENCE S.07°57'17"E., ALONG THE CENTERLINE OF SAID FLEETWAY ROAD A DISTANCE OF 605.90 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF CAMERO STREET (50 FEET WIDE); THENCE S.62°00'00"W., ALONG SAID CENTERLINE OF CAMERO STREET A DISTANCE OF 1836.11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF S.37°00'00"W. AND A CHORD LENGTH OF 141.42 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 157.03 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.08°00'00"E., ALONG THE CENTERLINE OF DAVON AVE. (50 FEET WIDE) A DISTANCE OF 185.03 FEET; THENCE S.82°00'00"W., ALONG THE LINE DIVIDING LOTS 7 AND 8 IN AFORESAID BLOCK 2653 A DISTANCE OF 150.11 FEET TO THE WEST LINE OF SAID BLOCK 2653; THENCE S.08°00'00"E., ALONG SAID WEST LINE OF SAID BLOCK 2653 A DISTANCE OF 1806.82 FEET TO A POINT ON THE NORTHWESTERLY LINE OF AFORESAID NORTH PORT BLVD.; THENCE S.19°45'51"E., A DISTANCE OF 50.00 FEET TO THE CENTERLINE OF SAID NORTH PORT BLVD. AND A POINT ON A CURVE TO THE LEFT, HAVING A RADIUS OF 4070.00 FEET, A CENTRAL ANGLE OF 15°49'34", A CHORD BEARING OF S.61°49'22"W. AND A CHORD LENGTH OF 1190.95 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1195.24 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 700.00 FEET, A CENTRAL ANGLE OF 18°24'35", A CHORD BEARING OF S.44°12'17"W. AND A CHORD LENGTH OF 223.95 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 224.92 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1422.00 FEET, A CENTRAL ANGLE OF 09°25'25", A CHORD BEARING OF S.39°42'43"W. AND A CHORD LENGTH OF 233.62 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 233.88 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44°25'25"W., ALONG SAID CENTERLINE A DISTANCE OF 203.96 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT; ALL OF TRACT "X" AS SHOWN ON SAID RECORD PLAT OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION.

CONTAINING 367.27 ACRES, MORE OR LESS AFTER EXCEPTION.

SOURCE OF DESCRIPTION: NEW PREPARED BY UNDERSIGNED FROM BOUNDARY SURVEY VEE JOB #35-797-A, DATED 10/24/95.

NO.	RADIUS
1	1524.84'
2	25.00'
3	260.00'
4	260.00'
5	4120.00'
6	750.00'
7	1372.00'
8	100.00'
9	949.64'
10	2750.00'
11	50.00'
12	1600.00'
13	300.00'
14	300.00'
15	1422.00'
16	1500.00'
17	1500.00'
18	25.00'
19	1500.00'
20	300.00'
21	25.00'
22	4070.00'
23	700.00'
24	700.00'
25	1422.00'

EXHIBIT "A"

Page 2 of 5

DESCRIPTION OF REAL ESTATE:

TRACT "A": A portion of Section 21, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Commencing at the Northwest corner of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Snover Waterway (200' wide), as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 14, Pages 6, 6-A through 6-V, Public Records of Sarasota County, Florida; thence S.00° 43'08"W. along the Westerly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision also being the Westerly Right-of-Way Line of Sumter Boulevard (200' wide) a distance of 100.00 feet to the POINT OF BEGINNING; at the intersection of said Right-of-Way Line with the South Line of said Snover Waterway; thence along said Westerly Right-of-Way Line of Sumter Boulevard the following two courses; S.00° 43'08"W., a distance of 1346.71 feet to the point of curvature of a 2100.00 foot radius curve to the left, with the center point bearing S.89°16'52"E.; thence Southerly along the arc of said curve, through a central angle of 15°16'04", a distance of 559.59 feet to an intersection with the Northerly Right-of-Way Line of Price Boulevard, with said point also being a point of reverse curvature of a 25.00 radius curve to the right, with the center point bearing S.75°27'04"W.; thence along the said Northerly Right-of-Way Line of Price Boulevard (100' wide) the following four courses; Southwesterly along the arc of said curve, through a central angle of 85°42'32", a distance of 37.40 feet to a point of reverse curvature of a 1650.00 foot radius curve to the left, with the center point bearing S.18°50'24"E.; thence Southwesterly along the arc of said curve, through a central angle of 22°20'06", a distance of 643.20 feet to a point of tangency; thence S.48°49'30"W., a distance of 408.66 feet to the point of curvature of a 1950.00 foot radius curve to the right, with the center point bearing N.41°10'30"W.; thence Westerly along the arc of said curve, through a central angle of 71°11'22", a distance of 2422.85 feet; thence leaving said Northerly Right-of-Way Line of Price Boulevard N.29°59'32"E., a distance of 1198.77 feet; thence N.15°00'00"W., a distance of 1800.00 feet to the South Line of the aforesaid Snover Waterway (O.R. Book 1941, Page 6); thence along said South Line, S.89°16'51"E., a distance of 2953.00 feet to the Point of Beginning.

Containing 170.30 Acres, more or less.

EXHIBIT "A"

Page 3 of 5

DESCRIPTION OF REAL ESTATE:

TRACT "B": A portion of Sections 21 and 22, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Commencing at the Northeast corner of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Snover Waterway as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 14, Pages 6, 6-A through 6-V, Public Records of Sarasota County, Florida; thence S.00°43'08"W., along the Easterly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision, also being the Easterly Right-of-Way Line of Sumter Boulevard (200' wide) a distance of 700.00 feet to the POINT OF BEGINNING; thence leaving the said Westerly Right-of-Way Line, S.89°16'51"E., a distance of 606.00 feet, thence N.00°43'09"E., a distance of 600.00 feet to the Southerly Right-of-Way Line of the Snover Waterway (O.R. Book 1941, Page 6); thence S.89°16'51"E. along said Southerly Right-of-Way Line, a distance of 680.95 feet to the Northwestern corner of North Port Water Control District property (O.R. Book 2357, Page 382); thence leaving said Southerly Right-of-Way Line, and along the Westerly Boundary Line of the said North Port Water Control District Property, S.00°43'09"W., a measured distance of 1052.76 feet (Deed 1050.00') to the Southwest corner of said North Port Water Control District property; thence along the Southerly Boundary of said North Port Water Control District property S.89°16'51"E., a distance of 1028.67 feet to the Westerly Boundary Line of the Blueridge Waterway (100 feet wide) (O.R. Book 1941, Page 6), said point also being a point on the arc of a 1000.00 foot radius curve with the center point of said curve bearing N.77°26'14"W.; thence along the Westerly Right-of-Way Line of said Blueridge Waterway the following two courses; Southwesterly along the arc of said curve, through a central angle of 55°49'01", a distance of 974.19 feet to a point of reverse curvature of a 1150.00 foot radius curve to the left, with the center point bearing S.21°37'14"E.; thence Southwesterly along the arc of said curve, through a central angle of 32°16'11", a distance of 647.69 feet to the intersection of said Westerly Right-of-Way Line with the Northerly Right-of-Way Line of Price Boulevard (100' wide); thence along the Northerly Right-of-Way Line of said Price Boulevard the following three courses; N.56°24'18"W., a distance of 131.21 feet to the point of curvature of a 1650.00 foot radius curve to the left, with the center point bearing S.33°35'42"W., thence along the arc of said curve, through a central angle of 43°52'31", a distance of 1263.51 feet to a point of reverse curvature of a 25.00 foot radius curve to the right with the center point bearing N.10°16'49"W.; thence along the arc of said curve through a central angle of 85°43'55", a distance of 37.41 feet to a point in the aforesaid Easterly Right-of-Way Line of Sumter Boulevard, and the Easterly Boundary Line of the aforesaid Fifty-Sixth Addition to Port Charlotte Subdivision, said point is also the point of compound curvature of a 1900.00 foot radius curve to the right, with the center point bearing N.75°27'06"E.; thence along the said Easterly Right-of-Way Line for the following two courses; Northerly along the arc of said curve through a central angle of 15°16'02", a distance of 506.28 feet to the point of tangency; thence N.00°43'08"E. a distance of 746.71 feet to the Point of Beginning.

Containing 72.12 Acres, more or less.

EXHIBIT "A"

D.

Page 4 of 5

TRACT "C": A portion of Sections 21 and 28, Township 39 South, Range 2: East, Sarasota County, Florida, more particularly described as follows:

Beginning at a concrete monument at the Northwest corner of the Right-of-Way of North Port Boulevard as shown on the Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof Recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, thence S.82°01'05"W. (S.82°00'00"W. Plat bearing) along the Northerly Right-of-Way of said North Port Boulevard (Myakkahatchee Boulevard) as shown on the Plat of the Fifty-Second Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 21 Pages 13, 13-A through 13-N11, Public Records of Sarasota County, Florida, a distance of 947.20 feet (946.95 feet plat distance) to a concrete monument at the Southeast corner of Block 2653 in said Fifty-Second Addition to Port Charlotte Subdivision; thence leaving said Northerly Right-of-Way Line and along the Northeasterly Boundary Line of said Block 2653 the following four courses; N.08°00'00"W., a distance of 955.00 feet; thence S.82°00'00"W., a distance of 365.00 feet; thence N.08°00'00"W., a distance of 630.90 feet; thence S.82°00'00"W., a distance of 150.00 feet; thence leaving said Boundary Line, N.29°59'32"E., a distance of 1080.80 feet to the Southerly Right-of-Way Line of Price, Boulevard (100' Wide); thence along said Southerly Right-of-Way Line the following five courses; S.59°55'11"E., a distance of 23.99 feet to the point of curvature of a 2050.00 foot radius curve to the left with the center point bearing N.30°04'49"E.; thence Easterly along the arc of said curve, through a central angle of 71°15'19", a distance of 2549.46 feet to a point of tangency; thence N.48°49'30"E., a distance of 406.68 feet to the point of curvature of a 1550 foot radius curve to the right, with the center point bearing S.41°10'30"E.; thence Northeasterly along the arc of said curve, through a central angle of 22°06'43", a distance of 598.19 feet to a point of compound curvature of a 25 foot radius curve to the right with the center point bearing S.19°03'47"E.; thence Easterly and Southerly along the arc of said curve through a central angle of 90° 27'50", a distance of 39.47 feet to a point on the Westerly Right-of-Way Line of Sumter Boulevard as shown on the aforesaid Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision, said point also being a point of reverse curvature of a 2100.00 foot radius curve to the left, with the center point bearing N.71°24'03"E.; thence along said Westerly Right-of-Way Line of Sumter Boulevard the following four courses; Southerly, along the arc of said curve through a central angle of 00°13'14", a distance of 8.09 feet to a point of reverse curvature of a 1300.00 foot radius curve to the right, with the center point bearing S.71°10'49"W.; thence Southerly along the arc of said curve, through a central angle of 77°57'00", a distance of 1768.63 feet to a point of reverse curvature of a 1600.00 foot radius curve to the left, with the center point bearing S.30°52'11"E.; thence Southwesterly along the arc of said curve through a central angle of 59°57'23", a distance of 1674.30 feet to a point of reverse curvature of a 50.11 foot radius curve to the right, with the center point bearing S.89°10'26"W.; thence Southwesterly along the arc of said curve through a central angle of 86°32'36", a distance of 75.69 feet to the aforesaid Northerly Right-of-Way Line of North Port Boulevard; thence along the said Northerly Right-of-Way Line the following three courses; S.85°43'11"W., a distance of 208.42 feet to the point of curvature of a 2750.00 foot radius curve to the left, with the center point bearing S.04°16'49"E.; thence Southwesterly along the arc of said curve, through a central angle of 03°42'20", a distance of 177.85 feet to a point of tangency; thence S.82°00'51"W., a distance of 355.73 feet to the Point of Beginning.

Containing 140.58 Acres, more or less.

DESCRIPTION OF

EXHIBIT "A"

Page 5 of 5

21

TRACT "D": A portion of sections 21 and 22, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

of-Way

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Commencing at the Northeasterly corner of the Fifty-Second Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 21, Pages 13, 13-A through 13-NN, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Blueridge Waterway (100' wide)(O.R. Book 1941, Page 6); thence leaving the said centerline and along the Northerly Boundary Line of the said Fifty-Second Addition to Port Charlotte Subdivision, N.84°56'11"W., a distance of 50.00 feet to the POINT OF BEGINNING, said point also being on the Westerly Right-of-Way Line of the said Blueridge Waterway; thence leaving said Westerly Right-of-Way Line and along the Northerly Boundary Line of said Fifty-Second Addition the following three courses; N.84°56'11"W., a distance of 1375.64 feet to the point of curvature of 400 foot radius curve to the right, with the center point bearing N.05°03'49"E., thence along the arc of said curve, through a central angle of 29°49'49", a distance of 208.26 feet to a point of tangency; thence N.55°06'22"W., a distance of 442.85 feet to a corner on the Boundary Line of the Fifty-Sixth Addition to Port Charlotte Subdivision; per plat thereof recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said point is also on the arc of a 2350.00 foot radius nontangent curve with the center point bearing N.55°05'20"W.; thence Southwesterly along the Westerly Boundary Line of Tract "D" as plotted in said Fifty-Sixth Addition and the arc of said curve, through a central angle of 10°06'22", a distance of 414.51 feet to a point on the Easterly Right-of-Way Line of Sumter Boulevard (200' wide) as plotted in said Fifty-Sixth Addition with said point also being on the arc of a 1400.00 foot radius nontangent curve with the center point bearing S.73°36'02"E.; thence Northeasterly along said Easterly Right-of-Way Line, the following three courses; along the arc of said curve, through a central angle of 42°43'51" a distance of 1044.11 feet to a point of reverse curvature of a 1500.00 foot radius curve to the left, with the center point bearing N.30°52'11"W.; thence along the arc of said curve through a central angle of 77°31'15", a distance of 2029.49 feet to a point of reverse curvature of a 25.00 foot radius curve to the right, with the center point bearing N.71°36'34"E., thence along the arc of said curve through a central angle of 98°45'30", a distance of 43.09 feet along the Southerly Right-of-Way Line of Price Boulevard (100' wide), to a point of compound curvature of a 1550.00 foot radius curve to the right with the center point bearing S.09°37'56"E., thence along the said Southerly Right-of-Way Line for the following two courses; along the arc of said curve through a central angle of 43°13'39", a distance of 1169.42 feet to a point of tangency; thence S.56°24'18"E., a distance of 131.17 feet to a point on the aforesaid Westerly Right-of-Way Line of the Blueridge Waterway, said point also being on the arc of a 1150.00 foot radius curve, with the center point bearing S.58°52'26"E.; thence along said Westerly Right-of-Way Line the following two courses; Southwesterly along the arc of said curve through a central angle of 26°04'14", a distance of 523.27 feet to a point of tangency; thence S.05°03'20"W. a distance of 1932.28 feet to the Point of Beginning.

Containing 83.90 Acres, more or less.

TABLE 2
HERON CREEK DRI
Proportionate Share Calculation
 Revised 07-16-00

Intersections	Year 2011 PM Peak Hr Background Traffic (vph)	Year 2011 PM Peak Hr Proj + Bkgd Traffic (vph)	Year 2011 PM Peak Hr Project Traffic (vph)	Year 2011 PM Peak Hr Flow Rate (pcph)	Year 2011 Avail Capty (pcphpl)	Year 2011 Remaining Cap. (pcphpl)	Year 2011 Avail Capty After Improv. (pcphpl)	Year 2011 Avail Capty After Signlzn only (pcphpl)	Year 2011 Added Capacity (pcphpl)	% Proj Traffic / Added Cap	Cost of Mitigation (\$)	Project Proportionate Share (\$)
Price/Salford Intersection	759	1,449	690	1825	2076	251	3654	2009	1578	43.71%	\$127,350.00	\$55,658.73
Price/Sumter Intersection	1013	2,132	1,119	2813	1972	-841	4062	1435	2090	53.56%	\$157,350.00	\$84,278.62
Appomattox/North Port Int.	299	1,147	848	1755	3658	1903	4234	No Signal	576	147.16%	\$15,000.00	\$22,074.74
Appomattox/Sumter Int.	867	1,769	902	2303	2369	66	4012	1887	1643	54.91%	\$127,350.00	\$69,928.56
Total Intersections												\$231,940.65

Road Links	Year 2011 Proj Traffic (vph)	Added Capacity (pcphpl)	% Project Trips / Added Cap	Cost per Mile (Millions)	Length (mi.)	Cost of Mitigation (\$)	Project Proportionate Share (\$)
I-75 : Kings Hy to Toledo Bl.	230	2500	9.20%	\$3.018	9.4	\$28,369,200.00	\$2,609,966
I-75 : Toledo Bl. to Sumter Bl.	423	2500	16.94%	\$3.018	3.0	\$9,054,000.00	\$1,533,530
Total Road Links							\$4,143,497

Total Proportionate Share: **\$4,375,437**



City of North Port

ORDINANCE NO 05 28

(Development Order for Heron Creek a Development of Regional Impact)

A ORDINANCE OF THE CITY OF NORTH PORT FLORIDA AMENDING THE DEVELOPMENT ORDER ORIGINALLY ADOPTED BY ORDINANCE 00 13 FOR THE DEVELOPMENT OF REGIONAL IMPACT (DRI) KNOWN AS HERON CREEK PROVIDING FOR FINDINGS AND CONCLUSIONS OF LAW PROVIDING FOR INCORPORATION OF THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA) INTO THE DEVELOPMENT ORDER PROVIDING FOR THE APPROVAL OF THE HERON CREEK DRI WITH CONDITIONS PROVIDING FOR THIS ORDINANCE TO BE DEEMED THE DEVELOPMENT ORDER PROVIDING FOR BUILD OUT AND DEVELOPMENT ORDER TERMINATION DATES FOR THE HERON CREEK DRI PROVIDING FOR ENFORCEMENT PROVIDING FOR SEVERABILITY PROVIDING FOR SERVICE AND RECORDING PROVIDING AN EFFECTIVE DATE PROVIDING FOR RELATIONSHIP TO OTHER REGULATIONS AND PROVIDING FOR CONSENT TO THE PROVISIONS OF THE ORDINANCE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT FLORIDA

SECTION 1 Findings of Fact and Conclusions of Law The City Commission of the City of North Port Florida hereby makes the following findings of fact and conclusions of law

1.1 On November 7, 1996 Marsh Creek Properties, Inc. through its authorized agent Betsy Benac submitted to the City of North Port Florida the Southwest Florida Regional Planning Council (SWFRPC) and to the Division of Resource Planning and Management of the Florida Department of Community Affairs (DCA) an application for development approval (ADA) in accordance with Section 380.06 Florida Statutes for approval of a development of regional impact (DRI) to be known as Marsh Creek DRI (now known as Heron Creek) located in the incorporated City of North Port within Sarasota County north of Appomattox Drive south of the Snover Waterway east of the Myakkahatchee Creek west of the Blueridge Waterway abutting Sumter Boulevard and approximately two miles south of 175

1 2 The ADA was subsequently amended to add additional lands to add an additional applicant Renea M Glendinning as Trustee the owner of the additional lands to modify the conceptual site plan and the mix of proposed uses and to change the name of the project to Heron Creek DRI

1 3 The ADA as amended proposes 1 970 residential units (903 single family and 1 067 multi family units) 500 000 gross square feet of retail service and 250 000 gross square feet of office 269 38 acres of recreation and open space 27 holes of golf buffers and tennis center 44 acres of conservation lands (wetlands and scrub jay habitat) 105 acres of lakes for water management and 5 acres of internal road rights of ways on a project site containing a total of 831 38 acres more particularly described in Exhibit A

1 4 The Applicant has heretofore undertaken a limited amount of the development pursuant to a preliminary development agreement(s) in accordance with Section 380 06(8) Florida Statutes

1 5 Pursuant to Section 380 06(11) Florida Statutes public hearing notice for hearings on said ADA before the City Commissioners of North Port were duly published in the North Port Sun Herald on May 17 2000 and were duly provided to the Florida Department of Community Affairs (DCA) the Southwest Florida Regional Planning Council and other persons designated by DCA rules

1 6 On June 17 2000 in accordance with Section 380 06(12) Florida Statutes the SWFRPC rendered its report and recommendations on the regional impact of the proposed Heron Creek DRI

1 7 On August 17 2000 the City of North Port Planning and Zoning Advisory Board (PZAB) held a duly noticed public hearing on said ADA and received all pertinent evidence including the SWFRPC report and recommendation and the testimony of the general public and recommended approval of the ADA for the Heron Creek DRI subject to certain conditions as contained in the recommendation to the City Commission

1 8 On August 28 and September 11 2000 The City Commission of the City of North Port held duly noticed public hearings on the ADA and received all pertinent evidence including the reports and recommendations of the SWFRPC and the PZAB and the testimony of the general public

1 9 The proceedings herein relating to the Heron Creek DRI ADA have been conducted in compliance with the provisions of Chapter 380 06 Florida Statutes and all conditions precedent to the granting of development approval required by Chapter 380 06 Florida Statutes have occurred

1 10 The proposed development is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380 05 Florida Statutes

1 11 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan

1 12 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan

1 13 The proposed development subject to the conditions imposed herein is consistent with the North Port Comprehensive Plan and does not appear to conflict with other local land development regulations

1 14 The proposed development subject to the conditions imposed herein is consistent with the report and recommendation of the SWFRPC pursuant to Section 380.06 (12) Florida Statutes

1 15 When developed in accordance with the conditions imposed by this Development Order the Heron Creek development

(a) will have a favorable impact on the environment and natural historical resources in the area

(b) will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region

(c) will efficiently use water sewer solid waste disposal public school facilities and other necessary public facilities

(d) will effectively use public transportation facilities

(e) will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment and

(f) will comply with such other criteria for determining regional impact as the regional planning agency deems appropriate including but not limited to the extent to which the development would create additional demand for or additional use of energy

SECTION 2 Incorporation of Application for Development Approval (ADA) and Associated Documents in the Development Order

2 1 The following information commitments and impacting mitigating provisions submitted by the Applicant are hereby incorporated in this Development Order by reference

1 Heron Creek's Application for Development Approval

11 Heron Creek's First Response to Sufficiency Comments

- iii Heron Creek's Second Response to Sufficiency Comments incorporating Amended Application for Development Approval
- iv February 29 1999 Supplemental Transportation Analysis
- v Transportation Responses to Agency Questions re Supplemental Transportation Analysis
- vi Heron Creek's Application for Comprehensive Plan Amendment
- vii Scrub Jay Management Plan

2.2 In construing and enforcing the provisions of the documents incorporated in this Development Order by Subsection 2.1 above the following shall apply

(a) The most recent response of the Applicant in the above referenced documents shall control over any previous response wherever there is a conflict otherwise the responses shall be considered cumulative

(b) Any information commitments or impact mitigating provisions in the above referenced documents which are inconsistent with the specific conditions set forth in this Ordinance and the exhibits hereto shall be deemed superseded and inapplicable

SECTION 3 Approval of the Heron Creek Development of Regional Impact with Conditions

3.1 The ADA for the Heron Creek DR' is hereby approved for the following land uses and phases subject to the conditions contained in herein consistent with Preliminary Master Plan Map H dated February 2000 and subject to the other provisions of the Development Order

Land Use	Phase I (97 2001)	Phase II (02 2006)	Phase III (07 2011)	Phase IV (12 2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi Family (LUC 220)	125 DU	471 DU	471 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		12 Courts		
Medical/Professional (LUC 720)		80 000 GLA	50 000 GLA	
Office General (LUC 710)		65 000 GLA	55 000 GLA	
Retail Shopping Center (LUC 820)	90 000	122 500 GLA	150 000 GLA	137 500 GLA

3 2 The City of North Port Department of Planning is hereby designated as the local government department responsible for monitoring the development enforcing and monitoring the terms of the Development Order and for receiving the bi annual report required by Chapter 380 06 Florida Statutes

3 3 Bi Annual Report Requirements

The Applicant shall submit an bi annual report pursuant to the requirements of Chapter 380 06(18) Florida Statutes Chapter 9J 2 025(7) Florida Administrative Code (F A C) and procedures established by the Southwest Florida Regional Planning Council This report shall be submitted on the anniversary of the effective date of the Development Order or on such other date as agreed upon by the Applicant City of North Port the Southwest Florida Regional Planning Council and the Department of Community Affairs until and including such time as all terms and conditions of the Development Order are satisfied unless otherwise specified herein The date upon which the bi annual report is required to be submitted may be established to coincide with the same date upon which the Heron Creek annual report is required to be submitted The Applicant shall submit this bi annual report to the City of North Port Planning Department the Southwest Florida Regional Planning Council (SWFRPC) the Department of Community Affairs (DCA) and all affected permitting agencies required by law on Form RPM BSP Annual Report I as the same may be amended from time to time The bi annual report shall contain all information required by Rule 9J 2 025(7)(a) through G) F A C as the same may be amended from time to time

Upon notification that the bi annual report is not received by the Southwest Florida Regional Planning Council (SWFRPC) the Department of Community Affairs (DCA) or upon non receipt of the annual report by City of North Port City of North Port shall request in writing that the Applicant submit the report within thirty (30) days Failure to submit the report after 30 days shall result in City of North Port temporarily suspending this Development Order and no new development permit applications shall be granted within the development until the requirements of this subsection are met

3 4 The Applicant shall submit to the City of North Port Planning Department any monitoring reports specified in the conditions contained in Exhibit B The director of the community development department for the City of North Port shall be the local official responsible for assuring compliance by the Applicant with this Development Order

SECTION 4 Additional Local Conditions

4 1 The Heron Creek DRI is partially located in Activity Center #2 identified in the Comprehensive Plan adopted November 10 1997 Ordinance No 97 27 (as amended) All nonresidential development (except the golf course clubhouse and fitness center) will be located in the Town Center a subcategory of Activity Center #2 The Town Center is designated as a mixed use pedestrian oriented development By February 2001 the applicant agrees to submit to the City of North Port Community Development Department a draft pattern book that includes

design guidelines that dictate urban form and architectural controls for nonresidential development in the Town Center. The pattern book will also address the urban form for the City of North Port's civic development in the northeast quadrant of Price and Sumter. After sufficient staff and public review, the City of North Port will adopt the pattern book.

The applicant has submitted plans for a grocery store to be located in the southwest quadrant of Price and Sumter. This grocery store is exempt from the design guidelines.

- 4.2 The applicant shall construct a maximum of four (4) sheltered bus stops. The first bus shelter shall be constructed concurrent with the proposed grocery store identified in 4.1 above. All other shelter locations to be mutually agreed upon between the City and the applicant. Applicant not responsible for any shelters in the City of North Port's civic development. The sheltered design was not implemented through SCAT at the time of the first constructed bus stop. The City received \$5000.00 payment for construction of the bus stop located at Price Blvd and Sumter Rd. The three remaining bus stop locations and design will be coordinated through SCAT (Sarasota County Area Transit), the City of North Port and the applicant.
- 4.3 All roads in the Heron Creek DRI are private. If the applicant seeks approval to transfer jurisdiction from applicant homeowner's association to the City of North Port, a public hearing shall be held and this Ordinance amended.
- 4.4 Open swales shall not be allowed in the right of way for Price and Sumter Boulevards when they are improved or expanded in the Town Center. This requirement shall not preclude use of open swales in other areas of the Heron Creek development.
- 4.5 The applicant shall promote efficient pedestrian and bicycle movement within the development. This shall be achieved through the design of bike lanes, shade trees and provisions for bicycle racks in the Town Center. Bike lanes will be designed to be either on street, off street or other design acceptable to the City of North Port.
- 4.6 The applicant shall provide permanent sidewalks along both sides of Price and Sumter Blvd(s) within the project limits no later than the last day of the calendar year 2005 with the exception of

The sidewalk on the east side of Sumter shall be constructed no later than completion of the adjacent commercial development. All other commercial development within the Town Center will construct sidewalks concurrent with the development of the adjacent commercial property.

If all road improvements have not been designed or completed, the applicant shall be able to put in sidewalk sections that can be replaced at a later date by a permanent sidewalk. An example is asphalt. Any replacement of permanent or

temporary sidewalks that are damaged by the on going improvements to Sumter Blvd will be replaced by the City of North

4 7 The applicant and the City of North Port will enter into a developer s agreement that includes the following projects time frames and funding commitments

- (1) Sumter Blvd (4 lane adjacent to the proposed development) Sumter Boulevard 4 laning may be subject to impact fee credits and may be paid for from the proposed proportionate share contributions outlined in Table 2 of Exhibit B Project substantially complete by the end of Phase II or 2177 trips gross p m peak hour estimates
- (2) If the transportation analysis to be completed for Phase IV indicates that 4 laning of Price Boulevard is warranted due to existing or expected traffic from the development revise the development agreement to provide for 4 laning Price Boulevard adjacent to the proposed development prior to the completion of phase IV (2017)
- (3) Provided that the transportation analysis to be completed showing the addition of two lanes to Sumter does not reduce the expected additional traffic on Pan American Boulevard from the development below 5% the applicant agrees to pay a proportionate share of the traffic calming improvements proposed by the city

4 8 The right of way for the North Port Blvd extension shall be designed as a public pedestrian and bicycle corridor from Price Blvd to Appomattox Dr and will be determined by the City of North Port staff whether it will be incorporated into the Myakkahatchee Creek project This right of way shall include a stabilized access for public safety vehicles shall be approved by the City and shall be designed and submitted to the City within 60 days after the completion of Myakkahatchee Creek Corridor Study is completed and construction shall commence within 120 days upon receiving the necessary permits or the City and Developer may agree to the Developer contributing funds to the City that equal the cost of the improvements After the improvements are complete the applicant shall convey to the City fee simple title for the 50 feet of right of way The ROW shall be used exclusively for a greenway/bicycle and pedestrian pathway

4 9 The Public Works Director shall approve all access points to Price and Sumter Blvds

SECTION 5 Ordinance as Development Order This Ordinance shall be deemed the Development Order required pursuant to Section 380 06 Florida Statutes for the Heron creek Development of Regional Impact

SECTION 6 Build out and Development Order Termination Dates for the Heron Creek Development of Regional Impact

6 1 The build out date of this Development Order is December 31 2017 provided however additional analyses may be required in accordance with the provisions contained in Exhibit B

6 2 The Heron Creek Development Order shall remain in effect until December 31 2017

SECTION 7 Enforcement

7 1 All conditions restrictions requirements commitments and impact mitigating provisions contained or incorporated by reference in this Development Order may be enforced by City of North Port by action at law or equity

7 2 In the event it is determined by the City Commission of the City of North Port after notice and hearing that the Applicant has failed to comply with any conditions restrictions requirements or impact mitigating provisions contained or incorporated by reference in this Development Order the City Commission may temporarily suspend the Development Order during which no development permit applications shall be granted within the development until compliance is achieved

7 3 The obligations of this Development Order shall run with the land The Applicant is bound by the terms of this Development Order so long as it owns such property This Development Order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest thereto or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order

SECTION 8 Severability

8 1 If any section sentence clause phrase or word of this Development Order is for any reason held or declared to be invalid inoperative or void such holding of invalidity shall not affect the remaining portions of this Development Order and it shall be construed to have been the intent to pass this Development Order without such invalid or inoperative part herein and the remainder exclusive of such part or parts shall be deemed and held to be valid as if such parts had not been included herein unless to do so would frustrate the intent of this Development Order

SECTION 9 Service and Recording

9 1 This Ordinance shall be binding upon the Applicant its successors and assigns and upon City of North Port Notice of the adoption of this Ordinance shall be recorded by the Applicant in accordance with Section 380 06(15)(t) Florida Statutes

9 2 The City of North Port Clerk shall certify the date upon which certified copies of this Ordinance are deposited in the U S Mail for DCA the SWFRPC and the Applicant

SECTION 10 Effective Date This Development Order shall take effect upon execution of the consent provided for in Section 11 of this Ordinance and transmittal of the copies of said Development Order to the parties specified in Section 380 07(2) Florida Statutes the expiration of any appropriate appeal period or the resolution of any appeal whichever is later

SECTION 11 Relationship to Other Regulations

11 1 This Development Order shall not be construed as an agreement on the part of City of North Port to exempt the Applicant its successors and assigns from the operation of any ordinance or other governmental regulation now in effect or hereafter adopted by City of North Port for the purpose of protection of public health welfare and safety which said Ordinance or regulation shall be generally and equally applicable throughout City of North Port and which said Ordinance or regulation does not impair or otherwise frustrate the Development herein approved

11 2 This DRI shall not be subject to down zoning unit density reduction or intensity reduction prior to December 31 2017 unless City of North Port can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the Applicant or that the change is clearly established by City of North Port to be essential to the public health safety or welfare

11 3 Prior to the first building permit issued for Phase II the applicant shall pay all application fees in accordance with Ordinance 96 14

SECTION 12 Consent to Provisions of Ordinance

12 1 The Applicant by signing this document in the space hereinafter provided signifies its approval of and assent to the provisions of this Development Order Such signature shall also constitute a certification by the Applicant that it has delivered to the Southwest Florida Regional Planning Council and the Department of Community Affairs a complete copy of all documents specified in Section 2 2 1 above

PASSED AND DULY ADOPTED by the City of North Port Florida this 11 day of September 2000

MARSH CREEK HOLDINGS LTD a Florida limited partnership and RENE M GLENDINNING as Trustee under Trust Agreement dated April 30 1988 hereby warrant that they are the owners in fee simple of all the real property described in Exhibit A attached hereto and that they have reviewed approve and assent to all the terms conditions and provisions of the foregoing Development Order including all attachments thereto which Development Order is also described as City of North Port Ordinance No 2000 13 and acknowledge that the same are binding upon the partnership its successors and assigns and shall constitute covenants running with the property described in Exhibit A

SECTION 1 FINDINGS

- 13 0 The phasing and development of the project is amended to reflect market conditions and development of the City
- 14 0 The City finds that it is necessary and desirable to enter into an agreement with the developer to address traffic impacts and traffic congestion to accurately reflect private and public budgeting for improvements to Price and Sumter Boulevard and to in general address the developer's commitments to mitigate impacts to City facilities to provide for the implementation and programming of projects required pursuant to Ordinance No 2000 13

SECTION 15 FILING OF ORDINANCE

- 15 0 Upon adoption of this Ordinance the City Clerk is directed to cause a copy of this Ordinance to be filed with the Clerk of the Circuit Court for Sarasota County Florida and with the Department of State

SECTION 16 SEVERABILITY

- 16 0 If any section subsection or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such provisions shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof

SECTION 17 CONFLICTS

- 17 0 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance the provisions of this Ordinance shall prevail to the extent of such conflict

SECTION 18 EFFECTIVE DATE

- 18 0 This Ordinance shall be come effective immediately upon its adoption by the City of North Port City Commission

READ BY TITLE ONLY in public session this 27th day of June 2005

PASSED and ADOPTED on second and final reading in public session this

11th day of July 2005

CITY OF NORTH PORT FLORIDA

[Signature]
RICHARD LOCKHART COMMISSIONER

Chairperson

ATTEST

[Signature]
HELEN RAIMBEAU CMC
City Clerk

Approved as to form and correctness

[Signature]
ROBERT K ROBINSON
City Attorney



Attachment 5 1
Legal Description

TRACT A A PORTION OF SECTION 21 TOWNSHIP 39 SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE SNOVER WATERWAY (200 WIDE) AS SHOWN ON THE PLAT OF THE EIGHTEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 14 PAGES 6 6 A THROUGH 6 V PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 00 43 08 W ALONG THE WESTERLY BOUNDARY LINE OF SAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) A DISTANCE OF 100 00 FEET TO THE POINT OF BEGINNING AT THE INTERSECTION OF SAID RIGHT OF WAY LINE WITH THE SOUTH LINE OF SAID SNOVER WATERWAY THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD THE FOLLOWING TWO COURSES S 00 43 08 W A DISTANCE OF 1346 71 FEET TO THE POINT OF CURVATURE OF A 2100 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 89 16 52 E THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15 16 04 A DISTANCE OF 559 59 FEET TO AN INTER SECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD WITH SAID POINT ALSO BEING A POINT OF REVERSE CURVATURE OF A 25 00 RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 75 27 04 W THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) THE FOLLOWING FOUR COURSES SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85 42 32 A DISTANCE OF 37 40 FEET TO A POINT OF REVERSE CURVATURE OF A 1650 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 18 50 24 E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22 20 06 A DISTANCE OF 643 20 FEET TO A POINT OF TANGENCY THENCE S 48 49 30 W A DISTANCE OF 408 66 FEET TO THE POINT OF CURVATURE OF A 1950 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 41 10 30 W THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 71 11 22 A DISTANCE OF 2422 85 FEET THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD N 29 59 32 E A DISTANCE OF 1198 77 FEET THENCE N 15 00 00 W A DISTANCE OF 1800 00 FEET TO THE SOUTH LINE OF THE AFORESAID SNOVER WATERWAY (O R BOOK 1941 PAGE 6) THENCE ALONG SAID SOUTH LINE S 89 16 51 E A DISTANCE OF 2953 00 FEET TO THE POINT OF BEGINNING

CONTAINING 170 30 ACRES MORE OR LESS

TRACT B A PORTION OF SECTIONS 21 AND 22 TOWNSHIP 39 SOUTH RANGE 21 EAST
SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE SNOVER WATERWAY AS SHOWN ON THE PLAT OF THE EIGHTEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 14 PAGES 6 6 A THROUGH 6 V PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 00 43 08 W ALONG THE EASTERLY BOUNDARY LINE OF SAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) A DISTANCE OF 700 00 FEET TO THE POINT OF BEGINNING THENCE LEAVING THE SAID WESTERLY RIGHT OF WAY LINE S 89° 16 51 E A DISTANCE OF 606 00 FEET THENCE N 00 43 09 E A DISTANCE OF 600 00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE SNOVER WATERWAY (O R BOOK 1941 PAGE 6) THENCE S 89 16 51 E ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 880 95 FEET TO THE NORTHWESTERLY CORNER OF NORTH PORT WATER CONTROL DISTRICT PROPERTY (O R BOOK 2357 PAGE 382) THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE WESTERLY BOUNDARY LINE OF THE SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY S 00°43 09 W A MEASURED DISTANCE OF 1052 76 FEET (DEED 1050 00) TO THE SOUTHWEST CORNER OF SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY S 89°16 51 E A DISTANCE OF 1028 67 FEET TO THE WESTERLY BOUNDARY LINE OF THE BLUERIDGE WATERWAY (100 FEET WIDE) (O R BOOK 1941 PAGE 6) SAID POINT ALSO BEING A POINT ON THE ARC OF A 1000 00 FOOT RADIUS CURVE WITH THE CENTER POINT OF SAID CURVE BEARING N 77 26 14 W THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID BLUERIDGE WATERWAY THE FOLLOWING TWO COURSES SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 55 49 01 A DISTANCE OF 974 19 FEET TO A POINT OF REVERSE CURVATURE OF A 1150 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 21 37 14 E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32 16 11 A DISTANCE OF 647 69 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE WITH THE NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID PRICE BOULEVARD THE FOLLOWING THREE COURSES N 56 24 18 W A DISTANCE OF 131 21 FEET TO THE POINT OF CURVATURE OF A 1650 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 33 35 42 W THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43 52 31 A DISTANCE OF 1263 51 FEET TO A POINT OF REVERSE CURVATURE OF A 25 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 10 16 49 W THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85 43 55 A DISTANCE OF 37 41 FEET TO A POINT IN THE AFORESAID EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD AND THE EASTERLY BOUNDARY LINE OF THE AFORESAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION SAID POINT IS ALSO THE POINT OF COMPOUND CURVATURE OF A 1900 00 FOOT RADIUS

CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 75 27 06 E THENCE ALONG THE SAID EASTERLY RIGHT OF WAY LINE FOR THE FOLLOWING TWO COURSES NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15 16 02 A DISTANCE OF 506 28 FEET TO THE POINT OF TANGENCY THENCE N 00 43 08 E A DISTANCE OF 746 71 FEET TO THE POINT OF BEGINNING

CONTAINING 72 12 ACRES MORE OR LESS

TRACT C A PORTION OF SECTIONS 21 AND 28 TOWNSHIP 39 SOUTH RANGE 21 EAST
SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF THE RIGHT OF WAY OF NORTH PORT BOULEVARD AS SHOWN ON THE PLAT OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 82 01 05 W (S 82 00 00 W PLAT BEARING) ALONG THE NORTHERLY RIGHT OF WAY OF SAID NORTH PORT BOULEVARD (MYAKKAHATCHEE BOULEVARD) AS SHOWN ON THE PLAT OF THE FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 13 13 A THROUGH 13 NN PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA A DISTANCE OF 947 20 FEET (946 95 FEET PLAT DISTANCE) TO A CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF BLOCK 2653 IN SAID FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE AND ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID BLOCK 2653 THE FOLLOWING FOUR COURSES N 08 00 00 W A DISTANCE OF 955 00 FEET THENCE S 82 00 00 W A DISTANCE OF 365 00 FEET THENCE N 08 00 00 W A DISTANCE OF 630 90 FEET THENCE S 82 00 00 W A DISTANCE OF 150 00 FEET THENCE LEAVING SAID BOUNDARY LINE N 29 59 32 E A DISTANCE OF 1080 80 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES S 59 55 11 E A DISTANCE OF 23 99 FEET TO THE POINT OF CURVATURE OF A 2050 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING N 30°04'49" E THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 71 15 19 A DISTANCE OF 2549 46 FEET TO A POINT OF TANGENCY THENCE N 48 49 30 E A DISTANCE OF 408 68 FEET TO THE POINT OF CURVATURE OF A 1550 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 41 10 30 E THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°06'43" A DISTANCE OF 598 19 FEET TO A POINT OF COMPOUND CURVATURE OF A 25 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 19 03 47 E THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90 27 50 A DISTANCE OF 39 47 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD AS SHOWN ON THE AFORESAID PLAT OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION SAID POINT ALSO BEING A POINT OF REVERSE CURVATURE OF A 2100 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING N 71 24 03 E THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD THE FOLLOWING FOUR COURSES SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00 13 14 A DISTANCE OF 8 09 FEET TO A POINT OF REVERSE CURVATURE OF A 1300 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 71 10 49 W THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77 57 00 A DISTANCE OF 1768 63 FEET TO A POINT OF REVERSE CURVATURE OF A 1600 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 30 52 11 E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 59 57 23 A DISTANCE OF 1674 30 FEET TO A POINT OF REVERSE CURVATURE OF A 50 11 FOOT RADIUS CURVE TO THE RIGHT WITH THE

CENTER POINT BEARING S 89 10 26 W THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 86 32 36 A DISTANCE OF 75 69 FEET TO THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF NORTH PORT BOULEVARD THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES S 85 43 11 W A DISTANCE OF 208 42 FEET TO THE POINT OF CURVATURE OF A 2750 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 04 16 49 E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03 42 20 A DISTANCE OF 177 85 FEET TO A POINT OF TANGENCY THENCE S 82 00 51 W A DISTANCE OF 355 73 FEET TO THE POINT OF BEGINNING

CONTAINING 140 58 ACRES MORE OR LESS

TRACT D A PORTION OF SECTIONS 21 AND 22 TOWNSHIP 39 SOUTH RANGE 21 EAST
SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEASTERLY CORNER OF THE FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 13 13 A THROUGH 13 NN PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE BLUERIDGE WATERWAY (100 WIDE)(OR BOOK 1941 PAGE 6) THENCE LEAVING THE SAID CENTERLINE AND ALONG THE NORTHERLY BOUNDARY LINE OF THE SAID FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION N 84 56 11 W A DISTANCE OF 50 00 FEET TO THE POINT OF BEGINNING SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY LINE OF THE SAID BLUERIDGE WATERWAY THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE AND ALONG THE NORTHERLY BOUNDARY LINE OF SAID FIFTY SECOND ADDITION THE FOLLOWING THREE COURSES N 84 56 11 W A DISTANCE OF 1375 64 FEET TO THE POINT OF CURVATURE OF 400 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 05 03 49 E THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°49'49" A DISTANCE OF 208 26 FEET TO A POINT OF TANGENCY THENCE N 55 06 22 W A DISTANCE OF 442 85 FEET TO A CORNER ON THE BOUNDARY LINE OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID POINT IS ALSO ON THE ARC OF A 2350 00 FOOT RADIUS NONTANGENT CURVE WITH THE CENTER POINT BEARING N 55 05 20 W THENCE SOUTHWESTERLY ALONG THE WESTERLY BOUNDARY LINE OF TRACT D AS PLATTED IN SAID FIFTY SIXTH ADDITION AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10 06 22 A DISTANCE OF 414 51 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) AS PLATTED IN SAID FIFTY SIXTH ADDITION WITH SAID POINT ALSO BEING ON THE ARC OF A 1400 00 FOOT RADIUS NONTANGENT CURVE WITH THE CENTER POINT BEARING S 73 36 02 E THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42 43 51 A DISTANCE OF 1044 11 FEET TO A POINT OF REVERSE CURVATURE OF A 1500 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING N 30 52 11 W THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77 31 15 A DISTANCE OF 2029 49 FEET TO A POINT OF REVERSE CURVATURE OF A 25 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 71 36 34 E THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 98 45 30 A DISTANCE OF 43 09 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) TO A POINT OF COMPOUND CURVATURE OF A 1550 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 09 37 56 E THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE FOR THE FOLLOWING TWO COURSES ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43 13 39 A DISTANCE OF 1169 42 FEET TO A POINT OF TANGENCY THENCE S 56 24 18 E A DISTANCE OF 131 17 FEET TO A POINT ON THE AFORESAID WESTERLY RIGHT OF WAY LINE OF THE BLUERIDGE WATERWAY SAID POINT ALSO BEING ON THE ARC OF A 1150 00 FOOT RADIUS CURVE WITH THE CENTER POINT BEARING S 58 52 26 E THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES SOUTHWESTERLY ALONG THE ARC OF SAID

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CURVE THROUGH A CENTRAL ANGLE OF 26 04 14 A DISTANCE OF 523 27 FEET TO A
POINT OF TANGENCY THENCE S 05 03 20 W A DISTANCE OF 1932 28 FEET TO THE POINT
OF BEGINNING

CONTAINING 83 90 ACRES MORE OR LESS

DESCRIPTION OF THE PROPOSED REVERSIONARY BOUNDARY FOR A PORTION OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 13 THROUGH 13NN AND A PORTION OF THE 56TH ADDITION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA WITH SAID BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF NORTH PORT BLVD (FORMERLY MYAKKAHATCHEE BOULEVARD) WITH THE NORTHERLY LINE OF APPOMATTOX DRIVE AS PLATTED IN SAID 52ND ADDITION THENCE S 45°34'35" E ALONG SAID NORTHERLY LINE OF APPOMATTOX DRIVE A DISTANCE OF 1833.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 260.00 FEET A CENTRAL ANGLE OF 23°13'38" A CHORD BEARING OF S 57°11'24" E AND A CHORD LENGTH OF 104.68 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 105.40 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 68°48'13" E ALONG SAID NORTHERLY LINE A DISTANCE OF 2715.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 260.00 FEET A CENTRAL ANGLE OF 17°44'15" A CHORD BEARING OF S 77°40'20" E AND A CHORD LENGTH OF 80.17 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 80.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 86°32'28" E ALONG SAID NORTHERLY LINE A DISTANCE OF 403.32 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET A CENTRAL ANGLE OF 89°58'27" A CHORD BEARING OF N 48°28'18" E AND A CHORD LENGTH OF 35.35 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 39.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 03°29'05" E ALONG THE WESTERLY LINE OF SUMTER BLVD (200 FEET WIDE) A DISTANCE OF 7.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1524.84 FEET A CENTRAL ANGLE OF 26°10'34" A CHORD BEARING OF N 16°34'22" E AND A CHORD LENGTH OF 690.60 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 696.64 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 29°39'39" E ALONG SAID WESTERLY LINE OF SUMTER BLVD A DISTANCE OF 1900.39 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 949.64 FEET A CENTRAL ANGLE OF 35°45'49" A CHORD BEARING OF N 11°46'44" E AND A CHORD LENGTH OF 583.18 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 592.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 06°06'10" W ALONG SAID WESTERLY LINE A DISTANCE OF 682.16 FEET TO THE SOUTHEAST CORNER OF TRACT A AS PLATTED IN SAID 56TH ADDITION THENCE N 06°06'10" W ALONG SAID WESTERLY LINE OF SUMTER BLVD A DISTANCE OF 405.72 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1600.00 FEET A CENTRAL ANGLE OF 05°18'00" A CHORD BEARING OF N 03°27'41" W AND A CHORD LENGTH OF 147.95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 148.01 FEET TO A POINT OF CUSP WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET A CENTRAL ANGLE OF 86°32'01" A CHORD BEARING OF S 42°27'20" W AND A CHORD LENGTH OF 68.54 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 75.51 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 85°43'21" W ALONG THE NORTH LINE OF AFORESAID NORTH PORT BLVD (100 FEET WIDE) A DISTANCE OF 208.40 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE

LEFT HAVING A RADIUS OF 2750 00 FEET A CENTRAL ANGLE OF 03 42 18 A CHORD BEARING OF S 83 52 12 W AND A CHORD LENGTH OF 177 80 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 177 83 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 82 01 03 W ALONG SAID NORTH LINE A DISTANCE OF 355 74 FEET TO THE NORTHWEST CORNER OF SAID 56TH ADDITION THENCE S 82°01 01 W ALONG THE NORTH LINE OF SAID NORTH PORT BLVD AS PLATTED IN SAID 52ND ADDITION A DISTANCE OF 947 20 FEET THENCE N 08 00 00 W ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 955 00 FEET THENCE S 82 00 00 W ALONG THE NORTH LINE OF BLOCK 2653 A DISTANCE OF 365 00 FEET THENCE N 08 00 00 W ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 630 90 FEET THENCE S 82 00 00 W A DISTANCE OF 150 00 FEET TO THE NORTHWEST CORNER OF LOT 39 IN SAID BLOCK 2653 THENCE S 08 00 00 E ALONG AND EXTENDING THE WEST LINE OF SAID LOT 39 A DISTANCE OF 175 00 FEET TO THE CUL DE SAC CENTER AT THE NORTH END OF FLEETWAY ROAD (50 FEET WIDE) THENCE S 07 57 17 E ALONG THE CENTERLINE OF SAID FLEETWAY ROAD A DISTANCE OF 605 90 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF CAMERO STREET (50 FEET WIDE) THENCE S 82 00 00 W ALONG SAID CENTERLINE OF CAMERO STREET A DISTANCE OF 1636 11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 100 00 FEET A CENTRAL ANGLE OF 90°00 00 A CHORD BEARING OF S 37 00 00 W AND A CHORD LENGTH OF 141 42 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 157 08 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 08°00 00 E ALONG THE CENTERLINE OF DAMON AVE (50 FEET WIDE) A DISTANCE OF 185 03 FEET THENCE S 82 00 00 W ALONG THE LINE DIVIDING LOTS 7 AND 8 IN AFORESAID BLOCK 2653 A DISTANCE OF 150 11 FEET TO THE WEST LINE OF SAID BLOCK 2653 THENCE S 08 00 00 E ALONG SAID WEST LINE OF SAID BLOCK 2653 A DISTANCE OF 606 62 FEET TO A POINT ON THE NORTHWESTERLY LINE OF AFORESAID NORTH PORT BLVD THENCE S 19 45 51 E A DISTANCE OF 50 00 FEET TO THE CENTERLINE OF SAID NORTH PORT BLVD AND A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 4070 00 FEET A CENTRAL ANGLE OF 16 49 34 A CHORD BEARING OF S 61°49 22 W AND A CHORD LENGTH OF 1190 95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 1195 24 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 700 00 FEET A CENTRAL ANGLE OF 18 24 35 A CHORD BEARING OF S 44 12 17 W AND A CHORD LENGTH OF 223 95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 224 92 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1422 00 FEET A CENTRAL ANGLE OF 09 25 25 A CHORD BEARING OF S 39 42 43 W AND A CHORD LENGTH OF 233 62 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 233 88 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 44 25 25 W ALONG SAID CENTERLINE A DISTANCE OF 203 96 FEET TO THE POINT OF BEGINNING

CONTAINING 392 07 ACRES MORE OR LESS

LESS AND EXCEPT THE FOLLOWING

A PORTION OF SECTIONS 21 AND 22 TOWNSHIP SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE SNOVER WATERWAY AS SHOWN ON THE PLAT OF THE EIGHTEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 14 PAGES 6 6 A THROUGH 6 V PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 00 43 08 W ALONG THE EASTERLY BOUNDARY LINE OF SAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) A DISTANCE OF 700 00 FEET TO THE POINT OF BEGINNING THENCE LEAVING THE SAID WESTERLY RIGHT OF WAY LINE S 89 16 51 E A DISTANCE OF 606 00 FEET THENCE N 00 43 09 E A DISTANCE OF 600 00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE SNOVER WATERWAY (O R BOOK 1941 PAGE 6) THENCE S 89 16 51 E ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 880 95 FEET TO THE NORTHWESTERLY CORNER OF NORTH PORT WATER CONTROL DISTRICT PROPERTY (O R BOOK 2357 PAGE 382) THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE WESTERLY BOUNDARY LINE OF THE SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY S 00°43 09 W A MEASURED DISTANCE OF 1052 76 FEET (DEED 1 050 00) TO THE SOUTHWEST CORNER OF SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY THENCE N 89 16 51 W A DISTANCE OF 1486 95 FEET TO THE EASTERLY RIGHT OF WAY LINE OF AFORESAID SUMTER BOULEVARD THENCE N 00 43 08 E ALONG SAID LINE A DISTANCE OF 452 76 FEET TO THE POINT OF BEGINNING

CONTAINING 27 59 ACRES MORE OR LESS

LANDFILL

ALL OF TRACT X AS SHOWN ON SAID RECORD PLAT OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION

CONTAINING 367 27 ACRES MORE OF LESS AFTER EXCEPTION

EXHIBIT B Conditions of Approval of Heron Creek DRI

1 Land Use

The ADA for the Heron Creek DRI is hereby approved for the following land uses and phases subject to the conditions contained in herein consistent with Preliminary Master Plan Map H dated February 2000 and subject to the other provisions of this Development Order

Land Use	Phase I (97 2001)	Phase II (02 2006)	Phase III (07 2011)	Phase IV (12 2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi Family (LUC 220)	125 DU	471 DU	471 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		12 Courts		
Medical/Professional (LUC 720)		80 000 GLA	50 000 GLA	
Office General (LUC 710)		65 000 GLA	55 000 GLA	
Retail Shopping Center (LUC 820)	90 000	122 500 GLA	150 000 GLA	137 500 GLA

2 Affordable Housing

Prior to commencement of Phase II or 2177 trips and subsequent phases of the project the Applicant or project employers shall provide supply data (such as Multiple Listing Services data) showing vacant for sale and /or for rent units available within a 10 mile/20 minute radius of the project. If analysis of the demand data provided in the Application for Development Approval (ADA) and the submitted supply data shows a shortage of affordable housing units that exceeds the threshold for significant impact for the DRI whether in one phase or cumulatively for the entire DRI the Applicant shall mitigate the need by following one of the options outlined in Rule 9J 2 048 the Adequate Housing Uniform Standard Rule

3 Energy

The Applicant shall comply with all commitments for energy conservation contained in the ADA

4 **Stormwater Management**

- a The Heron Creek DRI shall require a Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit for construction and operation of the surface water management system At the time of permit application the Applicant shall provide verification to District staff that the proposed system designs will meet District criteria in effect at that time
- b The Heron Creek DRI shall require a SWFWMD Water Use Permit for withdrawals from groundwater project lakes and/or other surface water bodies for irrigation or potable uses and dewatering associated with the construction of project lakes and/or road or building foundations in accordance with current regulations
- c The Applicant shall develop an integrated Fertilizer/Pesticide Herbicide Management Plan as a component of the golf course design process to be approved by the City of North Port Utilities Department the City of North Port Public Works Department with input from Sarasota County SWFWMD the Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection (DEP) The plan shall address the following items
 - Fertilizer pesticide herbicide and insecticide use storage and safety
 - Alternative pest control strategies
 - Golf course management methods and procedures and
 - Quality control and assurance procedures
- d Elevations corresponding to a 100 year flood shall be used to set minimum building elevations on the site taking into account the backwater elevations along the various onsite flowways
- e Best management practices shall be included on construction plans for development and should be submitted to the City of North Port for review and approval
- f All internal stormwater management lakes and ditches and the onsite preserved/enhanced wetland areas shall be set aside as private drainage and/or conservation easements on the recorded final plat Stormwater lakes shall include where practical adequate maintenance easements around the lakes with access to a paved roadway
- g During construction activities the Applicant shall employ best management practices for erosion and sedimentation control These practices shall be included with or presented on all construction plans and shall be subject to approval by the appropriate agencies prior to their implementation

- h Any construction silt barriers or hay bales and any anchor soil as well as accumulated silt shall be removed upon completion of construction. Either the applicant or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.
- i The final stormwater management plan shall consider as applicable measures to reduce runoff rates and volumes including but not limited to fixed control structures, perforated pipes, and grass swale conveyances. Swales shall be used whenever possible rather than closed systems.
- j Any shoreline banks created along the onsite stormwater management system shall include littoral zones constructed on slopes consistent with SWFWMD and City of North Port requirements and shall be planted in native emergent or submerging aquatic vegetation. The Applicant shall ensure by supplemental replanting if necessary that at least 80% cover by native aquatic vegetation is established within the littoral zone for the duration of the project.
- k The Applicant shall conduct annual inspections of the Heron Creek Master Stormwater Management System and the preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.
- l The Applicant shall confirm to the satisfaction of all applicable federal, state, and local review agencies and SWFWMD that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite or that such impacts shall be mitigated to the benefit of on-site populations of those species.
- m The Applicant shall participate in any ongoing or future efforts by the City of North Port and Sarasota County to establish a countywide stormwater management system.
- n Ditch and swale slopes shall be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with grass or other appropriate vegetation.
- o The vegetated stormwater treatment areas shall be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches, or swales or which may interfere with the normal flow of water through discharge structures and underdrain systems shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be replaced immediately.

- p Underdrain systems and grease baffles if utilized within the Heron Creek DRI shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.
- q Stormwater management system maintenance requirements shall include removal of any mosquito productive nuisance plant species (e.g. water lettuce, water hyacinth and primrose willows) from all system nodes, reaches and percolation basins, as well as from the lake littoral zones employed in the system.
- r To the extent consistent with applicable stormwater management system and environmental regulations, any isolated wading bird pools constructed in lake littoral zones shall be excavated to a depth which provides aquatic habitat for mosquito larvae predators such as Gambusia affinis.
- s The Applicant shall comply with all commitments made in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description), Question 13 (Wetlands), Question 14 (Water), Question 15 (Soils), Question 16 (Floodplains) and Question 19 (Stormwater Management) which are not in conflict with the above recommendations.

5 Transportation

- a The applicant or his successor or assigns shall be fully responsible for the site related roadway and intersection improvements required within Heron Creek DRI. The applicant shall be required to pay the full cost for any site related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by the City of North Port for the project's access intersections onto Appomattox Drive, Sumter Boulevard or Price Boulevard. The site access points shall be located and developed consistent with the City of North Port access management standards and permit requirements.
- b Based on the transportation assessment of significant project impacts, the following process shall determine what regionally significant transportation improvements shall be required prior to, or coincident with, development of the Heron Creek DRI if adopted level of service conditions are to be maintained through Phase III (2011) on regional roadway segment and intersections.

Prior to any building permits for development exceeding those identified in Phase I plus Phase II land uses, or for equivalent development generating 2,177 gross p.m. peak hour external trips, a Traffic Monitoring Study (TMS) shall be undertaken to confirm the estimates of the transportation analysis. Prior to undertaking this monitoring study, a meeting shall be held with staff of the SWFRPC, FDOT and the City of North Port. The purpose of the meeting will be to identify the scope and procedures to be utilized in this study. At a minimum, the TMS shall contain p.m. peak hour, peak season trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed below and a calculation of

the existing peak season level of service at these intersections and on the road segments indicated below. The levels of service shall be calculated according to current professional standards. The study shall also provide a calculation of the existing levels of service on the facilities and the estimated levels of service and project impact for the next increment for which development approval is desired. The TMS shall also identify any road improvements required to meet existing adopted level of service thresholds. Further, the study shall address the issues identified by all applicable review agencies in the SWFRPC staff assessment report. Specifically, the study shall confirm the allocation of traffic signal green time on US 41 and that road's ability to continue to meet traffic demands for the project phases through Phase III.

Regional Roadways

I 75 Kings Highway to Toledo Blade Blvd
 I 75 Toledo Blade Blvd to Sumter Blvd
 US 41 North Port Blvd To Pan American Blvd
 US 41 Biscayne Drive to Ortiz Blvd
 US 41 Toledo Blade Blvd to Enterprise

Regional Intersections

I 75/Kings Highway (all ramps)
 I 75/Toledo Blade Blvd (all ramps)
 I 75/Sumter Blvd (all ramps)
 US 41/North Port Blvd
 US 41/Pan American Blvd
 US 41/Biscayne Drive
 US 41/Ortiz Blvd
 Price Blvd /Sumter Blvd
 Price Blvd /Salford Blvd
 Appomattox Dr /North Port Blvd
 Appomattox Dr /Sumter Blvd

The transportation impacts to the roads and intersections above shall be appropriately addressed consistent with Southwest Florida Regional Planning Council policies and the determination of proportional share and/or pipelining of the regional road improvements shall be in accordance with Section 163.3220 F.S. which requires a Local Government Development Agreement.

- c. The applicant is eligible to apply for impact fee credits pursuant to Chapter 380.06 Florida Statutes and the City of North Port Ordinance No. 2000-4 as it may be amended, and the applicant may receive credits as authorized by the Ordinance. Further, impact fee payments made prior to the time at which proportionate share payments are due, if mitigation (described below) is selected, shall be held in escrow by the City of North Port and applied against the proportionate share payment.

- d **Mitigation Options** The following options are established for purposes of mitigating Phases I II and III impacts Prior to preliminary plat or preliminary site plan approval for 740 single family detached residential units or equivalent land uses which will result in 651 net new external p m peak hour trips the applicant and the City of North Port shall select one or a combination of the following alternatives to mitigate the project s transportation impacts provided that the combination(s) selected achieve the required degree of mitigation The applicant shall report the option selected in the first required annual report following its selection Further the status of any transportation improvements required by the option selected shall be included in each subsequent required annual report Continued issuance of development permits by the City of North Port for the project shall require a determination by the City of North Port for compliance with one of the options set forth below
- 1 **Funding commitments** For the purpose of this order funding commitments shall be defined in Section 9J 2 045 (7) a 1 FAC The improvements listed in the table below include roadway link and intersection improvements required for the development of Phases I through III

**TABLE 1
PHASES I, II AND III (2011)
REQUIRED LINK AND INTERSECTIONS**

LOCATION	IMPROVEMENT	%OF PH I, II & III (OR NET EXTERNAL TRIPS)
Price @ Sumter	Signalize Add EL WL WR NL NR SL turn lanes	24% (651)
Appomattox @ Sumter	Signalize Add ER NL SR turn lanes	31% (867)
I 75 Sumter to Toledo Blade	Widen to 6 lanes	54% (1 523)
Price @ Salford	Signalize add EL WL NL turn lanes	62% (1 735)
Appomattox @ North Port	Signalize ad EL WL NL turn lanes	76% (2 168)
I 75 Toledo Blade to King Highway	Widen to 6 lanes	98% (2 761)

With each preliminary plat or preliminary site plan the applicant shall submit a projection of gross external p m peak hour trips anticipated to be generated by the development included in the preliminary plat or preliminary site plan plus any development for which a preliminary plat or preliminary site plan has been previously approved

- a No building permits shall be issued for land uses that will result in 651 net new external trips until funding commitments are in place for the first improvement identified in Table 1 above
- b No building permits shall be issued for land uses that will result in 867 new eternal p m peak hour trips until funding commitments are in place for the second improvement identified in Table 1 above A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met
- c No building permits shall be issued for land uses that will result in 1 523 net new external trips until funding commitments are in place for the third improvement identified in Table 1 above
- d No building permits shall be issued for land uses that will result in 1 735 net new external trips until funding commitments are in place for the fourth improvement identified in Table 1 above A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met
- e No building permits shall be issued for land uses that will result in 2 168 net new external trips until funding commitments are in place for the fifth improvement identified in Table 1 above A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met
- f No building permits shall be issued for land~ uses that will result in 2 761 net new external trips until funding commitments are in place for the sixth improvement identified in Table 1 above

In the event that funding commitments for the above transportation improvements are not in place the applicant shall have the option to submit an NOPC to the City DCA and the SWFRPC pursuant to Section 380 06(10) Florida Statutes with updated traffic counts on the impacted roadways that do not have commitments for required transportation improvements The applicant shall further submit projections of traffic volumes that include the currently approved project development plus the volumes to be generated from an additional increment of development for which the applicant is seeking approval and future background traffic If the submittal as approved by the above agencies shows that the unimproved road will operate at an acceptable level of service the City of North Port may issue building permits for the requested increment of development

The funding commitments for the above improvements shall be assessed and reported in the required annual report The City of North Port shall cease issuance of any further building permits if the annual monitoring report shows that any of the required improvements is no longer funded as defined in Table 1 (above)

- 2 Proportionate share This option shall only be available if the City of North Port Comprehensive Plan authorizes payment of proportionate share contribution for local and regional significant traffic impacts in accordance with Section 163 3180(12) Florida Statutes and Rule 9J 2 045(7) a 3 F AC With City of North Port and FDOT approval

the applicant may pay to the City of North Port a proportionate share contribution pursuant to Section 9J 2 045 FAC of those improvement projects listed in Section 1 above for which funding remains uncommitted The proportionate share contribution shall be used to improve anyone of the listed impacted roadways for which funding remains uncommitted pursuant to a roadway construction agreement to be entered into between the applicant City of North Port and the responsible government agencies (if applicable) subject to the following terms and conditions

- a No further building permits shall be issued by the City of North Port subsequent to the triggering of transportation needs shown in Table 1 Table 1 will be mitigated by the selection of Option 2 until the roadway construction agreement is executed Further should the applicant default in the payment of the proportionate share in accordance with the agreement no further building permits shall be issued until the applicant is in compliance with the agreement
- b The agreement shall be in the form of either a clearly identified executed and recorded local government development agreement consistent with Sections 163 3220 through 163 3243 Florida Statutes an interlocal agreement an FDOT joint participation agreement or a written acceptance by the affected local government board or the FDOT as appropriate The agreement to accept proportionate share payments shall be attached as an exhibit to the development order through a Ch 380 06fl G) 0 2) e(2) amendment following the selection of this option and the execution of the agreement at the time of the next development order amendment The agreement shall require the receiving local governmental agency to apply the contributed monies only towards the construction of one or more of the roadway improvements listed in Table 1 of this development order If the contributed money is sufficient to fully construct one or more of the required improvements the receiving governmental agency shall agree as a condition of acceptance to expeditiously apply the received monies for the construction of the improvement
- c The specific nature and scope of the selected improvements(s) shall be set forth in the roadway construction agreement The roadway construction agreement shall address the timing of the applicant's payments toward design ROW acquisition construction and the selected improvement(s)
- d The proportionate share amount is as set forth in Table 2 (attached and incorporated as part of this development order) in accordance with 9J 21 045(7)3 F AC The proportionate share has been calculated in Year 2000 dollars This amount shall be updated at the time of payment in accordance with the FDOT construction Cost Price Trends Index The proportionate share in Table 2 mitigates the impacts of all development in Phases I II and III If any of the required improvements have been completed prior to the applicant's selection to pay the proportionate share then the proportionate share amount shall be reduced by deleting the completed road improvement from the proportionate share computation

- e Any delay or change to the proportionate share payment due to a change in the development schedule shall require an analysis of the proportionate share amount as part of any amendment to the build out date of the development. Payment of the proportionate share does not release the applicant from the obligation to pay impact fees as provided for in the City's Transportation Impact Fee Ordinance; however, the proportionate share is creditable against impact fees in accordance with state law.
- f The applicant shall dedicate 50 feet of right of way for a greenway/bicycle and pedestrian pathway extending on the west side of the property running parallel to the Myakkahatchee preserve from Appomattox to Price Boulevard.
- g The applicant shall promote efficient pedestrian and bicycle movement within the development.
- h The applicant shall help to accommodate any local and/or express transit service if established by the City of North Port or Sarasota County through the inclusion of bus stops or other means deemed necessary by the City of North Port or Sarasota County.

6 Vegetation and Wildlife/Wetlands

- a The Applicant shall comply with all commitments contained in the Wildlife and Habitat Management Plan and Scrub Jay Management Plan (Management Plan) which is incorporated by reference into this Development Order. The Applicant shall also comply with the commitments in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description), Question 12 (Vegetation and Wildlife) and Question 13 (Wetlands) to the extent that they are consistent with the Management Plan.
- b The applicant must coordinate the location, size and management plan for the Florida scrub jay preserve with the US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission in Vero Beach to avoid any permit delays.
- c The conservation easement over wetlands and uplands including the scrub jay preserve will be written to comply with the requirements of Rule 9J-4J (9) (b) 3 FAC.
- d Native habitats will also be preserved as part of the golf course design and the open space requirements.
- e In accordance with SWFWMD policy, Heron Creek will maintain or enlarge pre-developed contributing areas to each wetland in the post-developed condition to the extent possible.

- f The Proposed Mitigation Summary as part of the last sufficiency will serve as a framework for conceptual wetland mitigation approaches for the proposed impacts to 22 acres of wetlands
- g Total of 43.56 acres of wetlands (36.2 acres of Freshwater Marshes and 7.4 acres of Hardwood Hammock) will be preserved and enhanced
- h There will be a minimum of 16 +/- acres of vegetated uplands preserved plus additional upland acreage associated with the Scrub Jay Preserve to be determined at final development design and layout
- i The applicant will preserve some of the cabbage palm hammocks in place and relocating other portions while attempting to preserve significant oak trees

7 Wastewater Management/Water Supply

- a The project shall utilize ultra low volume water use plumbing fixtures self closing and/or metered water faucets and other water conserving devices and methods consistent with the criteria outlined in the water conservation plan of the public supply permit issued to the City of North Port Utilities Department by SWFWMD
- b For the purpose of non potable and/or reclaimed water conservation the Heron Creek DRI shall to the extent possible utilize xeriscape principles in all common landscaped areas and in the landscape design of the golf course and other recreational facilities Ecologically viable portions of existing (pre development) native vegetation shall be incorporated into the Development's landscape design to the greatest extent practicable
- c The Applicant shall apply for water use permits as required for withdrawals from groundwater project lakes and/or other surface water bodies for irrigation or potable use and for any dewatering activities proposed for the construction of onsite lakes and/or road or building foundations
- d At the time of application for the SWFWMD Water Use Permit for the proposed irrigation system the Applicant shall provide verification that the proposed plumbing and irrigation system designs meet SWFWMD criteria in effect at that time
- e The Applicant shall comply with the applicant's agreement with the City of North Port for the provision of potable water wastewater treatment and nonpotable water by the City of North Port Utilities Department
- f The requirements for reclaimed water for the Heron Creek development are governed by the Second Developer's Agreement between the City of North Port and the Applicant dated June 5 2000

- g Prior to applying for any well permits from Sarasota County the Applicant shall actively pursue alternative methods for obtaining non potable water. Such efforts shall include (but are not limited to) cisterns, reclaimed stormwater, reclaimed water from a regional resource, off site canals, or any comprehensive approach that will reduce or eliminate the need for onsite wells.
- h The use of reclaimed water, pesticides, herbicides, or fertilizers shall be prohibited within onsite wetland buffers and the wetlands they protect. Irrigation systems shall be designed and located so as to ensure that reclaimed wastewater does not contact or enter any open water canal or waterway within or adjacent to the DRI, which is ultimately tributary to Myakkahatchee Creek.
- i In order to help protect water quality within the Myakkahatchee Creek Watershed and to increase public awareness about local water supply sources and the natural systems that support them, the Applicant shall provide educational materials to property buyers, residents, and businesses within the DRI concerning the proper use and disposal of chemicals and hazardous materials, as well as local and regional water quality issues. Such materials shall include guidelines for homeowners concerning lawn and landscape irrigation and the proper application, handling, and storage of fertilizers, pesticides, herbicides, and other chemicals. The Applicant may use existing publications covering these topics, if such are found to exist and to be suitable for the North Port area. The development shall also participate in any County or City sponsored Amnesty Days program and should consider providing a central site for collection of hazardous materials.
- j Temporary septic systems may be utilized in conjunction with construction and sales offices and model homes. Septic systems shall not be allowed onsite other than for construction and sales offices, golf course restrooms, and model homes. All temporary septic systems shall be properly abandoned and/or removed by a licensed septic system firm at the time when permanent or interim wastewater treatment facilities come online.
- k All potable water facilities shall be properly sized to supply average and peak day domestic demand, in addition to fire flow demand, at a rate approved by the City of North Port Fire and Rescue District.
- l The Applicant shall comply with all commitments in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description), Question 14 (Water), Question 17 (Water Supply), and Question 18 (Wastewater Management) that are not in conflict with the above recommendations.
- m Potable water for the Heron Creek DRI shall be served by the City of North Port Utilities Department. A Developer's Agreement between the applicant and the City has been executed for the entire project. The agreement reserves potable water supply for Phase I of the Heron Creek DRI. The Developer's Agreement articulates specific water supply facility upgrades that are the sole responsibility of the applicant.

- 1 In order to insure that water supply facilities will be in place and available to serve each phase of development no later than the issuance by the City of North Port of a certificate of occupancy or its functional equivalent the City and the Applicant shall comply with their respective obligations under the developer s agreements dated August 31 1998 and June 16 2000
- 2 The City of North Port Utility Master Plan dated March 1999 shall serve as the basis for projecting potable water supply demands and allocating appropriate capital expenditures to serve the Heron Creek DRI development The master plan is incorporated herein by reference
- 3 Annually the City of North Port shall review the utility master plan to ensure consistency with its Capital Improvements Program and the applicable water supply and sewer provisions in the comprehensive plan
- 4 By 2001 the City of North Port shall update the utility master plan and include an analysis of existing and future demands capital expenditures and feasibility of purchasing water from a public regional water source
- 5 Annually the City of North Port Utility Department shall prepare a report as to the status of the guaranteed improvements of the water supply improvements The assessment shall be included in the annual DRI status report If the report shows evidence that the needed potable water supply facility improvements are no longer scheduled or guaranteed the City of North Port will cease to issue building permits until the supply facility improvements return to a guarantee or scheduled status
- 6 Should the water supply improvements schedule change or cause delay to the Heron Creek DRI approved schedule the applicant shall be required to amend the approved development schedule through the Notice of Proposed Change provisions of Section 380.06(19) Florida Statutes This process automatically amends the development order
- 7 Nothing herein shall relieve the City or the Applicant of their reciprocal obligations under the developer s agreements dated August 31 1998 and June 16 2000

8 **Police and Fire Protection**

- a To assure the project does not dilute the delivery of service during the site and development/construction plan approval process the Applicant shall meet with the North Port Police Department to ensure that security features are incorporated within the project design
- b Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988 shall file hazardous materials reporting applications in accordance with sections 302.303.304 or 311.312 Applications must be updated annually by each reporting facility

- c Fire protection shall be provided according to existing standards or fire flow criteria promulgated by the City or recommended guidelines developed by the National Fire Protection Association
- d The City of North Ports Unified Land Development Code requires up to 1 500 G P M for residential and up to 4 000 G P M for commercial development The Heron Creek potable water distribution/building fire sprinkler systems shall be designed to meet the City's requirements

9 Solid Waste/Hazardous Waste/Medical Waste

- a Any business located within the Heron Creek Development which generates hazardous or infectious waste shall be responsible for the temporary storage siting and proper disposal of the waste generated by such businesses Outside storage of hazardous waste or infectious waste should be prohibited However there should be no siting of hazardous waste storage facilities contrary to North Ports Zoning Regulations
- b Loading off loading and storage areas for regulated substances shall be curbed and provided with impervious bases free of cracks and gaps to fully contain spills and leaks
- c All hazardous materials shall be handled stored and applied in accordance with applicable regulations F A C Chapter 62 730 is the governing regulation covering hazardous waste which would be applied to any generator who may become a tenant at Heron Creek
- d The project shall participate in the City of North Ports recycling program which at present consists of curbside pickup of newspaper cardboard plastics glass tin and aluminum cans to aid in the reduction of solid waste sent to the landfill
- e The applicant shall explore the possibility of mulching trees and brush in the land clearing operations to meet on site needs

10 General Conditions

- a All commitments and impact mitigating actions provided by the Applicant in the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval
- b The development phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval If development order conditions and applicant commitments incorporated within the development order ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules

specified within the development order and this phasing schedule then this shall be presumed to be a substantial deviation for the affected regional issue except as provided in Section 7 m 6

- c If the City of North Port during the course of monitoring the development can demonstrate that substantial changes in the conditions underlying the approval of the development order has occurred or that the Development Order was based on substantially inaccurate information provided by the applicant resulting in additional substantial regional impacts then a substantial deviation shall be deemed to have occurred
- d Pursuant to Chapter 380 06(16) the Applicant may be subject to credit for contributions construction expansion or acquisition of public facilities to the extent the Applicant is also subject by City ordinances to impact fees or exactions to meet the same needs The City of North Port and the Applicant may enter into a capital contribution front ending agreement to reimburse the Applicant for voluntary contributions in excess of the fair share



City of North Port

ORDINANCE NO 06 46

(Development Order for Heron Creek a Development of Regional Impact)

A ORDINANCE OF THE CITY OF NORTH PORT FLORIDA AMENDING THE DEVELOPMENT ORDER ORIGINALLY ADOPTED BY ORDINANCE 00 13 FOR THE DEVELOPMENT OF REGIONAL IMPACT (DRI) KNOWN AS HERON CREEK PROVIDING FOR FINDINGS AND CONCLUSIONS OF LAW PROVIDING FOR INCORPORATION OF THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA) INTO THE DEVELOPMENT ORDER PROVIDING FOR THE APPROVAL OF THE HERON CREEK DRI WITH CONDITIONS PROVIDING FOR THIS ORDINANCE TO BE DEEMED THE DEVELOPMENT ORDER PROVIDING FOR BUILD OUT AND DEVELOPMENT ORDER TERMINATION DATES FOR THE HERON CREEK DRI PROVIDING FOR ENFORCEMENT PROVIDING FOR SEVERABILITY PROVIDING FOR SERVICE AND RECORDING PROVIDING AN EFFECTIVE DATE PROVIDING FOR RELATIONSHIP TO OTHER REGULATIONS AND PROVIDING FOR CONSENT TO THE PROVISIONS OF THE ORDINANCE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT FLORIDA

SECTION 1 Findings of Fact and Conclusions of Law The City Commission of the City of North Port Florida hereby makes the following findings of fact and conclusions of law

1.1 On November 7, 1996 Marsh Creek Properties Inc. through its authorized agent Betsy Benac submitted to the City of North Port Florida the Southwest Florida Regional Planning Council (SWFRPC) and to the Division of Resource Planning and Management of the Florida Department of Community Affairs (DCA) an application for development approval (ADA) in accordance with Section 380.06 Florida Statutes for approval of a development of regional impact (DRI) to be known as Marsh Creek DRI (now known as Heron Creek) located in the incorporated City of North Port within Sarasota County north of Appomattox Drive south of the Snover Waterway east of the Myakkahatchee Creek west of the Blueridge Waterway abutting Sumter Boulevard and approximately two miles south of 175. The legal description was subsequently corrected by the adoption of Resolution 01 R 5.

1 2 The ADA was subsequently amended to add additional lands to add an additional applicant Renea M Glendinning as Trustee the owner of the additional lands to modify the conceptual site plan and the mix of proposed uses and to change the name of the project to Heron Creek DRI

1 3 The ADA as amended proposed 1 970 residential units (903 single family and 1 067 multi family units) 500 000 gross square feet of retail service and 250 000 gross square feet of office 269 38 acres of recreation and open space 27 holes of golf buffers and tennis center 44 acres of conservation lands (wetlands and scrub jay habitat) 105 acres of lakes for water management and 5 acres of internal road rights of ways on a project site containing a total of 831 38 acres more particularly described in Exhibit A

1 4 The Applicant has heretofore undertaken a limited amount of the development pursuant to a preliminary development agreement(s) in accordance with Section 380 06(8) Florida Statutes

1 5 Pursuant to Section 380 06(11) Florida Statutes public hearing notice for hearings on said ADA before the City Commissioners of North Port were duly published in the North Port Sun Herald on May 17 2000 and were duly provided to the Florida Department of Community Affairs (DCA) the Southwest Florida Regional Planning Council and other persons designated by DCA rules

1 6 On June 17 2000 in accordance with Section 380 06(12) Florida Statutes the SWFRPC rendered its report and recommendations on the regional impact of the proposed Heron Creek DRI

1 7 On August 17 2000 the City of North Port Planning and Zoning Advisory Board (PZAB) held a duly noticed public hearing on said ADA and received all pertinent evidence including the SWFRPC report and recommendation and the testimony of the general public and recommended approval of the ADA for the Heron Creek DRI subject to certain conditions as contained in the recommendation to the City Commission

1 8 On August 28 and September 11 2000 The City Commission of the City of North Port held duly noticed public hearings on the ADA and received all pertinent evidence including the reports and recommendations of the SWFRPC and the PZAB and —the testimony of the general public

1 9 On July 11 2005 the development order was amended by modifying Section 4 dealing with Local Conditions Section 4 2 addressing sheltered bus stops and Section 4 6 addressing sidewalks and by adding the specific number of trips to Item 2 (Affordable Housing under Exhibit B)

1 10 The Applicant has now submitted a Notice of Proposed Change (NOPC) that would reduce the number of Multi family dwelling units from 1 067 to 300 (a reduction of 767 units) reduce the number of tennis courts from 12 to 5 courts (a reduction of 7 courts) reduce

the amount of medical office square footage from 130 000 square feet to 43 000 square feet (a reduction of 87 000 square feet) reduce the amount of general office square footage from 120 000 square feet to 40 000 square feet (a reduction of 80 000 square feet) increase the amount of retail commercial from 500 000 square feet to 745 500 square feet (an increase of 245 500 square feet) with no change in the boundaries of land areas designed for residential or non residential development The NOPC is accompanied by a Technical Memorandum dated November 6 2006 addressing certain transportation issues

1 11 The proposed changes are presumed to be a substantial deviation however the Applicant has provided the Technical Memorandum dated November 6 2006 thereby rebutting the presumption of substantial deviation

1 12 The proceedings herein relating to the Heron Creek DRI ADA have been conducted in compliance with the provisions of Chapter 380 06 Florida Statutes and all conditions precedent to the granting of development approval required by Chapter 380 06 Florida Statutes have occurred

1 13 The proposed development is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380 05 Florida Statutes

1 14 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan

1 15 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan

1 16 The proposed development subject to the conditions imposed herein is consistent with the North Port Comprehensive Plan and does not appear to conflict with other local land development regulations

1 17 The proposed development subject to the conditions imposed herein is consistent with the report and recommendation of the SWFRPC pursuant to Section 380 06 (12) Florida Statutes

1 18 When developed in accordance with the conditions imposed by this Development Order the Heron Creek development

(a) will have a favorable impact on the environment and natural historical resources in the area

(b) will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region

(c) will efficiently use water sewer solid waste disposal public school facilities and other necessary public facilities

(d) will effectively use public transportation facilities

(e) will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment and

(f) will comply with such other criteria for determining regional impact as the regional planning agency deems appropriate including but not limited to the extent to which the development would create additional demand for or additional use of energy

SECTION 2 Incorporation of Application for Development Approval (ADA) and Associated Documents in the Development Order

2.1 The following information commitments and impacting mitigating provisions submitted by the Applicant are hereby incorporated in this Development Order by reference

- i Heron Creek's Application for Development Approval
- ii Heron Creek's First Response to Sufficiency Comments
- iii Heron Creek's Second Response to Sufficiency Comments incorporating Amended Application for Development Approval
- iv February 29, 1999 Supplemental Transportation Analysis,
- v Transportation Responses to Agency Questions re Supplemental Transportation Analysis
- vi Heron Creek's Application for Comprehensive Plan Amendment,
- vii Scrub Jay Management Plan
- viii Notice of Proposed Change submitted on July 11, 2005 and
- ix Technical Memorandum dated November 6, 2006
- x Heron Creek Conservation Easement Upland Preservation Area Location Map dated October 26, 2006

2.2 In construing and enforcing the provisions of the documents incorporated in this Development Order by Subsection 2.1 above the following shall apply

(a) The most recent response of the Applicant in the above referenced documents shall control over any previous response wherever there is a conflict otherwise the responses shall be considered cumulative

(b) Any information commitments or impact mitigating provisions in the above referenced documents which are inconsistent with the specific conditions set forth in this Ordinance and the exhibits hereto shall be deemed superseded and inapplicable

SECTION 3 Approval of the Heron Creek Development of Regional Impact with Conditions

3.1 The amended ADA for the Heron Creek DRI is hereby approved for the following land uses and phases subject to the conditions contained herein consistent with Preliminary Master Plan revised Map H and subject to the other provisions of the Development Order

Land Use	Phase I (97 2001)	Phase II (02 2006)	Phase III (07 2011)	Phase IV (12 2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi Family (LUC 220)	125 DU		175 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		5 Courts		
Medical/Professional (LUC 720)			43 000 GLA	
Office General (LUC 710)			40 000 GLA	
Retail Shopping Center (LUC 820)	90 000 GLA	30 000 GLA	488 000 GLA	137 500 GLA

3.2 The City of North Port Department of Planning is hereby designated as the local government department responsible for monitoring the development enforcing and monitoring the terms of the Development Order and for receiving the bi annual report required by Chapter 380.06 Florida Statutes

3.3 Bi Annual Report Requirements

The Applicant shall submit a bi annual report pursuant to the requirements of Chapter 380.06(18) Florida Statutes Chapter 9J 2.025(7) Florida Administrative Code (F A C) and procedures established by the Southwest Florida Regional Planning Council This report shall be submitted on the anniversary of the effective date of the Development Order or on such other date as agreed upon by the Applicant City of North Port the Southwest Florida Regional Planning Council and the Department of Community Affairs until and including such time as all terms and conditions of the Development Order are satisfied unless otherwise specified herein The date upon which the bi annual-report is required to be submitted may be established to coincide with the same date upon which the Heron Creek annual report is required to be submitted The Applicant shall submit this bi annual report to the City of North Port Planning Department the Southwest Florida Regional Planning Council (SWFRPC) the Department of Community Affairs (DCA) and all affected permitting agencies required by law on Form RPM

BSP Annual Report I as the same may be amended from time to time The bi annual report shall contain all information required by Rule 9J 2 025(7)(a) through G) F A C as the same may be amended from time to time

Upon notification that the bi annual report is not received by the Southwest Florida Regional Planning Council (SWFRPC) the Department of Community Affairs (DCA) or upon non receipt of the annual report by City of North Port City of North Port shall request in writing that the Applicant submit the report within thirty (30) days Failure to submit the report after 30 days shall result in City of North Port temporarily suspending this Development Order and no new development permit applications shall be granted within the development until the requirements of this subsection are met

3 4 The Applicant shall submit to the City of North Port Planning Department any monitoring reports specified in the conditions contained in Exhibit B The director of the community development department for the City of North Port shall be the local official responsible for assuring compliance by the Applicant with this Development Order

3 5 The Applicant shall submit a site access analysis for approval by the City of North Port prior to issuance of any building permits resulting from changes proposed in the NOPC submitted on July 11 2005 It shall include an analysis of the intersection of Sumter and Price Boulevard and shall identify all necessary improvements including site access turn lanes and improvements required to maintain acceptable level of service at the aforesaid intersection and at site access driveways

SECTION 4 Additional Local Conditions

4 1 The Heron Creek DRI is partially located in Activity Center #2 identified in the Comprehensive Plan adopted November 10 1997 Ordinance No 97 27 (as amended) All nonresidential development (except the golf course clubhouse and fitness center) will be located in the Town Center a subcategory of Activity Center #2 The Town Center is designated as a mixed use pedestrian oriented development The applicant has heretofore submitted to the City of North Port Community Development Department a draft pattern book that includes design guidelines that dictate urban form and architectural controls for nonresidential development in the Town Center The pattern book also addresses the urban form for the City of North Port's civic development in the northeast quadrant of Price and Sumter The City of North Port has adopted the pattern book

The applicant has submitted plans for a grocery store to be located in the southwest quadrant of Price and Sumter This grocery store is exempt from the design guidelines

4 2 The applicant shall construct a maximum of four (4) sheltered bus stops The first bus shelter shall be constructed concurrent with the proposed grocery store identified in 4 1 above All other shelter locations to be mutually agreed upon between the City and the applicant Applicant not responsible for any shelters in the City of North Port's civic development The sheltered design was not implemented through SCAT at the time of the first constructed bus stop The City received \$5000 00 payment for construction of the bus stop located at Price Blvd and

Sumter Rd The three remaining bus stop locations and design will be coordinated through SCAT(Sarasota County Area Transit) the City of North and the applicant

4 3 All roads in the Heron Creek DRI are private If the applicant seeks approval to transfer jurisdiction from applicant homeowner s association to the City of North Port a public hearing shall be held and this Ordinance amended

4 4 Open swales shall not be allowed in the right of way for Price and Sumter Boulevards when they are improved or expanded in the Town Center This requirement shall not preclude use of open swales in other areas of the Heron Creek development

4 5 The applicant shall promote efficient pedestrian and bicycle movement within the development This shall be achieved through the design of bike lanes shade trees and provisions for bicycle racks in the Town Center Bike lanes will be designed to be either on street off street or other design acceptable to the City of North Port

4 6 The applicant shall provide permanent sidewalks along both sides of Price and Sumter Blvd(s) within the project limits no later than the last day of the calendar year 2005 with the exception of the sidewalk on the east side of Sumter shall be constructed no later than completion of the adjacent commercial development All other commercial development within the Town Center will construct sidewalks concurrent with the development of the adjacent commercial property

If all road improvements have not been designed or completed the applicant shall be able to put in sidewalk sections that can be replaced at a later date by a permanent sidewalk An example is asphalt Any replacement of permanent or temporary sidewalks that are damaged by the on going improvements to Sumter Blvd will be replaced by the City of North

4 7 The applicant and the City of North Port has heretofore entered into a developer s agreement that includes the following projects time frames and funding commitments

- (1) Sumter Blvd (4 lane adjacent to the proposed development) Sumter Boulevard 4 laning may be subject to impact fee credits and may be paid for from the proposed proportionate share contributions outlined in Table 2 of Exhibit B Project substantially complete by the end of Phase II or 2177 trips gross p m peak hour estimates
- (2) If the transportation analysis to be completed for Phase IV indicates that 4 laning of Price Boulevard is warranted due to existing or expected traffic from the development revise the development agreement to provide for 4 laning Price Boulevard adjacent to the proposed development prior to the completion of phase IV (2017)
- (3) Provided that the transportation analysis to be completed showing the addition of two lanes to Sumter does not reduce the expected additional traffic on Pan American Boulevard from the development below 5% the applicant agrees to pay a proportionate share of the traffic calming improvements proposed by the city

4 8 The right of-way for the North Port Blvd extension shall be designed as a public pedestrian and bicycle corridor from Price Blvd to Appomattox Dr and will be determined by the City of North Port staff whether it will be incorporated into the Myakkahatchee Creek project This right-of way shall include a stabilized access for public safety vehicles shall be approved by the City and shall be constructed no later 60 days after the completion of Myakkahatchee Creek Corridor Study is completed or the City and Developer may agree to the Developer contributing funds to the City that equal the cost of the improvements After the improvements are complete the applicant shall convey to the City fee simple title for the 50 feet of right of way The ROW shall be used exclusively for a greenway/bicycle and pedestrian pathway

4 9 The Public Works Director shall approve all access points to Price and Sumter Blvds

4 10 Prior to issuance of a certificate of occupancy for the anchor retail store and connected retail space the developer shall construct an eight-foot sidewalk including a pedestrian bridge over the Blueridge waterway from the northeast corner of the site to the eastern right-of-way line of Salford Blvd If the Price Blvd Corridor study is not complete by the time of certificate of occupancy the developer shall donate to the City the funds needed to construct the sidewalk The City Engineer shall approve the amount of the funds the location, and design of the sidewalk

4 11 The Applicant shall by the end of calendar year 2007 install sidewalks within the residential areas as shown in attachment 1 unless the Applicant can provide evidence that the City Commission has waived this requirement

4 12 The Applicant shall by the end of calendar year 2007 install sidewalks on both sides of Creek Nine Drive from the terminus of the existing sidewalks to Sumter Boulevard

4 13 The land use developed on the southeast corner of the intersection of Sumter and Price Boulevards shall be different than the land uses on the other three corners

4 14 The Applicant shall by May 31 2007 submit to the City and the SWFRPC an undated Map H listing the existing and proposed development densities intensities and acreage of each land use

4 15 The Applicant's Development Concept Plan (DCP) shall (a) address the additional impacts on the water sewer and reuse water systems and demonstrate how the plan will support the surrounding utility system (b) include a water conservation plan for the site and (c) indicate the proposed phasing and timing of the water sewer and reuse water service being requested

4 16 Prior to issuance of major site and development plan approval the developer shall hold a neighborhood meeting to explain and gain input on the design of the site and the buffer yard treatment along the eastern property line of the site The developer shall notify the property

owners within 300 feet of the eastern property line of the site. At minimum, this notification shall include a site plan, date, time, place of the meeting. The neighborhood meeting shall be held after 6 pm in a location convenient to the neighborhood. The developer shall copy City staff on all correspondences to the citizens in the neighborhood.

SECTION 5 Ordinance as Development Order. This Ordinance shall be deemed the Development Order required pursuant to Section 380.06, Florida Statutes, for the Heron Creek Development of Regional Impact.

SECTION 6 Build out and Development Order Termination Dates for the Heron Creek Development of Regional Impact.

6.1 The build out date of this Development Order is December 31, 2017, provided, however, additional analyses may be required in accordance with the provisions contained in Exhibit B.

6.2 The Heron Creek Development Order shall remain in effect until December 31, 2017.

SECTION 7 Enforcement.

7.1 All conditions, restrictions, requirements, commitments, and impact mitigating provisions contained or incorporated by reference in this Development Order may be enforced by City of North Port by action at law or equity.

7.2 In the event it is determined by the City Commission of the City of North Port, after notice and hearing, that the Applicant has failed to comply with any conditions, restrictions, requirements, or impact mitigating provisions contained or incorporated by reference in this Development Order, the City Commission may temporarily suspend the Development Order during which no development permit applications shall be granted within the development until compliance is achieved.

7.3 The obligations of this Development Order shall run with the land. The Applicant is bound by the terms of this Development Order so long as it owns such property. This Development Order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest thereto or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

SECTION 8 Severability.

8.1 If any section, sentence, clause, phrase, or word of this Development Order is for any reason held or declared to be invalid, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Development Order and it shall be construed to have been the intent to pass this Development Order without such invalid or inoperative part herein, and

the remainder exclusive of such part or parts shall be deemed and held to be valid as if such parts had not been included herein unless to do so would frustrate the intent of this Development Order

SECTION 9 Service and Recording

9 1 This Ordinance shall be binding upon the Applicant its successors and assigns and upon City of North Port Notice of the adoption of this Ordinance shall be recorded by the Applicant in accordance with Section 380 06(15)(t) Florida Statutes

9 2 The City of North Port Clerk shall certify the date upon which certified copies of this Ordinance are deposited in the U S Mail for DCA the SWFRPC and the Applicant

SECTION 10 Effective Date This Development Order shall take effect upon execution of the consent provided for in Section 11 of this Ordinance and transmittal of the copies of said Development Order to the parties specified in Section 380 07(2) Florida Statutes the expiration of any appropriate appeal period or the resolution of any appeal whichever is later

SECTION 11 Relationship to Other Regulations

11 1 This Development Order shall not be construed as an agreement on the part of City of North Port to exempt the Applicant its successors and assigns from the operation of any ordinance or other governmental regulation now in effect or hereafter adopted by City of North Port for the purpose of protection of public health welfare and safety which said Ordinance or regulation shall be generally and equally applicable throughout City of North Port and which said Ordinance or regulation does not impair or otherwise frustrate the Development herein approved

11 2 This DRI shall not be subject to down zoning unit density reduction or intensity reduction prior to December 31 2017 unless City of North Port can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the Applicant or that the change is clearly established by City of North Port to be essential to the public health safety or welfare

11 3 Prior to the first building permit issued for Phase II the applicant shall pay all application fees in accordance with Ordinance 96 14

SECTION 12 Consent to Provisions of Ordinance

12 1 The Applicant by signing this document in the space hereinafter provided signifies its approval of and assent to the provisions of this Development Order Such signature shall also constitute a certification by the Applicant that it has delivered to the Southwest Florida Regional Planning Council and the Department of Community Affairs a complete copy of all documents specified in Section 2 2 1 above

SECTION 13 - CONFLICTS

13 0 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance the provisions of this Ordinance shall prevail to the extent of such conflict

SECTION 14 - EFFECTIVE DATE

14 0 This Ordinance shall be come effective immediately upon its adoption by the City of North Port City Commission

READ BY TITLE ONLY in public session this 12th day of February, 2007

PASSED and ADOPTED on second and final reading in public session this 26th day of February, 2007

CITY OF NORTH PORT FLORIDA



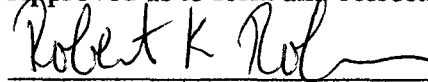
BARBARA L GROSS
COMMISSION CHAIR

ATTEST



HELEN RAIMBEAU CMC
City Clerk

Approved as to form and correctness



ROBERT K ROBINSON
City Attorney

EXHIBIT A
Legal Description

DESCRIPTION OF THE PROPOSED REVERSIONARY BOUNDARY FOR A PORTION OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 13 THROUGH 13NN AND A PORTION OF THE 56TH ADDITION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA WITH SAID BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF NORTH PORT BLVD (FORMERLY MYAKKAHATCHEE BLVD) WITH THE NORTHERLY LINE OF APPOMATTOX DRIVE AS PLATTED IN SAID 52ND ADDITION, THENCE S 45°34'35"E, ALONG SAID NORTHERLY LINE OF APPOMATTOX DRIVE A DISTANCE OF 1833.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 260.00 FEET A CENTRAL ANGLE OF 23°13'38", A CHORD BEARING OF S 57°11'24"E, AND A CHORD LENGTH OF 104.68 FEET, THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 105.40 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE S 68°48'13"E ALONG SAID NORTHERLY LINE A DISTANCE OF 2715.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 260.00 FEET A CENTRAL ANGLE OF 17°44'15" A CHORD BEARING OF S 77°40'20"E AND A CHORD LENGTH OF 80.17 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 80.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 86°32'28"E, ALONG SAID NORTHERLY LINE A DISTANCE OF 403.32 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET A CENTRAL ANGLE OF 89°58'27", A CHORD BEARING OF N 48°28'18"E AND A CHORD LENGTH OF 35.35 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 39.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 03°29'05"E ALONG THE WESTERLY LINE OF SUMTER BLVD (200 FEET WIDE) A DISTANCE OF 7.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1524.84 FEET A CENTRAL ANGLE OF 26°10'34", A CHORD BEARING OF N 16°34'22"E AND A CHORD LENGTH OF 690.60 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 696.64 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE N 29°39'39"E ALONG SAID WESTERLY LINE OF SUMTER BLVD A DISTANCE OF 1900.39 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 949.64 FEET A CENTRAL ANGLE OF 35°45'49" A CHORD BEARING OF N 11°46'44"E AND A CHORD LENGTH OF 583.18 FEET, THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 592.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 06°06'10"W ALONG SAID WESTERLY LINE A DISTANCE OF 682.16 FEET TO THE SOUTHEAST CORNER OF TRACT "A" AS PLATTED IN SAID 56TH ADDITION, THENCE N 06°06'10"W, ALONG SAID WESTERLY LINE OF SUMTER BLVD A DISTANCE OF 405.72 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1600.00 FEET A CENTRAL ANGLE OF 05°18'00", A CHORD BEARING OF N 03°27'41"W AND A CHORD LENGTH OF 147.95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 148.01 FEET TO A POINT OF CUSP WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET A CENTRAL ANGLE OF 86°32'01", A CHORD BEARING OF S 42°27'20"W AND A CHORD LENGTH OF 68.54 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 75.51 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 85°43'21"W, ALONG THE NORTH LINE OF AFORESAID NORTH PORT BLVD (100 FEET WIDE) A DISTANCE OF 208.40 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF

2750 00 FEET A CENTRAL ANGLE OF 03°42'18", A CHORD BEARING OF
 S 83°52'12"W AND A CHORD LENGTH OF 177 80 FEET THENCE ALONG THE ARC OF
 SAID CURVE, AN ARC LENGTH OF 177 83 FEET TO THE POINT OF TANGENCY OF SAID
 CURVE THENCE S 82°01'03"W, ALONG SAID NORTH LINE A DISTANCE OF 355 74
 FEET TO THE NORTHWEST CORNER OF SAID 56TH ADDITION THENCE S 82°01'01"W,
 ALONG THE NORTH LINE OF SAID NORTH PORT BLVD AS PLATTED IN SAID 52ND
 ADDITION A DISTANCE OF 947 20 FEET, THENCE N 08°00'00"W, ALONG THE EAST
 LINE OF BLOCK 2653 A DISTANCE OF 955 00 FEET, THENCE S 82°00'00"W ALONG
 THE NORTH LINE OF BLOCK 2653 A DISTANCE OF 365 00 FEET, THENCE
 N 08°00'00"W, ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 630 90 FEET
 THENCE S 82°00'00"W, A DISTANCE OF 150 00 FEET TO THE NORTHWEST CORNER OF
 LOT 39 IN SAID BLOCK 2653 THENCE S 08°00'00"E ALONG AND EXTENDING THE
 WEST LINE OF SAID LOT 39 A DISTANCE OF 175 00 FEET TO THE CUL-DE-SAC CENTER
 AT THE NORTH END OF FLEETWAY ROAD (50 FEET WIDE), THENCE S 07°57'17"E,
 ALONG THE CENTERLINE OF SAID FLEETWAY ROAD A DISTANCE OF 605 90 FEET TO A
 POINT OF INTERSECTION WITH THE CENTERLINE OF CAMERO STREET (50 FEET WIDE
), THENCE S 82°00'00"W, ALONG SAID CENTERLINE OF CAMERO STREET A DISTANCE
 OF 1636 11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A
 RADIUS OF 100 00 FEET A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF
 S 37°00'00"W AND A CHORD LENGTH OF 141 42 FEET, THENCE ALONG THE ARC OF
 SAID CURVE AN ARC LENGTH OF 157 08 FEET TO THE POINT OF TANGENCY OF SAID
 CURVE THENCE S 08°00'00"E, ALONG THE CENTERLINE OF DAMON AVE (50 FEET
 WIDE) A DISTANCE OF 185 03 FEET, THENCE S 82°00'00"W ALONG THE LINE
 DIVIDING LOTS 7 AND 8 IN AFORESAID BLOCK 2653 A DISTANCE OF 150 11 FEET TO
 THE WEST LINE OF SAID BLOCK 2653, THENCE S 08°00'00"E ALONG SAID WEST
 LINE OF SAID BLOCK 2653 A DISTANCE OF 606 62 FEET TO A POINT ON THE
 NORTHWESTERLY LINE OF AFORESAID NORTH PORT BLVD, THENCE S 19°45'51"E, A
 DISTANCE OF 50 00 FEET TO THE CENTERLINE OF SAID NORTH PORT BLVD AND A
 POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 4070 00 FEET A CENTRAL
 ANGLE OF 16°49'34", A CHORD BEARING OF S 61°49'22"W AND A CHORD LENGTH
 OF 1190 95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF
 1195 24 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT,
 HAVING A RADIUS OF 700 00 FEET A CENTRAL ANGLE OF 18°24'35", A CHORD
 BEARING OF S 44°12'17"W AND A CHORD LENGTH OF 223 95 FEET THENCE ALONG
 THE ARC OF SAID CURVE, AN ARC LENGTH OF 224 92 FEET TO THE POINT OF REVERSE
 CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1422 00 FEET A
 CENTRAL ANGLE OF 09°25'25" A CHORD BEARING OF S 39°42'43"W AND A
 CHORD LENGTH OF 233 62 FEET, THENCE ALONG THE ARC OF SAID CURVE AN ARC
 LENGTH OF 233 88 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE
 S 44°25'25"W ALONG SAID CENTERLINE A DISTANCE OF 203 96 FEET TO THE
 POINT OF BEGINNING

DESCRIPTION OF REAL ESTATE

TRACT "A" A portion of Section 21 Township 39 South, Range 21 East Sarasota County Florida, more particularly described as follows

Commencing at the Northwest corner of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 28, Pages 50 and 50-A Public Records of Sarasota County Florida said corner also being on the centerline of the Snover Waterway (200' wide) as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 14, Pages 6 6-A through 6-V, Public Records of Sarasota County Florida; thence S 00° 43' 08" W along the Westerly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision also being the Westerly Right-of-Way Line of Sumler Boulevard (200' wide) a distance of 100 00 feet to the POINT OF BEGINNING, at the intersection of said Right-of-Way Line with the South Line of said Snover Waterway, thence along said Westerly Right-of-Way Line of Sumler Boulevard the following two courses, S 00° 43' 08" W, a distance of 1346 71 feet to the point of curvature of a 2100 00 foot radius curve to the left with the center point bearing S 89° 16' 52" E, thence Southerly along the arc of said curve, through a central angle of 15° 16' 04", a distance of 559 59 feet to an intersection with the Northerly Right-of-Way Line of Price Boulevard with said point also being a point of reverse curvature of a 25 00 radius curve to the right with the center point bearing S 75° 27' 04" W thence along the said Northerly Right-of-Way Line of Price Boulevard (100' wide) the following four courses Southwesterly along the arc of said curve, through a central angle of 85° 42' 32" a distance of 37 40 feet to a point of reverse curvature of a 1650 00 foot radius curve to the left, with the center point bearing S 18° 50' 24" E, thence Southwesterly along the arc of said curve, through a central angle of 22° 20' 06" a distance of 643 20 feet to a point of tangency, thence S 48° 49' 30" W, a distance of 408 66 feet to the point of curvature of a 1950 00 foot radius curve to the right with the center point bearing N 41° 10' 30" W, thence Westerly along the arc of said curve through a central angle of 71° 11' 22", a distance of 2422 85 feet thence leaving said Northerly Right-of-Way Line of Price Boulevard N 29° 59' 32" E, a distance of 1198.77 feet thence N 15° 00' 00" W a distance of 1800 00 feet to the South Line of the aforesaid Snover Waterway (O R Book 1941 Page 6) thence along said South Line S 89° 16' 51" E a distance of 2953 00 feet to the Point of Beginning

Containing 170 30 Acres more or less

Intentionally

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DESCRIPTION OF REAL ESTATE

TRACT "B A portion of Sections 21 and 22 Township 39 South Range 21 East Sarasota County Florida more particularly described as follows

Commencing at the Northeast corner of the Fifty-Sixth Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 28 Pages 50 and 50-A Public Records of Sarasota County Florida said corner also being on the centerline of the Snover Waterway as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 14 Pages 6 6-A through 6-V Public Records of Sarasota County Florida, thence S 00 43 08"W along the Easterly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision also being the Easterly Right-of-Way Line of Sumter Boulevard (200 wide) a distance of 700 00 feet to the POINT OF BEGINNING thence leaving the said Westerly Right-of-Way Line S 89 16 51"E a distance of 606 00 feet thence N 00 43 09"E a distance of 600 00 feet to the Southerly Right-of-Way Line of the Snover Waterway (O R Book 1941, Page 6) thence S 89 16 51"E along said Southerly Right-of-Way Line a distance of 880 95 feet to the Northwestern corner of North Port Water Control District property (O R Book 2357 Page 382) thence leaving said Southerly Right-of-Way Line and along the Westerly Boundary Line of the said North Port Water Control District Property S 00 43 09"W a measured distance of 1052 76 feet (Deed 1050 00) to the Southwest corner of said North Port Water Control District property, thence along the Southerly Boundary of said North Port Water Control District property S 89 16 51"E a distance of 1028 67 feet to the Westerly Boundary Line of the Blueridge Waterway (100 feet wide) (O R Book 1941 Page 6) said point also being a point on the arc of a 1000 00 foot radius curve with the center point of said curve bearing N 77 26 14"W thence along the Westerly Right-of-Way Line of said Blueridge Waterway the following two courses Southwesterly along the arc of said curve through a central angle of 55 49 01" a distance of 974 19 feet to a point of reverse curvature of a 1150 00 foot radius curve to the left with the center point bearing S 21 37 14"E thence Southwesterly along the arc of said curve through a central angle of 32 16 11" a distance of 647 69 feet to the intersection of said Westerly Right-of-Way Line with the Northerly Right-of-Way Line of Price Boulevard (100 wide) thence along the Northerly Right-of-Way Line of said Price Boulevard the following three courses N 56 24 18"W a distance of 131 21 feet to the point of curvature of a 1650 00 foot radius curve to the left with the center point bearing S 33 35 42"W thence along the arc of said curve through a central angle of 43 52 31" a distance of 1263 51 feet to a point of reverse curvature of a 25 00 foot radius curve to the right with the center point bearing N 10 16 49"W, thence along the arc of said curve through a central angle of 85 43 55" a distance of 37 41 feet to a point in the aforesaid Easterly Right-of-Way Line of Sumter Boulevard and the Easterly Boundary Line of the aforesaid Fifty-Sixth Addition to Port Charlotte Subdivision said point is also the point of compound curvature of a 1900 00 foot radius curve to the right with the center point bearing N 75 27 06"E thence along the said Easterly Right-of-Way Line for the following two courses Northerly along the arc of said curve through a central angle of 15 16 02", a distance of 506 28 feet to the point of tangency thence N 00 43 08 E a distance of 746 71 feet to the Point of Beginning

Containing 72 12 Acres more or less

Intentionally

Left

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DESCRIPTION OF REAL ESTATE

TRACT C" A portion of Sections 21 and 28 Township 39 South Range 21 East Sarasota County Florida more particular described as follows

Beginning at a concrete monument at the Northwest corner of the Right-of-Way of North Port Boulevard as shown on the Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision per plat thereof Recorded in Plat Book 28 Pages 50 and 50-A Public Records of Sarasota County Florida thence S 82°01'05"W (S 82°00'00"W Plat bearing) along the Northerly Right-of Way of said North Port Boulevard (Myakkahatchee Boulevard) as shown on the Plat of the Fifty-Second Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 21 Pages 13 13-A through 13-NN Public Records of Sarasota County Florida a distance of 947.20 feet (946.95 feet plat distance) to a concrete monument at the Southeast corner of Block 2653 in said Fifty-Second Addition to Port Charlotte Subdivision thence ~~leaving said Northerly Right-of-Way Line and along the Northeasterly Boundary Line of said Block 2653 the following four courses~~ N 08°00'00"W a distance of 955.00 feet thence S 82°00'00"W a distance of 365.00 feet thence N 08°00'00"W a distance of 630.90 feet, thence S 82°00'00"W a distance of 150.00 feet thence leaving said Boundary Line N 29°59'32"E, a distance of 1080.80 feet to the Southerly Right-of-Way Line of Price Boulevard (100 Wide) thence along said Southerly Right-of-Way Line the following five courses S 59°55'11"E a distance of 23.98 feet to the point of curvature of a 2050.00 foot radius curve to the left with the center point bearing N 30°04'49"E thence Easterly along the arc of said curve through a central angle of 71°15'19" a distance of 2549.46 feet to a point of tangency thence N 48°49'30"E a distance of 408.68 feet to the point of curvature of a 1550 foot radius curve to the right with the center point bearing S 41°10'30"E thence Northeasterly along the arc of said curve through a central angle of 22°06'43" a distance of 598.19 feet to a point of compound curvature of a 25 foot radius curve to the right with the center point bearing S 19°03'47"E thence Easterly and Southerly along the arc of said curve through a central angle of 90° 27'50" a distance of 39.47 feet to a point on the Westerly Right-of-Way Line of Sumter Boulevard as shown on the aforesaid Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision said point also being a point of reverse curvature of a 2100.00 foot radius curve to the left with the center point bearing N 71°24'03"E thence along said Westerly Right-of-Way Line of Sumter Boulevard the following four courses Southerly along the arc of said curve through a central angle of 00°13'14" a distance of 8.09 feet to a point of reverse curvature of a 1300.00 foot radius curve to the right with the center point bearing S 71°10'49"W thence Southerly along the arc of said curve through a central angle of 77°57'00" a distance of 1768.63 feet to a point of reverse curvature of a 1600.00 foot radius curve to the left with the center point bearing S 30°52'11"E thence Southwesterly along the arc of said curve through a central angle of 59°57'23" a distance of 1674.30 feet to a point of reverse curvature of a 50.11 foot radius curve to the right with the center point bearing S 89°10'26"W thence Southwesterly along the arc of said curve through a central angle of 86°32'36" a distance of 75.69 feet to the aforesaid Northerly Right-of-Way Line of North Port Boulevard thence along the said Northerly Right-of-Way Line the following three courses S 85°43'11"W a distance of 208.42 feet to the point of curvature of a 2750.00 foot radius curve to the left, with the center point bearing S 04°16'49"E, thence Southwesterly along the arc of said curve through a central angle of 03°42'20" a distance of 177.85 feet to a point of tangency thence S 82°00'51"W a distance of 355.73 feet to the Point of Beginning

Containing 140.58 Acres, more or less

DESCRIPTION OF REAL ESTATE

TRACT "D" A portion of Sections 21 and 22 Township 39 South Range 21 East Sarasota County Florida more particularly described as follows

Commencing at the Northeastly corner of the Fifty-Second Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 21 Pages 13 13-A through 13-NN Public Records of Sarasota County Florida said corner also being on the centerline of the Blueridge Waterway (100 wide)(O R Book 1941 Page 6) thence leaving the said centerline and along the Northerly Boundary Line of the said Fifty-Second Addition to Port Charlotte Subdivision N84°56'11"W a distance of 50 00 feet to the ~~POINT OF BEGINNING said point also being on the Westerly Right-of-Way~~ Line of the said Blueridge Waterway, thence leaving said Westerly Right-of-Way Line and along the Northerly Boundary Line of said Fifty-Second Addition the following three courses N84°56'11"W a distance of 1375 64 feet to the point of curvature of 400 foot radius curve to the right with the center point bearing N05°03'49"E thence along the arc of said curve through a central angle of 29°49'49" a distance of 208 26 feet to a point of tangency thence N55°06'22"W a distance of 442 85 feet to a corner on the Boundary Line of the Fifty-Sixth Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 28 Pages 50 and 50-A, Public Records of Sarasota County Florida said point is also on the arc of a 2350 00 foot radius nontangent curve with the center point bearing N55°05'20"W thence Southwesterly along the Westerly Boundary Line of Tract "D" as plotted in said Fifty-Sixth Addition and the arc of said curve through a central angle of 10°06'22" a distance of 414 51 feet to a point on the Easterly Right-of-Way Line of Sumter Boulevard (200 wide) as plotted in said Fifty-Sixth Addition with said point also being on the arc of a 1400 00 foot radius nontangent curve with the center point bearing S73°36'02"E thence Northeasterly along said Easterly Right-of-Way Line the following three courses along the arc of said curve through a central angle of 42°43'51" a distance of 1044 11 feet to a point of reverse curvature of a 1500 00 foot radius curve to the left with the center point bearing N30°52'11"W thence along the arc of said curve through a central angle of 77°31'15" a distance of 2029 49 feet to a point of reverse curvature of a 25 00 foot radius curve to the right with the center point bearing N71°36'34"E thence along the arc of said curve through a central angle of 98°45'30" a distance of 43 09 feet along the Southerly Right-of-Way Line of Price Boulevard (100' wide) to a point of compound curvature of a 1550 00 foot radius curve to the right with the center point bearing S09°37'56"E thence along the said Southerly Right-of-Way Line for the following two courses along the arc of said curve through a central angle of 43°13'39" a distance of 1169 42 feet to a point of tangency thence S56°24'18"E a distance of 131 17 feet to a point on the aforesaid Westerly Right-of-Way Line of the Blueridge Waterway said point also being on the arc of a 1150 00 foot radius curve with the center point bearing S58°52'26"E thence along said Westerly Right-of-Way Line the following two courses Southwesterly along the arc of said curve through a central angle of 26°04'14" a distance of 523 27 feet to a point of tangency thence S05°03'20"W a distance of 1932 28 feet to the Point of Beginning

Containing 83 90 Acres more or less

LESS AND EXCEPT THOSE LANDS DESCRIBED IN EXHIBIT A TO DEED
RECORDED IN OFFICIAL RECORDS BOOK 2890 PAGE 1965 PUBLIC RECORDS OF
SARASOTA COUNTY, FLORIDA.

EXHIBIT B Conditions of Approval of Heron Creek DRI

1 Land Use

The ADA for the Heron Creek DRI is hereby approved for the following land uses and phases subject to the conditions contained in herein consistent with Preliminary Master Plan Map H dated February 2000, and subject to the other provisions of this Development Order

Land Use	Phase I (97 2001)	Phase II (02 2006)	Phase III (07 2011)	Phase IV (12 2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi Family (LUC 220)	125 DU		175 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		5 Courts		
Medical/Professional (LUC 720)			43 000 GLA	
Office General (LUC 710)			40 000 GLA	
Retail Shopping Center (LUC 820)	90 000 GLA	30 000 GLA	488 000 GLA	137 500 GLA

2 Affordable Housing

Prior to commencement of Phase II or 2177 trips and subsequent phases of the project the Applicant or project employers shall provide supply data (such as Multiple Listing Services data) showing vacant for sale and /or for rent units available within a 10 mile/20 minute radius of the project. If analysis of the demand data provided in the Application for Development Approval (ADA) and the submitted supply data shows a shortage of affordable housing units that exceeds the threshold for significant impact for the DRI whether in one phase or cumulatively for the entire DRI the Applicant shall mitigate the need by following one of the options outlined in Rule 9J 2 048 the Adequate Housing Uniform Standard Rule

Applicant proposes to file an application for development approval (ADA) for a substantial deviation by May 31 2007. Otherwise Applicant shall by that same date file a notice of proposed change (NOPC) to address affordable housing impacts

3 Energy

The Applicant shall comply with all commitments for energy conservation contained in the ADA

4 **Stormwater Management**

- a The Heron Creek DRI shall require a Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit for construction and operation of the surface water management system At the time of permit application the Applicant shall provide verification to District staff that the proposed system designs will meet District criteria in effect at that time
 - b The Heron Creek DRI shall require a SWFWMD Water Use Permit for withdrawals from groundwater project lakes and/or other surface water bodies for irrigation or potable uses and dewatering associated with the construction of project lakes and/or road or building foundations in accordance with current regulations
-
- c The Applicant shall develop an integrated Fertilizer/Pesticide Herbicide Management Plan as a component of the golf course design process to be approved by the City of North Port Utilities Department, the City of North Port Public Works Department with input from Sarasota County SWFWMD the Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection (' DEP) The plan shall address the following items
 - Fertilizer pesticide herbicide and insecticide use storage and safety
 - Alternative pest control strategies
 - Golf course management methods and procedures and
 - Quality control and assurance procedures
 - d Elevations corresponding to a 100 year flood shall be used to set minimum building elevations on the site taking into account the backwater elevations along the various onsite flowways
 - e Best management practices shall be included on construction plans for development and should be submitted to the City of North Port for review and approval
 - f All internal stormwater management lakes and ditches and the onsite preserved/enhanced wetland areas shall be set aside as private drainage and/or conservation easements on the recorded final plat Stormwater lakes shall include where practical adequate maintenance easements around the lakes with access to a paved roadway
 - g During construction activities the Applicant shall employ best management practices for erosion and sedimentation control These practices shall be included with or presented on all construction plans and shall be subject to approval by the appropriate agencies prior to their implementation

- h Any construction silt barriers or hay bales and any anchor soil as well as accumulated silt shall be removed upon completion of construction. Either the applicant or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.
- i The final stormwater management plan shall consider as applicable measures to reduce runoff rates and volumes including but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales shall be used whenever possible rather than closed systems.
- j Any shoreline banks created along the onsite stormwater management system shall ~~include littoral zones constructed on slopes consistent with SWFWMD and City of~~ North Port requirements and shall be planted in native emergent or submerging aquatic vegetation. The Applicant shall ensure by supplemental replanting if necessary that at least 80% cover by native aquatic vegetation is established within the littoral zone for the duration of the project.
- k The Applicant shall conduct annual inspections of the Heron Creek Master Stormwater Management System and the preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.
- l The Applicant shall confirm to the satisfaction of all applicable federal, state, and local review agencies and SWFWMD that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite or that such impacts shall be mitigated to the benefit of on-site populations of those species.
- m The Applicant shall participate in any ongoing or future efforts by the City of North Port and Sarasota County to establish a countywide stormwater management system.
- n Ditch and swale slopes shall be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with grass or other appropriate vegetation.
- o The vegetated stormwater treatment areas shall be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches, or swales or which may interfere with the normal flow of water through discharge structures and underdrain systems shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be replaced immediately.

- p Underdrain systems and grease baffles if utilized within the Heron Creek DRI shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.
 - q Stormwater management system maintenance requirements shall include removal of any mosquito productive nuisance plant species (e.g. water lettuce, water hyacinth and primrose willows) from all system nodes, reaches and percolation basins, as well as from the lake littoral zones employed in the system.
 - r To the extent consistent with applicable stormwater management system and environmental regulations, any isolated wading bird pools constructed in lake littoral zones shall be excavated to a depth which provides aquatic habitat for mosquito larvae predators, such as Gambusia affinis.
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- s The Applicant shall comply with all commitments made in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description), Question 13 (Wetlands), Question 14 (Water), Question 15 (Soils), Question 16 (Floodplains) and Question 19 (Stormwater Management) which are not in conflict with the above recommendations.

5 Transportation

- a The applicant or his successor or assigns shall be fully responsible for the site related roadway and intersection improvements required within Heron Creek DRI. The applicant shall be required to pay the full cost for any site related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by the City of North Port for the project's access intersections onto Appomattox Drive, Sumter Boulevard or Price Boulevard. The site access points shall be located and developed consistent with the City of North Port access management standards and permit requirements.
- b Based on the transportation assessment of significant project impacts, the following process shall determine what regionally significant transportation improvements shall be required prior to or coincident with development of the Heron Creek DRI if adopted level of service conditions are to be maintained through Phase III (2011) on regional roadway segment and intersections.

Prior to any building permits for development exceeding those identified in Phase I plus Phase II land uses or for equivalent development generating 2,177 gross p.m. peak hour external trips, a Traffic Monitoring Study (TMS) shall be undertaken to confirm the estimates of the transportation analysis. Prior to undertaking this monitoring study, a meeting shall be held with staff of the SWFRPC, FDOT and the City of North Port. The purpose of the meeting will be to identify the scope and procedures to be utilized in this study. At a minimum, the TMS shall contain p.m. peak hour, peak season trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed below and a calculation of

the existing peak season level of service at these intersections and on the road segments indicated below. The levels of service shall be calculated according to current professional standards. The study shall also provide a calculation of the existing levels of service on the facilities and the estimated levels of service and project impact for the next increment for which development approval is desired. The TMS shall also identify any road improvements required to meet existing adopted level of service thresholds. Further, the study shall address the issues identified by all applicable review agencies in the SWFRPC staff assessment report. Specifically, the study shall confirm the allocation of traffic signal green time on US 41 and that road's ability to continue to meet traffic demands for the project phases through Phase III.

Regional Roadways

I 75 Kings Highway to Toledo Blade Blvd
 I 75 Toledo Blade Blvd to Sumter Blvd
 US 41 North Port Blvd To Pan American Blvd
 US 41 Biscayne Drive to Ortiz Blvd
 US 41 Toledo Blade Blvd to Enterprise

Regional Intersections

I 75/Kings Highway (all ramps)
 I 75/Toledo Blade Blvd (all ramps)
 I 75/Sumter Blvd (all ramps)
 US 41/North Port Blvd
 US 41/Pan American Blvd
 US 41/Biscayne Drive
 US 41/Ortiz Blvd
 Price Blvd /Sumter Blvd
 Price Blvd /Salford Blvd
 Appomattox Dr /North Port Blvd
 Appomattox Dr /Sumter Blvd

The transportation impacts to the roads and intersections above shall be appropriately addressed consistent with Southwest Florida Regional Planning Council policies and the determination of proportional share and/or pipelining of the regional road improvements shall be in accordance with Section 163.3220 F.S. which requires a Local Government Development Agreement.

- c. The applicant is eligible to apply for impact fee credits pursuant to Chapter 380.06 Florida Statutes and the City of North Port Ordinance No. 2000-4 as it may be amended and the applicant may receive credits as authorized by the Ordinance. Further, impact fee payments made prior to the time at which proportionate share payments are due, if mitigation (described below) is selected, shall be held in escrow by the City of North Port and applied against the proportionate share payment.

- d Mitigation Options The following options are established for purposes of mitigating Phases I II and III impacts Prior to preliminary plat or preliminary site plan approval for 740 single family detached residential units or equivalent land uses which will result in 651 net new external p m peak hour trips the applicant and the City of North Port shall select one or a combination of the following alternatives to mitigate the project's transportation impacts provided that the combination(s) selected achieve the required degree of mitigation The applicant shall report the option selected in the first required annual report following its selection Further the status of any transportation improvements required by the option selected shall be included in each subsequent required annual report Continued issuance of development permits by the City of North Port for the project shall require a determination by the City of North Port for compliance with one of the options set forth below

1. ~~Funding commitments~~ For the purpose of this order funding commitments shall be defined in Section 9J 2 045 (7) a 1 FAC The improvements listed in the table below include roadway link and intersection improvements required for the development of Phases I through III

TABLE 1
PHASES I, II AND III (2011)
REQUIRED LINK AND INTERSECTIONS

LOCATION	IMPROVEMENT	%OF PH I, II & III (OR NET EXTERNAL TRIPS)
Price @ Sumter	Signalize Add EL WL WR, NL NR SL turn lanes	24% (651)
Appomattox @ Sumter	Signalize Add ER NL SR turn lanes	31% (867)
I 75 Sumter to Toledo Blade	Widen to 6 lanes	54% (1 523)
Price @ Salford	Signalize add EL WL NL turn lanes	62% (1 735)
Appomattox @ North Port	Signalize ad EL WL NL turn lanes	76% (2 168)
I 75 Toledo Blade to King Highway	Widen to 6 lanes	98% (2 761)

With each preliminary plat or preliminary site plan the applicant shall submit a projection of gross external p m peak hour trips anticipated to be generated by the development included in the preliminary plat or preliminary site plan plus any development for which a preliminary plat or preliminary site plan has been previously approved

- a No building permits shall be issued for land uses that will result in 651 net new external trips until funding commitments are in place for the first improvement identified in Table 1 above
- b No building permits shall be issued for land uses that will result in 867 new external p m peak hour trips until funding commitments are in place for the second improvement identified in Table 1 above A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met
- c No building permits shall be issued for land uses that will result in 1 523 net new external trips until funding commitments are in place for the third improvement identified in Table 1 above
- d No building permits shall be issued for land uses that will result in 1 735 net new ~~external trips until funding commitments are in place for the fourth improvement~~ identified in Table 1 above A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met
- e No building permits shall be issued for land uses that will result in 2 168 net new external trips until funding commitments are in place for the fifth improvement identified in Table 1 above A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met
- f No building permits shall be issued for land~ uses that will result in 2 761 net new external trips until funding commitments are in place for ~~the~~ sixth improvement identified in Table 1 above

In the event that funding commitments for the above transportation improvements are not in place the applicant shall have the option to submit an NOPC to the City DCA and the SWFRPC pursuant to Section 380.06(10) Florida Statutes with updated traffic counts on the impacted roadways that do not have commitments for required transportation improvements The applicant shall further submit projections of traffic volumes that include the currently approved project development plus the volumes to be generated from an additional increment of development for which the applicant is seeking approval and future background traffic If the submittal as approved by the above agencies shows that the unimproved road will operate at an acceptable level of service the City of North Port may issue building permits for the requested increment of development

The funding commitments for the above improvements shall be assessed and reported in the required annual report The City of North Port shall cease issuance of any further building permits if the annual monitoring report shows that any of the required improvements is no longer funded as defined in Table 1 (above)

- 2 Proportionate share This option shall only be available if the City of North Port Comprehensive Plan authorizes payment of proportionate share contribution for local and regional significant traffic impacts in accordance with Section 163.3180(12) Florida Statutes and Rule 9J 2.045(7) a 3 F AC With City of North Port and FDOT approval the applicant may pay to the City of North Port a proportionate share contribution

pursuant to Section 9J 2 045 FAC of those improvement projects listed in Section 1 above for which funding remains uncommitted The proportionate share contribution shall be used to improve anyone of the listed impacted roadways for which funding remains uncommitted pursuant to a roadway construction agreement to be entered into between the applicant City of North Port and the responsible government agencies (if applicable) subject to the following terms and conditions

- a No further building permits shall be issued by the City of North Port subsequent to the triggering of transportation needs shown in Table 1 Table 1 will be mitigated by the selection of Option 2 until the roadway construction agreement is executed Further should the applicant default in the payment of the proportionate share in accordance with the agreement no further building permits shall be issued until the applicant is in compliance with the agreement

- b The agreement shall be in the form of either a clearly identified executed and recorded local government development agreement consistent with Sections 163 3220 through 163 3243 Florida Statutes an interlocal agreement an FDOT joint participation agreement or a written acceptance by the affected local government board or the FDOT as appropriate The agreement to accept proportionate share payments shall be attached as an exhibit to the development order through a Ch 380 06f1 G) 0 2) e(2) amendment following the selection of this option and the execution of the agreement at the time of the next development order amendment The agreement shall require the receiving local governmental agency to apply the contributed monies only towards the construction of one or more of the roadway improvements listed in Table 1 of this development order If the contributed money is sufficient to fully construct one or more of the required improvements the receiving governmental agency shall agree as a condition of acceptance to expeditiously apply the received monies for the construction of the improvement
- c The specific nature and scope of the selected improvements(s) shall be set forth in the roadway construction agreement The roadway construction agreement shall address the timing of the applicant's payments toward design ROW acquisition construction and the selected improvement(s)
- d The proportionate share amount is as set forth in Table 2 (attached and incorporated as part of this development order) in accordance with 9J 21 045(7)3 F AC The proportionate share has been calculated in Year 2000 dollars This amount shall be updated at the time of payment in accordance with the FDOT construction Cost Price Trends Index The proportionate share in Table 2 mitigates the impacts of all development in Phases I II and III If any of the required improvements have been completed prior to the applicant's selection to pay the proportionate share then the proportionate share amount shall be reduced by deleting the completed road improvement from the proportionate share computation

- e Any delay or change to the proportionate share payment due to a change in the development schedule shall require an analysis of the proportionate share amount as part of any amendment to the build out date of the development. Payment of the proportionate share does not release the applicant from the obligation to pay impact fees as provided for in the City's Transportation Impact Fee Ordinance; however, the proportionate share is creditable against impact fees in accordance with state law.
 - f The applicant shall dedicate 50 feet of right of way for a greenway/bicycle and pedestrian pathway extending on the west side of the property running parallel to the Myakkahatchee preserve from Appomattox to Price Boulevard.
 - g The applicant shall promote efficient pedestrian and bicycle movement within the development.
-
- h The applicant shall help to accommodate any local and/or express transit service if established by the City of North Port or Sarasota County through the inclusion of bus stops or other means deemed necessary by the City of North Port or Sarasota County.

6 Vegetation and Wildlife/Wetlands

- a The Applicant shall comply with all commitments contained in the Wildlife and Habitat Management Plan and Scrub Jay Management Plan ('Management Plan') which is incorporated by reference into this Development Order. The Applicant shall also comply with the commitments in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description), Question 12 (Vegetation and Wildlife) and Question 13 (Wetlands) to the extent that they are consistent with the Management Plan.
- b The applicant must coordinate the location, size and management plan for the Florida scrub jay preserve with the US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission in Vero Beach to avoid any permit delays.
- c The conservation easement over wetlands and uplands including the scrub jay preserve will be written to comply with the requirements of Rule 9J-4J (9) (b) 3 FAC.
- d Native habitats will also be preserved as part of the golf course design and the open space requirements.
- e In accordance with SWFWMD policy, Heron Creek will maintain or enlarge 'pre developed contributing areas to each wetland in the post developed condition to the extent possible.

- f The Proposed Mitigation Summary as part of the last sufficiency will serve as a framework for conceptual wetland mitigation approaches for the proposed impacts to 22 acres of wetlands
 - g Total of 43.56 acres of wetlands (36.2 acres of Freshwater Marshes and 7.4 acres of Hardwood Hammock) will be preserved and enhanced
 - h There will be a minimum of 16 +/- acres of vegetated uplands preserved plus additional upland acreage associated with the Scrub Jay Preserve to be determined at final development design and layout
 - i The applicant will preserve some of the cabbage palm hammocks in place and relocating other portions while attempting to preserve significant oak trees.
-
- j The Applicant shall by the end of calendar year 2007 record a conservation easement for the upland preservation area depicted on the Heron Creek Conservation Easement Upland Preservation Area Location Map
 - k The Applicant shall by May 31 2007 provide the City and the SWFRPC with an updated GIS shape file on the aforementioned upland preservation area in a State Albers Projection
 - l The Applicant shall by May 31 2007 provide the City and the SWFRPC with an updated GIS shape file of the subject property consistent with the legal description contained in Resolution 01 R 5

7 Wastewater Management/Water Supply

- a The project shall utilize ultra low volume water use plumbing fixtures self closing and/or metered water faucets and other water conserving devices and methods consistent with the criteria outlined in the water conservation plan of the public supply permit issued to the City of North Port Utilities Department by SWFWMD
- b For the purpose of non potable and/or reclaimed water conservation the Heron Creek DRI shall to the extent possible utilize xeriscape principles in all common landscaped areas and in the landscape design of the golf course and other recreational facilities Ecologically viable portions of existing (pre development) native vegetation shall be incorporated into the Development's landscape design to the greatest extent practicable
- c The Applicant shall apply for water use permits as required for withdrawals from groundwater project lakes and/or other surface water bodies for irrigation or potable use and for any dewatering activities proposed for the construction of onsite lakes and/or road or building foundations

- d At the time of application for the SWFWMD Water Use Permit for the proposed irrigation system the Applicant shall provide verification that the proposed plumbing and irrigation system designs meet SWFWMD criteria in effect at that time
- e The Applicant shall comply with the applicant's agreement with the City of North Port for the provision of potable water wastewater treatment and nonpotable water by the City of North Port Utilities Department
- f The requirements for reclaimed water for the Heron Creek development are governed -by the Second Developer's Agreement between the City of North Port and the Applicant dated June 5 2000
- g Prior to applying for any well permits from Sarasota County the Applicant shall actively pursue alternative methods for obtaining non potable water Such efforts shall include (but are not limited to) cisterns reclaimed stormwater reclaimed water from a regional resource off site canals or any comprehensive approach that will reduce or eliminate the need for onsite wells
- h The use of reclaimed water pesticides herbicides or fertilizers shall be prohibited within onsite wetland buffers and the wetlands they protect~ Irrigation systems shall be designed and located so as to ensure that reclaimed wastewater does not contact or enter any open water canal or waterway within or adjacent to the DR' which is ultimately tributary to Myakkahatchee Creek
- i In order to help protect water quality within the Myakkahatchee Creek Watershed and to increase public awareness about local water supply sources and the natural systems that support them the Applicant shall provide educational materials to property buyers residents and businesses within the DRI concerning the proper use and disposal of chemicals and hazardous materials as well as local and regional water quality issues Such materials shall include guidelines for homeowners concerning lawn and landscape irrigation and the proper application handling and storage of fertilizers pesticides herbicides and other chemicals The Applicant may use existing publications covering these topics if such are found to exist and to be suitable for the North Port area The development shall also participate in any County or City sponsored 'Amnesty Days' program and should consider providing a central site for collection of hazardous materials
- j Temporary septic systems may be utilized in conjunction with construction and sales offices and model homes Septic systems shall not be allowed onsite other than for -construction and sales offices golf course restrooms and model homes All temporary septic systems shall be properly abandoned and/or removed by a licensed septic system firm at the time when permanent or interim wastewater treatment facilities come online

- k All potable water facilities shall be properly sized to supply average and peak day domestic demand in addition to fire flow demand at a rate approved by the City of North Port Fire and Rescue District
- l The Applicant shall comply with all commitments in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description) Question 14 (Water) Question 17 (Water Supply) and Question 18 (Wastewater Management) that are not in conflict with the above recommendations
- m Potable water for the Heron Creek DRI shall be served by the City of North Port Utilities Department A Developer's Agreement between the applicant and the City has been executed the entire project The agreement reserves potable water supply for Phase I of the Heron Creek DRI The Developer's Agreement articulates specific water supply facility upgrades that are the sole responsibility of the applicant
 - 1 In order to insure that water supply facilities will be in place and available to serve each phase of development no later than the issuance by the City of North Port of a certificate of occupancy or its functional equivalent the City and the Applicant shall comply with their respective obligations under the developer's agreements dated August 31 1998 and June 16 2000
 - 2 The City of North Port Utility Master Plan dated March 1999 shall serve as the basis for projecting potable water supply demands and allocating appropriate capital expenditures to serve the Heron Creek DRI development The master plan is incorporated herein by reference
 - 3 Annually the City of North Port shall review the utility master plan to ensure consistency with its Capital Improvements Program and the applicable water supply and sewer provisions in the comprehensive plan
 - 4 By 2001 the City of North Port shall update the utility master plan and include an analysis of existing and future demands capital expenditures and feasibility of purchasing water from a public regional water source
 - 5 Annually the City of North Port Utility Department shall prepare a report as to the status of the guaranteed improvements of the water supply improvements The assessment shall be included in the annual DRI status report If the report shows evidence that the needed potable water supply facility improvements are no longer scheduled or guaranteed the City of North Port will cease to issue building permits until the supply facility improvements return to a guarantee or scheduled status
 - 6 Should the water supply improvements schedule change or cause delay to the Heron Creek DRI approved schedule the applicant shall be required to amend the approved development schedule through the Notice of Proposed Change provisions of Section 380.06(19) Florida Statutes This process automatically amends the development order
 - 7 Nothing herein shall relieve the City or the Applicant of their reciprocal obligations under the developer's agreements dated August 31 1998 and June 16 2000

8 Police and Fire Protection

- a To assure the project does not dilute the delivery of service during the site and development/construction plan approval process the Applicant shall meet with the North Port Police Department to ensure that security features are incorporated within the project design
- b Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988 shall file hazardous materials reporting applications in accordance with sections 302 303 304 or 311 312 Applications must be updated annually by each reporting facility
- c Fire protection shall be provided according to existing standards or fire flow criteria promulgated by the City or recommended guidelines developed by the National Fire Protection Association
- d The City of North Ports Unified Land Development Code requires up to 1 500 G P M for residential and up to 4 000 G P M for commercial development The Heron Creek potable water distribution/building fire sprinkler systems shall be designed to meet the City's requirements

9 Solid Waste/Hazardous Waste/Medical Waste

- a Any business located within the Heron Creek Development which generates hazardous or infectious waste shall be responsible for the temporary storage siting and proper disposal of the waste generated by such businesses Outside storage of hazardous waste or infectious waste should be prohibited However there should be no siting of hazardous waste storage facilities contrary to North Port's Zoning Regulations
- b Loading off loading and storage areas for regulated substances shall be curbed and provided with impervious bases free of cracks and gaps to fully contain spills and leaks
- c All hazardous materials shall be handled stored and applied in accordance with applicable regulations F A C Chapter 62 730 is the governing regulation covering hazardous waste which would be applied to any generator who may become a tenant at Heron Creek
- d The project shall participate in the City of North Port's recycling program which at present consists of curbside pickup of newspaper cardboard plastics glass tin and aluminum cans to aid in the reduction of solid waste sent to the landfill
- e The applicant shall explore the possibility of mulching trees and brush in the land clearing operations to meet on site needs

10 General Conditions

- a All commitments and impact mitigating actions provided by the Applicant in the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval
- b The development phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval. If development order conditions and applicant commitments incorporated within the development order ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules ~~specified within the development order and this phasing schedule~~ then this shall be presumed to be a substantial deviation for the affected regional issue, except as provided in Section 7 m 6
- c If the City of North Port during the course of monitoring the development can demonstrate that substantial changes in the conditions underlying the approval of the development order has occurred or that the Development Order was based on substantially inaccurate information provided by the applicant resulting in additional substantial regional impacts then a substantial deviation shall be deemed to have occurred
- d Pursuant to Chapter 380.06(16) the Applicant may be subject to credit for contributions construction expansion or acquisition of public facilities to the extent the Applicant is also subject by City ordinances to impact fees or exactions to meet the same needs. The City of North Port and the Applicant may enter into a capital contribution front ending agreement to reimburse the Applicant for voluntary contributions in excess of the fair share



City of North Port

ORDINANCE NO. 2011-33

(Development Order for Heron Creek a Development of Regional Impact)

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ADOPTING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE HERON CREEK DRI, AMENDING THE DEVELOPMENT ORDER ORIGINALLY ADOPTED BY ORDINANCE 2000-13, AMENDED BY ORDINANCE 05-28 AND 06-46, FOR THE DEVELOPMENT OF REGIONAL IMPACT (DRI) KNOWN AS HERON CREEK, PROVIDING FOR FINDINGS AND CONCLUSIONS OF LAW, PROVIDING FOR INCORPORATION OF THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA) AND ASSOCIATED DOCUMENTS INTO THE DEVELOPMENT ORDER, PROVIDING FOR THE APPROVAL OF THE HERON CREEK DRI WITH CONDITIONS, PROVIDING FOR ADDITIONAL LOCAL CONDITIONS, PROVIDING FOR THIS ORDINANCE TO BE DEEMED THE DEVELOPMENT ORDER, PROVIDING FOR BUILD OUT AND DEVELOPMENT ORDER TERMINATION DATES FOR THE HERON CREEK DRI, PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY, PROVIDING FOR SERVICE AND RECORDING, PROVIDING FOR RELATIONSHIP TO OTHER REGULATIONS, PROVIDING FOR CONSENT TO THE PROVISIONS OF THE ORDINANCE, PROVIDING FOR CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

The Commission of the City of North Port hereby makes the following findings of fact and conclusions of law:

1.01 On November 7, 1996 Marsh Creek Properties Inc., through its authorized agent Betsy Benac submitted to the City of North Port, Florida, the Southwest Florida Regional Planning Council (SWFRPC), and to the Division of Resource Planning and Management of the Florida Department of Community Affairs (DCA), an Application for Development Approval (ADA) in accordance with Section 380.06 Florida Statutes for approval of a Development of Regional Impact

000188
 CONFIRMED
 JNR
 DATE 5-31-12

(DRI) to be known as Marsh Creek DRI (now known as Heron Creek), located in the incorporated City of North Port within Sarasota County, north of Appomattox Drive, south of the Snover Waterway, east of the Myakkahatchee Creek, west of Blueridge Waterway, abutting Sumter Boulevard, and approximately two miles south of I-75. The legal description, hereby incorporated as Attachment #1, was subsequently corrected by the adoption of Resolution 01-R-5;

1.02 The ADA was subsequently amended to add additional lands; to add an additional applicant Renea M. Glendinning as Trustee, the owner the of additional lands; to modify the conceptual site plan and the mix of proposed uses and to change the name of the project to Heron Creek DRI;

1.03 The ADA as amended proposed 1,970 residential units (903 single-family and 1,067 multi-family units), 500,000 gross square feet of retail service, and 250,000 gross square feet of office, 269.38 acres of recreation and open space, 27 holes of golf, buffers and tennis center, 44 acres of conservation lands (wetlands and scrub jay habitat), 105 acres of lakes for water management, and 5 acres of internal road rights-of-way on a project site containing a total of 831.38 acres more particularly described in Exhibit F;

1.04 Pursuant to Section 380.06(11) Florida Statutes, public hearing notice for hearings on said ADA before the City Commissioners of North Port were duly published in the North Port Sun Herald on May 17, 2000 and were duly provided to the Florida Department of Community Affairs (DCA) the Southwest Florida Regional Planning Council, and other persons designated by DCA rules;

1.05 On June 17, 2000, in accordance with Section 380.06(12) Florida Statutes, the SWFRPC rendered its report and recommendations on the regional impact of the proposed Heron Creek DRI;

1.06 On August 17, 2000, the City of North Port Planning and Zoning Advisory Board (PZAB) held a duly noticed public hearing on said ADA and received all pertinent evidence including the SWFRPC report and recommendation and the testimony of the general public and recommended approval of the ADA for the Heron Creek DRI subject to certain conditions as contained in the recommendation to the City Commission;

1.07 On August 28 and September 11, 2000, the City Commission of the City of North Port held a duly noticed public hearing on the ADA and received all pertinent evidence including the reports and recommendations of the SWFRPC and the PZAB and the testimony of the general public;

1.08 On July 11, 2005, the Development Order was amended by modifying Section 4 dealing with Local Conditions, Section 4.2 addressing sheltered bus stops, and Section 4.6 addressing sidewalks and by adding the specific number of trips to Item 2 (Affordable Housing, Exhibit E);

1.09 On February 12, 2007, the Development Order was amended to reduce the number of Multi-family dwelling units from 1,067 to 300 (a reduction of 767 units), reduce the number of tennis courts from 12 to 5 courts (a reduction of 7 courts), reduce the amount of medical office square footage from 130,000 square feet to 43,000 square feet (a reduction of 87,000 square

feet), reduce the amount of general office square footage from 120,000 square feet to 40,000 square feet (a reduction of 80,000 square feet), increase the amount of retail commercial from 500,000 square feet to 745,500 square feet (an increase of 245,500 square feet), with no change in the boundaries of land areas designed for residential or non-residential development (Exhibit F);

1.10 The Applicant has now submitted on March 10, 2010, a Notice of Proposed Change (NOPC) that would update Map H to depict existing and proposed development, address affordable housing stipulations in the current Development Order approved with Ordinance 06-46, revise the current stipulations relating to the proposed pathway along the Myakkahatchee Creek to specify if the City chooses to construct and use other materials, the funding from the Applicant shall be at the comparable cost of an at-grade shell surface, and propose a land use conversion matrix that would allow the Applicant to convert approved uses from one area to another as shown in Section 3.01 with no increase in external impacts;

1.11 The proposed changes are presumed to create a substantial deviation pursuant to Chapter 380.06(19), F.S.; however, the Applicant has provided the Technical Memorandum dated March 10, 2010 and two subsequent sufficiency responses, thereby rebutting the presumption of a substantial deviation;

1.12 The proceedings herein relating to the Heron Creek DRI ADA, have been conducted in compliance with the provisions of Section 380.06 Florida Statutes and all conditions precedent to the granting of development approval required by Section 380.06 Florida Statutes have occurred;

1.13 The proposed development is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380.05 Florida Statutes;

1.14 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan;

1.15 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan;

1.16 The proposed development subject to the conditions imposed herein, is consistent with the North Port Comprehensive Plan and does not appear to conflict with other local land development regulations;

1.17 The proposed development subject to the conditions imposed herein, is consistent with the report and recommendation of the Southwest Florida Regional Planning Council (SWFRPC) pursuant to Section 380.06(12) Florida Statutes;

1.18 When developed in accordance with the conditions imposed by this Development Order, the Heron Creek development:

- (a) will have a favorable impact on the environment and natural historical resources in the area;

- (b) will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;
- (c) will efficiently use water, sewer, solid waste disposal, public school facilities, and other necessary public facilities;
- (d) will effectively use public transportation facilities;
- (e) will favorably affect the ability of people to find adequate housing reasonably accessible to their place of employment; and
- (f) will comply with such other criteria for determining regional impact as the regional planning agency deems appropriate including but not limited to the extent to which the development would create additional demand for or additional use of energy.

SECTION 2. INCORPORATION OF APPLICATION FOR DEVELOPMENT APPROVAL (ADA) AND ASSOCIATED DOCUMENTS IN THE DEVELOPMENT ORDER.

2.01 The following information, commitments, and impacting mitigating provisions submitted by the Applicant are hereby incorporated in this Development Order by reference:

- (a) Heron Creek's Notice of Proposed Change submitted March 10, 2010.
- (b) Heron Creek's first response to sufficiency comments.
- (c) Heron Creek's second response to sufficiency comments incorporating amended application for Development Approval.
- (d) Heron Creek's previously approved Development Order, Ordinance No. 06-46 (Exhibit F) with referenced Exhibits.

2.02 In construing and enforcing the provisions of the documents incorporated in this Development Order by Subsection 2.1 above, the following shall apply:

- (a) The most recent response of the Applicant in the above referenced documents shall control over any previous response wherever there is a conflict, otherwise the responses shall be considered cumulative;
- (b) Any information, commitments, or impact mitigating provisions in the above referenced documents which are inconsistent with the specific conditions set forth in this Ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.

SECTION 3. APPROVAL OF THE HERON CREEK DEVELOPMENT OF REGIONAL IMPACT WITH CONDITIONS.

3.01 The amended ADA for the Heron Creek DRI is hereby approved for the following land uses and phases, and land use conversion matrix subject to the conditions contained herein consistent with the revised Map H (Attachment 3 of DO), and is subject to the other provisions of the Development Order (including Attachment 4 of DO):

Land Use

Land Use	Phase I (‘97-2001)	Phase II (‘02-2006)	Phase III (‘07-2011)	Phase IV (‘12-2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi-Family (LUC 220)	125 DU		175 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		5 Courts		
Medical/Professional (LUC 720)			43,000 GLA	
Office General (LUC 710)			40,000 GLA	
Retail Shopping Center (LUC 820)	90,000 GLA	30,000 GLA	488,000 GLA	137,500 GLA

The Land Use Table, as specified above, may be modified by the Developer without further amendment to this Development Order, subject to the following.

- a. This transfer or conversion may occur subject to the following conversion table:

Land Use		To				
		Single Family	Multi Family	Medical/ Professional	Office General	Retail Shopping Center
		(d.u.)	(d.u.)	(sq.ft.)	(sq.ft.)	(sq.ft.)
From	Single Family (Per d.u.)	1.0	1.5	443	685	365
	Multi Family (Per d.u.)	0.7	1.0	291	450	239
	Medical/ Professional (Per 1,000 sq.ft.)	2.3	3.4	1000	1544	822
	General Office (Per 1,000 sq.ft.)	1.5	2.2	648	1000	533
	Retail Shopping Center (Per 1,000 sq.ft.)	2.7	4.2	1216	1878	1000

- (b) The transfer or conversion may occur provided that: 1) the external trips approved for the DRI remain the same and 2) no additional impact will occur to other public facilities (such as sewer and water). Further, no alteration to the Map H may occur as a result of the conversion.
- (c) Forty Five (45) days notice of any conversion must be provided to the City, the Department of Economic Opportunity Division of Community Planning and Development, and Southwest Florida Regional Planning Council. In addition, the amount of the conversion must be reported as part of the subsequent monitoring report and petition to develop. When a petition to develop which includes a transfer or conversion of land use is submitted to the City, proof that no adverse impact is being caused by the transfer or conversion or any combination thereof must be provided.
- (d) The transfer or conversion does not increase the allotted number of units on any particular parcel to a level above what is permitted in the DRI or the City of North Port Land Development Code and does not exceed the substantial deviation criteria of subsection 380.06(19)(b), F.S.

3.02 The City of North Port, Planning Division is hereby designated as the local government department responsible for monitoring the development, enforcing and monitoring the terms of the Development Order, and for receiving the biennial report required by Section 380.06, Florida Statutes.

3.03 Biennial Report Requirements. The Applicant shall submit a biennial report pursuant to the requirements of Section 380.06(18) Florida Statutes Rule 9J.2.025(7) Florida Administrative Code (F.A.C.) and procedures established by the Southwest Florida Regional Planning Council (SWRPC). This report shall be submitted on the anniversary of the effective date of the Development Order or on such other date as agreed upon by the Applicant, City of North Port, the Southwest Florida Regional Planning Council, and the Department of Economic Opportunity Division of Community Planning and Development formerly the Department of Community Affairs (DCA), until and including such time as all terms and conditions of the Development Order are satisfied, unless otherwise specified herein. The date upon which the biennial report is required to be submitted may be established to coincide with the same date upon which the Heron Creek biennial report is required to be submitted. The Applicant shall submit this biennial report to the City of North Port department responsible for land development services, the Southwest Florida Regional Planning Council (SWRPC), the Department of Economic Opportunity Division of Community Planning and Development, and all affected permitting agencies required by law on Form RPM BSP Annual Report I, as the same may be amended from time to time. The biennial report shall contain all information required by rule 9J.2.025(7)(a) through (g) F.A.C. as the same may be amended from time to time.

Upon notification that the biennial report is not received by the Southwest Florida Regional Planning Council (SWRPC), Department of Economic Opportunity Division of Community Planning and Development, or upon non-receipt of the report by the City of North Port, the City shall request in writing that the Applicant submit the report within thirty (30) days. Failure to submit the report after 30 days shall result in the City of North Port temporarily suspending this

Development Order and no new development permit applications shall be granted within the development until the requirements of this subsection are met.

3.04 The Applicant shall submit to the City of North Port department responsible for land development services any monitoring reports specified in the conditions contained in Attachment #4. The director of the department responsible for land development services for the City of North Port shall be the local official responsible for assuring compliance by the Applicant with this Development Order.

3.05 The Applicant shall submit a site access analysis for approval by the City of North Port prior to issuance of any building permits resulting from changes proposed in the NOPC submitted on March 10, 2010. It shall include an analysis of the intersection of Sumter and Price Boulevard and shall identify all necessary improvements including site access, turn lanes, and improvements required to maintain acceptable level of service at the aforesaid intersection and at site access driveways.

SECTION 4. ADDITIONAL LOCAL CONDITIONS.

4.01 The Heron Creek DRI is partially located in Activity Center #2, identified in the Comprehensive Plan, adopted November 10, 1997 by Ordinance No. 97-27 (as amended). All non-residential development (except the golf course, clubhouse, and fitness center) will be located in the Town Center, a subcategory of Activity Center #2. The Town Center is designated as a mixed use pedestrian oriented development. The Applicant has heretofore submitted to the City, a pattern book that includes design guidelines that dictate urban form and architectural controls for non-residential development in the Town Center. The pattern book also addresses the urban form for the City of North Port's civic development in the northeast quadrant of Price and Sumter Boulevard. The City has adopted the pattern book.

The Applicant has completed the grocery store located in the southwest quadrant of Price and Sumter. This store has adhered to the design guidelines set forth in the Heron Creek Pattern Book.

4.02 The Applicant has constructed two (2) bus shelters, with two shelters remaining to be built, as approved. All other shelter locations are to be mutually agreed upon between the City and the Applicant. The Applicant is not responsible for any shelters in the City of North Port's civic development. The shelter design shall be as approved in the Urban Design Standards Pattern Book.

4.03 All roads in the Heron Creek DRI are private. If the Applicant seeks approval to transfer jurisdiction from Applicant/homeowner's association to the City of North Port, a public hearing shall be held and this Ordinance amended.

4.04 Open swales shall not be allowed in the right-of-way for Price and Sumter Boulevards when they are improved or expanded in the town center. This requirement shall not preclude use of open swales in other areas of the Heron Creek development.

4.05 The Applicant shall promote efficient pedestrian and bicycle movement within the development. This shall be achieved through the design of bike lanes, shade trees, and provisions for bicycle racks in the Town Center. Bike lanes will be designed to be either on street, off street, or other design acceptable to the City of North Port.

4.06 The Applicant shall provide permanent sidewalks along both sides of Price and Sumter Boulevards within the project limits. All development within the Town Center will construct sidewalks concurrent with the development of the adjacent property.

If all roadway improvements have not been designed or completed, the Applicant shall be able to put in temporary sidewalk sections that may be replaced with a permanent sidewalk at a later date. If the City of North Port damages any permanent or temporary sidewalk due to on-going improvements to Price or Sumter Boulevards, the City shall be responsible for the replacement of such sidewalk.

4.07 The Applicant and the City of North Port have heretofore entered into a Developer's Agreement that includes the following projects, time frames, and funding commitments:

- (1) Sumter Boulevard (4 lanes adjacent to the proposed development). Sumter Boulevard four-laning may be subject to impact fee credits, and may be paid for from the proposed proportionate share contributions outlined in Table 2 of Attachment #4. Project substantially complete by the end of Phase II, or 2177 trips gross p.m. peak hour estimates.
- (2) If the transportation analysis, to be completed for Phase IV, indicates that four-laning of Price Boulevard is warranted due to existing or expected traffic from the development, the development agreement shall be revised to provide for four-laning Price Boulevard adjacent to the proposed development prior to the completion of Phase IV (2017).
- (3) Provided that the transportation analysis, to be completed showing the addition of two lanes to Sumter Boulevard, does not reduce the expected additional traffic on Pan American Boulevard from the development below 5%, the Applicant agrees to pay a proportionate share of the traffic calming improvements proposed by the City.

4.08 The City of North Port will prepare plans, utilizing their consultant, for the construction of an at-grade shell, or other cost comparable pervious material, pathway within existing City-owned right-of-way along the eastern bank of the Myakkahatchee Creek, from Appomatox Drive to Price Boulevard. These plans will be utilized by the City for the purpose of permitting the pedestrian/bicycle trail through appropriate regulatory agencies as well as for a Major Site and Development Plan Approval by the City. Within 120 days after Major Site and Development Plan Approval by the City, the applicant shall commence construction of the pathway as described above; or should the City elect to construct the pathway, the applicant shall provide funding that is cost comparable to the construction of an at-grade shell pathway. Should the City elect to construct the pathway other than at-grade or utilizing material other than pervious

shell, the City shall be responsible for providing funding above the Applicant's contribution as described above.

4.09 The Public Works Director shall approve all access points to Price and Sumter Boulevards.

4.10 Prior to the issuance of a Certificate of Occupancy for any development located at the southeast quadrant of Price and Sumter and the related roadway access. The developer shall construct an eight-foot sidewalk including a pedestrian bridge over the Blueridge waterway from the northeast corner of the site to the eastern right-of-way line of Salford Boulevard. If the Price Boulevard Corridor study is not complete by the time of certificate of occupancy, the developer shall donate to the City, the funds needed to construct the sidewalk. The City Engineer shall approve the amount of the funds, the location, and design of the sidewalk;

4.11 The Applicant has installed sidewalks within the residential areas as approved by the City Commission pursuant to Petition No. WAV-08-144. Any remaining residential area shall have sidewalks installed pursuant to the approved sidewalk plan, unless the Applicant can provide evidence that the City Commission has waived this requirement;

4.12 The Applicant has installed sidewalks on both sides of Creek Nine Drive from the terminus of the existing sidewalks to Sumter Boulevard pursuant to Ordinance No. 06-46 Subsection 4.12;

4.13 The land use developed on the southeast corner of the intersection of Sumter and Price Boulevards shall be different than the land uses on the other three corners;

4.14 The Applicant has submitted Map H (Attachment #3) and Land Use Matrix included in this petition to the City and the SWFRPC, updating the proposed development densities, intensities, and uses;

4.15 The Applicant's Development Concept Plan (DCP)/Development Master Plan (DMP) shall:

- (a) address any additional impacts on the water sewer and reuse water systems and demonstrate how the plan will support the surrounding utility system;
- (b) include a water conservation plan for the site; and
- (c) indicate the proposed phasing and timing of the water sewer and reuse water service being requested;

4.16 Prior to the issuance of a Development Master Plan, Subdivision Plan or Major Site and Development Plan approval, the developer shall hold a neighborhood meeting to explain and gain input on the design of the site and the buffer yard treatment along the eastern property line of the site. The developer shall notify the property owners within a 1320 foot radius from the property line of the development. The neighborhood meeting shall be held after 6 pm in a location convenient to the neighborhood. The developer shall copy City staff on all correspondence to the citizens in the neighborhood;

4.17 There may be requirements found in the City's Unified Land Development Code that will apply to this development that are not specified in this Ordinance.

SECTION 5. ORDINANCE AS DEVELOPMENT ORDER.

5.01 This Ordinance shall be deemed the Development Order required pursuant to Section 380.06 Florida Statutes for the Heron Creek Development of Regional Impact.

SECTION 6. BUILD OUT AND DEVELOPMENT ORDER TERMINATION DATES FOR THE HERON CREEK DEVELOPMENT OF REGIONAL IMPACT.

6.01 The build out date of this Development Order is December 31, 2017 provided however, additional analysis may be required in accordance with the provisions contained in Attachment #4.

6.02 The Heron Creek Development Order shall remain in effect until December 31, 2017.

SECTION 7. ENFORCEMENT.

7.01 All conditions, restrictions, requirements, commitments, and impact mitigating provisions contained or incorporated by reference in this Development Order may be enforced by the City of North Port by action at law or equity.

7.02 In the event it is determined by the City Commission of the City of North Port, after notice and hearing, that the Applicant has failed to comply with any conditions, restrictions, requirements, or impact mitigating provisions contained or incorporated by reference in this Development Order, the City Commission may temporarily suspend the Development Order during which no development permit applications shall be granted within the development until compliance is achieved.

7.03 The obligations of this Development Order shall run with the land. The Applicant is bound by the terms of this Development Order so long as it owns such property. This Development Order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest thereto, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

SECTION 8. SEVERABILITY.

8.01 If any section, sentence, clause, phrase or word of this Development Order is for any reason held or declared to be invalid inoperative or void, such holding of invalidity shall not affect the remaining portions of this Development Order, and it shall be construed to have been the intent to pass this Development Order, without such invalid or inoperative part herein, and the remainder, exclusive of such part or parts, shall be deemed and held to be valid as if such parts had not been included herein, unless to do so would frustrate the intent of this Development Order.

SECTION 9. SERVICE AND RECORDING.

9.01 This Ordinance shall be binding upon the Applicant, its successors and assigns and upon the City of North Port. Notice of the adoption of this Ordinance shall be recorded by the Applicant in accordance with Section 380.06(15)(t), Florida Statutes.

9.02 The City of North Port Clerk shall certify the date upon which certified copies of this Ordinance are deposited in the U.S. Mail for Department of Economic Opportunity Division of Community Planning and Development, the SWFRPC, and the Applicant.

SECTION 10. RELATIONSHIP TO OTHER REGULATIONS.

10.01 This Development Order shall not be construed as an agreement on the part of the City of North Port to exempt the Applicant, its successors, and assigns from the operation of any ordinance or other governmental regulation now in effect or hereafter adopted by the City of North Port for the purpose of protection of public, health, welfare, and safety, which said ordinance or regulation shall be generally and equally applicable throughout the City of North Port, and which said ordinance or regulation does not impair or otherwise frustrate the development herein approve.

10.02 This DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2017, unless the City of North Port can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the Applicant or that the change is clearly established by the City of North Port to be essential to the public health, safety, or welfare.

10.03 Prior to the first building permit issued for Phase II, the Applicant shall pay all application fees in accordance with Ordinance 2010-14.

SECTION 11. CONSENT TO PROVISIONS OF ORDINANCE

11.01 The Applicant by signing this document in the space herein provided, signifies its approval of and assent to the provisions of this Development Order. Such signature shall also constitute a certification by the Applicant that it has delivered to the Southwest Florida Regional Planning Council and the Department of Economic Opportunity Division of Community Planning and Development a complete copy of all documents specified in Section 2.2 above.

SECTION 12. CONFLICTS.

12.01 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 13. EFFECTIVE DATE.

13.01. This Ordinance shall take effect upon execution of the consent provided for in Section 11 of this Ordinance and transmittal of the copies of said Ordinance to the parties specified in Section 380.07(2), Florida Statutes, the expiration of any appropriate appeal period or the resolution of any appeal, whichever is later.

READ BY TITLE ONLY in public session this 9th day of January, 2012.

PASSED and ADOPTED on second and final reading in public session this 30th day of January, 2012.

CITY OF NORTH PORT, FLORIDA

Tom Jones
TOM JONES,
COMMISSION CHAIR

ATTEST:

Helen Raimbeau
HELEN RAIMBEAU, MMC
City Clerk

Approved as to form and correctness:

Robert K. Robinson
ROBERT K. ROBINSON
City Attorney

✓ CERTIFIED
HMR
DATE: 5-31-12

EXHIBIT C

CONDITIONS OF APPROVAL

1. Land Use


The ADA or the Heron Creek DRI is hereby approved for the following land uses and phases subject to the conditions contained herein consistent with Preliminary Master Plan Map H, dated February 2000, and subject to the other provisions of this Development Order:

Land Use	Phase I ('97-2001)	Phase II ('02-2006)	Phase III ('07-2011)	Phase IV ('12-2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi-Family (LUC 220)	125 DU		175 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		5 Courts		
Medical/Professional (LUC 720)			43,000 GLA	
Office General (LUC 710)			40,000 GLA	
Retail Shopping Center (LUC 820)	90,000 GLA	30,000 GLA	488,000 GLA	137,500 GLA

The Land Use Table, as specified above, may be modified by the Developer without further amendment to this Development Order, subject to the following.

- a. This transfer or conversion may occur subject to the following conversion table:

Land Use		To				
		Single Family	Multi Family	Medical/ Professional	Office General	Retail Shopping Center
		(d.u.)	(d.u.)	(sq.ft.)	(sq.ft.)	(sq.ft.)
From	Single Family (Per d.u.)	1.0	1.5	443	685	365
	Multi Family (Per d.u.)	0.7	1.0	291	450	239
	Medical/ Professional (Per 1,000 sq.ft.)	2.3	3.4	1000	1544	822
	General Office (Per 1,000 sq.ft.)	1.5	2.2	648	1000	533
	Retail Shopping Center (Per 1,000 sq.ft.)	2.7	4.2	1216	1878	1000

CERTIFIED

 DATE: 5-31-12

- b. This transfer or conversion may occur provided that: 1) the external trips approved for the DRI remain the same and 2) no additional impact will occur to other public facilities (such as sewer and water). Further, no alteration to the Map H may occur as a result of the conversion.
- c. Forty Five (45) days notice of any conversion must be provided to the City, FDCA and SWFRPC. In addition, the amount of the conversion must be reported as part of the subsequent monitoring report and petition to develop. When a petition to develop which includes a transfer or conversion of land use is submitted to the City, proof that no adverse impact is being caused by the transfer or conversion or any combination thereof.
- d. The transfer or conversion does not increase the allotted number of units on any particular parcel to a level above what is permitted in the DRI or the City of North Port Land Development Code and does not exceed the substantial deviation criteria of subsection 380.06(19)(b), F.S.

2. Affordable Housing

Prior to obtaining a certificate of occupancy for development in excess 364,000 square feet of existing and future Retail Shopping Center Uses (LUC 820), the Applicant or project employers shall provide supply data (such as Multiple Listing Services data) showing vacant, for sale and /or for rent units available within a 10-mile/20 minute radius of the project. To the extent the City of North Port or SWFRPC collect reliable data as to the adequate housing need or supply, then the determination of adequate housing supply for Heron Creek shall take such data into account. If analysis of the demand data provided in the Application for Development Approval (ADA) and the submitted supply data shows a shortage of affordable housing units that exceeds the threshold for significant impact for the DRI, whether in one phase or cumulatively for the entire DRI, the Applicant shall mitigate the need by following one of the options outlined in Rule 9J-2.048, the Adequate Housing Uniform Standard Rule.

3. Energy

The Applicant shall comply with all commitments for energy conservation contained in the ADA.

4. Stormwater Management

- a. The Heron Creek DRI shall require a Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit for any construction and operation of the surface water management system. At the time of permit application, the Applicant shall provide verification to District staff that the proposed system designs will meet District criteria in effect at that time.
- b. The Heron Creek DRI shall require a SWFWMD Water Use Permit for withdrawals from groundwater project lakes and/or other surface water bodies for irrigation or potable uses and dewatering associated with the construction of project lakes and/or road or building foundations in accordance with current regulations.

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- c. The Applicant shall develop an integrated Fertilizer/Pesticide Herbicide Management Plan as a component of the golf course design process to be approved by the City of North Port Utilities Department, the City of North Port Public Works Department with input from Sarasota County SWFWMD, the Florida Fish and Wildlife Conservation Commission, and the Florida Department of Environmental Protection (DEP). The plan shall address the following items:
- Fertilizer, pesticide, herbicide, and insecticide use, storage, and safety
 - Alternative pest control strategies
 - Golf course management methods and procedures and
 - Quality control and assurance procedures
- d. elevations corresponding to a 100 year flood shall be used to set minimum building elevations on the site taking into account the backwater elevations along the various on-site flowways.
- e. Best management practices shall be included on construction plans for development and should be submitted to the City of North Port for review and approval.
- f. All internal stormwater management lakes and ditches and the on-site preserved/enhanced wetland areas shall be set aside as private drainage and/or conservation easements on the recorded final plat. Stormwater lakes shall include where practical, adequate maintenance easements around the lakes, with access to a paved roadway.
- g. During construction activities, the Applicant shall employ best management practices for erosion and sedimentation control. These practices shall be included with or presented on all construction plans and shall be subject to approval by the appropriate agencies prior to their implementation.
- h. Any construction silt barriers or hay bales, and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the applicant or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.
- i. The final stormwater management plan shall consider, as applicable measures to reduce runoff rates and volumes, including but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales shall be used whenever possible, rather than closed systems.
- j. Any shoreline banks created along the on-site stormwater management system shall include littoral zones constructed on slopes consistent with SWFWMD and City of North Port requirements and shall be planted in native emergent or submerging aquatic vegetation. The Applicant shall ensure by supplemental replanting, if necessary, that at least 80% cover by native aquatic vegetation is established within the littoral zone for the duration of the project.
- k. The Applicant shall conduct annual inspections of the Heron Creek Master Stormwater Management System and the preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.
- l. The Applicant shall confirm to the satisfaction of all applicable federal, state, and local review agencies, and SWFWMD, that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species

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DATE: 5-3-12

- potentially occurring on-site or that such impacts shall be mitigated to the benefit of on-site populations of those species.
- m. The Applicant shall participate in any ongoing or future efforts by the City of North Port and Sarasota County to establish a countywide stormwater management system.
 - n. Ditch and swale slopes shall be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with grass or other appropriate vegetation.
 - o. The vegetated stormwater treatment areas shall be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches, or swales, or which may interfere with the normal flow of water through discharge structures and underdrain systems, shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be replaced immediately.
 - p. Underdrain systems and grease baffles, if utilized within the Heron Creek DRI, shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.
 - q. Stormwater management system maintenance requirements shall include removal of any mosquito productive nuisance plant species (e.g. water lettuce, water hyacinth, and primrose willows) from all system nodes reaches and percolation basins as well as from the lake littoral zones employed in the system.
 - r. To the extent consistent with applicable stormwater management system and environmental regulations, any isolated wading bird pools constructed in lake littoral zones shall be excavated to a depth which provides aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*.
 - s. The Applicant shall comply with all commitments made in the ADA and subsequent sufficiency round information related to General Project Description, Wetlands, Water, Soils, Floodplains, and Stormwater Management which are not in conflict with the above recommendations.

5. Transportation

- a. The applicant or his successor or assigns shall be fully responsible for the site related roadway and intersection improvements required within Heron Creek DRI. The applicant shall be required to pay the full cost for any site related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by the City of North Port for the projects access intersections onto Appomattox Drive, Sumter Boulevard, or Price Boulevard. The site access points shall be located and developed consistent with the City of North Port access management standards and permit requirements.
- b. Based on the transportation assessment of significant project impacts, the following process shall determine what regionally significant transportation improvements shall be required prior to or coincidental with development of the Heron Creek DRI, if adopted level of service conditions are to be maintained through Phase III (2011) on regional roadway segment and intersections.

Prior to any building permits for development exceeding those identified in Phase I plus Phase II land uses, or for equivalent development generating 2,177 gross p.m. peak hour external trips, a Traffic Monitoring Study (TMS) shall be undertaken to confirm the

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estimates of the transportation analysis. Prior to undertaking this monitoring study, a meeting shall be held with staff of the SWFRPC, FDOT, and the City of North Port. The purpose of the meeting will be to identify the scope and procedures to be utilized in this study. At a minimum, the TMS shall contain p.m. peak hour/peak season trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed below and a calculation of the existing peak season level of service at these intersections and on the road segments indicated below. The levels of service shall be calculated according to current professional standards. The study shall also provide a calculation of the existing levels of service on the facilities and the estimated levels of service and project impact for the next increment for which development approval is desired. The TMS shall also identify any road improvements required to meet existing adopted level of service thresholds. Further, the study shall address the issues identified by all applicable review agencies in the SWFRPC staff assessment report. Specifically, the study shall confirm the allocation of traffic signal green time on US 41 and that roads ability to continue to meet traffic demands for the project phases through Phase III.

Regional Roadways

I-75 Kings Highway to Toledo Blade Blvd.
 I-75 Toledo Blade Blvd. to Sumter Blvd.
 US 41 North Port Blvd to Pan American Blvd
 US 41 Biscayne Drive to Ortiz Blvd.
 US 41 Toledo Blade Blvd to Enterprise

Regional Intersections

I-75/Kings Highway (all ramps)
 I-75/Toledo Blade Blvd. (all ramps)
 I-75/Sumter Blvd. (all ramps)
 US 41/North Port Blvd.
 US 41/Pan American Blvd.
 US41/Biscayne Drive
 US41/Ortiz Blvd
 Price Blvd./Sumter Blvd.
 Price Blvd./Salford Blvd.
 Appomattox Dr./North Port Blvd.
 Appomattox Dr./Sumter Blvd.

The transportation impacts to the roads and intersections above shall be appropriately addressed consistent with Southwest Florida Regional Planning Council policies and the determination of proportional share and/or pipelining of the regional road improvements shall be in accordance with Section 163.3220 F.S., which requires a Local Government Development Agreement.

- c. The applicant is eligible to apply for impact fee credits pursuant to Chapter 380.06 Florida Statutes and the City of North Port, Ordinance No. 2000-4, as may be amended, and the applicant may receive credits as authorized by the Ordinance. Further impact fee payments made prior to the time at which proportionate share payments are due, if

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 DATE 5/3/12
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mitigation (described below) is selected, shall be held in escrow by the City of North Port and applied against the proportionate share payment.

1. *Funding Commitments.* For the purpose of this order, funding commitments shall be defined in Section 9J.2.045 (7)a1 FAC. The improvements listed in the table below include roadway link and intersection improvements required for the development of Phase I through III.

**TABLE 1
PHASES I, II AND III (2011)
REQUIRED LINK AND INTERSECTIONS**

LOCATION	IMPROVEMENT	%OF PH I, II & III (OR NET EXTERNAL TRIPS)
Price @ Sumter	Signalize Add EL WL WR, NL NR SL turn lanes	24% (651)
Appomattox @ Sumter	Signalize Add ER NL SR turn lanes	31% (867)
I 75 Sumter to Toledo Blade	Widen to 6 lanes	54% (1 523)
Price @ Salford	Signalize add EL WL NL turn lanes	62% (1 735)
Appomattox @ North Port	Signalize ad RL WL NL turn lanes	76% (2 168)
I 75 Toledo Blade to King Highway	Widen to 6 lanes	98% (2 761)

With each plat or site plan, the applicant shall submit a projection of gross external p.m. peak hour trips anticipated to be generated by the development, included in the plat or site plan, plus any development for which a plat or site plan has been previously approved.

- (a) No building permits shall be issued for land uses that will result in 651 net new external trips until funding commitments are in place for the first improvement identified in Table 1 above.
- (b) No building permits shall be issued for land uses that will result in 867 new external p.m. peak hour trips until funding commitments are in place for the second improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization, as published in the Manual on Uniform Traffic Control Devices are met.
- (c) No building permits shall be issued for land uses that will result in 1,523 net new external trips until funding commitments are in place for the third improvement identified in Table 1 above.
- (d) No building permits shall be issued for land uses that will result in 1,735 net new external trips until funding commitments are in place for the fourth improvement identified in Table 1 above. A traffic control signal shall be

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DATE: 5/2/72
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installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met.

- (e) No building permit shall be issued for land uses that will result in 2,168 net new external trips until funding commitments are in place for the fifth improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met.
- (f) No building permits shall be issued for land uses that will result in 2,761 net new external trips until funding commitments are in place for the sixth improvement identified in Table 1 above.

In the event that funding commitments for the above transportation improvements are not in place, the applicant shall have the option to submit an NOPC to the City, DEO, and the SWFRPC pursuant to Section 380.06(10) Florida Statutes, with updated traffic counts on the impacted roadways that do not have commitments for required transportation improvements. The applicant shall further submit projections of traffic volumes that include the currently approved project development, plus the volumes to be generated from an additional increment of development for which the applicant is seeking approval and future background traffic. If the submittal, as approved by the above agencies shows that the unimproved road will operate at an acceptable level of service, the City of North Port may issue building permits for the requested increment of development.

The funding commitments for the above improvements shall be assessed and reported in the required biennial monitoring report. The City of North Port shall cease issuance of any further building permit if the biennial monitoring report shows that any of the required improvements is no longer funded as defined in Table 1 above.

2. *Proportionate share.* Pursuant to the Development Agreement, Instrument #2006198272, filed with the Clerk of the Circuit Court, Sarasota County, Florida on November 13, 2006, the applicant has chosen the Proportionate Share Option. This option shall only be available if the City of North Port Comprehensive Plan authorizes payment of proportionate share contribution for local and regional significant traffic impacts in accordance with Section 163.3180(12), Florida Statutes, and Rule 9J.2.045(7)a3 FAC. With City of North Port and FDOT approval, the applicant may pay to the City of North Port a proportionate share contribution pursuant to Section 9J.2.045. FAC of those improvement projects listed in Section A below for which funding remains uncommitted. The proportionate share contribution shall be used to improve anyone of the listed impacted roadways for which funding remains uncommitted pursuant to a roadway construction agreement to be entered into between the applicant, City of North Port, and the responsible government agencies (if applicable) subject to the following terms and conditions.

- (a) No further building permits shall be issued by the City of North Port subsequent to the triggering of transportation needs shown in Table 1. Table 1 will be mitigated by the selection of Option 2 until the roadway

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000206
DATE: 5-31-12

construction agreement is executed. Further should the applicant default in the payment of the proportionate share in accordance with the agreement, no further building permits shall be issued until the applicant is in compliance with the agreement.

- (b) The Development Agreement for Proportionate Share Funding for Heron Creek DRI was executed and recorded November 13, 2006, consistent with Sections 163.3220 through 163.3243, Florida Statutes. The Applicant shall abide by all stipulations of said agreement, attached and incorporated as part of this development order.
- (c) The specific nature and scope of the selected improvements shall be set forth in the roadway construction agreement. The roadway construction agreement shall address the timing of the applicant's payments toward design, R-O-W acquisition construction and the selected improvements.
- (d) The proportionate share amount is as set forth in Table 2 (attached and incorporated as part of this development order), in accordance with 9J.21.045(7)3 FAC. The proportionate share has been calculated in Year 2000 dollars. This amount shall be updated at the time of payment in accordance with the FDOT construction Cost Price Trends Index. The proportionate share in Table 2 mitigates the impacts of all development in Phases I, II, and III. If any of the required improvements have been completed prior to the applicant's selection to pay the proportionate share, then the proportionate share amount shall be reduced by deleting the completed road improvement from the proportionate share computation.
- (e) Any delay or change to the proportionate share payment due to a change in the development schedule shall require an analysis of the proportionate share amount as part of any amendment to the build-out date of the development. Payment of the proportionate share does not release the applicant from the obligation to pay impact fees as provided for in the City's Transportation Impact Fee Ordinance; however, the proportionate share is creditable against impact fees in accordance with State law.
- (f) The City of North Port will prepare plans, utilizing their consultant, for the construction of an at-grade shell, or other cost comparable pervious material, pathway within existing City-owned right-of-way along the eastern bank of the Myakkahatchee Creek, from Appomatox Drive to Price Boulevard. These plans will be utilized by the City for the purpose of permitting the pedestrian/bicycle trail through appropriate regulatory agencies as well as for a Major Site and Development Plan Approval by the City. Within 120 days after Major Site and Development Plan Approval by the City, the applicant shall commence construction of the pathway as described above; or should the City elect to construct the pathway, the applicant shall provide funding that is cost comparable to the construction of an at-grade shell pathway. Should the City elect to construct the pathway other than at-grade or utilizing material other than pervious shell, the City shall be responsible for providing funding above the Applicant's contribution as described above.
- (g) The applicant shall promote efficient pedestrian and bicycle movement within the development.

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 DATE: 5/31/12

- (h) The applicant shall help to accommodate any local and/or express transit service, if established by the City of North Port or Sarasota County, through the inclusion of bus stops or other means deemed necessary by the City of North Port or Sarasota County.

6. Vegetation and Wildlife/Wetlands

- a. The Applicant shall comply with all commitments contained in the wildlife and Habitat Management Plan and Scrub Jay Management Plan ("Management Plan") which is incorporated by reference into this Development Order. The Applicant shall also comply with the commitments in the ADA, and subsequent sufficiency round information related to General Project Description, Vegetation and wildlife, and Wetlands to the extent that they are consistent with the Management Plan.
- b. The Applicant must coordinate the location, size, and management plan for the Florida scrub jay preserve, with the US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission.
- c. The conservation easement over wetlands and uplands including the scrub jay preserve will be written to comply with the requirements of Rule 9J-4J (9)(b)3 FAC.
- d. Native habitats will also be preserved as part of the golf course design and the open space requirements.
- e. In accordance with SWFWMD policy, Heron Creek will maintain or enlarge pre-developed contributing areas to each wetland in the post developed condition to the extent possible.
- f. The Mitigation Summary, will serve as a framework for conceptual wetland mitigation approaches for the proposed impacts to 22 acres of wetlands.
- g. A total of 43.56 acres of wetlands (36.2 acres of Freshwater marshes and 7.4 acres of hardwood hammock) will be preserved and enhanced.
- h. There will be a minimum of 16 ± acres of vegetated uplands preserved, plus additional upland acreage associated with the Scrub Jay Preserve to be determined at final development design and layout.
- i. The Applicant will preserve some of the cabbage palm hammocks in place and relocating other portions while attempting to preserve significant oak trees.
- j. The Applicant has recorded a conservation easement for the upland preservation area depicted on the Heron Creek Conservation Easement Upland Preservation Area Location Map.

7. Wastewater Management/Water Supply

- a. The project shall utilize ultra low volume water use plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices and methods consistent with the criteria outlined in the water conservation plan of the public supply permit issued to the City of North Port Utilities Department by SWFWMD.
- b. For the purpose of non-potable and/or reclaimed water conservation, the Heron Creek DRI shall to the extent possible, utilize xeriscape principles in all common landscaped areas and in the landscape design of the golf course and other recreational facilities. Ecologically viable portions of existing (pre-development) native vegetation shall be

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- incorporated into the Development's landscape design to the greatest extent practicable.
- c. The Applicant shall apply for water use permits as required for withdrawals from groundwater, project lakes, and/or other surface water bodies for irrigation or potable use and for any dewatering activities proposed for the construction of on-site lakes and/or road or building foundations.
 - d. At the time of application for SWFWMD Water Use permit for any proposed irrigation system, the Applicant shall provide verification that the proposed plumbing and irrigation system designs meet SWFWMD criteria in effect at that time.
 - e. The Applicant shall comply with the applicant's agreement with the City of North port for the provision of potable water, wastewater treatment, and non-potable water by the City of North Port Utilities Department.
 - f. The requirements for reclaimed water for the Heron Creek development are governed by the Second Developer's Agreement between the City of North Port and the Applicant, dated June 5, 2000.
 - g. Prior to applying for any well permits from Sarasota County, the Applicant shall actively pursue alternative methods for obtaining non-potable water. Such efforts shall include (but are not limited to) cisterns reclaimed, stormwater reclaimed water from a regional resource, off-site canals, or any comprehensive approach that will reduce or eliminate the need for on-site wells.
 - h. The use of reclaimed water pesticides, herbicides, or fertilizers shall be prohibited within on-site wetland buffers and the wetlands they protect. Irrigation systems shall be designed and located so as to ensure that reclaimed wastewater does not contact or enter any open water canal or waterway within or adjacent to the DRI, which is ultimately a tributary to the Myakkahatchee Creek.
 - i. In order to help protect water quality within the Myakkahatchee Creek Watershed and to increase public awareness about local water supply sources and the natural systems that support them, the Applicant shall provide educational materials to property buyers, residents, and businesses within the DRI concerning the proper use and disposal of chemicals and hazardous materials, as well as local and regional water quality issues. Such materials shall include guidelines for homeowners concerning lawn and landscape irrigation and the proper application, handling, and storage of fertilizers, pesticides, herbicides, and other chemicals. The Applicant may use existing publications covering these topics, if such are found to exist and to be suitable for the North Port area. The development shall also participate in any County or City sponsored Amnesty Days program and should consider providing a central site for collection of hazardous materials.
 - j. Temporary septic systems may be utilized in conjunction with construction and sales offices and model homes. Septic systems shall not be allowed on-site other than for construction and sales offices, golf course restrooms, and model homes. All temporary septic systems shall be properly abandoned and/or removed by a licensed septic system firm at the time when permanent or interim wastewater treatment facilities come online.
 - k. All potable water facilities shall be properly sized to supply average and peak day domestic demand, in addition to fire flow demand, at a rate approved by the City of North Port Fire and Rescue District.
 - l. The applicant shall comply with all commitments in the ADA and approved development order.

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m. Potable water for the Heron Creek DRI shall be served by the City of North Port Utilities Department. A Developer's Agreement between the Applicant and the City has been executed for the entire project. The agreement reserves potable water supply for Phase I of the Heron Creek DRI. The Developer's Agreement articulates specific water supply facility upgrades that are the sole responsibility of the applicant.

1. In order to insure that water supply facilities will be in place and available to serve each phase of development no later than the issuance by the City of North Port of a certificate of occupancy or its functional equivalent, the City and the Applicant shall comply with their respective obligations under the Developer's Agreements dated August 31, 1998 and June 16, 2000.
2. The City of North Port Utility Master Plan, dated March 1999, shall serve as the basis for projecting potable water supply demands and allocating appropriate capital expenditures to serve the Heron Creek DRI development. The master plan is incorporated herein by reference.
3. Annually, the City of North Port shall review the Utility Master Plan to ensure consistency with its Capital Improvements Program and the applicable water supply and sewer provisions in the Comprehensive Plan.
4. The City has updated its Utility Master Plan and has included an analysis of existing and future demands, capital expenditures and feasibility of purchasing water from a public regional water source.
5. Annually the City of North Port Utility Department shall prepare a report as to the status of the guaranteed improvements of the water supply improvements. The assessment shall be included in the biennial DRI status report. If the report shows evidence that the needed potable water supply facility improvements are no longer scheduled or guaranteed, the City of North Port will cease to issue building permits until the supply facility improvements return to a guarantee or scheduled status.
6. Should the water supply improvements schedule change or cause delay to the heron Creek DRI approved schedule, the Applicant shall be required to amend the approved development schedule through the Notice of Proposed Change provisions of Section 380.06(19) Florida Statute. This process automatically amends the development order.
7. Nothing herein shall relieve the City or the Applicant of their reciprocal obligations under the Developer's Agreements dated August 31, 1998 and June 16, 2000.

8. Police and Fire Protection

- a. To assure the project does not dilute the delivery of service during the site and development/construction plan approval process, the Applicant shall meet with the North Port Police Department to ensure that security features are incorporated within the project design.
- b. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III, as amended, and the Florida hazardous Materials Emergency Response and Community Right to Know Act of 1988, as amended, shall file hazardous materials reporting applications in accordance with Sections 302, 303, 304 or 311, 312. Applications must be updated annually by each reporting facility.

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- c. Fire protection shall be provided according to existing standards or fire flow criteria promulgated by the City or recommended guidelines developed by the National Fire Protection Association.
- d. The City of North Port Unified Land Development Code requires up to 1,500 G.P.M for residential and up to 4,000 G.P.M. for commercial development. The heron Creek potable water distribution/building fire sprinkler systems shall be designed to meet the City's requirements.

9. Solid Waste/hazardous Waste/Medical Waste

- a. Any business located within the Heron Creek Development which generates hazardous or infectious waste shall be responsible for the temporary storage, sitting, and proper disposal of the waste generated by such businesses. Outside storage of hazardous waste or infectious waste should be prohibited; however, there should be no sitting of hazardous waste storage facilities contrary to the City of North Port Zoning Regulations.
- b. Loading, off-loading, and storage areas for regulated substances shall be curbed and provided with impervious bases, free of cracks and gaps to fully contain spills and leaks.
- c. All hazardous materials shall be handled, stored, and applied in accordance with applicable regulations FAC. Chapter 62.730 is the governing regulation covering hazardous waste which would be applied to any generator who may become a tenant at Heron Creek.
- d. The project shall participate in the City of North Port's recycling program, which at present consists of curbside pickup of recyclable material to aid in the reduction of solid waste sent to the landfill.
- e. The Applicant shall explore the possibility of mulching trees and brush in the land clearing operations to meet on-site needs.

10. General Conditions

- a. All commitments and impact mitigating actions provided by the Applicant in the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.
- b. The development phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval. If development order conditions and applicant commitments incorporated within the development order, ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the development order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue, except as provided in Section 7 and 6.
- c. If the City of North Port, during the course of monitoring the development can demonstrate that substantial changes in the conditions underlying the approval of the development order has occurred or that the Development Order was based on substantially inaccurate information provided by the applicant resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred.

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 DATE 5/31/12

- d. Pursuant to Resolution No. 02-R-15, the Heron Creek Development is to be governed by the design standards set forth in the Heron Creek Pattern Book. Where the Heron Creek Pattern Book is silent or where the regulation may not be specific to an area, the Unified Land Development Code and the Urban Design Standards Pattern Book will govern.
- e. Pursuant to Chapter 380.06(16), the Applicant may be subject to credit for contributions, construction expansion, or acquisition of public facilities to the extent the Applicant is also subject by City ordinances to impact fees or exactions to meet the same needs. The City of North Port and the Applicant may enter into a capital contribution, front ending agreement, to reimburse the Applicant for voluntary contributions in excess of the fair share.

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Return To City of North Port
City Clerk Dept
4970 City Hall Blvd
North Port FL 34286

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2006 NOV 13 09 59 AM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY FLORIDA
ENTILER Receipt # 849852

Exhibit # 2

**DEVELOPMENT AGREEMENT FOR PROPORTIONATE
SHARE FUNDING (HERON CREEK, DRI)**

THIS DEVELOPMENT AGREEMENT (Agreement) is made and entered into this 11th day of July 2005 between the City of North Port, a municipality of the State of Florida (the City) and Marsh Creek Properties Ltd a Florida limited partnership (the Developer') as developer of the Heron Creek development of regional impact (DRI)

RECITALS

A WHEREAS on September 11 2000 the City adopted Ordinance No 2000 13 approving the Heron Creek Development of Regional Impact (DRI) on 831± acres north of Appomattox Drive south of the Snover Waterway east of the Myakkahatchee Creek, west of the Blueridge Waterway abutting Sumter Boulevard approximately two miles south of I-75 more particularly described in Exhibit A attached hereto and

B WHEREAS on February 5 2001 the City adopted Resolution No 2000 13 correcting the legal description in the aforesaid Development Order (collectively Ordinance No 2000-13 and Resolution No 2000-13 shall be referred to as the Development Order') and

C WHEREAS the land is owned by Marsh Creek Properties Inc a Florida corporation, except for those portions that have been heretofore dedicated for public use and individual lots parcels or units that have been heretofore sold to members of the public and

D WHEREAS the Development Order authorized the development of 1 970 residential units (903 single-family and 1 067 multi family units) 500 000 gross square feet of retail/service uses 250 000 gross square feet of office uses 269 38 acres of recreation and open space 27 holes golf buffers and tennis center 44 acres of conservation lands (wetlands and scrub jay habitat) 105 acres of lakes for water management and 5 acres of internal road rights-of-way to be built in four phases by 2017 and

E WHEREAS the Development Order does not restrict population density or height but the maximum height contained in the land development regulations for the subject property is 50 feet and the project is subject to a pattern book that includes design guidelines that dictate urban form and architectural controls for nonresidential development in the Town Center and

F WHEREAS the Development Order contains a description of any reservation or dedication of land for public purposes and



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Page 1 of 8

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G WHEREAS the City permits approved for the development are described in Exhibit B and the parties anticipate that similar permits will be required for future phases of development and

H WHEREAS Sections 163 3220 163 3243 Florida Statutes known as the Florida Local Government Development Agreement Act authorizes local governments to enter into agreements with developers to ensure the provision of adequate public facilities and

I WHEREAS section 163 3180(12) provides that when authorized by a local government comprehensive plan, a multiuse DRI may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and section 380 06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts if specified conditions are met and

J WHEREAS Policy 5 6 of the Future Land Use Element of the City of North Port Comprehensive Plan provides that proportionate share contribution, including pipelining for transportation concurrency projects may be used for projects that meet criteria in Chapter 163 3180(12) Florida Statutes and provides that transportation projects that qualify for proportionate-share/pipelining contributions must be approved by the City of North Port and be approved in an impact fee credit agreement which details the timing, the amount of funding, the administration of the funds and the project costs to be funded and

K WHEREAS the Development Order for Heron Creek DRI authorizes development that exceeds the guidelines and standards of section 380 0651(3)(i) and rule 28 24 032(2) F A C and

L WHEREAS the Development Order authorizes an integrated mix of land uses that is designed to encourage pedestrian or other non automotive modes of transportation, all of which are consistent with the City's comprehensive plan and land development regulations and

M WHEREAS in section 4 7(1) of the Development Order the City and Developer agreed to enter into a developer's agreement pursuant to Sections 163 3220 163 3243 Florida Statutes that will include the four laning of Sumter Boulevard to be completed by the end of Phase 2 (2006) subject to impact fee credits and which may be paid for from the proposed proportionate share contributions outlined in Table 2 of Exhibit B of the Development Order and

N WHEREAS in section 5 d of Exhibit B of the Development Order the City and the Developer were required to mutually elect of one of three traffic impact mitigation strategies provided within the Development Order upon the filing of the first

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annual monitoring report after building permits are issued for development that will generate 651 net new external p m peak hour trips and

O WHEREAS the first annual monitoring report after building permits for development that will generate 651 net new external p m peak hour trips was filed on October 8 2004 estimating that as of December 31 2004 all permitted and platted development at Heron Creek will generate 913 p m peak hour net external trip ends and

P WHEREAS pursuant to Table 1 of section 5 d of Exhibit B of the Development Order the generation of 651 net new external p m peak hour project trips triggered a requirement for improvements to the intersection of Price Boulevard and Sumter Boulevard, which improvements have been completed and

Q WHEREAS pursuant to Table 1 of section 5 d of Exhibit B of the Development Order the generation of 867 net new external p m peak hour project trips triggered a requirement for improvements to the intersection of Appomattox Drive and Sumter Boulevard, which are presently under contract and

R WHEREAS pursuant to Table 1 of section 5 d of Exhibit B of the Development Order the generation of 1 523 net new external p m peak hour project trips will trigger a requirement for widening Interstate 75 to six lanes from Appomattox Drive to Toledo Blade and

S WHEREAS a proportionate-share calculation has been undertaken pursuant to the methodology specified in s 163 3180(12) Florida Statutes for the Heron Creek DRI indicating that the Developer s proportionate share for impacts resulting from project development generating up to 2 760 net external p m peak hour trip ends will be \$2 085 366 in 2005 dollars and is projected to increase at a rate of approximately 3 5% per year and

T WHEREAS section 5 c of Exhibit B of the Development Order provides that the Developer is eligible to apply for impact fee credits pursuant to Chapter 380 06 Florida Statutes and the City of North Port Ordinance No 2000-4 as it may be amended and the Developer may receive credits as authorized by the Ordinance and provides that impact fee payments made prior to the time at which proportionate share payments are due if the proportionate share mitigation option is selected shall be held in escrow by the City and applied against the proportionate share payment and

U WHEREAS through April 30 2005 the Developer directly or through its unit purchasers had paid the City \$1 322 131 11 in transportation impact fees which the City has accepted and applied to the costs associated with the improvements to the intersections of Price and Sumter and Appomattox and Sumter as described above and

V WHEREAS it is anticipated that through project buildout the Developer directly or through its unit purchasers will pay an additional \$ 5 378 679 32 in transportation impact fees which sum will be insufficient to pay for the widening of

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Interstate 75 from Sumter Boulevard to Toledo Blade and furthermore there is no project for such improvement contained in the current Florida Department of Transportation (FDOT) work program to which the remaining proportionate share could be applied and

W WHEREAS pursuant to Table 1 of section 5 d of Exhibit B of the Development Order the generation of between 1 735 and 2 168 new external p m project trips will trigger a requirement for intersectional improvements at Price Boulevard and Salford Road and Appomattox Road and North Port Boulevard although more recent traffic analysts demonstrates that such improvements will not be needed within the foreseeable future and

X WHEREAS the City has heretofore completed the widening of Sumter Boulevard from Interstate 75 to Sylvania Boulevard from two lanes to four lanes and proposes to construct the segment between Sylvania Boulevard and U S 41 (the Sumter Phases 2 and 3 Project) in Fiscal Year 2006 07 at an estimated cost of \$31 154 417 (\$12 899 767 for Phase 2 and \$18 254 650 for Phase 3) and

Y WHEREAS by this Development Agreement the parties desire to select the proportionate share option in order to allow the Developer to pipeline its remaining proportionate-share contributions to the Sumter Phases 2 and 3 Project and to allow the Developer to apply impact fees toward such proportionate share contribution and

Z WHEREAS on June 16 2005 the City of North Port Planning and Zoning Advisory Board (PZAB) held a duly advertised public hearing on this Agreement and received all pertinent evidence and the testimony of the general public and recommended approval of this Agreement to the City Commission

AA WHEREAS on June 27 2005 the City Commission of the City of North Port held a duly noticed public hearing on the Agreement and received all pertinent evidence and the testimony of the general public

BB WHEREAS the proceedings herein related to this Agreement have been conducted in compliance with the provisions of Section 163 3225 Florida Statutes

NOW THEREFORE in consideration of the mutual promises and covenants set forth herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged by each party the parties agree as follows

Section 1 Recitals True and Correct The recitals set forth above are true and correct and are incorporated herein by reference

Section 2 Nature of Agreement This Agreement shall constitute


(a) An impact fee credit agreement within the meaning of Policy 5 6 of the Future Land Use Element of the North Port Comprehensive Plan

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(b) A roadway construction agreement within the meaning of section 5 d 2 of Exhibit B of the Development Order and

(c) A developer's agreement within the meaning of ss 163 3220 163 3343 Florida Statutes

Section 3 Selection of Proportionate Share Option, Liquidation/Adjustment of Amount

 (a) The parties hereby select the proportionate share option set forth in section 5 d 2 of Exhibit B of the Development Order as further described and administered as outlined below

(b) The Developer's proportional share contribution is determined to be \$2 085 366 in 2005 dollars and is projected to increase at a rate of approximately 3 5% per year provided however that at such time as Developer applies for building permits for land uses that will result in net new external trips of 1 523 the proportionate share amount shall be adjusted to reflect then current construction costs based upon the FDOT's Construction Cost Price Trends Index

Section 3 City's Obligation to Construct Roadway The City shall construct the Sumter Phases 2 and 3 Project in Fiscal Year 2006-07

Section 4 Impact Fee Credits

(a) The Developer either directly or through its unit purchasers shall continue to pay transportation impact fees as certificates of occupancy are issued for development within the Heron Creek DRI and the City shall apply these payments against the Developer's proportionate share adjusted in accordance with subsection 2 (b) above until the proportionate share is fully paid

(c) In accordance with Exhibit B Section 5 c of the Development Order the City shall establish a general ledger account in its financial accounting system to specifically account for and track transportation impact fees paid for development with the Heron Creek DRI and to account for and track any disbursements of those fees toward the Sumter Phases 2 and 3 Project

(d) The City shall apply the proportionate share/advanced transportation impact fee payment to the design, permitting, right-of-way acquisition (if needed) for the construction of the Sumter Phases 2 and 3 Project

(e) The Developer's proportionate share obligation shall be deemed fully satisfied at any time that the cumulative impact fees paid exceeds the proportionate share associated with the desired level of development approval. If at any time the cumulative impact fees paid are insufficient to defray the proportionate share due the Developer shall prepay an amount sufficient to cover the deficiency which prepayment shall be credited against future transportation impact fees payable

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Section 5 Consistency with City Regulations This Agreement is consistent with the City comprehensive plan, land development regulations and the Development Order

Section 6 Other Permits The failure of this Agreement to address a particular permit condition, term or restriction shall not relieve the Developer of the necessity of complying with the appropriate law governing such permitting requirements conditions terms or retractions

Section 7 Term The term of this Agreement shall be ten years for the Effective Date as defined herein This term may be extended or modified as provided for under Section 163 3229 Florida Statutes

Section 6 Conditions, Terms, Restrictions The Development Order as augmented by this Agreement contains all conditions terms restrictions or other requirements determined to be necessary by the City for the public health, safety or welfare of its citizens

Section 7 Biannual Monitoring Report The Developer is required by the Development Order to file a biannual monitoring report As part of that report, the Developer shall include information regarding its compliance with the Developer's obligations under this Agreement and the extent of impact payments that have been applied toward the proportionate share obligation for the previous reporting period and to date

Section 8 Amendment or Cancellation This Agreement may be amended or cancelled only by mutual consent of the parties hereto or by their successors in interest

Section 9 Entire Agreement, Successors and Assigns

(a) This Agreement represents the entire agreement between the parties hereto and no prior or present agreements or representations shall be binding upon any of the parties hereto unless specifically incorporated by reference whether such prior or present agreements have been made orally or in writing No modification, change or extension of the terms or provisions of this Agreement shall be valid or binding upon any of the parties unless in writing and executed by the parties to be bound thereby

(b) Notwithstanding subsection (a) above the failure of this Agreement to address a particular permit condition, term, or restriction shall not relieve Developer of the necessity of complying with the law governing said permitting requirements conditions term, or restriction

(c) The benefits and obligations recited under this agreement shall run with the land and are transferable to any future successors heirs or assigns without the necessity for written authorized consent of the other party

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Section 10 Notices Any notice provided by the parties under the terms of this Agreement shall be deemed given or served pursuant to this paragraph. Notices shall be personally delivered or mailed by United States registered or certified mail return receipt requested postage prepaid properly addressed as follows

To the City City Manager
 City of North Port
 5650 North Port Boulevard
 North Port, Florida 34287 31103

To the Developer Controller
 Heron Creek Golf & Country Club
 5301 Heron Creek Boulevard
 North Port Florida 34287

Section 11 Partial Invalidity If any part of this Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect provided that the part of this Agreement thus invalidated or declared unenforceable is not material to the intended operation of this Agreement.

Section 12 Enforcement The parties any aggrieved or adversely affected person as defined in Section 163 3215(2) Florida Statutes or the Department of Community Affairs may file an action for injunctive relief in the circuit court to enforce the terms of this Agreement or to challenge compliance of this Agreement with Sections 163 3220 163 3243 Florida Statutes

Section 13 Recording and Transmittal by Clerk Within fourteen days after the Effective Date of the Agreement the City Clerk shall record the Agreement with the Clerk of the Circuit Court for Sarasota County Florida, and within fourteen days after it is recorded the City Clerk shall submit a copy of it to the Florida Department of Community Affairs

Section 14 Effective Date This Agreement shall become effective thirty days after a recorded copy of same has been received by the Florida Department of Community Affairs

Section 14 Exhibit to Development Order This Agreement shall be attached as an exhibit to any future amendment to the Development Order pursuant to the requirements of 380 06(19)e(2)

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first above stated

THE CITY OF NORTH PORT, FLORIDA

By

Richard A. Lockhart
RICHARD A. LOCKHART
Chairman

ATTEST

Helen Rambeau
Helen Rambeau City Clerk

Approved as to form and correctness

Robert K. Robinson FOR
Robert K. Robinson, City Attorney

MARSH CREEK HOLDINGS, LTD

By Marsh Creek Properties Inc
a Florida corporation
As General Partner

By

Michael Hartenstine
Michael Hartenstine
As its Vice President

WITNESSES

Judith Starr
Signature of Witness

Jim Guehbold
Signature of Witness

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TABLE 2
HERON CREEK DRI
Proportional Share Calculation
Revised 07-16-00

Location	Year 2011 PM Peak Hr Background Traffic (vph)	Year 2011 PM Peak Hr Proj + Bkgd Traffic (vph)	Year 2011 PM Peak Hr Project Traffic (vph)	Year 2011 PM Peak Hr Flow Rate (pcph)	Year 2011 Avail Capty (pcphpl)	Year 2011 Remaining Cap. (pcphpl)	Year 2011 Avail Capty After improv. (pcphpl)	Year 2011 Avail Capty After Signaln only (pcphpl)	Year 2011 Added Capacity (pcphpl)	% Proj Traffic / Added Cap	Cost of Mitigation (\$)	Project Proportional Share (\$)
ce/Salford Intersection	759	1,419	690	1825	2076	251	3854	2809	1578	43.71%	\$127,350.00	\$55,658.73
ce/Sumter Intersection	1013	2,132	1,119	2813	1972	-841	4062	1435	2090	53.56%	\$157,350.00	\$84,278.82
pomatox/North Port Int.	299	1,447	848	1755	3658	1903	4234	No Signal	576	147.16%	\$15,000.00	\$22,074.74
pomatox/Sumter Int.	867	1,769	902	2303	2389	86	4012	1887	1643	54.91%	\$127,350.00	\$69,928.56
Total Intersections												\$234,940.65

Location	Year 2011 Proj Traffic (vph)	Added Capacity (pcphpl)	% Project Trips / Added Cap	Cost per Mile (Millions)	Length (mi.)	Cost of Mitigation (\$)	Project Proportional Share (\$)
Kings Hwy to Toledo Bl.	230	2500	9.20%	\$3.018	9.4	\$28,369,200.00	\$2,609,566
Toledo Bl. to Sumter Bl.	423	2500	16.94%	\$3.018	3.0	\$9,054,000.00	\$1,533,530
Total Road Links							\$4,143,097

Total Proportional Share: **\$4,375,437**

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City of North Port

ORDINANCE NO. 2000-13

(Development Order for Heron Creek, a Development of Regional Impact)

A ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ISSUING THE DEVELOPMENT ORDER FOR THE DEVELOPMENT OF REGIONAL IMPACT (DRI) KNOWN AS HERON CREEK; PROVIDING FOR FINDINGS AND CONCLUSIONS OF LAW; PROVIDING FOR INCORPORATION OF THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA) INTO THE DEVELOPMENT ORDER; PROVIDING FOR THE APPROVAL OF THE HERON CREEK DRI WITH CONDITIONS; PROVIDING FOR THIS ORDINANCE TO BE DEEMED THE DEVELOPMENT ORDER; PROVIDING FOR BUILDOUT AND DEVELOPMENT ORDER TERMINATION DATES FOR THE HERON CREEK DRI; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SERVICE AND RECORDING; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR RELATIONSHIP TO OTHER REGULATIONS; AND PROVIDING FOR CONSENT TO THE PROVISIONS OF THE ORDINANCE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1. Findings of Fact and Conclusions of Law. The City Commission of the City of North Port, Florida hereby make the following findings of fact and conclusions of law:

1.1 On November 7, 1996 Marsh Creek Properties, Inc., through its authorized agent, Betsy Benac, submitted to the City of North Port, Florida, the Southwest Florida Regional Planning Council (SWFRPC), and to the Division of Resource Planning and Management of the Florida Department of Community Affairs (DCA) an application for development approval ("ADA") in accordance with Section 380.06, Florida Statutes, for approval of a development of regional impact ("DRI") to be known as "Marsh Creek DRI" (now known as "Heron Creek") located in the incorporated City of North Port within Sarasota County north of Appomattox Drive, south of the Snover Waterway, east of the Myakkahatchee Creek, west of the Blueridge Waterway, abutting Sumter Boulevard, and approximately two miles south of I-75.

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1.2 The ADA was subsequently amended to add additional lands; to add an additional applicant, Renea M. Glendinning, as Trustee, the owner of the additional lands; to modify the conceptual site plan and the mix of proposed uses; and to change the name of the project to "Heron Creek DRI",

1.3 The ADA, as amended, proposes 1,970 residential units (903 single-family and 1,067 multi-family units), 500,000 gross square feet of retail/service and 250,000 gross square feet of office, 269.38 acres of recreation and open space, 27 holes of golf, buffers and tennis center, 44 acres of conservation lands (wetlands and scrub jay habitat), 105 acres of lakes for water management and 5 acres of internal road rights-of-way, on a project site containing a total of 831.38 acres more particularly described in Exhibit "A".

1.4 The Applicant has heretofore undertaken a limited amount of the development pursuant to a preliminary development agreement(s) in accordance with Section 380.06(8), Florida Statutes.

1.5 Pursuant to Section 380.06(11), Florida Statutes, public hearing notice for hearings on said ADA before the City Commissioners of North Port were duly published in the North Port *Sun-Herald* on May 17, 2000 and were duly provided to the Florida Department of Community Affairs (DCA), the Southwest Florida Regional Planning Council and other persons designated by DCA rules.

1.6 On June 17, 2000, in accordance with Section 380.06(12), Florida Statutes, the SWFRPC rendered its report and recommendations on the regional impact of the proposed Heron Creek DRI.

1.7 On August 17, 2000 the City of North Port Planning and Zoning Advisory Board ("PZAB") held a duly noticed public hearing on said ADA and received all pertinent evidence, including the SWFRPC report and recommendation and the testimony of the general public, and recommended approval of the ADA for the Heron Creek DRI subject to certain conditions as contained in the recommendation to the City Commission.

1.8 On August 28 and September 11, 2000, The City Commission of the City of North Port held duly noticed public hearings on the ADA and received all pertinent evidence, including the reports and recommendations of the SWFRPC and the PZAB, and the testimony of the general public.

1.9 The proceedings herein relating to the Heron Creek DRI ADA have been conducted in compliance with the provisions of Chapter 380.06, Florida Statutes; and all conditions precedent to the granting of development approval required by Chapter 380.06, Florida Statutes, have occurred.

1.10 The proposed development is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

1.11 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan.

1.12 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan.

1.13 The proposed development, subject to the conditions imposed herein, is consistent with the North Port Comprehensive Plan and does not appear to conflict with other local land development regulations.

1.14 The proposed development, subject to the conditions imposed herein, is consistent with the report and recommendation of the SWFRPC pursuant to Section 380.06 (12), Florida Statutes.

1.15 When developed in accordance with the conditions imposed by this Development Order, the Heron Creek development:

(a) will have a favorable impact on the environment and natural historical resources in the area;

(b) will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;

(c) will efficiently use water, sewer, solid waste disposal, public school facilities, and other necessary public facilities;

(d) will effectively use public transportation facilities;

(e) will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment; and

(f) will comply with such other criteria for determining regional impact as the regional planning agency deems appropriate, including but not limited to, the extent to which the development would create additional demand for, or additional use of, energy.

SECTION 2. Incorporation of Application for Development Approval (ADA) and Associated Documents in the Development Order.

2.1. the following information, commitments and impact mitigating provisions submitted by the Applicant are hereby incorporated in this Development Order by reference:

- i. Heron Creek's Application for Development Approval;
- ii. Heron Creek's First Response to Sufficiency Comments;
- iii. Heron Creek's Second Response to Sufficiency Comments, incorporating Amended Application for Development Approval;
- iv. February 29, 1999 Supplemental Transportation Analysis
- v. Transportation Responses to Agency Questions re: Supplemental Transportation Analysis
- vi. Heron Creek's Application for Comprehensive Plan Amendment.
- vii. Scrub Jay Management Plan

2.2. In construing and enforcing the provisions of the documents incorporated in this Development Order by Subsection 2.1. above, the following shall apply:

(a) The most recent response of the Applicant in the above referenced documents shall control over any previous response, wherever there is a conflict, otherwise the responses shall be considered cumulative.

(b) Any information, commitments or impact mitigating provisions in the above referenced documents which are inconsistent with the specific conditions set forth in this Ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.

SECTION 3. Approval of the Heron Creek Development of Regional Impact with Conditions.

3.1 The ADA for the Heron Creek DRI is hereby approved for the following land uses and phases, subject to the conditions contained in herein, consistent with Preliminary Master Plan, Map H, dated February 2000, and subject to the other provisions of the Development Order:

Land Use	Phase I (‘97-2001)	Phase II (‘02-2006)	Phase III (‘07-2011)	Phase IV (‘12-2017)
Residential: Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential: Multi Family (LUC 220)	125 DU	471 DU	471 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		12 Courts		
Medical/Professional (LUC 720)		80,000 GLA	50,000 GLA	
Office: General (LUC 710)		65,000 GLA	55,000 GLA	
Retail: Shopping Center (LUC 820)	90,000	122,500 GLA	150,000 GLA	137,500 GLA

3.2 The City of North Port Department of Planning is hereby designated as the local government department responsible for monitoring the development, enforcing and monitoring the terms of the Development Order and for receiving the annual report required by Chapter 380.06, Florida Statutes.

3.3 Annual Report Requirements:

The Applicant shall submit an annual report pursuant to the requirements of Chapter 380.06(18), Florida Statutes, Chapter 9J-2.025(7), Florida Administrative Code (F.A.C.) and procedures established by the Southwest Florida Regional Planning Council. This report shall be submitted on the anniversary of the effective date of the Development Order or on such other date as agreed upon by the Applicant, City of North Port, the Southwest Florida Regional Planning Council, and the Department of Community Affairs until and including, such time as all terms and conditions of the Development Order are satisfied, unless otherwise specified herein. The date upon which the annual report is required to be submitted may be established to coincide with the same date upon which the Heron Creek annual report is required to be submitted. The Applicant shall submit this annual report to the City of North Port Planning Department, the Southwest Florida Regional Planning Council (SWFRPC), the Department of Community Affairs (DCA), and all affected permitting agencies required by law on Form RPM-BSP-Annual Report-1, as the same may be amended from time to time. The annual report shall contain all information required by Rule 9J-2.025(7)(a) through (j), F.A.C., as the same may be amended from time to time.

Upon notification that the annual report is not received by the Southwest Florida Regional Planning Council (SWFRPC), the Department of Community Affairs (DCA), or upon non-receipt of the annual report by City of North Port, City of North Port shall request in writing that the Applicant submit the report within thirty (30) days. Failure to

submit the report after 30 days shall result in City of North Port temporarily suspending this Development Order, and no new development permit applications shall be granted within the development until the requirements of this subsection are met.

3.4 The Applicant shall submit to the City of North Port Planning Department any monitoring reports specified in the conditions contained in Exhibit B. The director of the community development department for the City of North Port shall be the local official responsible for assuring compliance by the Applicant with this Development Order.

SECTION 4. Additional Local Conditions

- 4.1 The Heron Creek DRI is partially located in Activity Center #2 identified in the Comprehensive Plan, adopted November 10, 1997, Ordinance No. 97-27 (as amended). All nonresidential development (except the golf course, clubhouse and fitness center) will be located in the Town Center, a subcategory of Activity Center #2. The Town Center is designated as a mixed-use, pedestrian-oriented development. By February 2001, the applicant agrees to submit to the City of North Port Community Development Department, a draft pattern book that includes design guidelines that dictate urban form and architectural controls for nonresidential development in the Town Center. The pattern book will also address the urban form for the City of North Port's civic development in the northeast quadrant of Price and Sumter. After sufficient staff and public review, the City of North Port will adopt the pattern book.

The applicant has submitted plans for a grocery store to be located in the southwest quadrant of Price and Sumter. This grocery store is exempt from the design guidelines.

- 4.2 The applicant shall construct a maximum of four (4) sheltered bus stops. The first bus shelter shall be constructed concurrent with the proposed grocery store identified in 4.1 above. All other shelter locations to be mutually agreed upon between the City and the applicant. Applicant not responsible for any shelters in the City of North Port's civic development.
- 4.3 All roads in the Heron Creek DRI are private. If the applicant seeks approval to transfer jurisdiction from applicant/homeowner's association to the City of North Port, a public hearing shall be held and this Ordinance amended.
- 4.4 Open swales shall not be allowed in the right-of-way for Price and Sumter Boulevards when they are improved or expanded in the Town Center. This requirement shall not preclude use of open swales in other areas of the Heron Creek development.

- 4.5. The applicant shall promote efficient pedestrian and bicycle movement within the development. This shall be achieved through the design of bike lanes, shade trees and provisions for bicycle racks in the Town Center. Bike lanes will be designed to be either on-street, off-street or other design acceptable to the City of North Port.
- 4.6. The applicant shall provide sidewalks along both sides of Price and Sumter Blvd(s), within the project limits by the last day of the calendar year 2003, with the exception of the sidewalk on the east side of Sumter, which shall be constructed no later than adjacent commercial development. If these road sections have not been designed for improvements, the applicant shall be able to put in sidewalk sections that can be replaced at a later date. An example is asphalt. The applicant shall put in permanent sidewalks when Price and Sumter are improved.
- 4.7 The applicant and the City of North Port will enter into a developer's agreement that includes the following projects, time frames and funding commitments. For purposes of this condition, it is assumed that North Port Blvd. extension is not required and has been deleted from the Future Circulation Map of the City of North Port Comprehensive Plan.
- (1) Sumter Blvd. (4-lane adjacent to the proposed development). Sumter Boulevard 4-laning may be subject to impact fee credits, and may be paid for from the proposed proportionate share contributions outlined in Table 2 of Exhibit "B". Project substantially complete by the end of Phase II (2006).
 - (2) If the transportation analysis to be completed for Phase IV indicates that 4-laning of Price Boulevard is warranted due to existing or expected traffic from the development, revise the development agreement to provide for 4-laning Price Boulevard adjacent to the proposed development prior to the completion of phase IV (2017).
 - (3) Provided that the transportation analysis to be completed showing the addition of two lanes to Sumter does not reduce the expected additional traffic on Pan American Boulevard from the development below 5%, the applicant agrees to pay a proportionate share of the traffic calming improvements proposed by the city.
- 4.8 The right-of-way for the North Port Blvd. extension shall be designed as a public pedestrian and bicycle corridor from Price Blvd. to Appomattox Dr. and shall be incorporated into the Myakkahatchee Creek project. This right-of-way shall include a stabilized access for public safety vehicles, shall be approved by the City, and shall be

constructed prior to the last day of the calendar year 2003. After the improvements are complete, the applicant shall convey to the City fee simple title for the 50 feet of right-of-way. The ROW shall be used exclusively for a greenway/bicycle and pedestrian pathway.

- 4.9 The Public Works Director shall approve all access points to Price and Sumter Blvds.

SECTION 5. Ordinance as Development Order. This Ordinance shall be deemed the Development Order required pursuant to Section 380.06, Florida Statutes, for the Heron Creek Development of Regional Impact.

SECTION 6. Build-out and Development Order Termination Dates for the Heron Creek Development of Regional Impact

6.1 The build-out date of this Development Order is December 31, 2017, provided, however, additional analyses may be required in accordance with the provisions contained in Exhibit B.

6.2 The Heron Creek Development Order shall remain in effect until December 31, 2017.

SECTION 7. Enforcement

7.1 All conditions, restrictions, requirements, commitments and impact mitigating provisions contained or incorporated by reference in this Development Order may be enforced by City of North Port by action at law or equity.

7.2 In the event it is determined by the City Commission of the City of North Port, after notice and hearing, that the Applicant has failed to comply with any conditions, restrictions, requirements or impact mitigating provisions contained or incorporated by reference in this Development Order, the City Commission may temporarily suspend the Development Order during which no development permit applications shall be granted within the development until compliance is achieved.

7.3 The obligations of this Development Order shall run with the land. The Applicant is bound by the terms of this Development Order so long as it owns such property. This Development Order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest thereto, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

SECTION 8. Severability

8.1 If any section, sentence, clause, phrase or word of this Development Order is for any reason held or declared to be invalid, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Development Order and it shall be construed to have been the intent to pass this Development Order, without such invalid or inoperative part herein, and the remainder, exclusive of such part or parts, shall be deemed and held to be valid as if such parts had not been included herein, unless to do so would frustrate the intent of this Development Order.

SECTION 9. Service and Recording

9.1 This Ordinance shall be binding upon the Applicant, its successors and assigns and upon City of North Port. Notice of the adoption of this Ordinance shall be recorded by the Applicant in accordance with Section 380.06(15)(f), Florida Statutes.

9.2 The City of North Port Clerk shall certify the date upon which certified copies of this Ordinance are deposited in the U.S. Mail for DCA, the SWF RPC, and the Applicant.


SECTION 10. Effective Date This Development Order shall take effect upon execution of the consent provided for in Section 11 of this Ordinance and transmittal of the copies of said Development Order to the parties specified in Section 380.07(2), Florida Statutes, the expiration of any appropriate appeal period, or the resolution of any appeal, whichever is later.

SECTION 11. Relationship to Other Regulations

11.1 This Development Order shall not be construed as an agreement on the part of City of North Port to exempt the Applicant, its successors and assigns, from the operation of any ordinance or other governmental regulation now in effect or hereafter adopted by City of North Port for the purpose of protection of public health, welfare and safety, which said Ordinance or regulation shall be generally and equally applicable throughout City of North Port, and which said Ordinance or regulation does not impair or otherwise frustrate the Development herein approved.

11.2 This DRI shall not be subject to down-zoning, unit density reduction or intensity reduction prior to December 31, 2017, unless City of North Port can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Applicant or that the change is clearly established by City of North Port to be essential to the public health, safety, or welfare.

CERTIFIED
DATE: 5/3/12

11.3 Prior to the first building permit issued for Phase II, the applicant shall pay all application fees in accordance with Ordinance 96-14. 

SECTION 12. Consent to Provisions of Ordinance

12.1 The Applicant, by signing this document in the space hereinafter provided, signifies its approval of, and assent to, the provisions of this Development Order. Such signature shall also constitute a certification by the Applicant that it has delivered to the Southwest Florida Regional Planning Council and the Department of Community Affairs a complete copy of all documents specified in Section 2.2.1 above.


PASSED AND DULY ADOPTED by the City of North Port, Florida this 11th day of September, 2000.

THE CITY OF NORTH PORT, FLORIDA

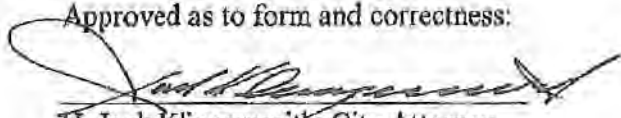
By: 

JOSEPH E FINK, COMMISSIONER
Chairman

ATTEST:

for 
Doris J. Briggs, City Clerk

Approved as to form and correctness:


H. Jack Klingensmith, City Attorney

MARSH CREEK HOLDINGS, LTD., a Florida limited partnership, and **RENEA M. GLENDINNING**, as Trustee, under Trust Agreement dated April 30, 1988 hereby warrant that they are the owners in fee simple of all the real property described in Exhibit "A," attached hereto, and that they have reviewed, approve, and assent to all the terms, conditions and provisions of the foregoing Development Order including all attachments thereto, which Development Order is also described as City of North Port Ordinance No. 2000-13, and acknowledge that the same are binding upon the partnership, its successors and assigns and shall constitute covenants running with the property described in Exhibit "A." ✓

WITNESSES:

William C. Schlotthauer
 Signature of Witness
William C. Schlotthauer
 Print Name of Witness
Lizabeth Berg
 Signature of Witness
Lizabeth Berg
 Print Name of Witness

MARSH CREEK HOLDINGS, LTD.

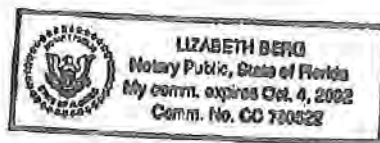
By: Marsh Creek Properties, Inc.,
 a Florida corporation,
 As General Partner

By: J. Michael Hartenstine
 J. Michael Hartenstine
 As its Vice President

STATE OF FLORIDA
 COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 14th day of September 2000 by J. Michael Hartenstine, as Vice President of Marsh Creek Properties, Inc., a Florida corporation and general partner of Marsh Creek Holdings, Ltd., a Florida limited partnership, on behalf of the corporation and the partnership. The above-named person is personally known to me or has produced _____ as identification.

(NOTARY SEAL)



Lizabeth Berg
 Signature of Notary Public
Lizabeth Berg
 Print Name of Notary Public

I am a Notary Public of the State of Florida,
 and my commission expires on 10-4-02.

Michelle Studaker
 Signature of Witness
Michelle Studaker
 Print Name of Witness
Lizabeth Berg
 Signature of Witness
Lizabeth Berg
 Print Name of Witness

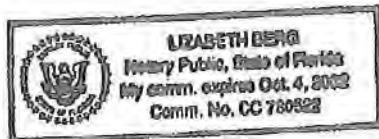
Renea M. Glendinning
 Renea M. Glendinning, as Trustee
 Under Trust Agreement dated April 30, 1998

CERTIFIED
HAR
 DATE: 5-31-12

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 15th day of September 2000 by Renea M. Glendinning, as Trustee under Trust Agreement dated April 30, 1998. The above-named person is personally known to me or has produced _____ as identification.

(NOTARY SEAL)



Elizabeth Berg
Signature of Notary Public
Elizabeth Berg
Print Name of Notary Public

I am a Notary Public of the State of Florida,
and my commission expires on 10-4-02.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a certified copy of the foregoing Development Order was deposited in the U.S. Mail to the Florida Department of Community Affairs, the Southwest Florida Regional Planning Council, and Marsh Creek Properties, Inc., this 18th day of September 2000.

Helen M. Pambian
Deputy Clerk

✓
CERTIFIED
HMR
DATE: 5-31-12

2750.00 FEET, A CENTRAL ANGLE OF $03^{\circ}42'18''$, A CHORD BEARING OF $S.83^{\circ}52'12''W.$ AND A CHORD LENGTH OF 177.80 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 177.83 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE $S.82^{\circ}01'03''W.$, ALONG SAID NORTH LINE A DISTANCE OF 335.74 FEET TO THE NORTHWEST CORNER OF SAID 56TH ADDITION; THENCE $S.82^{\circ}01'01''W.$, ALONG THE NORTH LINE OF SAID NORTH PORT BLVD. AS PLATTED IN SAID 52ND ADDITION A DISTANCE OF 947.20 FEET; THENCE $N.08^{\circ}00'00''W.$, ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 955.00 FEET; THENCE $S.82^{\circ}00'00''W.$, ALONG THE NORTH LINE OF BLOCK 2653 A DISTANCE OF 365.00 FEET; THENCE $N.08^{\circ}00'00''W.$, ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 630.90 FEET; THENCE $S.82^{\circ}00'00''W.$, A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF LOT 39 IN SAID BLOCK 2653; THENCE $S.08^{\circ}00'00''E.$, ALONG AND EXTENDING THE WEST LINE OF SAID LOT 39 A DISTANCE OF 175.00 FEET TO THE CUL-DE-SAC CENTER AT THE NORTH END OF FLEETWAY ROAD (50 FEET WIDE); THENCE $S.07^{\circ}57'17''E.$, ALONG THE CENTERLINE OF SAID FLEETWAY ROAD A DISTANCE OF 605.90 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF CAMERO STREET (50 FEET WIDE); THENCE $S.82^{\circ}00'00''W.$, ALONG SAID CENTERLINE OF CAMERO STREET A DISTANCE OF 1636.11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF $90^{\circ}00'00''$, A CHORD BEARING OF $S.37^{\circ}00'00''W.$ AND A CHORD LENGTH OF 141.42 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 157.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE $S.08^{\circ}00'00''E.$, ALONG THE CENTERLINE OF CAMERO AVE. (50 FEET WIDE) A DISTANCE OF 185.03 FEET; THENCE $S.82^{\circ}00'00''W.$, ALONG THE LINE DIVIDING LOTS 7 AND 8 IN AFORESAID BLOCK 2653 A DISTANCE OF 150.11 FEET TO THE WEST LINE OF SAID BLOCK 2653; THENCE $S.08^{\circ}00'00''E.$, ALONG SAID WEST LINE OF SAID BLOCK 2653 A DISTANCE OF 606.62 FEET TO A POINT ON THE NORTHWESTERLY LINE OF AFORESAID NORTH PORT BLVD.; THENCE $S.19^{\circ}45'51''E.$, A DISTANCE OF 50.00 FEET TO THE CENTERLINE OF SAID NORTH PORT BLVD. AND A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 4070.00 FEET, A CENTRAL ANGLE OF $16^{\circ}49'34''$, A CHORD BEARING OF $S.61^{\circ}49'22''W.$ AND A CHORD LENGTH OF 1190.95 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1195.24 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 700.00 FEET, A CENTRAL ANGLE OF $18^{\circ}24'35''$, A CHORD BEARING OF $S.44^{\circ}12'17''W.$ AND A CHORD LENGTH OF 223.95 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 224.92 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1422.00 FEET, A CENTRAL ANGLE OF $09^{\circ}25'25''$, A CHORD BEARING OF $S.39^{\circ}42'43''W.$ AND A CHORD LENGTH OF 233.62 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 233.88 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE $S.44^{\circ}25'25''W.$, ALONG SAID CENTERLINE A DISTANCE OF 203.96 FEET TO THE POINT OF BEGINNING.

CERTIFIED
 DATE 5-31-12

METES AND BOUNDS DESCRIPTION OF
 PROPOSED REVERSIONARY BOUNDARY FOR
 A PORTION OF THE 52ND ADDITION TO
 PORT CHARLOTTE SUBDIVISION

A. L. Van Baskirk
 Engineers and Planners, Inc.
 Civil Engineers/Land Surveyors

14224 Tamiami Trail • North Port, FL 34287 • (813) 426-0581



OWN: H.M.	DATE: 12/11/93
CHK'D:	DATE:
SHEET 2 OF 2	
PROJECT NO.: 95-737	

DESCRIPTION OF REAL ESTATE:

TRACT "A": A portion of Section 21, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Commencing at the Northwest corner of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Snover Waterway (200' wide), as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 14, Pages 6, 6-A through 6-Y, Public Records of Sarasota County, Florida; thence S.00° 43'08"W. along the Westerly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision also being the Westerly Right-of-Way Line of Sumter Boulevard (200' wide) a distance of 100.00 feet to the POINT OF BEGINNING; at the intersection of said Right-of-Way Line with the South Line of said Snover Waterway; thence along said Westerly Right-of-Way Line of Sumter Boulevard the following two courses; S.00° 43'08"W., a distance of 1346.71 feet to the point of curvature of a 2100.00 foot radius curve to the left, with the center point bearing S.89°16'52"E.; thence Southerly along the arc of said curve, through a central angle of 15°16'04", a distance of 559.59 feet to an intersection with the Northerly Right-of-Way Line of Price Boulevard, with said point also being a point of reverse curvature of a 25.00 radius curve to the right, with the center point bearing S.75°27'04"W.; thence along the said Northerly Right-of-Way Line of Price Boulevard (100' wide) the following four courses; Southwesterly along the arc of said curve, through a central angle of 85°42'32", a distance of 37.40 feet to a point of reverse curvature of a 1650.00 foot radius curve to the left, with the center point bearing S.18°50'24"E.; thence Southwesterly along the arc of said curve, through a central angle of 22°20'06", a distance of 643.20 feet to a point of tangency; thence S.48°49'30"W., a distance of 408.66 feet to the point of curvature of a 1950.00 foot radius curve to the right, with the center point bearing N.41°10'30"W.; thence Westerly along the arc of said curve, through a central angle of 71°11'22", a distance of 2422.85 feet; thence leaving said Northerly Right-of-Way Line of Price Boulevard N.29°59'32"E., a distance of 1198.77 feet; thence N.15°00'00"W., a distance of 1800.00 feet to the South Line of the aforesaid Snover Waterway (O.R. Book 1941, Page 6); thence along said South Line, S.89°16'51"E., a distance of 2953.00 feet to the Point of Beginning.

Containing 170.30 Acres, more or less.

CERTIFIED
HMR
DATE 5-31-72

REVISIONS:

FOR:

LEGAL DESCRIPTION
TRACT "A"

A. L. Van Buskirk
Engineers and Planners, Inc.
Civil Engineers/Land Surveyors

14224 Tomlinson Trail • North Port, Fl. 34287 • (813) 426-0581



DWIT	DATE:
CHK'D.	DATE:
TITLE BOOK:	PAGE:
PROJECT NO.:	95-797-B

DESCRIPTION OF REAL ESTATE:

TRACT "D": A portion of Sections 21 and 22, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Commencing at the Northeast corner of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Snover Waterway as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 14, Pages 6, 6-A through 6-V, Public Records of Sarasota County, Florida; thence S.00°43'00"W., along the Easterly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision, also being the Easterly Right-of-Way Line of Sumter Boulevard (200' wide) a distance of 700.00 feet to the POINT OF BEGINNING; thence leaving the said Westerly Right-of-Way Line, S.89°16'51"E., a distance of 606.00 feet, thence N.00°43'09"E., a distance of 600.00 feet to the Southerly Right-of-Way Line of the Snover Waterway (O.R. Book 1941, Page 6); thence S.89°16'51"E., along said Southerly Right-of-Way Line, a distance of 880.95 feet to the Northwestern corner of North Port Water Control District property (O.R. Book 2357, Page 382); thence leaving said Southerly Right-of-Way Line, and along the Westerly Boundary Line of the said North Port Water Control District Property, S.00°43'09"W., a measured distance of 1052.76 feet (Deed 1050.00') to the Southwest corner of said North Port Water Control District property; thence along the Southerly Boundary of said North Port Water Control District property S.89°16'51"E., a distance of 1028.67 feet to the Westerly Boundary Line of the Blueridge Waterway (100' feet wide) (O.R. Book 1941, Page 6), said point also being a point on the arc of a 1000.00 foot radius curve with the center point of said curve bearing N.77°26'14"W.; thence along the Westerly Right-of-Way Line of said Blueridge Waterway the following two courses; Southwesterly along the arc of said curve, through a central angle of 55°49'01", a distance of 974.19 feet to a point of reverse curvature of a 1150.00 foot radius curve to the left, with the center point bearing S.21°37'14"E.; thence Southwesterly along the arc of said curve, through a central angle of 32°16'11", a distance of 647.69 feet to the intersection of said Westerly Right-of-Way Line with the Northerly Right-of-Way Line of Price Boulevard (100' wide); thence along the Northerly Right-of-Way Line of said Price Boulevard the following three courses; N.55°24'18"W., a distance of 131.21 feet to the point of curvature of a 1650.00 foot radius curve to the left, with the center point bearing S.33°35'42"W.; thence along the arc of said curve, through a central angle of 43°52'31", a distance of 1263.51 feet to a point of reverse curvature of a 25.00 foot radius curve to the right with the center point bearing N.10°16'49"W.; thence along the arc of said curve through a central angle of 85°43'55", a distance of 37.41 feet to a point in the aforesaid Easterly Right-of-Way Line of Sumter Boulevard and the Easterly Boundary Line of the aforesaid Fifty-Sixth Addition to Port Charlotte Subdivision, said point is also the point of compound curvature of a 1900.00 foot radius curve to the right, with the center point bearing N.75°27'06"E.; thence along the said Easterly Right-of-Way Line for the following two courses; Northerly along the arc of said curve through a central angle of 15°16'02", a distance of 506.28 feet to the point of tangency; thence N.00°43'08"E., a distance of 746.71 feet to the Point of Beginning.

Containing 72.12 Acres, more or less.

CERTIFIED
HAR
531-72

REVISIONS:

FOR:

LEGAL DESCRIPTION
TRACT "B"

A. L. Van Buskirk
Engineers and Planners, Inc.
Civil Engineers/Land Surveyors

14224 Tamiami Trail • North Port, FL 34287 • (813) 420-0681

DWN:

DATE:

CHK'D:

DATE:

FIELD BOOK:

PAGE:

PROJECT NO.:

95-797-B

DESCRIPTION OF REAL ESTATE:

TRACT "C": A portion of Sections 21 and 28, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Beginning at a concrete monument at the Northwest corner of the Right-of-Way of North Port Boulevard as shown on the Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof Recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, thence S.82°01'05"W. (S.82°00'00"W. Plat bearing) along the Northerly Right-of-Way of said North Port Boulevard (Myakkohatchee Boulevard) as shown on the Plat of the Fifty-Second Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 21 Pages 13, 13-A through 15-NN, Public Records of Sarasota County, Florida, a distance of 947.20 feet (946.95 feet plat distance) to a concrete monument at the Southeast corner of Block 2653 in said Fifty-Second Addition to Port Charlotte Subdivision; thence leaving said Northerly Right-of-Way Line and along the Northeastly Boundary Line of said Block 2653 the following four courses; N.08°00'00"W., a distance of 855.00 feet; thence S.82°00'00"W., a distance of 365.00 feet; thence N.08°00'00"W., a distance of 630.00 feet; thence S.82°00'00"W., a distance of 150.00 feet; thence leaving said Boundary Line, N.29°59'32"E., a distance of 1080.00 feet to the Southerly Right-of-Way Line of Price Boulevard (100' Wide); thence along said Southerly Right-of-Way Line the following five courses; S.59°55'11"E., a distance of 23.89 feet to the point of curvature of a 2050.00 foot radius curve to the left with the center point bearing N.30°04'49"E.; thence Easterly along the arc of said curve, through a central angle of 71°15'19", a distance of 2549.45 feet to a point of tangency; thence N.48°49'30"E., a distance of 408.68 feet to the point of curvature of a 1550 foot radius curve to the right, with the center point bearing S.41°10'30"E.; thence Northeastly along the arc of said curve, through a central angle of 22°06'43", a distance of 598.19 feet to a point of compound curvature of a 25 foot radius curve to the right with the center point bearing S.19°03'47"E.; thence Easterly and Southerly along the arc of said curve through a central angle of 90°27'50", a distance of 39.47 feet to a point on the Westerly Right-of-Way Line of Sumler Boulevard as shown on the aforesaid Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision, said point also being a point of reverse curvature of a 2100.00 foot radius curve to the left, with the center point bearing N.71°24'03"E.; thence along said Westerly Right-of-Way Line of Sumler Boulevard the following four courses; Southerly, along the arc of said curve through a central angle of 00°13'14", a distance of 8.09 feet to a point of reverse curvature of a 1300.00 foot radius curve to the right, with the center point bearing S.71°10'49"W.; thence Southerly along the arc of said curve, through a central angle of 77°57'00", a distance of 1768.53 feet to a point of reverse curvature of a 1600.00 foot radius curve to the left, with the center point bearing S.30°52'11"E.; thence Southwesterly along the arc of said curve through a central angle of 59°57'23", a distance of 1674.30 feet to a point of reverse curvature of a 50.11 foot radius curve to the right, with the center point bearing S.89°10'26"W.; thence Southwesterly along the arc of said curve through a central angle of 86°32'36", a distance of 75.69 feet to the aforesaid Northerly Right-of-Way Line of North Port Boulevard; thence along the said Northerly Right-of-Way Line the following three courses; S.85°43'11"W., a distance of 208.42 feet to the point of curvature of a 2750.00 foot radius curve to the left, with the center point bearing S.04°16'49"E.; thence Southwesterly along the arc of said curve, through a central angle of 03°42'20", a distance of 177.85 feet to a point of tangency; thence S.82°00'51"W., a distance of 355.73 feet to the Point of Beginning.

Containing 140.58 Acres, more or less.

✓
HAR
DATE 5/31/12
CERTIFIED

REVISIONS:	FOR:	DWN.:	DATE:
		CHK'D.:	DATE:
		FIELD BOOK:	PAGE:
		PROJECT NO.:	95-797-B

LEGAL DESCRIPTION
TRACT "C"

A. L. Van Buskirk
Engineers and Planners, Inc.

Civil Engineers/Land Surveyors

14224 Tomlani Trail • North Port, FL 34207 • (813) 476-0881



DESCRIPTION OF REAL ESTATE

TRACT "D": A portion of Sections 21 and 22, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Commencing at the Northeastly corner of the Fifty-Second Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 21, Pages 13, 13-A through 13-NN, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Blueidge Waterway (100' wide) (O.R. Book 1941, Page 6); thence leaving the said centerline and along the Northerly Boundary Line of the said Fifty-Second Addition to Port Charlotte Subdivision, N.84°56'11"W., a distance of 50.00 feet to the POINT OF BEGINNING, said point also being on the Westerly Right-of-Way Line of the said Blueidge Waterway; thence leaving said Westerly Right-of-Way Line and along the Northerly Boundary Line of said Fifty-Second Addition the following three courses; N.84°56'11"W., a distance of 1375.64 feet to the point of curvature of 400 foot radius curve to the right, with the center point bearing N.05°03'49"E., thence along the arc of said curve, through a central angle of 29°49'49", a distance of 208.26 feet to a point of tangency; thence N.55°06'22"W., a distance of 442.85 feet to a corner on the Boundary Line of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said point is also on the arc of a 2350.00 foot radius non-tangent curve with the center point bearing N.55°05'20"W.; thence Southwesterly along the Westerly Boundary Line of Tract "D" as platted in said Fifty-Sixth Addition and the arc of said curve, through a central angle of 10°06'22", a distance of 414.51 feet to a point on the Easterly Right-of-Way Line of Sunset Boulevard (200' wide) as platted in said Fifty-Sixth Addition with said point also being on the arc of a 1400.00 foot radius non-tangent curve with the center point bearing S.73°36'02"E.; thence Northeastly along said Easterly Right-of-Way Line, the following three courses; along the arc of said curve, through a central angle of 42°43'51" a distance of 1044.11 feet to a point of reverse curvature of a 1500.00 foot radius curve to the left, with the center point bearing N.30°52'11"W.; thence along the arc of said curve through a central angle of 77°31'13", a distance of 2028.49 feet to a point of reverse curvature of a 25.00 foot radius curve to the right, with the center point bearing N.71°36'34"E., thence along the arc of said curve through a central angle of 08°45'30", a distance of 43.09 feet along the Southerly Right-of-Way Line of Price Boulevard (100' wide), to a point of compound curvature of a 1550.00 foot radius curve to the right with the center point bearing S.09°37'56"E., thence along the said Southerly Right-of-Way Line for the following two courses; along the arc of said curve through a central angle of 43°13'39", a distance of 1169.42 feet to a point of tangency; thence S.56°24'18"E., a distance of 131.17 feet to a point on the aforesaid Westerly Right-of-Way Line of the Blueidge Waterway, said point also being on the arc of a 1150.00 foot radius curve, with the center point bearing S.58°52'26"E.; thence along said Westerly Right-of-Way Line the following two courses; Southwesterly along the arc of said curve through a central angle of 26°04'14", a distance of 523.27 feet to a point of tangency; thence S.05°03'20"W. a distance of 1932.28 feet to the Point of Beginning.

Containing 83.90 Acres, more or less.

CERTIFIED
JHR
DATE: 5-31-12

REVISIONS:	FOR:	OWN:	DATE:
		CHK'D:	DATE:
		FIELD BOOK:	PAGE:
		PROJECT NO.:	45-797-B

LEGAL DESCRIPTION TRACT "D"	A. L. Van Buskirk Engineers and Planners, Inc. Civil Engineers/Land Surveyors 14224 Tamiami Trail - North Port, FL 34287 - (813) 426-0681	
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EXHIBIT "B"--Conditions of Approval of Heron Creek DRI

1. Land Use

The ADA for the Heron Creek DRI is hereby approved for the following land uses and phases, subject to the conditions contained in herein, consistent with Preliminary Master Plan, Map H, dated February 2000, and subject to the other provisions of this Development Order:

Land Use	Phase I (97-2001)	Phase II (02-2006)	Phase III (07-2011)	Phase IV (12-2017)
Residential: Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential: Multi Family (LUC 220)	125 DU	471 DU	471 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		12 Courts		
Medical/Professional (LUC 720)		80,000 GLA	50,000 GLA	
Office: General (LUC 710)		65,000 GLA	55,000 GLA	
Retail: Shopping Center (LUC 820)	90,000	122,500 GLA	150,000 GLA	137,500 GLA

2. Affordable Housing

Prior to commencement of Phase II and subsequent phases of the project, the Applicant or project employers shall provide supply data (such as Multiple Listing Services data) showing vacant, for sale and/or for rent units available within a 10-mile/20 minute radius of the project. If analysis of the demand data provided in the Application for Development Approval (ADA) and the submitted supply data shows a shortage of affordable housing units that exceeds the threshold for significant impact for the DRI, whether in one phase or cumulatively for the entire DRI, the Applicant shall mitigate the need by following one of the options outlined in Rule 9J-2.048, the Adequate Housing Uniform Standard Rule.

3. Energy

The Applicant shall comply with all commitments for energy conservation contained in the ADA.

CERTIFIED
HMR
 DATE: 5-31-12

4. Stormwater Management

- a. The Heron Creek DRI shall require a Southwest Florida Water Management District ("SWFWMD") Environmental Resource Permit for construction and operation of the surface water management system. At the time of permit application, the Applicant shall provide verification to District staff that the proposed system designs will meet District criteria in effect at that time.
- b. The Heron Creek DRI shall require a SWFWMD Water Use Permit for withdrawals from groundwater, project lakes, and/or other surface water bodies for irrigation or potable uses, and dewatering associated with the construction of project lakes, and/or road or building foundations, in accordance with current regulations.
- c. The Applicant shall develop an integrated Fertilizer/Pesticide/Herbicide Management Plan as a component of the golf course design process, to be approved by the City of North Port Utilities Department, the City of North Port Public Works Department with input from Sarasota County, SWFWMD, the Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection ("DEP"). The plan shall address the following items:
 - Fertilizer, pesticide, herbicide and insecticide use, storage and safety;
 - Alternative pest control strategies;
 - Golf course management methods and procedures; and
 - Quality control and assurance procedures.
- d. Elevations corresponding to a 100-year flood shall be used to set minimum building elevations on the site, taking into account the backwater elevations along the various onsite flowways.
- e. Best management practices shall be included on construction plans for development and should be submitted to the City of North Port for review and approval.
- f. All internal stormwater management lakes and ditches, and the onsite preserved/enhanced wetland areas, shall be set aside as private drainage and/or conservation easements on the recorded final plat. Stormwater lakes shall include, where practical, adequate maintenance easements around the lakes, with access to a paved roadway.
- g. During construction activities, the Applicant shall employ best management practices for erosion and sedimentation control. These practices shall be included with, or presented on, all construction plans, and shall be subject to approval by the appropriate agencies prior to their implementation.

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DATE: 5/3/72

- h. Any construction silt barriers or hay bales, and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the applicant or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.
- i. The final stormwater management plan shall consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales shall be used, whenever possible, rather than closed systems.
- j. Any shoreline banks created along the onsite stormwater management system shall include littoral zones constructed on slopes consistent with SWFWMD and City of North Port requirements and shall be planted in native emergent or submergent aquatic vegetation. The Applicant shall ensure, by supplemental replanting if necessary, that at least 80% cover by native aquatic vegetation is established within the littoral zone for the duration of the project.
- k. The Applicant shall conduct annual inspections of the Heron Creek Master Stormwater Management System and the preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.
- l. The Applicant shall confirm, to the satisfaction of all applicable federal, state, and local review agencies, and SWFWMD, that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts shall be mitigated to the benefit of onsite populations of those species.
- m. The Applicant shall participate in any ongoing or future efforts by the City of North Port and Sarasota County to establish a countywide stormwater management system.
- n. Ditch and swale slopes shall be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with grass, or other appropriate vegetation.
- o. The vegetated stormwater treatment areas shall be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and underdrain systems, shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be replaced immediately.

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HAR
DATE: 9-30-12

- p. Underdrain systems and grease baffles, if utilized within the Heron Creek DRI, shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.
- q. Stormwater management system maintenance requirements shall include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth and primrose willows) from all system nodes, reaches, and percolation basins, as well as from the lake littoral zones employed in the system.
- r. To the extent consistent with applicable stormwater management system and environmental regulations, any isolated wading bird pools constructed in lake littoral zones shall be excavated to a depth which provides aquatic habitat for mosquito larvae predators, such as Gambusia affinis.
- s. The Applicant shall comply with all commitments made in the ADA, and subsequent sufficiency round information, related to Question 10 (General Project Description), Question 13 (Wetlands), Question 14 (Water), Question 15 (Soils), Question 16 (Floodplains); and Question 19 (Stormwater Management), which are not in conflict with the above recommendations.

5. **Transportation**

- a. The applicant or his successor or assigns shall be fully responsible for the site-related roadway and intersection improvements required within Heron Creek DRI. The applicant shall be required to pay the full cost for any site-related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by the City of North Port for the project's access intersections onto Appomattox Drive, Sumter Boulevard, or Price Boulevard. The site access points shall be located and developed consistent with the City of North access management standards and permit requirements.
- b. Based on the transportation assessment of significant project impacts, the following process shall determine what regionally significant transportation improvements shall be required prior to, or coincident with, development of the Heron Creek DRI, if adopted level of service conditions are to be maintained through Phase III (2011) on regional roadway segment and intersections.

Prior to any building permits for development exceeding those identified in Phase I plus Phase II land uses, or for equivalent development generating 2,177 gross p.m. peak hour external trips, a Traffic Monitoring Study (TMS) shall be undertaken to confirm the estimates of the transportation analysis. Prior to undertaking this monitoring study, a meeting shall be held with staff of the SWFRPC, FDOT and the

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#142
DATE: 5-31-12

City of North Port. The purpose of the meeting will be to identify the scope and procedures to be utilized in this study. At a minimum, the TMS shall contain p.m. peak hour, peak season, trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed below and a calculation of the existing peak season level of service at these intersections and on the road segments indicated below. The levels of service shall be calculated according to current professional standards. The study shall also provide a calculation of the existing levels of service on the facilities and the estimated levels of service and project impact for the next increment for which development approval is desired. The TMS shall also identify any road improvements required to meet existing adopted level of service thresholds. Further, the study shall address the issues identified by all applicable review agencies in the SWFRPC staff assessment report. Specifically, the study shall confirm the allocation of traffic signal green time on US 41 and that road's ability to continue to meet traffic demands for the project phases through Phase III.

Regional Roadways

I-75 Kings Highway to Toledo Blade Blvd.
 I-75 Toledo Blade Blvd. to Sumter Blvd.
 US 41 North Port Blvd. To Pan American Blvd.
 US 41 Biscayne Drive to Ortiz Blvd.
 US 41 Toledo Blade Blvd. to Enterprise

Regional Intersections

I-75/Kings Highway (all ramps)
 I-75/Toledo Blade Blvd. (all ramps)
 I-75/Sumter Blvd. (all ramps)
 US 41/North Port Blvd.
 US 41/Pan American Blvd.
 US 41/Biscayne Drive
 US 41/Ortiz Blvd.
 Price Blvd./Sumter Blvd.
 Price Blvd./Salford Blvd.
 Appomattox Dr./North Port Blvd.
 Appomattox Dr./Sumter Blvd.

The transportation impacts to the roads and intersections above shall be appropriately addressed consistent with Southwest Florida Regional Planning Council policies and the determination of proportional share and/or pipelining of the regional road improvements shall be in accordance with Section 163.3220, F.S., which requires a Local Government Development Agreement.

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 DATE: 5-31-12

- c. The applicant is eligible to apply for impact fee credits pursuant to Chapter 380.06, Florida Statutes, and the City of North Port Ordinance No. 2000-4, as it may be amended, and the applicant may receive credits as authorized by the Ordinance. Further, impact fee payments made prior to the time at which proportionate share payments are due, if mitigation (described below) is selected, shall be held in escrow by the City of North Port and applied against the proportionate share payment.
- d. **Mitigation Options.** The following options are established for purposes of mitigating Phases I, II and III impacts. Prior to preliminary plat or preliminary site plan approval for 740 single family detached residential units or equivalent land uses which will result in 651 net new external p.m. peak hour trips, the applicant and the City of North Port shall select one or a combination of the following alternatives to mitigate the project's transportation impacts, provided that the combination(s) selected achieve the required degree of mitigation. The applicant shall report the option selected in the first required annual report following its selection. Further, the status of any transportation improvements required by the option selected shall be included in each subsequent required annual report. Continued issuance of development permits by the City of North Port for the project shall require a determination by the City of North Port for compliance with one of the options set forth below:
1. **Funding commitments.** For the purpose of this order, funding commitments shall be defined in Section 9J-2.045(7)a, 1, FAC. The improvements listed in the table below include roadway link and intersection improvements required for the development of Phases I through III.

**TABLE 1
PHASES I, II AND III (2011)
REQUIRED LINK AND INTERSECTIONS**

LOCATION	IMPROVEMENT	% OF PH. I, II & III (OR NET EXTERNAL TRIPS)
Price @ Sumter	Signalize, Add EL, WL, WR, NL, NR, SL turn lanes	24% (651)
Appomattox @ Sumter	Signalize, Add ER, NL, SR turn lanes	31% (867)
I-75; Sumter to Toledo Blade	Widen to 6 lanes	54% (1,523)
Price @ Salford	Signalize, add BL, WL, NL turn lanes	62% (1,735)
Appomattox @ North Port	Signalize, add NR turn lane	76% (2,168)
I-75; Toledo Blade to King	Widen to 6 lanes	98% (2,761)

Page 6 of 15

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DATE: 5/31/12

Highway		
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With each preliminary plat or preliminary site plan, the applicant shall submit a projection of gross external p.m. peak hour trips anticipated to be generated by the development included in the preliminary plat or preliminary site plan plus any development for which a preliminary plat or preliminary site plan has been previously approved.

- a. No building permits shall be issued for land uses that will result in 651 net new external trips until funding commitments are in place for the first improvement identified in Table 1 above.
- b. No building permits shall be issued for land uses that will result in 867 new external p.m. peak hour trips until funding commitments are in place for the second improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization, as published in the Manual on Uniform Traffic Control Devices are met.
- c. No building permits shall be issued for land uses that will result in 1,523 net new external trips until funding commitments are in place for the third improvement identified in Table 1 above.
- d. No building permits shall be issued for land uses that will result in 1,735 net new external trips until funding commitments are in place for the fourth improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization, as published in the Manual on Uniform Traffic Control Devices are met.
- e. No building permits shall be issued for land uses that will result in 2,168 net new external trips until funding commitments are in place for the fifth improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization, as published in the Manual on Uniform Traffic Control Devices are met.
- f. No building permits shall be issued for land uses that will result in 2,761 net new external trips until funding commitments are in place for the sixth improvement identified in Table 1 above.

In the event that funding commitments for the above transportation improvements are not in place, the applicant shall have the option to submit an NOPC to the City, DCA and the SWFRPC pursuant to Section 380.06(10), Florida Statutes, with updated traffic counts on the impacted roadways that do not have commitments for required transportation improvements. The applicant shall further submit projections of traffic volumes that include the currently approved project development, plus the volumes to be generated from an additional increment of development for which the applicant is seeking approval and future background traffic. If the submittal, as approved by the above agencies, shows that the unimproved road will operate at an acceptable level of service, the City of North Port may issue building permits for the requested increment

CERTIFIED
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DATE: 3-31-12

of development.

The funding commitments for the above improvements shall be assessed and reported in the required annual report. The City of North Port shall cease issuance of any further building permits if the annual monitoring report shows that any of the required improvements is no longer funded as defined in Table 1 (above).

2. Proportionate share. This option shall only be available if the City of North Port Comprehensive Plan authorizes payment of proportionate share contribution for local and regional significant traffic impacts in accordance with Section 163.3180(12), Florida Statutes, and Rule 9J-2.045(7)a.3, FAC. With City of North Port and FDOT approval, the applicant may pay to the City of North Port a proportionate share contribution, pursuant to Section 9J-2.045, FAC, of those improvement projects listed in Section 1 above for which funding remains uncommitted. The proportionate share contribution shall be used to improve any one of the listed impacted roadways for which funding remains uncommitted, pursuant to a roadway construction agreement to be entered into between the applicant, City of North Port and the responsible government agencies (if applicable), subject to the following terms and conditions.
 - a. No further building permits shall be issued by the City of North Port subsequent to the triggering of transportation needs shown in Table 1. Table 1 will be mitigated by the selection of Option 2 until the roadway construction agreement is executed. Further, should the applicant default in the payment of the proportionate share in accordance with the agreement, no further building permits shall be issued until the applicant is in compliance with the agreement.
 - b. The agreement shall be in the form of either a clearly identified, executed, and recorded local government development agreement consistent with Sections 163.3220 through 163.3243, Florida Statutes, an interlocal agreement, an FDOT joint participation agreement, or a written acceptance by the affected local government board or the FDOT, as appropriate. The agreement to accept proportionate share payments shall be attached as an exhibit to the development order through a Ch. 380.06(10) (19)-c(2) amendment following the selection of this option and the execution of the agreement at the time of the next development order amendment. The agreement shall require the receiving local governmental agency to apply the contributed monies only towards the construction of one or more of the roadway improvements listed in Table 1 of this development order. If the contributed money is sufficient to fully construct one or more of the required improvements, the receiving governmental agency shall agree, as a condition of acceptance, to expeditiously apply the received monies for the construction of the improvement.

CERTIFIED
HAR
DATE: 5-31-12

- c. The specific nature and scope of the selected improvements(s) shall be set forth in the roadway construction agreement. The roadway construction agreement shall address the timing of the applicant's payments toward design, ROW acquisition, construction and the selected improvement(s).
- d. The proportionate share amount is as set forth in Table 2 (attached and incorporated as part of this development order) in accordance with 9J-21.045(7)3, FAC. The proportionate share has been calculated in Year 2000 dollars. This amount shall be updated at the time of payment in accordance with the FDOT construction Cost Price Trends Index. The proportionate share in Table 2 mitigates the impacts of all development in Phases I, II and III. If any of the required improvements have been completed prior to the applicant's selection to pay the proportionate share, then the proportionate share amount shall be reduced by deleting the completed road improvement from the proportionate share computation.
- e. Any delay or change to the proportionate share payment due to a change in the development schedule shall require a re-analysis of the proportionate share amount as part of any amendment to the build-out date of the development. Payment of the proportionate share does not release the applicant from the obligation to pay impact fees as provided for in the City's Transportation Impact Fee Ordinance; however, the proportionate share is creditable against impact fees in accordance with state law.
- f. The applicant shall dedicate 50 feet of right-of-way for a greenway/bicycle and pedestrian pathway extending on the west side of the property running parallel to the Myakkahatchee preserve from Appomattox to Price Boulevard.
- g. The applicant shall promote efficient pedestrian and bicycle movement within the development.
- h. The applicant shall help to accommodate any local and/or express transit service, if established by the City of North Port or Sarasota County, through the inclusion of bus stops or other means deemed necessary by the City of North Port or Sarasota County.

6. Vegetation and Wildlife/Wetlands

- a. The Applicant shall comply with all commitments contained in the Wildlife and Habitat Management Plan and Scrub Jay Management Plan ("Management Plan")

Page 9 of 15

CERTIFIED
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DATE: 5-31-12

which is incorporated by reference into this Development Order. The Applicant shall also comply with the commitments in the ADA, and subsequent sufficiency round information, related to Question 10 (General Project Description), Question 12 (Vegetation and Wildlife) and Question 13 (Wetlands) to the extent that they are consistent with the Management Plan.

- b. The applicant must coordinate the location, size and management plan for the Florida scrub jay preserve with the US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission in Vero Beach to avoid any permit delays.
- c. The conservation easement over wetlands and uplands including the scrub jay preserve will be written to comply with the requirements of Rule 9J-2.041(9)(b)3, FAC.
- d. Native habitats will also be preserved as part of the golf course design and the open space requirements.
- e. In accordance with SWFWMD policy, Heron Creek will maintain or enlarge pre developed contributing areas to each wetland in the post-developed condition to the extent possible.
- f. The "Proposed Mitigation Summary" as part of the last sufficiency will serve as a framework for conceptual wetland mitigation approaches for the proposed impacts to 22 acres of wetlands.
- g. A total of 43.56 acres of wetlands (36.2 acres of Freshwater Marshes and 7.4 acres of Hardwood Hammock) will be preserved and enhanced.
- h. There will be a minimum of 16 +/- acres of vegetated uplands preserved plus additional upland acreage associated with the Scrub Jay Preserve to be determined at final development design and layout.
- i. The applicant will preserve some of the cabbage palm hammocks in place and relocating other portions while attempting to preserve significant oak trees.

7. Wastewater Management/Water Supply

- a. The project shall utilize ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices and methods, consistent with the criteria outlined in the water conservation plan of the public supply permit issued to the City of North Port Utilities Department by SWFWMD.

- b. For the purpose of non-potable and/or reclaimed water conservation, the Heron Creek DRI shall to the extent possible utilize xeriscape principles in all common landscaped areas, and in the landscape design of the golf course and other recreational facilities. Ecologically viable portions of existing (pre-development) native vegetation shall be incorporated into the Development's landscape design to the greatest extent practicable.
- c. The Applicant shall apply for water use permits as required, for withdrawals from groundwater, project lakes, and/or other surface water bodies for irrigation or potable use and for any dewatering activities proposed for the construction of onsite lakes, and/or road or building foundations.
- d. At the time of application for the SWFWMD Water Use Permit for the proposed irrigation system, the Applicant shall provide verification that the proposed plumbing and irrigation system designs meet SWFWMD criteria in effect at that time.
- e. The Applicant shall comply with the applicant's agreement with the City of North Port for the provision of potable water, wastewater treatment and nonpotable water, by the City of North Port Utilities Department.
- f. The requirements for reclaimed water for the Heron Creek development are governed by the Second Developer's Agreement between the City of North Port and the Applicant, dated June 5, 2000.
- g. Prior to applying for any well permits from Sarasota County, the Applicant shall actively pursue alternative methods for obtaining non-potable water. Such efforts shall include (but are not limited to) cisterns, reclaimed stormwater, reclaimed water from a regional resource, offsite canals, or any comprehensive approach that will reduce or eliminate the need for onsite wells.
- h. The use of reclaimed water, pesticides, herbicides or fertilizers shall be prohibited within onsite wetland buffers and the wetlands they protect. Irrigation systems shall be designed and located so as to ensure that reclaimed wastewater does not contact or enter any open water, canal or waterway, within or adjacent to the DRI, which is ultimately tributary to Myakkahatchee Creek.
- i. In order to help protect water quality within the Myakkahatchee Creek Watershed and to increase public awareness about local water supply sources and the natural systems that support them, the Applicant shall provide educational materials to property buyers, residents and businesses within the DRI concerning the proper use and disposal of chemicals and hazardous materials, as well as local and regional water

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DATE: 5-31-12

quality issues. Such materials shall include guidelines for homeowners concerning lawn and landscape irrigation, and the proper application, handling and storage of fertilizers, pesticides, herbicides and other chemicals. The Applicant may use existing publications covering these topics, if such are found to exist and to be suitable for the North Port area. The development shall also participate in any County or City-sponsored "Amnesty Days" program, and should consider providing a central site for collection of hazardous materials.

- j. Temporary septic systems may be utilized in conjunction with construction and sales offices and model homes. Septic systems shall not be allowed onsite, other than for construction and sales offices golf course restrooms and model homes. All temporary septic systems shall be properly abandoned and/or removed by a licensed septic system firm at the time when permanent or interim wastewater treatment facilities come online.
- k. All potable water facilities shall be properly sized to supply average and peak day domestic demand, in addition to fire flow demand, at a rate approved by the City of North Port Fire and Rescue District.
- l. The Applicant shall comply with all commitments in the ADA and subsequent sufficiency round information, related to Question 10 (General Project Description), Question 14 (Water), Question 17 (Water Supply), and Question 18 (Wastewater Management), that are not in conflict with the above recommendations.
- m. Potable water for the Heron Creek DRI shall be served by the City of North Port Utilities Department. A Developer's Agreement between the applicant and the City, has been executed the entire project. The agreement reserves potable water supply for Phase I of the Heron Creek DRI. The Developer's Agreement articulates specific water supply facility upgrades that are the sole responsibility of the applicant.
 - 1. In order to insure that water supply facilities will be in place and available to serve each phase of development no later than the issuance by the City of North Port of a certificate of occupancy or its functional equivalent, the City and the Applicant shall comply with their respective obligations under the developer's agreements dated August 31, 1998 and June 16, 2000.
 - 2. The City of North Port Utility Master Plan, dated March 1999, shall serve as the basis for projecting potable water supply demands and allocating appropriate capital expenditures to serve the Heron Creek DRI development. The master plan is incorporated herein by reference.
 - 3. Annually, the City of North Port shall review the utility master plan to ensure consistency with it's Capital Improvements Program and the applicable water supply and sewer provisions in the comprehensive plan.

4. By 2001, the City of North Port shall update the utility master plan and include an analysis of existing and future demands, capital expenditures and feasibility of purchasing water from a public regional water source.
5. Annually, the City of North Port Utility Department shall prepare a report as to the status of the guaranteed improvements of the water supply improvements. The assessment shall be included in the annual DRI status report. If the report shows evidence that the needed potable water supply facility improvements are no longer scheduled or guaranteed, the City of North Port will cease to issue building permits until the supply facility improvements return to a guarantee or scheduled status.
6. Should the water supply improvements schedule change or cause delay to the Heron Creek DRI approved schedule, the applicant shall be required to amend the approved development schedule through the Notice of Proposed Change provisions of Section 380.06(19), Florida Statutes. This process automatically amends the development order.
7. Nothing herein shall relieve the City or the Applicant of their reciprocal obligations under the developer's agreements dated August 31, 1998 and June 16, 2000.

8. **Police and Fire Protection**

- a. To assure the project does not dilute the delivery of service during the site and development/construction plan approval process, the Applicant shall meet with the North Port Police Department to ensure that security features are incorporated within the project design.
- b. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, shall file hazardous materials reporting applications in accordance with sections 302, 303, 304, or 311-312. Applications must be updated annually by each reporting facility.
- c. Fire protection shall be provided according to existing standards or fire flow criteria promulgated by the City or recommended guidelines developed by the National Fire Protection Association.
- d. The City of North Ports Unified Land Development Code requires up to 1,500 G.P.M. for residential and up to 4,000 G.P.M. for commercial development. The Heron Creek potable water distribution/building fire sprinkler systems shall be designed to meet the City's requirements.

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9. Solid Waste/Hazardous Waste/Medical Waste

- a. Any business located within the Heron Creek Development which generates hazardous or infectious waste shall be responsible for the temporary storage, siting and proper disposal of the waste generated by such businesses. Outside storage of hazardous waste or infectious waste should be prohibited. However, there should be no siting of hazardous waste storage facilities contrary to North Port's Zoning Regulations.
- b. Loading, off loading, and storage areas for regulated substances shall be curbed and provided with impervious bases, free of cracks and gaps, to fully contain spills and leaks.
- c. All hazardous materials shall be handled, stored, and applied in accordance with applicable regulations. F.A.C., Chapter 62-730, is the governing regulation covering hazardous waste, which would be applied to any generator who may become a tenant at Heron Creek.
- d. The project shall participate in the City of North Port's recycling program, which at present consists of curbside pickup of newspaper, cardboard, plastics, glass, tin, and aluminum cans to aid in the reduction of solid waste sent to the landfill.
- e. The applicant shall explore the possibility of mulching trees and brush in the land clearing operations to meet on site needs.

10. General Conditions

- a. All commitments and impact mitigating actions provided by the Applicant in the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.
- b. The development-phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval. If development order conditions and applicant commitments incorporated within the development order, ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the development order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue, except as provided in Section 7 m 6.

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DATE: 5/31/12

- c. If the City of North Port, during the course of monitoring the development, can demonstrate that substantial changes in the conditions underlying the approval of the development order has occurred or that the Development Order was based on substantially inaccurate information provided by the applicant, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred.
- d. Pursuant to Chapter 380.06(16), the Applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, to the extent the Applicant is also subject by City ordinances to impact fees or exactions to meet the same needs. The City of North Port and the Applicant may enter into a capital contribution front-ending agreement to reimburse the Applicant for voluntary contributions in excess of the fair share.

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DATE: 8-31-12

EXHIBIT "A"

Page 1 of 5

DESCRIPTION OF THE PROPOSED PETERSONS HARBOR PLAT FOR A PORTION OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGES 13 THROUGH 139H AND A PORTION OF THE 56TH ADDITION PER PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGES 50 AND 50A, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA WITH SAID BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF NORTH PORT BLVD. (FORMERLY WALKER AVENUE, BLVD) WITH THE NORTHERLY LINE OF APPROPRIATION BEING AS PLATTED IN SAID 52ND ADDITION, THENCE S. 15° 41' 57" E., ALONG SAID NORTHERLY LINE OF APPROPRIATION BEING A DISTANCE OF 163.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 25° 13' 35", A CHORD BEARING OF S. 57° 11' 24" E. AND A CHORD LENGTH OF 104.65 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 165.40 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S. 68° 43' 15" E., ALONG SAID NORTHERLY LINE A DISTANCE OF 271.80 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 17° 44' 15", A CHORD BEARING OF S. 77° 42' 20" E. AND A CHORD LENGTH OF 80.17 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 30.19 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S. 86° 33' 28" E., ALONG SAID NORTHERLY LINE A DISTANCE OF 403.32 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 67° 54' 27", A CHORD BEARING OF N. 45° 28' 16" E. AND A CHORD LENGTH OF 35.35 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 39.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N. 83° 31' 05" E., ALONG THE WESTERLY LINE OF SUMMIT BLVD. (200 FEET WIDE) A DISTANCE OF 7.86 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1524.81 FEET, A CENTRAL ANGLE OF 26° 19' 34", A CHORD BEARING OF N. 103° 41' 12" E. AND A CHORD LENGTH OF 490.60 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 696.64 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N. 27° 39' 37" E., ALONG SAID WESTERLY LINE OF SUMMIT BLVD. A DISTANCE OF 1500.39 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 949.64 FEET, A CENTRAL ANGLE OF 25° 43' 49", A CHORD BEARING OF N. 11° 16' 46" E. AND A CHORD LENGTH OF 545.18 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 583.78 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N. 60° 06' 10" W., ALONG SAID WESTERLY LINE A DISTANCE OF 582.18 FEET TO THE SOUTHEAST CORNER OF TRACT "A" AS PLATTED IN SAID 56TH ADDITION; THENCE N. 65° 05' 10" W., ALONG SAID WESTERLY LINE OF SUMMIT BLVD. A DISTANCE OF 405.72 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 1600.00 FEET, A CENTRAL ANGLE OF 05° 14' 00", A CHORD BEARING OF N. 01° 27' 41" W. AND A CHORD LENGTH OF 177.95 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 144.01 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91° 30' 01", A CHORD BEARING OF S. 43° 37' 30" W. AND A CHORD LENGTH OF 68.54 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 75.51 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S. 85° 43' 21" W., ALONG THE NORTH LINE OF JONES BLVD. NORTH PORT BLVD. (100 FEET WIDE) A DISTANCE OF 200.40 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2750.00 FEET, A CENTRAL ANGLE OF 03° 42' 18", A CHORD BEARING OF S. 85° 32' 12" W. AND A CHORD LENGTH OF 177.20 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 177.83 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S. 62° 01' 03" W., ALONG SAID NORTH LINE A DISTANCE OF 355.74 FEET TO THE NORTHEAST CORNER OF SAID 56TH ADDITION; THENCE S. 92° 01' 01" W., ALONG THE NORTH LINE OF SAID NORTH PORT BLVD. AS PLATTED IN SAID 56TH ADDITION A DISTANCE OF 947.20 FEET; THENCE N. 00° 00' 00" W., ALONG THE EAST LINE OF BLOCK 2553 A DISTANCE OF 550.00 FEET; THENCE S. 82° 03' 00" W., ALONG THE NORTH LINE OF BLOCK 2553 A DISTANCE OF 365.00 FEET; THENCE N. 00° 00' 00" W., ALONG THE EAST LINE OF BLOCK 2553 A DISTANCE OF 630.50 FEET; THENCE S. 82° 03' 00" W., A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF LOT 39 IN SAID BLOCK 2553; THENCE S. 00° 00' 00" E., ALONG AND EXTENDING THE WEST LINE OF SAID LOT 39 A DISTANCE OF 175.00 FEET TO THE C&D-BE-S&D CENTER AT THE NORTH END OF FLEETWAY ROAD (50 FEET WIDE); THENCE S. 07° 57' 14" E., ALONG THE CENTERLINE OF SAID FLEETWAY ROAD A DISTANCE OF 605.50 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF CAMERO STREET (50 FEET WIDE); THENCE S. 82° 03' 00" W., ALONG SAID CENTERLINE OF CAMERO STREET A DISTANCE OF 1836.11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 30° 00' 00", A CHORD BEARING OF S. 37° 00' 00" W. AND A CHORD LENGTH OF 171.42 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 157.03 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S. 00° 00' 00" E., ALONG THE CENTERLINE OF PALM AVE. (50 FEET WIDE) A DISTANCE OF 125.03 FEET; THENCE S. 82° 03' 00" W., ALONG THE LINE DIVIDING LOTS 7 AND 8 IN JONES BLVD. BLOCK 2553 A DISTANCE OF 150.11 FEET TO THE WEST LINE OF SAID BLOCK 2553; THENCE S. 00° 00' 00" E., ALONG SAID WEST LINE OF SAID BLOCK 2553 A DISTANCE OF 506.12 FEET TO A POINT ON THE NORTHWESTERLY LINE OF JONES BLVD. NORTH PORT BLVD.; THENCE S. 19° 43' 51" E., A DISTANCE OF 30.00 FEET TO THE CENTERLINE OF SAID NORTH PORT BLVD. AND A POINT ON A CURVE TO THE LEFT, HAVING A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 16° 49' 34", A CHORD BEARING OF S. 61° 48' 22" W. AND A CHORD LENGTH OF 1150.95 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1183.21 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 700.00 FEET, A CENTRAL ANGLE OF 16° 24' 35", A CHORD BEARING OF S. 47° 13' 17" W. AND A CHORD LENGTH OF 233.95 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 224.93 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1422.00 FEET, A CENTRAL ANGLE OF 07° 54' 15", A CHORD BEARING OF S. 38° 42' 47" W. AND A CHORD LENGTH OF 233.62 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 233.63 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S. 44° 35' 35" W., ALONG SAID CENTERLINE A DISTANCE OF 103.54 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT ALL OF TRACT "A" AS SHOWN ON SAID RECORD PLAT OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION.

CONTAINING 367.97 ACRES, MORE OR LESS AFTER EXCEPTION.

SOURCE OF DESCRIPTION: NEW PREPARED BY UNDESIGNED FROM BOUNDARY SURVEY Y&E JOB #33-787-A, DATED 10/24/85.

NO.	FEET
1	1531.00
2	21.00
3	250.00
4	210.00
5	4157.00
6	706.00
7	1372.00
8	100.00
9	243.84
10	726.00
11	2158.00
12	56.00
13	1600.00
14	500.00
15	300.00
16	1154.67
17	1422.00
18	1508.00
19	25.00
20	1609.00
21	209.00
22	23.00
23	4270.00
24	200.00
25	1432.00

CERTIFIED

HIRE

DATE 5/3/72

EXHIBIT "A"

Page 2 of 5

DESCRIPTION OF REAL ESTATE:

TRACT "A": A portion of Section 21, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Commencing at the Northwest corner of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Snover Waterway (200' wide), as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 14, Pages 6, 6-A through 6-V, Public Records of Sarasota County, Florida; thence S.00° 43'08"W. along the Westerly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision also being the Westerly Right-of-Way Line of Sumter Boulevard (200' wide) a distance of 100.00 feet to the POINT OF BEGINNING; at the Intersection of said Right-of-Way Line with the South Line of said Snover Waterway; thence along said Westerly Right-of-Way Line of Sumter Boulevard the following two courses; S.00° 43'08"W. a distance of 1346.71 feet to the point of curvature of a 2100.00 foot radius curve to the left, with the center point bearing S.89°16'52"E.; thence Southerly along the arc of said curve, through a central angle of 15°16'04", a distance of 559.59 feet to an intersection with the Northerly Right-of-Way Line of Price Boulevard, with said point also being a point of reverse curvature of a 25.00 radius curve to the right, with the center point bearing S.75°27'04"W.; thence along the said Northerly Right-of-Way Line of Price Boulevard (100' wide) the following four courses; Southwesterly along the arc of said curve, through a central angle of 85°42'32", a distance of 37.40 feet to a point of reverse curvature of a 1650.00 foot radius curve to the left, with the center point bearing S.18°50'24"E.; thence Southwesterly along the arc of said curve, through a central angle of 22°20'06", a distance of 643.20 feet to a point of tangency; thence S.48°49'30"W., a distance of 408.66 feet to the point of curvature of a 1950.00 foot radius curve to the right, with the center point bearing N.41°10'30"W.; thence Westerly along the arc of said curve, through a central angle of 71°11'22", a distance of 2422.85 feet; thence leaving said Northerly Right-of-Way Line of Price Boulevard N.29°59'32"E., a distance of 1198.77 feet; thence N.15°00'00"W., a distance of 1800.00 feet to the South Line of the aforesaid Snover Waterway (O.R. Book 1941, Page 6); thence along said South Line, S.89°16'51"E., a distance of 2953.00 feet to the Point of Beginning.

Containing 170.30 Acres, more or less.

CERTIFIED

JMR
DATE: 5-31-12

EXHIBIT "A"

Page 3 of 5

DESCRIPTION OF REAL ESTATE:

TRACT "B": A portion of Sections 21 and 22, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Commencing at the Northeast corner of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Snover Waterway as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 14, Pages 6, 6-A through 6-V, Public Records of Sarasota County, Florida; thence S.00°43'08"W., along the Easterly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision, also being the Easterly Right-of-Way Line of Sumter Boulevard (200' wide) a distance of 700.00 feet to the POINT OF BEGINNING; thence leaving the said Westerly Right-of-Way Line, S.89°16'51"E., a distance of 606.00 feet, thence N.00°43'09"E., a distance of 600.00 feet to the Southerly Right-of-Way Line of the Snover Waterway (O.R. Book 1941, Page 6); thence S.89°16'51"E. along said Southerly Right-of-Way Line, a distance of 880.95 feet to the Northwestern corner of North Port Water Control District property (O.R. Book 2357, Page 382); thence leaving said Southerly Right-of-Way Line, and along the Westerly Boundary Line of the said North Port Water Control District Property, S.00°43'09"W., a measured distance of 1052.76 feet (Deed 1050.00) to the Southwest corner of said North Port Water Control District property; thence along the Southerly Boundary of said North Port Water Control District property S.89°16'51"E., a distance of 1028.67 feet to the Westerly Boundary Line of the Blueridge Waterway (100 feet wide) (O.R. Book 1941, Page 6), said point also being a point on the arc of a 1000.00 foot radius curve with the center point of said curve bearing N.77°26'14"W.; thence along the Westerly Right-of-Way Line of said Blueridge Waterway the following two courses; Southwesterly along the arc of said curve, through a central angle of 55°49'01", a distance of 974.19 feet to a point of reverse curvature of a 1150.00 foot radius curve to the left, with the center point bearing S.21°37'14"E.; thence Southwesterly along the arc of said curve, through a central angle of 32°16'11", a distance of 647.69 feet to the intersection of said Westerly Right-of-Way Line with the Northerly Right-of-Way Line of Price Boulevard (100' wide); thence along the Northerly Right-of-Way Line of said Price Boulevard the following three courses; N.56°24'18"W., a distance of 131.21 feet to the point of curvature of a 1650.00 foot radius curve to the left, with the center point bearing S.33°35'42"W.; thence along the arc of said curve, through a central angle of 43°52'31", a distance of 1263.51 feet to a point of reverse curvature of a 25.00 foot radius curve to the right with the center point bearing N.10°16'49"W.; thence along the arc of said curve through a central angle of 85°43'55", a distance of 37.41 feet to a point in the aforesaid Easterly Right-of-Way Line of Sumter Boulevard, and the Easterly Boundary Line of the aforesaid Fifty-Sixth Addition to Port Charlotte Subdivision, said point is also the point of compound curvature of a 1900.00 foot radius curve to the right, with the center point bearing N.75°27'05"E.; thence along the said Easterly Right-of-Way Line for the following two courses; Northerly along the arc of said curve through a central angle of 15°16'02", a distance of 506.28 feet to the point of tangency; thence N.00°43'08"E., a distance of 746.71 feet to the Point of Beginning.

Containing 72.12 Acres, more or less.

CERTIFIED

DATE: 5/31/56

000256

EXHIBIT "A"

D.

Page 4 of 5

TRACT "C": A portion of Sections 21 and 28, Township 39 South, Range 2: East, Sarasota County, Florida, more particularly described as follows:

Beginning at a concrete monument at the Northwest corner of the Right-of-Way of North Port Boulevard as shown on the Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof Recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, thence S.82°01'05"W. (S.82°00'00"W. Plat bearing) along the Northerly Right-of Way of said North Port Boulevard (Myakachatchee Boulevard) as shown on the Plat of the Fifty-Second Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 21 Pages 13, 13-A through 13-M, Public Records of Sarasota County, Florida, a distance of 947.20 feet (945.95 feet plat distance) to a concrete monument at the Southeast corner of Block 2653 in said Fifty-Second Addition to Port Charlotte Subdivision; thence leaving said Northerly Right-of-Way Line and along the Northeastery Boundary Line of said Block 2653 the following four courses; N.08°00'00"W., a distance of 955.00 feet; thence S.82°00'00"W., a distance of 355.00 feet; thence N.08°00'00"W., a distance of 630.90 feet; thence S.82°00'00"W., a distance of 150.00 feet; thence leaving said Boundary Line, N.29°59'32"E., a distance of 1080.80 feet to the Southerly Right-of-Way Line of Price, Boulevard (100' Wide); thence along said Southerly Right-of-Way Line the following five courses; S.59°55'11"E., a distance of 23.99 feet to the point of curvature of a 2050.00 foot radius curve to the left with the center point bearing N.30°04'49"E.; thence Easterly along the arc of said curve, through a central angle of 71°15'19", a distance of 2542.48 feet to a point of tangency; thence N.48°49'30"E., a distance of 408.68 feet to the point of curvature of a 1550 foot radius curve to the right, with the center point bearing S.41°10'39"E.; thence Northeasterly along the arc of said curve, through a central angle of 22°06'43", a distance of 598.19 feet to a point of compound curvature of a 25 foot radius curve to the right with the center point bearing S.19°03'47"E.; thence Easterly and Southerly along the arc of said curve through a central angle of 90° 27'50", a distance of 35.47 feet to a point on the Westerly Right-of-Way Line of Sumter Boulevard as shown on the aforesaid Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision, said point also being a point of reverse curvature of a 2100.00 foot radius curve to the left, with the center point bearing N.71°24'03"E.; thence along said Westerly Right-of-Way Line of Sumter Boulevard the following four courses; Southerly, along the arc of said curve through a central angle of 00°13'14", a distance of 8.09 feet to a point of reverse curvature of a 1300.00 foot radius curve to the right, with the center point bearing S.71°10'49"W.; thence Southerly along the arc of said curve, through a central angle of 77°57'00", a distance of 1768.63 feet to a point of reverse curvature of a 1600.00 foot radius curve to the left, with the center point bearing S.30°52'11"E.; thence Southwesterly along the arc of said curve through a central angle of 59°57'23", a distance of 1674.30 feet to a point of reverse curvature of a 50.11 foot radius curve to the right, with the center point bearing S.69°10'26"W.; thence Southwesterly along the arc of said curve through a central angle of 85°32'36", a distance of 75.69 feet to the aforesaid Northerly Right-of-Way Line of North Port Boulevard; thence along the said Northerly Right-of-Way Line the following three courses; S.85°43'11"W., a distance of 208.42 feet to the point of curvature of a 2750.00 foot radius curve to the left, with the center point bearing S.04°16'49"E.; thence Southwesterly along the arc of said curve, through a central angle of 03°42'20", a distance of 177.85 feet to a point of tangency; thence S.82°00'51"W., a distance of 355.73 feet to the Point of Beginning.

Containing 140.58 Acres, more or less.

CERTIFIED
H. H. R.
DATE: 5-31-12

DESCRIPTION OF

EXHIBIT "A"

Page 5 of 5

TRACT "D": A portion of sections 21 and 22, Township 39 South, Range 21 East, Sarasota County, Florida, more particularly described as follows:

Commencing at the Northeastly corner of the Fifty-Second Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 21, Pages 13, 13-A through 13-NN, Public Records of Sarasota County, Florida, said corner also being on the centerline of the Blueridge Waterway (100' wide) (O.R. Book 1941, Page 6); thence leaving the said centerline and along the Northerly Boundary Line of the said Fifty-Second Addition to Port Charlotte Subdivision, N.84°56'11"W., a distance of 50.00 feet to the POINT OF BEGINNING, said point also being on the Westerly Right-of-Way Line of the said Blueridge Waterway; thence leaving said Westerly Right-of-Way Line and along the Northerly Boundary Line of said Fifty-Second Addition the following three courses; N.84°56'11"W., a distance of 1375.64 feet, to the point of curvature of 400 foot radius curve to the right, with the center point bearing N.05°03'49"E., thence along the arc of said curve, through a central angle of 29°49'49", a distance of 208.26 feet to a point of tangency; thence N.55°06'22"W., a distance of 442.85 feet to a corner on the Boundary Line of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 28, Pages 50 and 50-A, Public Records of Sarasota County, Florida, said point is also on the arc of a 2350.00 foot radius nontangent curve with the center point bearing N.55°05'20"W.; thence Southwesterly along the Westerly Boundary Line of Tract "D" as platted in said Fifty-Sixth Addition and the arc of said curve, through a central angle of 10°06'22", a distance of 414.51 feet to a point on the Easterly Right-of-Way Line of Sumter Boulevard (200' wide) as platted in said Fifty-Sixth Addition with said point also being on the arc of a 1400.00 foot radius nontangent curve with the center point bearing S.73°36'02"E.; thence Northeastly along said Easterly Right-of-Way Line, the following three courses; along the arc of said curve, through a central angle of 42°43'51" a distance of 1044.11 feet to a point of reverse curvature of a 1500.00 foot radius curve to the left, with the center point bearing N.30°52'11"W.; thence along the arc of said curve through a central angle of 77°31'15", a distance of 2029.49 feet to a point of reverse curvature of a 25.00 foot radius curve to the right, with the center point bearing N.71°36'34"E., thence along the arc of said curve through a central angle of 98°45'30", a distance of 43.09 feet along the Southerly Right-of-Way Line of Price Boulevard (100' wide), to a point of compound curvature of a 1550.00 foot radius curve to the right with the center point bearing S.09°37'56"E., thence along the said Southerly Right-of-Way Line for the following two courses; along the arc of said curve through a central angle of 43°13'39", a distance of 1169.42 feet to a point of tangency; thence S.56°24'18"E., a distance of 131.17 feet to a point on the aforesaid Westerly Right-of-Way Line of the Blueridge Waterway, said point also being on the arc of a 1150.00 foot radius curve, with the center point bearing S.58°52'26"E.; thence along said Westerly Right-of-Way Line the following two courses; Southwesterly along the arc of said curve through a central angle of 26°04'14", a distance of 523.27 feet to a point of tangency; thence S.05°03'20"W., a distance of 1932.28 feet to the Point of Beginning.

Containing 83.90 Acres, more or less.

CERTIFIED
DATE 5/1/02
000258

TABLE 2
HERON CREEK DRI
Proportionate Share Calculation
Revised 07-16-00

Location	Year 2011 PM Peak Hr Background Traffic (vph)	Year 2011 PM Peak Hr Proj + Bkgd Traffic (vph)	Year 2011 PM Peak Hr Project Traffic (vph)	Year 2011 PM Peak Hr Flow Rate (pcph)	Year 2011 Avail Capty (pcphpl)	Year 2011 Remaining Cap. (pcphpl)	Year 2011 Avail Capty After Improv. (pcphpl)	Year 2011 Avail Capty After Signal only (pcphpl)	Year 2011 Added Capacity (pcphpl)	% Proj Traffic/ Added Cap	Cost of Mitigation (\$)	Project Proportionate Share (\$)
Price/Saltford Intersection	759	1,449	690	1625	2076	251	3654	2009	1578	43.71%	\$127,350.00	\$55,856.73
Price/Sumter Intersection	1013	2,132	1,119	2813	1972	-841	4052	1435	2090	53.56%	\$157,350.00	\$84,278.62
Appomattox/North Port Int.	299	1,147	848	1755	3658	1903	4234	No Signal	576	147.16%	\$15,000.00	\$22,074.74
Appomattox/Sumter Int.	867	1,769	902	2303	2369	66	4012	1887	1643	54.91%	\$127,350.00	\$69,926.56
Total Intersections												\$234,130.65

Location	Year 2011 Proj Traffic (vph)	Added Capacity (pcphpl)	% Project Trips/ Added Cap	Cost per Mile (Millions)	Length (mi.)	Cost of Mitigation (\$)	Project Proportionate Share (\$)
I-75: Kings Hy to Toledo Bl.	230	2500	9.20%	\$3.018	9.4	\$28,369,200.00	\$2,509,965
I-75: Toledo Bl. to Sumter Bl.	423	2500	16.94%	\$3.018	3.0	\$9,054,000.00	\$1,533,530
Total Road Links							\$4,043,495

Total Proportionate Share: **\$4,375,437**

DATE: 5-31-02
CERTIFIED



City of North Port

ORDINANCE NO 05 28

(Development Order for Heron Creek a Development of Regional Impact)

A ORDINANCE OF THE CITY OF NORTH PORT FLORIDA AMENDING THE DEVELOPMENT ORDER ORIGINALLY ADOPTED BY ORDINANCE 00 13 FOR THE DEVELOPMENT OF REGIONAL IMPACT (DRI) KNOWN AS HERON CREEK PROVIDING FOR FINDINGS AND CONCLUSIONS OF LAW PROVIDING FOR INCORPORATION OF THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA) INTO THE DEVELOPMENT ORDER PROVIDING FOR THE APPROVAL OF THE HERON CREEK DRI WITH CONDITIONS PROVIDING FOR THIS ORDINANCE TO BE DEEMED THE DEVELOPMENT ORDER PROVIDING FOR BUILD OUT AND DEVELOPMENT ORDER TERMINATION DATES FOR THE HERON CREEK DRI PROVIDING FOR ENFORCEMENT PROVIDING FOR SEVERABILITY PROVIDING FOR SERVICE AND RECORDING PROVIDING AN EFFECTIVE DATE PROVIDING FOR RELATIONSHIP TO OTHER REGULATIONS AND PROVIDING FOR CONSENT TO THE PROVISIONS OF THE ORDINANCE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT FLORIDA

SECTION 1 Findings of Fact and Conclusions of Law The City Commission of the City of North Port Florida hereby makes the following findings of fact and conclusions of law

1. On November 7, 1996 Marsh Creek Properties, Inc. through its authorized agent Betsy Benac submitted to the City of North Port Florida the Southwest Florida Regional Planning Council (SWFRPC) and to the Division of Resource Planning and Management of the Florida Department of Community Affairs (DCA) an application for development approval (ADA) in accordance with Section 380.06 Florida Statutes for approval of a development of regional impact (DRI) to be known as Marsh Creek DRI (now known as Heron Creek) located in the incorporated City of North Port within Sarasota County north of Appomattox Drive south of the Snover Waterway east of the Myakkahatchee Creek west of the Blueridge Waterway abutting Sumter Boulevard and approximately two miles south of I-75

✓
CERTIFIED
JHR
DATE 5-31-12

1 2 The ADA was subsequently amended to add additional lands to add an additional applicant Renea M Glendinning as Trustee the owner of the additional lands to modify the conceptual site plan and the mix of proposed uses and to change the name of the project to Heron Creek DRI

1 3 The ADA as amended proposes 1 970 residential units (903 single family and 1 067 multi family units) 500 000 gross square feet of retail service and 250 000 gross square feet of office 269 38 acres of recreation and open space 27 holes of golf buffers and tennis center 44 acres of conservation lands (wetlands and scrub jay habitat) 105 acres of lakes for water management and 5 acres of internal road rights of ways on a project site containing a total of 831 38 acres more particularly described in Exhibit A

1 4 The Applicant has heretofore undertaken a limited amount of the development pursuant to a preliminary development agreement(s) in accordance with Section 380 06(8) Florida Statutes

1 5 Pursuant to Section 380 06(11) Florida Statutes public hearing notice for hearings on said ADA before the City Commissioners of North Port were duly published in the North Port Sun Herald on May 17 2000 and were duly provided to the Florida Department of Community Affairs (DCA) the Southwest Florida Regional Planning Council and other persons designated by DCA rules

1 6 On June 17 2000 in accordance with Section 380 06(12) Florida Statutes the SWFRPC rendered its report and recommendations on the regional impact of the proposed Heron Creek DRI

1 7 On August 17 2000 the City of North Port Planning and Zoning Advisory Board (PZAB) held a duly noticed public hearing on said ADA and received all pertinent evidence including the SWFRPC report and recommendation and the testimony of the general public and recommended approval of the ADA for the Heron Creek DRI subject to certain conditions as contained in the recommendation to the City Commission

1 8 On August 28 and September 11 2000 The City Commission of the City of North Port held duly noticed public hearings on the ADA and received all pertinent evidence including the reports and recommendations of the SWFRPC and the PZAB and the testimony of the general public

1 9 The proceedings herein relating to the Heron Creek DRI ADA have been conducted in compliance with the provisions of Chapter 380 06 Florida Statutes and all conditions precedent to the granting of development approval required by Chapter 380 06 Florida Statutes have occurred

1 10 The proposed development is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380 05 Florida Statutes

1 11 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan

1 12 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan

1 13 The proposed development subject to the conditions imposed herein is consistent with the North Port Comprehensive Plan and does not appear to conflict with other local land development regulations

1 14 The proposed development subject to the conditions imposed herein is consistent with the report and recommendation of the SWFRPC pursuant to Section 380.06 (12) Florida Statutes

1 15 When developed in accordance with the conditions imposed by this Development Order the Heron Creek development

(a) will have a favorable impact on the environment and natural historical resources in the area

(b) will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region

(c) will efficiently use water sewer solid waste disposal public school facilities and other necessary public facilities

(d) will effectively use public transportation facilities

(e) will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment and

(f) will comply with such other criteria for determining regional impact as the regional planning agency deems appropriate including but not limited to the extent to which the development would create additional demand for or additional use of energy

SECTION 2 Incorporation of Application for Development Approval (ADA) and Associated Documents in the Development Order

2 1 The following information commitments and impacting mitigating provisions submitted by the Applicant are hereby incorporated in this Development Order by reference

- i Heron Creek's Application for Development Approval
- ii Heron Creek's First Response to Sufficiency Comments

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 DATE: 5-31-12

- iii Heron Creek's Second Response to Sufficiency Comments incorporating Amended Application for Development Approval
- iv February 29 1999 Supplemental Transportation Analysis
- v Transportation Responses to Agency Questions re Supplemental Transportation Analysis
- vi Heron Creek's Application for Comprehensive Plan Amendment
- vii Scrub Jay Management Plan

2.2 In construing and enforcing the provisions of the documents incorporated in this Development Order by Subsection 2.1 above the following shall apply

(a) The most recent response of the Applicant in the above referenced documents shall control over any previous response wherever there is a conflict otherwise the responses shall be considered cumulative

(b) Any information commitments or impact mitigating provisions in the above referenced documents which are inconsistent with the specific conditions set forth in this Ordinance and the exhibits hereto shall be deemed superseded and inapplicable

SECTION 3 Approval of the Heron Creek Development of Regional Impact with Conditions

3.1 The ADA for the Heron Creek DR/ is hereby approved for the following land uses and phases subject to the conditions contained in herein consistent with Preliminary Master Plan Map H dated February 2000 and subject to the other provisions of the Development Order

Land Use	Phase I (97 2001)	Phase II (02 2006)	Phase III (07 2011)	Phase IV (12 2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi Family (LUC 220)	125 DU	471 DU	471 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		12 Courts		
Medical/Professional (LUC 720)		80 000 GLA	50 000 GLA	
Office General (LUC 710)		65 000 GLA	55 000 GLA	
Retail Shopping Center (LUC 820)	90 000	122 500 GLA	150 000 GLA	137 500 GLA

3.2 The City of North Port Department of Planning is hereby designated as the local government department responsible for monitoring the development enforcing and monitoring the terms of the Development Order and for receiving the bi annual report required by Chapter 380.06 Florida Statutes

3.3 Bi Annual Report Requirements

The Applicant shall submit an bi annual report pursuant to the requirements of Chapter 380.06(18) Florida Statutes Chapter 9J 2.025(7) Florida Administrative Code (F.A.C.) and procedures established by the Southwest Florida Regional Planning Council. This report shall be submitted on the anniversary of the effective date of the Development Order or on such other date as agreed upon by the Applicant City of North Port the Southwest Florida Regional Planning Council and the Department of Community Affairs until and including such time as all terms and conditions of the Development Order are satisfied unless otherwise specified herein. The date upon which the bi annual report is required to be submitted may be established to coincide with the same date upon which the Heron Creek annual report is required to be submitted. The Applicant shall submit this bi annual report to the City of North Port Planning Department the Southwest Florida Regional Planning Council (SWFRPC) the Department of Community Affairs (DCA) and all affected permitting agencies required by law on Form RPM BSP Annual Report I as the same may be amended from time to time. The bi annual report shall contain all information required by Rule 9J 2.025(7)(a) through G) F.A.C. as the same may be amended from time to time.

Upon notification that the bi annual report is not received by the Southwest Florida Regional Planning Council (SWFRPC) the Department of Community Affairs (DCA) or upon non receipt of the annual report by City of North Port City of North Port shall request in writing that the Applicant submit the report within thirty (30) days. Failure to submit the report after 30 days shall result in City of North Port temporarily suspending this Development Order and no new development permit applications shall be granted within the development until the requirements of this subsection are met.

3.4 The Applicant shall submit to the City of North Port Planning Department any monitoring reports specified in the conditions contained in Exhibit B. The director of the community development department for the City of North Port shall be the local official responsible for assuring compliance by the Applicant with this Development Order.

SECTION 4 Additional Local Conditions

4.1 The Heron Creek DRI is partially located in Activity Center #2 identified in the Comprehensive Plan adopted November 10, 1997 Ordinance No. 97-27 (as amended). All nonresidential development (except the golf course clubhouse and fitness center) will be located in the Town Center a subcategory of Activity Center #2. The Town Center is designated as a mixed use pedestrian oriented development. By February 2001 the applicant agrees to submit to the City of North Port Community Development Department a draft pattern book that includes

design guidelines that dictate urban form and architectural controls for nonresidential development in the Town Center. The pattern book will also address the urban form for the City of North Port's civic development in the northeast quadrant of Price and Sumter. After sufficient staff and public review, the City of North Port will adopt the pattern book.

The applicant has submitted plans for a grocery store to be located in the southwest quadrant of Price and Sumter. This grocery store is exempt from the design guidelines.

- 4.2 The applicant shall construct a maximum of four (4) sheltered bus stops. The first bus shelter shall be constructed concurrent with the proposed grocery store identified in 4.1 above. All other shelter locations to be mutually agreed upon between the City and the applicant. Applicant not responsible for any shelters in the City of North Port's civic development. The sheltered design was not implemented through SCAT at the time of the first constructed bus stop. The City received \$5000.00 payment for construction of the bus stop located at Price Blvd and Sumter Rd. The three remaining bus stop locations and design will be coordinated through SCAT (Sarasota County Area Transit) the City of North and the applicant.
- 4.3 All roads in the Heron Creek DRI are private. If the applicant seeks approval to transfer jurisdiction from applicant homeowner's association to the City of North Port, a public hearing shall be held and this Ordinance amended.
- 4.4 Open swales shall not be allowed in the right of way for Price and Sumter Boulevards when they are improved or expanded in the Town Center. This requirement shall not preclude use of open swales in other areas of the Heron Creek development.
- 4.5 The applicant shall promote efficient pedestrian and bicycle movement within the development. This shall be achieved through the design of bike lanes, shade trees and provisions for bicycle racks in the Town Center. Bike lanes will be designed to be either on street, off street or other design acceptable to the City of North Port.
- 4.6 The applicant shall provide permanent sidewalks along both sides of Price and Sumter Blvd(s) within the project limits no later than the last day of the calendar year 2005 with the exception of

The sidewalk on the east side of Sumter shall be constructed no later than completion of the adjacent commercial development. All other commercial development within the Town Center will construct sidewalks concurrent with the development of the adjacent commercial property.

If all road improvements have not been designed or completed, the applicant shall be able to put in sidewalk sections that can be replaced at a later date by a permanent sidewalk. An example is asphalt. Any replacement of permanent or

temporary sidewalks that are damaged by the on going improvements to Sumter Blvd will be replaced by the City of North

4.7 The applicant and the City of North Port will enter into a developer's agreement that includes the following projects, time frames and funding commitments:

(1) Sumter Blvd (4 lane adjacent to the proposed development) Sumter Boulevard 4 laning may be subject to impact fee credits and may be paid for from the proposed proportionate share contributions outlined in Table 2 of Exhibit B. Project substantially complete by the end of Phase II or 2177 trips gross p.m. peak hour estimates.

(2) If the transportation analysis to be completed for Phase IV indicates that 4 laning of Price Boulevard is warranted due to existing or expected traffic from the development, revise the development agreement to provide for 4 laning Price Boulevard adjacent to the proposed development prior to the completion of phase IV (2017).

(3) Provided that the transportation analysis to be completed showing the addition of two lanes to Sumter does not reduce the expected additional traffic on Pan American Boulevard from the development below 5%, the applicant agrees to pay a proportionate share of the traffic calming improvements proposed by the city.

4.8 The right of way for the North Port Blvd extension shall be designed as a public pedestrian and bicycle corridor from Price Blvd to Appomattox Dr. and will be determined by the City of North Port staff whether it will be incorporated into the Myakkahatchee Creek project. This right of way shall include a stabilized access for public safety vehicles, shall be approved by the City and shall be designed and submitted to the City within 60 days after the completion of Myakkahatchee Creek Corridor Study is completed and construction shall commence within 120 days upon receiving the necessary permits. or the City and Developer may agree to the Developer contributing funds to the City that equal the cost of the improvements. After the improvements are complete, the applicant shall convey to the City fee simple title for the 50 feet of right of way. The ROW shall be used exclusively for a greenway/bicycle and pedestrian pathway.

4.9 The Public Works Director shall approve all access points to Price and Sumter Bldgs.

SECTION 5 Ordinance as Development Order. This Ordinance shall be deemed the Development Order required pursuant to Section 380.06, Florida Statutes, for the Heron Creek Development of Regional Impact.

SECTION 6 Build out and Development Order Termination Dates for the Heron Creek Development of Regional Impact.

6.1 The build out date of this Development Order is December 31, 2017 provided however additional analyses may be required in accordance with the provisions contained in Exhibit B.

6.2 The Heron Creek Development Order shall remain in effect until December 31, 2017.

SECTION 7 Enforcement

7.1 All conditions, restrictions, requirements, commitments and impact mitigating provisions contained or incorporated by reference in this Development Order may be enforced by City of North Port by action at law or equity.

7.2 In the event it is determined by the City Commission of the City of North Port after notice and hearing that the Applicant has failed to comply with any conditions, restrictions, requirements or impact mitigating provisions contained or incorporated by reference in this Development Order, the City Commission may temporarily suspend the Development Order during which no development permit applications shall be granted within the development until compliance is achieved.

7.3 The obligations of this Development Order shall run with the land. The Applicant is bound by the terms of this Development Order so long as it owns such property. This Development Order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest thereto or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

SECTION 8 Severability

8.1 If any section, sentence, clause, phrase or word of this Development Order is for any reason held or declared to be invalid, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Development Order and it shall be construed to have been the intent to pass this Development Order without such invalid or inoperative part herein, and the remainder exclusive of such part or parts shall be deemed and held to be valid as if such parts had not been included herein, unless to do so would frustrate the intent of this Development Order.

SECTION 9 Service and Recording

9.1 This Ordinance shall be binding upon the Applicant, its successors and assigns and upon City of North Port. Notice of the adoption of this Ordinance shall be recorded by the Applicant in accordance with Section 380.06(15)(f), Florida Statutes.

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9.2 The City of North Port Clerk shall certify the date upon which certified copies of this Ordinance are deposited in the U.S. Mail for DCA, the SWFRPC, and the Applicant.

SECTION 10 Effective Date This Development Order shall take effect upon execution of the consent provided for in Section 11 of this Ordinance and transmittal of the copies of said Development Order to the parties specified in Section 380.07(2) Florida Statutes, the expiration of any appropriate appeal period, or the resolution of any appeal, whichever is later.

SECTION 11 Relationship to Other Regulations

11.1 This Development Order shall not be construed as an agreement on the part of City of North Port to exempt the Applicant, its successors and assigns, from the operation of any ordinance or other governmental regulation now in effect or hereafter adopted by City of North Port for the purpose of protection of public health, welfare and safety, which said Ordinance or regulation shall be generally and equally applicable throughout City of North Port, and which said Ordinance or regulation does not impair or otherwise frustrate the Development herein approved.

11.2 This DRI shall not be subject to down zoning, unit density reduction or intensity reduction prior to December 31, 2017, unless City of North Port can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly established by City of North Port to be essential to the public health, safety, or welfare.

11.3 Prior to the first building permit issued for Phase II, the applicant shall pay all application fees in accordance with Ordinance 96-14.

SECTION 12 Consent to Provisions of Ordinance

12.1 The Applicant, by signing this document in the space hereinafter provided, signifies its approval of and assent to the provisions of this Development Order. Such signature shall also constitute a certification by the Applicant that it has delivered to the Southwest Florida Regional Planning Council and the Department of Community Affairs a complete copy of all documents specified in Section 2.2.1 above.

PASSED AND DULY ADOPTED by the City of North Port, Florida, this 11 day of September 2000.

MARSH CREEK HOLDINGS, LTD., a Florida limited partnership, and **RENEA M. GLENDINNING**, as Trustee, under Trust Agreement dated April 30, 1988, hereby warrant that they are the owners in fee simple of all the real property described in Exhibit A attached hereto, and that they have reviewed, approved, and assent to all the terms, conditions, and provisions of the foregoing Development Order, including all attachments thereto, which Development Order is also described as City of North Port Ordinance No. 2000-13, and acknowledge that the same are binding upon the partnership, its successors and assigns, and shall constitute covenants running with the property described in Exhibit A.

SECTION 1 FINDINGS

- 13 0 The phasing and development of the project is amended to reflect market conditions and development of the City
- 14 0 The City finds that it is necessary and desirable to enter into an agreement with the developer to address traffic impacts and traffic congestion to accurately reflect private and public budgeting for improvements to Price and Sumter Boulevard and to in general address the developer's commitments to mitigate impacts to City facilities to provide for the implementation and programming of projects required pursuant to Ordinance No 2000 13

SECTION 15 FILING OF ORDINANCE

- 15 0 Upon adoption of this Ordinance the City Clerk is directed to cause a copy of this Ordinance to be filed with the Clerk of the Circuit Court for Sarasota County Florida and with the Department of State

SECTION 16 SEVERABILITY

- 16 0 If any section subsection or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such provisions shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof

SECTION 17 CONFLICTS

- 17 0 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance the provisions of this Ordinance shall prevail to the extent of such conflict

SECTION 18 EFFECTIVE DATE

- 18 0 This Ordinance shall become effective immediately upon its adoption by the City of North Port City Commission

READ BY TITLE ONLY in public session this 27th day of June 2005

PASSED and ADOPTED on second and final reading in public session this

11th day of July 2005

CITY OF NORTH PORT FLORIDA

[Signature]
RICHARD LOCKHART COMMISSIONER

Chairperson

ATTEST

[Signature]

HELEN RAIMBEAU CMC

City Clerk

Approved as to form and correctness

[Signature]

ROBERT K. ROBINSON

City Attorney



Attachment 5 1
Legal Description

TRACT A A PORTION OF SECTION 21 TOWNSHIP 39 SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE SNOVER WATERWAY (200 WIDE) AS SHOWN ON THE PLAT OF THE EIGHTEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 14 PAGES 6 6 A THROUGH 6 V PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 00 43 08 W ALONG THE WESTERLY BOUNDARY LINE OF SAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) A DISTANCE OF 100 00 FEET TO THE POINT OF BEGINNING AT THE INTERSECTION OF SAID RIGHT OF WAY LINE WITH THE SOUTH LINE OF SAID SNOVER WATERWAY THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD THE FOLLOWING TWO COURSES S 00 43 08 W A DISTANCE OF 1346 71 FEET TO THE POINT OF CURVATURE OF A 2100 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 89 16 52 E THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15 16 04 A DISTANCE OF 559 59 FEET TO AN INTER SECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD WITH SAID POINT ALSO BEING A POINT OF REVERSE CURVATURE OF A 25 00 RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 75 27 04 W THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) THE FOLLOWING FOUR COURSES SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85 42 32 A DISTANCE OF 37 40 FEET TO A POINT OF REVERSE CURVATURE OF A 1650 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 18 50 24 E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22 20 06 A DISTANCE OF 643 20 FEET TO A POINT OF TANGENCY THENCE S 48 49 30 W A DISTANCE OF 408 66 FEET TO THE POINT OF CURVATURE OF A 1950 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 41 10 30 W THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 71 11 22 A DISTANCE OF 2422 85 FEET THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD N 29 59 32 E A DISTANCE OF 1198 77 FEET THENCE N 15 00 00 W A DISTANCE OF 1800 00 FEET TO THE SOUTH LINE OF THE AFORESAID SNOVER WATERWAY (O R BOOK 1941 PAGE 6) THENCE ALONG SAID SOUTH LINE S 89 16 51 E A DISTANCE OF 2953 00 FEET TO THE POINT OF BEGINNING

CONTAINING 170 30 ACRES MORE OR LESS

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TRACT B A PORTION OF SECTIONS 21 AND 22 TOWNSHIP 39 SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE SNOVER WATERWAY AS SHOWN ON THE PLAT OF THE EIGHTEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 14 PAGES 6 6 A THROUGH 6 V PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 00° 43' 08" W ALONG THE EASTERLY BOUNDARY LINE OF SAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) A DISTANCE OF 700.00 FEET TO THE POINT OF BEGINNING THENCE LEAVING THE SAID WESTERLY RIGHT OF WAY LINE S 89° 16' 51" E A DISTANCE OF 606.00 FEET THENCE N 00° 43' 09" E A DISTANCE OF 600.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE SNOVER WATERWAY (O.R. BOOK 1941 PAGE 6) THENCE S 89° 16' 51" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 880.95 FEET TO THE NORTHWESTERLY CORNER OF NORTH PORT WATER CONTROL DISTRICT PROPERTY (O.R. BOOK 2357 PAGE 382) THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE WESTERLY BOUNDARY LINE OF THE SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY S 00° 43' 09" W A MEASURED DISTANCE OF 1052.76 FEET (DEED 1050.00) TO THE SOUTHWEST CORNER OF SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY S 89° 16' 51" E A DISTANCE OF 1028.67 FEET TO THE WESTERLY BOUNDARY LINE OF THE BLUERIDGE WATERWAY (100 FEET WIDE) (O.R. BOOK 1941 PAGE 6) SAID POINT ALSO BEING A POINT ON THE ARC OF A 1000.00 FOOT RADIUS CURVE WITH THE CENTER POINT OF SAID CURVE BEARING N 77° 26' 14" W THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID BLUERIDGE WATERWAY THE FOLLOWING TWO COURSES SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 55° 49' 01" A DISTANCE OF 974.19 FEET TO A POINT OF REVERSE CURVATURE OF A 1150.00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 21° 37' 14" E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32° 16' 11" A DISTANCE OF 647.69 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE WITH THE NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID PRICE BOULEVARD THE FOLLOWING THREE COURSES N 56° 24' 18" W A DISTANCE OF 131.21 FEET TO THE POINT OF CURVATURE OF A 1650.00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 33° 35' 42" W THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43° 52' 31" A DISTANCE OF 1263.51 FEET TO A POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 10° 16' 49" W THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85° 43' 55" A DISTANCE OF 37.41 FEET TO A POINT IN THE AFORESAID EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD AND THE EASTERLY BOUNDARY LINE OF THE AFORESAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION SAID POINT IS ALSO THE POINT OF COMPOUND CURVATURE OF A 1900.00 FOOT RADIUS

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CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 75 27 06 E THENCE ALONG
THE SAID EASTERLY RIGHT OF WAY LINE FOR THE FOLLOWING TWO COURSES
NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF
15 16 02 A DISTANCE OF 506 28 FEET TO THE POINT OF TANGENCY THENCE N 00 43 08 E
A DISTANCE OF 746 71 FEET TO THE POINT OF BEGINNING

CONTAINING 72 12 ACRES MORE OR LESS

TRACT C A PORTION OF SECTIONS 21 AND 28 TOWNSHIP 39 SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF THE RIGHT OF WAY OF NORTH PORT BOULEVARD AS SHOWN ON THE PLAT OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 82 01 05 W (S 82 00 00 W PLAT BEARING) ALONG THE NORTHERLY RIGHT OF WAY OF SAID NORTH PORT BOULEVARD (MYAKKAHATCHEE BOULEVARD) AS SHOWN ON THE PLAT OF THE FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 13 13 A THROUGH 13 NN PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA A DISTANCE OF 947 20 FEET (946 95 FEET PLAT DISTANCE) TO A CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF BLOCK 2653 IN SAID FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE AND ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID BLOCK 2653 THE FOLLOWING FOUR COURSES N 08 00 00 W A DISTANCE OF 955 00 FEET THENCE S 82 00 00 W A DISTANCE OF 365 00 FEET THENCE N 08 00 00 W A DISTANCE OF 630 90 FEET THENCE S 82 00 00 W A DISTANCE OF 150 00 FEET THENCE LEAVING SAID BOUNDARY LINE N 29 59 32 E A DISTANCE OF 1080 80 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES S 59 55 11 E A DISTANCE OF 23 99 FEET TO THE POINT OF CURVATURE OF A 2050 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING N 30°04 49 E THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 71 15 19 A DISTANCE OF 2549 46 FEET TO A POINT OF TANGENCY THENCE N 48 49 30 E A DISTANCE OF 408 68 FEET TO THE POINT OF CURVATURE OF A 1550 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 41 10 30 E THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°06 43 A DISTANCE OF 598 19 FEET TO A POINT OF COMPOUND CURVATURE OF A 25 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 19 03 47 E THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90 27 50 A DISTANCE OF 39 47 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD AS SHOWN ON THE AFORESAID PLAT OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION SAID POINT ALSO BEING A POINT OF REVERSE CURVATURE OF A 2100 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING N 71 24 03 E THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD THE FOLLOWING FOUR COURSES SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00 13 14 A DISTANCE OF 8 09 FEET TO A POINT OF REVERSE CURVATURE OF A 1300 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 71 10 49 W THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77 57 00 A DISTANCE OF 1768 63 FEET TO A POINT OF REVERSE CURVATURE OF A 1600 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 30 52 11 E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 59 57 23 A DISTANCE OF 1674 30 FEET TO A POINT OF REVERSE CURVATURE OF A 50 11 FOOT RADIUS CURVE TO THE RIGHT WITH THE

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CENTER POINT BEARING S 89 10 26 W THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 86 32 36 A DISTANCE OF 75 69 FEET TO THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF NORTH PORT BOULEVARD THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES S 85 43 11 W A DISTANCE OF 208 42 FEET TO THE POINT OF CURVATURE OF A 2750 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 04 16 49 E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03 42 20 A DISTANCE OF 177 85 FEET TO A POINT OF TANGENCY THENCE S 82 00 51 W A DISTANCE OF 355 73 FEET TO THE POINT OF BEGINNING

CONTAINING 140 58 ACRES MORE OR LESS

TRACT D A PORTION OF SECTIONS 21 AND 22 TOWNSHIP 39 SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEASTERLY CORNER OF THE FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 13 13 A THROUGH 13 NN PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE BLUERIDGE WATERWAY (100 WIDE)(OR BOOK 1941 PAGE 6) THENCE LEAVING THE SAID CENTERLINE AND ALONG THE NORTHERLY BOUNDARY LINE OF THE SAID FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION N 84 56 11 W A DISTANCE OF 50 00 FEET TO THE POINT OF BEGINNING SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY LINE OF THE SAID BLUERIDGE WATERWAY THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE AND ALONG THE NORTHERLY BOUNDARY LINE OF SAID FIFTY SECOND ADDITION THE FOLLOWING THREE COURSES N 84 56 11 W A DISTANCE OF 1375 64 FEET TO THE POINT OF CURVATURE OF 400 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 05 03 49 E THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°49'49" A DISTANCE OF 208 26 FEET TO A POINT OF TANGENCY THENCE N 55 06 22 W A DISTANCE OF 442 85 FEET TO A CORNER ON THE BOUNDARY LINE OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID POINT IS ALSO ON THE ARC OF A 2350 00 FOOT RADIUS NONTANGENT CURVE WITH THE CENTER POINT BEARING N 55 05 20 W THENCE SOUTHWESTERLY ALONG THE WESTERLY BOUNDARY LINE OF TRACT D AS PLATTED IN SAID FIFTY SIXTH ADDITION AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10 06 22 A DISTANCE OF 414 51 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) AS PLATTED IN SAID FIFTY SIXTH ADDITION WITH SAID POINT ALSO BEING ON THE ARC OF A 1400 00 FOOT RADIUS NONTANGENT CURVE WITH THE CENTER POINT BEARING S 73 36 02 E THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42 43 51 A DISTANCE OF 1044 11 FEET TO A POINT OF REVERSE CURVATURE OF A 1500 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING N 30 52 11 W THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77 31 15 A DISTANCE OF 2029 49 FEET TO A POINT OF REVERSE CURVATURE OF A 25 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 71 36 34 E THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 98 45 30 A DISTANCE OF 43 09 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) TO A POINT OF COMPOUND CURVATURE OF A 1550 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 09 37 56 E THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE FOR THE FOLLOWING TWO COURSES ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43 13 39 A DISTANCE OF 1169 42 FEET TO A POINT OF TANGENCY THENCE S 56 24 18 E A DISTANCE OF 131 17 FEET TO A POINT ON THE AFORESAID WESTERLY RIGHT OF WAY LINE OF THE BLUERIDGE WATERWAY SAID POINT ALSO BEING ON THE ARC OF A 1150 00 FOOT RADIUS CURVE WITH THE CENTER POINT BEARING S 58 52 26 E THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES SOUTHWESTERLY ALONG THE ARC OF SAID

CURVE THROUGH A CENTRAL ANGLE OF 26 04 14 A DISTANCE OF 523 27 FEET TO A
POINT OF TANGENCY THENCE S 05 03 20 W A DISTANCE OF 1932 28 FEET TO THE POINT
OF BEGINNING

CONTAINING 83 90 ACRES MORE OR LESS

✓
CERTIFIED
HMR
DATE 8/31/12
000276

DESCRIPTION OF THE PROPOSED REVERSIONARY BOUNDARY FOR A PORTION OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 13 THROUGH 13NN AND A PORTION OF THE 56TH ADDITION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA WITH SAID BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF NORTH PORT BLVD (FORMERLY MYAKKAHATCHEE BOULEVARD) WITH THE NORTHERLY LINE OF APPOMATTOX DRIVE AS PLATTED IN SAID 52ND ADDITION THENCE S 45°34'35" E ALONG SAID NORTHERLY LINE OF APPOMATTOX DRIVE A DISTANCE OF 1833.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 260.00 FEET A CENTRAL ANGLE OF 23°13'38" A CHORD BEARING OF S 57°11'24" E AND A CHORD LENGTH OF 104.68 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 105.40 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 68°48'13" E ALONG SAID NORTHERLY LINE A DISTANCE OF 2715.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 260.00 FEET A CENTRAL ANGLE OF 17°44'15" A CHORD BEARING OF S 77°40'20" E AND A CHORD LENGTH OF 80.17 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 80.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 86°32'28" E ALONG SAID NORTHERLY LINE A DISTANCE OF 403.32 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET A CENTRAL ANGLE OF 89°58'27" A CHORD BEARING OF N 48°28'18" E AND A CHORD LENGTH OF 35.35 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 39.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 03°29'05" E ALONG THE WESTERLY LINE OF SUMTER BLVD (200 FEET WIDE) A DISTANCE OF 7.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1524.84 FEET A CENTRAL ANGLE OF 26°10'34" A CHORD BEARING OF N 16°34'22" E AND A CHORD LENGTH OF 690.60 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 696.64 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 29°39'39" E ALONG SAID WESTERLY LINE OF SUMTER BLVD A DISTANCE OF 1900.39 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 949.64 FEET A CENTRAL ANGLE OF 35°45'49" A CHORD BEARING OF N 11°46'44" E AND A CHORD LENGTH OF 583.18 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 592.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 06°06'10" W ALONG SAID WESTERLY LINE A DISTANCE OF 682.16 FEET TO THE SOUTHEAST CORNER OF TRACT A AS PLATTED IN SAID 56TH ADDITION THENCE N 06°06'10" W ALONG SAID WESTERLY LINE OF SUMTER BLVD A DISTANCE OF 405.72 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1600.00 FEET A CENTRAL ANGLE OF 05°18'00" A CHORD BEARING OF N 03°27'41" W AND A CHORD LENGTH OF 147.95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 148.01 FEET TO A POINT OF CUSP WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET A CENTRAL ANGLE OF 86°32'01" A CHORD BEARING OF S 42°27'20" W AND A CHORD LENGTH OF 68.54 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 75.51 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 85°43'21" W ALONG THE NORTH LINE OF AFORESAID NORTH PORT BLVD (100 FEET WIDE) A DISTANCE OF 208.40 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE

LEFT HAVING A RADIUS OF 2750.00 FEET A CENTRAL ANGLE OF 03°42'18" A CHORD BEARING OF S 83°52'12" W AND A CHORD LENGTH OF 177.80 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 177.83 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 82°01'03" W ALONG SAID NORTH LINE A DISTANCE OF 355.74 FEET TO THE NORTHWEST CORNER OF SAID 56TH ADDITION THENCE S 82°01'01" W ALONG THE NORTH LINE OF SAID NORTH PORT BLVD AS PLATTED IN SAID 52ND ADDITION A DISTANCE OF 947.20 FEET THENCE N 08°00'00" W ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 955.00 FEET THENCE S 82°00'00" W ALONG THE NORTH LINE OF BLOCK 2653 A DISTANCE OF 365.00 FEET THENCE N 08°00'00" W ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 630.90 FEET THENCE S 82°00'00" W A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF LOT 39 IN SAID BLOCK 2653 THENCE S 08°00'00" E ALONG AND EXTENDING THE WEST LINE OF SAID LOT 39 A DISTANCE OF 175.00 FEET TO THE CUL DE SAC CENTER AT THE NORTH END OF FLEETWAY ROAD (50 FEET WIDE) THENCE S 07°57'17" E ALONG THE CENTERLINE OF SAID FLEETWAY ROAD A DISTANCE OF 605.90 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF CAMERO STREET (50 FEET WIDE) THENCE S 82°00'00" W ALONG SAID CENTERLINE OF CAMERO STREET A DISTANCE OF 1636.11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET A CENTRAL ANGLE OF 90°00'00" A CHORD BEARING OF S 37°00'00" W AND A CHORD LENGTH OF 141.42 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 157.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 08°00'00" E ALONG THE CENTERLINE OF DAMON AVE (50 FEET WIDE) A DISTANCE OF 185.03 FEET THENCE S 82°00'00" W ALONG THE LINE DIVIDING LOTS 7 AND 8 IN AFORESAID BLOCK 2653 A DISTANCE OF 150.11 FEET TO THE WEST LINE OF SAID BLOCK 2653 THENCE S 08°00'00" E ALONG SAID WEST LINE OF SAID BLOCK 2653 A DISTANCE OF 606.62 FEET TO A POINT ON THE NORTHWESTERLY LINE OF AFORESAID NORTH PORT BLVD THENCE S 19°45'51" E A DISTANCE OF 50.00 FEET TO THE CENTERLINE OF SAID NORTH PORT BLVD AND A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 4070.00 FEET A CENTRAL ANGLE OF 16°49'34" A CHORD BEARING OF S 61°49'22" W AND A CHORD LENGTH OF 1190.95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 1195.24 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 700.00 FEET A CENTRAL ANGLE OF 18°24'35" A CHORD BEARING OF S 44°12'17" W AND A CHORD LENGTH OF 223.95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 224.92 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1422.00 FEET A CENTRAL ANGLE OF 09°25'25" A CHORD BEARING OF S 39°42'43" W AND A CHORD LENGTH OF 233.62 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 233.88 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 44°25'25" W ALONG SAID CENTERLINE A DISTANCE OF 203.96 FEET TO THE POINT OF BEGINNING

CONTAINING 392.07 ACRES MORE OR LESS

LESS AND EXCEPT THE FOLLOWING

A PORTION OF SECTIONS 21 AND 22 TOWNSHIP SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE SNOVER WATERWAY AS SHOWN ON THE PLAT OF THE EIGHTEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 14 PAGES 6 6 A THROUGH 6 V PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 00 43 08 W ALONG THE EASTERLY BOUNDARY LINE OF SAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) A DISTANCE OF 700 00 FEET TO THE POINT OF BEGINNING THENCE LEAVING THE SAID WESTERLY RIGHT OF WAY LINE S 89 16 51 E A DISTANCE OF 606 00 FEET THENCE N 00 43 09 E A DISTANCE OF 600 00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE SNOVER WATERWAY (O R BOOK 1941 PAGE 6) THENCE S 89 16 51 E ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 880 95 FEET TO THE NORTHWESTERLY CORNER OF NORTH PORT WATER CONTROL DISTRICT PROPERTY (O R BOOK 2357 PAGE 382) THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE WESTERLY BOUNDARY LINE OF THE SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY S 00°43 09 W A MEASURED DISTANCE OF 1052 76 FEET (DEED 1 050 00) TO THE SOUTHWEST CORNER OF SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY THENCE N 89 16 51 W A DISTANCE OF 1486 95 FEET TO THE EASTERLY RIGHT OF WAY LINE OF AFORESAID SUMTER BOULEVARD THENCE N 00 43 08 E ALONG SAID LINE A DISTANCE OF 452 76 FEET TO THE POINT OF BEGINNING

CONTAINING 27 59 ACRES MORE OR LESS

LANDFILL

ALL OF TRACT X AS SHOWN ON SAID RECORD PLAT OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION

CONTAINING 367 27 ACRES MORE OR LESS AFTER EXCEPTION

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CERTIFIED
DATE 5/31/12

EXHIBIT B Conditions of Approval of Heron Creek DRI

1 Land Use

The ADA for the Heron Creek DRI is hereby approved for the following land uses and phases subject to the conditions contained in herein consistent with Preliminary Master Plan Map H dated February 2000 and subject to the other provisions of this Development Order

Land Use	Phase I (97 2001)	Phase II (02 2006)	Phase III (07 2011)	Phase IV (12 2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi Family (LUC 220)	125 DU	471 DU	471 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		12 Courts		
Medical/Professional (LUC 720)		80 000 GLA	50 000 GLA	
Office General (LUC 710)		65 000 GLA	55 000 GLA	
Retail Shopping Center (LUC 820)	90 000	122 500 GLA	150 000 GLA	137 500 GLA

2 Affordable Housing

Prior to commencement of Phase II or 2177 trips and subsequent phases of the project the Applicant or project employers shall provide supply data (such as Multiple Listing Services data) showing vacant for sale and /or for rent units available within a 10 mile/20 minute radius of the project. If analysis of the demand data provided in the Application for Development Approval (ADA) and the submitted supply data shows a shortage of affordable housing units that exceeds the threshold for significant impact for the DRI whether in one phase or cumulatively for the entire DRI the Applicant shall mitigate the need by following one of the options outlined in Rule 9J 2.048 the Adequate Housing Uniform Standard Rule

3 Energy

The Applicant shall comply with all commitments for energy conservation contained in the ADA

✓ CERTIFIED
JMR
DATE: 5-31-12

4 Stormwater Management

- a The Heron Creek DRI shall require a Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit for construction and operation of the surface water management system. At the time of permit application the Applicant shall provide verification to District staff that the proposed system designs will meet District criteria in effect at that time.
- b The Heron Creek DRI shall require a SWFWMD Water Use Permit for withdrawals from groundwater, project lakes, and/or other surface water bodies for irrigation or potable uses, and dewatering associated with the construction of project lakes, and/or road or building foundations, in accordance with current regulations.
- c The Applicant shall develop an integrated Fertilizer/Pesticide/Herbicide Management Plan as a component of the golf course design process, to be approved by the City of North Port Utilities Department, the City of North Port Public Works Department, with input from Sarasota County, SWFWMD, the Florida Fish and Wildlife Conservation Commission, and the Florida Department of Environmental Protection (DEP). The plan shall address the following items:
 - Fertilizer, pesticide, herbicide, and insecticide use, storage, and safety
 - Alternative pest control strategies
 - Golf course management methods and procedures, and
 - Quality control and assurance procedures
- d Elevations corresponding to a 100 year flood shall be used to set minimum building elevations on the site, taking into account the backwater elevations along the various onsite flowways.
- e Best management practices shall be included on construction plans for development and should be submitted to the City of North Port for review and approval.
- f All internal stormwater management lakes and ditches, and the onsite preserved/enhanced wetland areas, shall be set aside as private drainage and/or conservation easements on the recorded final plat. Stormwater lakes shall include, where practical, adequate maintenance easements around the lakes, with access to a paved roadway.
- g During construction activities, the Applicant shall employ best management practices for erosion and sedimentation control. These practices shall be included with, or presented on, all construction plans, and shall be subject to approval by the appropriate agencies prior to their implementation.

- h Any construction silt barriers or hay bales and any anchor soil as well as accumulated silt shall be removed upon completion of construction. Either the applicant or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.
- i The final stormwater management plan shall consider as applicable measures to reduce runoff rates and volumes including but not limited to fixed control structures, perforated pipes, and grass swale conveyances. Swales shall be used whenever possible rather than closed systems.
- j Any shoreline banks created along the onsite stormwater management system shall include littoral zones constructed on slopes consistent with SWFWMD and City of North Port requirements and shall be planted in native emergent or submerging aquatic vegetation. The Applicant shall ensure by supplemental replanting if necessary that at least 80% cover by native aquatic vegetation is established within the littoral zone for the duration of the project.
- k The Applicant shall conduct annual inspections of the Heron Creek Master Stormwater Management System and the preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.
- l The Applicant shall confirm to the satisfaction of all applicable federal, state, and local review agencies and SWFWMD that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite or that such impacts shall be mitigated to the benefit of on-site populations of those species.
- m The Applicant shall participate in any ongoing or future efforts by the City of North Port and Sarasota County to establish a countywide stormwater management system.
- n Ditch and swale slopes shall be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with grass or other appropriate vegetation.
- o The vegetated stormwater treatment areas shall be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches, or swales or which may interfere with the normal flow of water through discharge structures and underdrain systems shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be replaced immediately.

- p Underdrain systems and grease baffles if utilized within the Heron Creek DRI shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.
- q Stormwater management system maintenance requirements shall include removal of any mosquito productive nuisance plant species (e.g. water lettuce, water hyacinth and primrose willows) from all system nodes, reaches and percolation basins, as well as from the lake littoral zones employed in the system.
- r To the extent consistent with applicable stormwater management system and environmental regulations, any isolated wading bird pools constructed in lake littoral zones shall be excavated to a depth which provides aquatic habitat for mosquito larvae predators such as Gambusia affinis.
- s The Applicant shall comply with all commitments made in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description), Question 13 (Wetlands), Question 14 (Water), Question 15 (Soils), Question 16 (Floodplains) and Question 19 (Stormwater Management) which are not in conflict with the above recommendations.

5 Transportation

- a The applicant or his successor or assigns shall be fully responsible for the site related roadway and intersection improvements required within Heron Creek DRI. The applicant shall be required to pay the full cost for any site related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by the City of North Port for the project's access intersections onto Appomattox Drive, Sumter Boulevard or Price Boulevard. The site access points shall be located and developed consistent with the City of North Port access management standards and permit requirements.
- b Based on the transportation assessment of significant project impacts, the following process shall determine what regionally significant transportation improvements shall be required prior to or coincident with development of the Heron Creek DRI if adopted level of service conditions are to be maintained through Phase III (2011) on regional roadway segment and intersections.

Prior to any building permits for development exceeding those identified in Phase I plus Phase II land uses or for equivalent development generating 2,177 gross p.m. peak hour external trips, a Traffic Monitoring Study (TMS) shall be undertaken to confirm the estimates of the transportation analysis. Prior to undertaking this monitoring study, a meeting shall be held with staff of the SWFRPC, FDOT and the City of North Port. The purpose of the meeting will be to identify the scope and procedures to be utilized in this study. At a minimum, the TMS shall contain p.m. peak hour, peak season trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed below and a calculation of

the existing peak season level of service at these intersections and on the road segments indicated below. The levels of service shall be calculated according to current professional standards. The study shall also provide a calculation of the existing levels of service on the facilities and the estimated levels of service and project impact for the next increment for which development approval is desired. The TMS shall also identify any road improvements required to meet existing adopted level of service thresholds. Further, the study shall address the issues identified by all applicable review agencies in the SWFRPC staff assessment report. Specifically, the study shall confirm the allocation of traffic signal green time on US 41 and that road's ability to continue to meet traffic demands for the project phases through Phase III.

Regional Roadways

I 75 Kings Highway to Toledo Blade Blvd
 I 75 Toledo Blade Blvd to Sumter Blvd
 US 41 North Port Blvd To Pan American Blvd
 US 41 Biscayne Drive to Ortiz Blvd
 US 41 Toledo Blade Blvd to Enterprise

Regional Intersections

I 75/Kings Highway (all ramps)
 I 75/Toledo Blade Blvd (all ramps)
 I 75/Sumter Blvd (all ramps)
 US 41/North Port Blvd
 US 41/Pan American Blvd
 US 41/Biscayne Drive
 US 41/Ortiz Blvd
 Price Blvd /Sumter Blvd
 Price Blvd /Salford Blvd
 Appomattox Dr /North Port Blvd
 Appomattox Dr /Sumter Blvd

The transportation impacts to the roads and intersections above shall be appropriately addressed consistent with Southwest Florida Regional Planning Council policies and the determination of proportional share and/or pipelining of the regional road improvements shall be in accordance with Section 163.3220 F.S. which requires a Local Government Development Agreement.

- c. The applicant is eligible to apply for impact fee credits pursuant to Chapter 380.06 Florida Statutes and the City of North Port Ordinance No. 2000-4 as it may be amended, and the applicant may receive credits as authorized by the Ordinance. Further, impact fee payments made prior to the time at which proportionate share payments are due, if mitigation (described below) is selected, shall be held in escrow by the City of North Port and applied against the proportionate share payment.

- d **Mitigation Options** The following options are established for purposes of mitigating Phases I, II and III impacts. Prior to preliminary plat or preliminary site plan approval for 740 single family detached residential units or equivalent land uses which will result in 651 net new external p.m. peak hour trips, the applicant and the City of North Port shall select one or a combination of the following alternatives to mitigate the project's transportation impacts, provided that the combination(s) selected achieve the required degree of mitigation. The applicant shall report the option selected in the first required annual report following its selection. Further, the status of any transportation improvements required by the option selected shall be included in each subsequent required annual report. Continued issuance of development permits by the City of North Port for the project shall require a determination by the City of North Port for compliance with one of the options set forth below.
- 1 **Funding commitments** For the purpose of this order, funding commitments shall be defined in Section 9J 2.045 (7) a, 1 FAC. The improvements listed in the table below include roadway link and intersection improvements required for the development of Phases I through III.

TABLE 1
PHASES I, II AND III (2011)
REQUIRED LINK AND INTERSECTIONS

LOCATION	IMPROVEMENT	% OF PH I, II & III (OR NET EXTERNAL TRIPS)
Price @ Sumter	Signalize Add EL WL WR NL NR SL turn lanes	24% (651)
Appomattox @ Sumter	Signalize Add ER NL SR turn lanes	31% (867)
I 75 Sumter to Toledo Blade	Widen to 6 lanes	54% (1,523)
Price @ Salford	Signalize add EL WL NL turn lanes	62% (1,735)
Appomattox @ North Port	Signalize ad EL WL NL turn lanes	76% (2,168)
I 75 Toledo Blade to King Highway	Widen to 6 lanes	98% (2,761)

With each preliminary plat or preliminary site plan, the applicant shall submit a projection of gross external p.m. peak hour trips anticipated to be generated by the development included in the preliminary plat or preliminary site plan plus any development for which a preliminary plat or preliminary site plan has been previously approved.

- a No building permits shall be issued for land uses that will result in 651 net new external trips until funding commitments are in place for the first improvement identified in Table 1 above
- b No building permits shall be issued for land uses that will result in 867 new external p.m. peak hour trips until funding commitments are in place for the second improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met.
- c No building permits shall be issued for land uses that will result in 1,523 net new external trips until funding commitments are in place for the third improvement identified in Table 1 above.
- d No building permits shall be issued for land uses that will result in 1,735 net new external trips until funding commitments are in place for the fourth improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met.
- e No building permits shall be issued for land uses that will result in 2,168 net new external trips until funding commitments are in place for the fifth improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met.
- f No building permits shall be issued for land uses that will result in 2,761 net new external trips until funding commitments are in place for the sixth improvement identified in Table 1 above.

In the event that funding commitments for the above transportation improvements are not in place, the applicant shall have the option to submit an NOPC to the City DCA and the SWFRPC pursuant to Section 380.06(10) Florida Statutes with updated traffic counts on the impacted roadways that do not have commitments for required transportation improvements. The applicant shall further submit projections of traffic volumes that include the currently approved project development plus the volumes to be generated from an additional increment of development for which the applicant is seeking approval and future background traffic. If the submittal as approved by the above agencies shows that the unimproved road will operate at an acceptable level of service, the City of North Port may issue building permits for the requested increment of development.

The funding commitments for the above improvements shall be assessed and reported in the required annual report. The City of North Port shall cease issuance of any further building permits if the annual monitoring report shows that any of the required improvements is no longer funded as defined in Table 1 (above).

- 2 Proportionate share This option shall only be available if the City of North Port Comprehensive Plan authorizes payment of proportionate share contribution for local and regional significant traffic impacts in accordance with Section 163.3180(12) Florida Statutes and Rule 9J.2.045(7) a 3 F.A.C. With City of North Port and FDOT approval.

the applicant may pay to the City of North Port a proportionate share contribution pursuant to Section 9J 2 045 FAC of those improvement projects listed in Section I above for which funding remains uncommitted. The proportionate share contribution shall be used to improve anyone of the listed impacted roadways for which funding remains uncommitted pursuant to a roadway construction agreement to be entered into between the applicant City of North Port and the responsible government agencies (if applicable) subject to the following terms and conditions:

- a. No further building permits shall be issued by the City of North Port subsequent to the triggering of transportation needs shown in Table 1. Table 1 will be mitigated by the selection of Option 2 until the roadway construction agreement is executed. Further, should the applicant default in the payment of the proportionate share in accordance with the agreement, no further building permits shall be issued until the applicant is in compliance with the agreement.
- b. The agreement shall be in the form of either a clearly identified, executed and recorded local government development agreement consistent with Sections 163 3220 through 163 3243 Florida Statutes, an interlocal agreement, an FDOT joint participation agreement, or a written acceptance by the affected local government board or the FDOT as appropriate. The agreement to accept proportionate share payments shall be attached as an exhibit to the development order through a Ch. 380 06fl G) 0 2) e(2) amendment following the selection of this option and the execution of the agreement at the time of the next development order amendment. The agreement shall require the receiving local governmental agency to apply the contributed monies only towards the construction of one or more of the roadway improvements listed in Table 1 of this development order. If the contributed money is sufficient to fully construct one or more of the required improvements, the receiving governmental agency shall agree, as a condition of acceptance, to expeditiously apply the received monies for the construction of the improvement.
- c. The specific nature and scope of the selected improvements(s) shall be set forth in the roadway construction agreement. The roadway construction agreement shall address the timing of the applicant's payments toward design, ROW acquisition, construction, and the selected improvement(s).
- d. The proportionate share amount is as set forth in Table 2 (attached and incorporated as part of this development order) in accordance with 9J 21 045(7)3 F.A.C. The proportionate share has been calculated in Year 2000 dollars. This amount shall be updated at the time of payment in accordance with the FDOT construction Cost Price Trends Index. The proportionate share in Table 2 mitigates the impacts of all development in Phases I, II, and III. If any of the required improvements have been completed prior to the applicant's selection to pay the proportionate share, then the proportionate share amount shall be reduced by deleting the completed road improvement from the proportionate share computation.

- e Any delay or change to the proportionate share payment due to a change in the development schedule shall require an analysis of the proportionate share amount as part of any amendment to the build out date of the development. Payment of the proportionate share does not release the applicant from the obligation to pay impact fees as provided for in the City's Transportation Impact Fee Ordinance; however, the proportionate share is creditable against impact fees in accordance with state law.
- f The applicant shall dedicate 50 feet of right of way for a greenway/bicycle and pedestrian pathway extending on the west side of the property running parallel to the Myakkahatchee preserve from Appomattox to Price Boulevard.
- g The applicant shall promote efficient pedestrian and bicycle movement within the development.
- h The applicant shall help to accommodate any local and/or express transit service if established by the City of North Port or Sarasota County through the inclusion of bus stops or other means deemed necessary by the City of North Port or Sarasota County.

6 Vegetation and Wildlife/Wetlands

- a The Applicant shall comply with all commitments contained in the Wildlife and Habitat Management Plan and Scrub Jay Management Plan (Management Plan) which is incorporated by reference into this Development Order. The Applicant shall also comply with the commitments in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description), Question 12 (Vegetation and Wildlife) and Question 13 (Wetlands) to the extent that they are consistent with the Management Plan.
- b The applicant must coordinate the location, size and management plan for the Florida scrub jay preserve with the US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission in Vero Beach to avoid any permit delays.
- c The conservation easement over wetlands and uplands including the scrub jay preserve will be written to comply with the requirements of Rule 9J-4J (9) (b) 3 FAC.
- d Native habitats will also be preserved as part of the golf course design and the open space requirements.
- e In accordance with SWFWMD policy, Heron Creek will maintain or enlarge pre-developed contributing areas to each wetland in the post-developed condition to the extent possible.

- f The Proposed Mitigation Summary as part of the last sufficiency will serve as a framework for conceptual wetland mitigation approaches for the proposed impacts to 22 acres of wetlands
- g Total of 43.56 acres of wetlands (36.2 acres of Freshwater Marshes and 7.4 acres of Hardwood Hammock) will be preserved and enhanced
- h There will be a minimum of 16 +/- acres of vegetated uplands preserved plus additional upland acreage associated with the Scrub Jay Preserve to be determined at final development design and layout
- i The applicant will preserve some of the cabbage palm hammocks in place and relocating other portions while attempting to preserve significant oak trees

7 Wastewater Management/Water Supply

- a The project shall utilize ultra low volume water use plumbing fixtures self closing and/or metered water faucets and other water conserving devices and methods consistent with the criteria outlined in the water conservation plan of the public supply permit issued to the City of North Port Utilities Department by SWFWMD
- b For the purpose of non potable and/or reclaimed water conservation the Heron Creek DRI shall to the extent possible utilize xeriscape principles in all common landscaped areas and in the landscape design of the golf course and other recreational facilities Ecologically viable portions of existing (pre development) native vegetation shall be incorporated into the Development's landscape design to the greatest extent practicable
- c The Applicant shall apply for water use permits as required for withdrawals from groundwater project lakes and/or other surface water bodies for irrigation or potable use and for any dewatering activities proposed for the construction of onsite lakes and/or road or building foundations
- d At the time of application for the SWFWMD Water Use Permit for the proposed irrigation system the Applicant shall provide verification that the proposed plumbing and irrigation system designs meet SWFWMD criteria in effect at that time
- e The Applicant shall comply with the applicant's agreement with the City of North Port for the provision of potable water wastewater treatment and nonpotable water by the City of North Port Utilities Department
- f The requirements for reclaimed water for the Heron Creek development are governed by the Second Developer's Agreement between the City of North Port and the Applicant dated June 5 2000

- g Prior to applying for any well permits from Sarasota County the Applicant shall actively pursue alternative methods for obtaining non potable water. Such efforts shall include (but are not limited to) cisterns, reclaimed stormwater, reclaimed water from a regional resource, off site canals, or any comprehensive approach that will reduce or eliminate the need for onsite wells.
- h The use of reclaimed water, pesticides, herbicides, or fertilizers shall be prohibited within onsite wetland buffers and the wetlands they protect. Irrigation systems shall be designed and located so as to ensure that reclaimed wastewater does not contact or enter any open water, canal, or waterway within or adjacent to the DRI which is ultimately tributary to Myakkahatchee Creek.
- i In order to help protect water quality within the Myakkahatchee Creek Watershed and to increase public awareness about local water supply sources and the natural systems that support them, the Applicant shall provide educational materials to property buyers, residents, and businesses within the DRI concerning the proper use and disposal of chemicals and hazardous materials, as well as local and regional water quality issues. Such materials shall include guidelines for homeowners concerning lawn and landscape irrigation, and the proper application, handling, and storage of fertilizers, pesticides, herbicides, and other chemicals. The Applicant may use existing publications covering these topics, if such are found to exist and to be suitable for the North Port area. The development shall also participate in any County or City sponsored Amnesty Days program and should consider providing a central site for collection of hazardous materials.
- j Temporary septic systems may be utilized in conjunction with construction and sales offices and model homes. Septic systems shall not be allowed onsite other than for construction and sales offices, golf course restrooms, and model homes. All temporary septic systems shall be properly abandoned and/or removed by a licensed septic system firm at the time when permanent or interim wastewater treatment facilities come online.
- k All potable water facilities shall be properly sized to supply average and peak day domestic demand, in addition to fire flow demand, at a rate approved by the City of North Port Fire and Rescue District.
- l The Applicant shall comply with all commitments in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description), Question 14 (Water), Question 17 (Water Supply), and Question 18 (Wastewater Management) that are not in conflict with the above recommendations.
- m Potable water for the Heron Creek DRI shall be served by the City of North Port Utilities Department. A Developer's Agreement between the applicant and the City has been executed for the entire project. The agreement reserves potable water supply for Phase I of the Heron Creek DRI. The Developer's Agreement articulates specific water supply facility upgrades that are the sole responsibility of the applicant.

- 1 In order to insure that water supply facilities will be in place and available to serve each phase of development no later than the issuance by the City of North Port of a certificate of occupancy or its functional equivalent the City and the Applicant shall comply with their respective obligations under the developer's agreements dated August 31 1998 and June 16 2000
- 2 The City of North Port Utility Master Plan dated March 1999 shall serve as the basis for projecting potable water supply demands and allocating appropriate capital expenditures to serve the Heron Creek DRI development The master plan is incorporated herein by reference
- 3 Annually the City of North Port shall review the utility master plan to ensure consistency with its Capital Improvements Program and the applicable water supply and sewer provisions in the comprehensive plan
- 4 By 2001 the City of North Port shall update the utility master plan and include an analysis of existing and future demands capital expenditures and feasibility of purchasing water from a public regional water source
- 5 Annually the City of North Port Utility Department shall prepare a report as to the status of the guaranteed improvements of the water supply improvements The assessment shall be included in the annual DRI status report If the report shows evidence that the needed potable water supply facility improvements are no longer scheduled or guaranteed the City of North Port will cease to issue building permits until the supply facility improvements return to a guarantee or scheduled status
- 6 Should the water supply improvements schedule change or cause delay to the Heron Creek DRI approved schedule the applicant shall be required to amend the approved development schedule through the Notice of Proposed Change provisions of Section 380.06(19) Florida Statutes This process automatically amends the development order
- 7 Nothing herein shall relieve the City or the Applicant of their reciprocal obligations under the developer's agreements dated August 31 1998 and June 16 2000

8 Police and Fire Protection

- a To assure the project does not dilute the delivery of service during the site and development/construction plan approval process the Applicant shall meet with the North Port Police Department to ensure that security features are incorporated within the project design
- b Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988 shall file hazardous materials reporting applications in accordance with sections 302 303 304 or 311 312 Applications must be updated annually by each reporting facility

- c Fire protection shall be provided according to existing standards or fire flow criteria promulgated by the City or recommended guidelines developed by the National Fire Protection Association
- d The City of North Port's Unified Land Development Code requires up to 1 500 GPM for residential and up to 4 000 GPM for commercial development. The Heron Creek potable water distribution/building fire sprinkler systems shall be designed to meet the City's requirements

9 **Solid Waste/Hazardous Waste/Medical Waste**

- a Any business located within the Heron Creek Development which generates hazardous or infectious waste shall be responsible for the temporary storage siting and proper disposal of the waste generated by such businesses. Outside storage of hazardous waste or infectious waste should be prohibited. However, there should be no siting of hazardous waste storage facilities contrary to North Port's Zoning Regulations
- b Loading, off-loading, and storage areas for regulated substances shall be curbed and provided with impervious bases, free of cracks and gaps, to fully contain spills and leaks
- c All hazardous materials shall be handled, stored, and applied in accordance with applicable regulations. F.A.C. Chapter 62.730 is the governing regulation covering hazardous waste, which would be applied to any generator who may become a tenant at Heron Creek
- d The project shall participate in the City of North Port's recycling program, which at present consists of curbside pickup of newspaper, cardboard, plastics, glass, tin, and aluminum cans to aid in the reduction of solid waste sent to the landfill
- e The applicant shall explore the possibility of mulching trees and brush in the land clearing operations to meet on-site needs

10 **General Conditions**

- a All commitments and impact mitigating actions provided by the Applicant in the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval
- b The development phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval. If development order conditions and applicant commitments incorporated within the development order ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules

specified within the development order and this phasing schedule then this shall be presumed to be a substantial deviation for the affected regional issue except as provided in Section 7 m 6

- c If the City of North Port during the course of monitoring the development can demonstrate that substantial changes in the conditions underlying the approval of the development order has occurred or that the Development Order was based on substantially inaccurate information provided by the applicant resulting in additional substantial regional impacts then a substantial deviation shall be deemed to have occurred
- d Pursuant to Chapter 380.06(16) the Applicant may be subject to credit for contributions construction expansion or acquisition of public facilities to the extent the Applicant is also subject by City ordinances to impact fees or exactions to meet the same needs The City of North Port and the Applicant may enter into a capital contribution front ending agreement to reimburse the Applicant for voluntary contributions in excess of the fair share



City of North Port

ORDINANCE NO 06 46

(Development Order for Heron Creek a Development of Regional Impact)

A ORDINANCE OF THE CITY OF NORTH PORT FLORIDA AMENDING THE DEVELOPMENT ORDER ORIGINALLY ADOPTED BY ORDINANCE 00 13 FOR THE DEVELOPMENT OF REGIONAL IMPACT (DRI) KNOWN AS HERON CREEK PROVIDING FOR FINDINGS AND CONCLUSIONS OF LAW PROVIDING FOR INCORPORATION OF THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA) INTO THE DEVELOPMENT ORDER PROVIDING FOR THE APPROVAL OF THE HERON CREEK DRI WITH CONDITIONS PROVIDING FOR THIS ORDINANCE TO BE DEEMED THE DEVELOPMENT ORDER PROVIDING FOR BUILD OUT AND DEVELOPMENT ORDER TERMINATION DATES FOR THE HERON CREEK DRI PROVIDING FOR ENFORCEMENT PROVIDING FOR SEVERABILITY PROVIDING FOR SERVICE AND RECORDING PROVIDING AN EFFECTIVE DATE PROVIDING FOR RELATIONSHIP TO OTHER REGULATIONS AND PROVIDING FOR CONSENT TO THE PROVISIONS OF THE ORDINANCE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT FLORIDA

SECTION 1 Findings of Fact and Conclusions of Law The City Commission of the City of North Port Florida hereby makes the following findings of fact and conclusions of law

1.1 On November 7 1996 Marsh Creek Properties Inc. through its authorized agent Betsy Benac submitted to the City of North Port Florida the Southwest Florida Regional Planning Council (SWFRPC) and to the Division of Resource Planning and Management of the Florida Department of Community Affairs (DCA) an application for development approval (ADA) in accordance with Section 380.06 Florida Statutes for approval of a development of regional impact (DRI) to be known as Marsh Creek DRI (now known as Heron Creek) located in the incorporated City of North Port within Sarasota County north of Appomattox Drive south of the Snover Waterway east of the Myakkahatchee Creek west of the Blueridge Waterway abutting Sumter Boulevard and approximately two miles south of I 75 The legal description was subsequently corrected by the adoption of Resolution 01 R 5

1 2 The ADA was subsequently amended to add additional lands to add an additional applicant Renca M Glendinning as Trustee the owner of the additional lands to modify the conceptual site plan and the mix of proposed uses and to change the name of the project to Heron Creek DRI

1 3 The ADA as amended proposed 1 970 residential units (903 single family and 1 067 multi family units) 500 000 gross square feet of retail service and 250 000 gross square feet of office 269 38 acres of recreation and open space 27 holes of golf buffers and tennis center 44 acres of conservation lands (wetlands and scrub jay habitat) 105 acres of lakes for water management and 5 acres of internal road rights of ways on a project site containing a total of 831 38 acres more particularly described in Exhibit A

1 4 The Applicant has heretofore undertaken a limited amount of the development pursuant to a preliminary development agreement(s) in accordance with Section 380 06(8) Florida Statutes

1 5 Pursuant to Section 380 06(11) Florida Statutes public hearing notice for hearings on said ADA before the City Commissioners of North Port were duly published in the North Port Sun Herald on May 17 2000 and were duly provided to the Florida Department of Community Affairs (DCA) the Southwest Florida Regional Planning Council and other persons designated by DCA rules

1 6 On June 17 2000 in accordance with Section 380 06(12) Florida Statutes the SWFRPC rendered its report and recommendations on the regional impact of the proposed Heron Creek DRI

1 7 On August 17 2000 the City of North Port Planning and Zoning Advisory Board (PZAB) held a duly noticed public hearing on said ADA and received all pertinent evidence including the SWFRPC report and recommendation and the testimony of the general public and recommended approval of the ADA for the Heron Creek DRI subject to certain conditions as contained in the recommendation to the City Commission

1 8 On August 28 and September 11 2000 The City Commission of the City of North Port held duly noticed public hearings on the ADA and received all pertinent evidence including the reports and recommendations of the SWFRPC and the PZAB and —the testimony of the general public

1 9 On July 11 2005 the development order was amended by modifying Section 4 dealing with Local Conditions Section 4 2 addressing sheltered bus stops and Section 4 6 addressing sidewalks and by adding the specific number of trips to Item 2 (Affordable Housing under Exhibit B)

1 10 The Applicant has now submitted a Notice of Proposed Change (NOPC) that would reduce the number of Multi family dwelling units from 1 067 to 300 (a reduction of 767 units) reduce the number of tennis courts from 12 to 5 courts (a reduction of 7 courts) reduce

the amount of medical office square footage from 130 000 square feet to 43 000 square feet (a reduction of 87 000 square feet) reduce the amount of general office square footage from 120 000 square feet to 40 000 square feet (a reduction of 80 000 square feet) increase the amount of retail commercial from 500 000 square feet to 745 500 square feet (an increase of 245 500 square feet) with no change in the boundaries of land areas designed for residential or non residential development. The NOPC is accompanied by a Technical Memorandum dated November 6 2006 addressing certain transportation issues.

1 11 The proposed changes are presumed to be a substantial deviation however the Applicant has provided the Technical Memorandum dated November 6 2006 thereby rebutting the presumption of substantial deviation.

1 12 The proceedings herein relating to the Heron Creek DRI ADA have been conducted in compliance with the provisions of Chapter 380 06 Florida Statutes and all conditions precedent to the granting of development approval required by Chapter 380 06 Florida Statutes have occurred.

1 13 The proposed development is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380 05 Florida Statutes.

1 14 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan.

1 15 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan.

1 16 The proposed development subject to the conditions imposed herein is consistent with the North Port Comprehensive Plan and does not appear to conflict with other local land development regulations.

1 17 The proposed development subject to the conditions imposed herein is consistent with the report and recommendation of the SWFRPC pursuant to Section 380 06 (12) Florida Statutes.

1 18 When developed in accordance with the conditions imposed by this Development Order the Heron Creek development

(a) will have a favorable impact on the environment and natural historical resources in the area

(b) will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region.

(c) will efficiently use water sewer solid waste disposal public school facilities and other necessary public facilities.

(d) will effectively use public transportation facilities

(e) will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment and

(f) will comply with such other criteria for determining regional impact as the regional planning agency deems appropriate including but not limited to the extent to which the development would create additional demand for or additional use of energy

SECTION 2 Incorporation of Application for Development Approval (ADA) and Associated Documents in the Development Order

2.1 The following information commitments and impacting mitigating provisions submitted by the Applicant are hereby incorporated in this Development Order by reference

- i Heron Creek's Application for Development Approval
- ii Heron Creek's First Response to Sufficiency Comments
- iii Heron Creek's Second Response to Sufficiency Comments incorporating Amended Application for Development Approval
- iv February 29 1999 Supplemental Transportation Analysis
- v Transportation Responses to Agency Questions re Supplemental Transportation Analysis
- vi Heron Creek's Application for Comprehensive Plan Amendment
- vii Scrub Jay Management Plan
- viii Notice of Proposed Change submitted on July 11 2005 and
- ix Technical Memorandum dated November 6 2006
- x Heron Creek Conservation Easement Upland Preservation Area Location Map dated October 26 2006

2.2 In construing and enforcing the provisions of the documents incorporated in this Development Order by Subsection 2.1 above the following shall apply

(a) The most recent response of the Applicant in the above referenced documents shall control over any previous response wherever there is a conflict otherwise the responses shall be considered cumulative

(b) Any information commitments or impact mitigating provisions in the above referenced documents which are inconsistent with the specific conditions set forth in this Ordinance and the exhibits hereto shall be deemed superseded and inapplicable

SECTION 3 Approval of the Heron Creek Development of Regional Impact with Conditions

3.1 The amended ADA for the Heron Creek DRI is hereby approved for the following land uses and phases subject to the conditions contained in herein consistent with Preliminary Master Plan revised Map II and subject to the other provisions of the Development Order

Land Use	Phase I (97 2001)	Phase II (02 2006)	Phase III (07 2011)	Phase IV (12 2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi Family (LUC 220)	125 DU		175 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		5 Courts		
Medical/Professional (LUC 720)			43 000 GLA	
Office General (LUC 710)			40 000 GLA	
Retail Shopping Center (LUC 820)	90 000 GLA	30 000 GLA	488 000 GLA	137 500 GLA

3.2 The City of North Port Department of Planning is hereby designated as the local government department responsible for monitoring the development enforcing and monitoring the terms of the Development Order and for receiving the bi annual report required by Chapter 380.06 Florida Statutes

3.3 Bi Annual Report Requirements

The Applicant shall submit a bi annual report pursuant to the requirements of Chapter 380.06(18) Florida Statutes Chapter 9J 2.025(7) Florida Administrative Code (F.A.C.) and procedures established by the Southwest Florida Regional Planning Council. This report shall be submitted on the anniversary of the effective date of the Development Order or on such other date as agreed upon by the Applicant City of North Port the Southwest Florida Regional Planning Council and the Department of Community Affairs until and including such time as all terms and conditions of the Development Order are satisfied unless otherwise specified herein. The date upon which the bi annual report is required to be submitted may be established to coincide with the same date upon which the Heron Creek annual report is required to be submitted. The Applicant shall submit this bi annual report to the City of North Port Planning Department the Southwest Florida Regional Planning Council (SWFRPC) the Department of Community Affairs (DCA) and all affected permitting agencies required by law on Form RPM

BSP Annual Report I as the same may be amended from time to time. The bi annual report shall contain all information required by Rule 9J 2.025(7)(a) through G) F.A.C. as the same may be amended from time to time.

Upon notification that the bi annual report is not received by the Southwest Florida Regional Planning Council (SWFRPC) the Department of Community Affairs (DCA) or upon non receipt of the annual report by City of North Port City of North Port shall request in writing that the Applicant submit the report within thirty (30) days. Failure to submit the report after 30 days shall result in City of North Port temporarily suspending this Development Order and no new development permit applications shall be granted within the development until the requirements of this subsection are met.

3.4 The Applicant shall submit to the City of North Port Planning Department any monitoring reports specified in the conditions contained in Exhibit B. The director of the community development department for the City of North Port shall be the local official responsible for assuring compliance by the Applicant with this Development Order.

3.5 The Applicant shall submit a site access analysis for approval by the City of North Port prior to issuance of any building permits resulting from changes proposed in the NOPC submitted on July 11, 2005. It shall include an analysis of the intersection of Sumter and Price Boulevard and shall identify all necessary improvements including site access turn lanes and improvements required to maintain acceptable level of service at the aforesaid intersection and at site access driveways.

SECTION 4 Additional Local Conditions

4.1 The Heron Creek DRI is partially located in Activity Center #2 identified in the Comprehensive Plan adopted November 10, 1997 Ordinance No. 97-27 (as amended). All nonresidential development (except the golf course clubhouse and fitness center) will be located in the Town Center, a subcategory of Activity Center #2. The Town Center is designated as a mixed use, pedestrian oriented development. The applicant has heretofore submitted to the City of North Port Community Development Department a draft pattern book that includes design guidelines that dictate urban form and architectural controls for nonresidential development in the Town Center. The pattern book also addresses the urban form for the City of North Port's civic development in the northeast quadrant of Price and Sumter. The City of North Port has adopted the pattern book.

The applicant has submitted plans for a grocery store to be located in the southwest quadrant of Price and Sumter. This grocery store is exempt from the design guidelines.

4.2 The applicant shall construct a maximum of four (4) sheltered bus stops. The first bus shelter shall be constructed concurrent with the proposed grocery store identified in 4.1 above. All other shelter locations to be mutually agreed upon between the City and the applicant. Applicant not responsible for any shelters in the City of North Port's civic development. The sheltered design was not implemented through SCAT at the time of the first constructed bus stop. The City received \$5000.00 payment for construction of the bus stop located at Price Blvd. and

Sumter Rd The three remaining bus stop locations and design will be coordinated through SCAT(Sarasota County Area Transit) the City of North and the applicant

4 3 All roads in the Heron Creek DRI are private If the applicant seeks approval to transfer jurisdiction from applicant homeowner's association to the City of North Port a public hearing shall be held and this Ordinance amended

4 4 Open swales shall not be allowed in the right of way for Price and Sumter Boulevards when they are improved or expanded in the Town Center This requirement shall not preclude use of open swales in other areas of the Heron Creek development

4 5 The applicant shall promote efficient pedestrian and bicycle movement within the development This shall be achieved through the design of bike lanes shade trees and provisions for bicycle racks in the Town Center Bike lanes will be designed to be either on street off street or other design acceptable to the City of North Port

4 6 The applicant shall provide permanent sidewalks along both sides of Price and Sumter Blvd(s) within the project limits no later than the last day of the calendar year 2005 with the exception of the sidewalk on the east side of Sumter shall be constructed no later than completion of the adjacent commercial development All other commercial development within the Town Center will construct sidewalks concurrent with the development of the adjacent commercial property

If all road improvements have not been designed or completed the applicant shall be able to put in sidewalk sections that can be replaced at a later date by a permanent sidewalk An example is asphalt Any replacement of permanent or temporary sidewalks that are damaged by the on going improvements to Sumter Blvd will be replaced by the City of North

4 7 The applicant and the City of North Port has heretofore entered into a developer's agreement that includes the following projects time frames and funding commitments

- (1) Sumter Blvd (4 lane adjacent to the proposed development) Sumter Boulevard 4 laning may be subject to impact fee credits and may be paid for from the proposed proportionate share contributions outlined in Table 2 of Exhibit B Project substantially complete by the end of Phase II or 2177 trips gross p m peak hour estimates
- (2) If the transportation analysis to be completed for Phase IV indicates that 4 laning of Price Boulevard is warranted due to existing or expected traffic from the development revise the development agreement to provide for 4 laning Price Boulevard adjacent to the proposed development prior to the completion of phase IV (2017)
- (3) Provided that the transportation analysis to be completed showing the addition of two lanes to Sumter does not reduce the expected additional traffic on Pan American Boulevard from the development below 5% the applicant agrees to pay a proportionate share of the traffic calming improvements proposed by the city

4 8 The right-of-way for the North Port Blvd extension shall be designed as a public pedestrian and bicycle corridor from Price Blvd to Appomattox Dr and will be determined by the City of North Port staff whether it will be incorporated into the Myakkahatchee Creek project. This right-of-way shall include a stabilized access for public safety vehicles shall be approved by the City and shall be constructed no later 60 days after the completion of Myakkahatchee Creek Corridor Study is completed or the City and Developer may agree to the Developer contributing funds to the City that equal the cost of the improvements. After the improvements are complete the applicant shall convey to the City fee simple title for the 50 feet of right of way. The ROW shall be used exclusively for a greenway/bicycle and pedestrian pathway.

4 9 The Public Works Director shall approve all access points to Price and Sumter Blvds.

4 10 Prior to issuance of a certificate of occupancy for the anchor retail store and connected retail space the developer shall construct an eight-foot sidewalk including a pedestrian bridge over the Blueidge waterway from the northeast corner of the site to the eastern right-of-way line of Salford Blvd. If the Price Blvd Corridor study is not complete by the time of certificate of occupancy the developer shall donate to the City the funds needed to construct the sidewalk. The City Engineer shall approve the amount of the funds, the location, and design of the sidewalk.

4 11 The Applicant shall by the end of calendar year 2007 install sidewalks within the residential areas as shown in attachment 1 unless the Applicant can provide evidence that the City Commission has waived this requirement.

4 12 The Applicant shall by the end of calendar year 2007 install sidewalks on both sides of Creek Nine Drive from the terminus of the existing sidewalks to Sumter Boulevard.

4 13 The land use developed on the southeast corner of the intersection of Sumter and Price Boulevards shall be different than the land uses on the other three corners.

4 14 The Applicant shall by May 31, 2007 submit to the City and the SWFRPC an undated Map H listing the existing and proposed development densities, intensities, and acreage of each land use.

4 15 The Applicant's Development Concept Plan (DCP) shall (a) address the additional impacts on the water, sewer, and reuse water systems and demonstrate how the plan will support the surrounding utility system, (b) include a water conservation plan for the site, and (c) indicate the proposed phasing and timing of the water, sewer, and reuse water service being requested.

4 16 Prior to issuance of major site and development plan approval the developer shall hold a neighborhood meeting to explain and gain input on the design of the site and the buffer yard treatment along the eastern property line of the site. The developer shall notify the property

owners within 300 feet of the eastern property line of the site. At minimum, this notification shall include a site plan, date, time, place of the meeting. The neighborhood meeting shall be held after 6 pm in a location convenient to the neighborhood. The developer shall copy City staff on all correspondences to the citizens in the neighborhood.

SECTION 5 Ordinance as Development Order. This Ordinance shall be deemed the Development Order required pursuant to Section 380.06, Florida Statutes, for the Heron Creek Development of Regional Impact.

SECTION 6 Build out and Development Order Termination Dates for the Heron Creek Development of Regional Impact.

6.1 The build out date of this Development Order is December 31, 2017, provided, however, additional analyses may be required in accordance with the provisions contained in Exhibit B.

6.2 The Heron Creek Development Order shall remain in effect until December 31, 2017.

SECTION 7 Enforcement

7.1 All conditions, restrictions, requirements, commitments, and impact mitigating provisions contained or incorporated by reference in this Development Order may be enforced by City of North Port by action at law or equity.

7.2 In the event it is determined by the City Commission of the City of North Port, after notice and hearing, that the Applicant has failed to comply with any conditions, restrictions, requirements, or impact mitigating provisions contained or incorporated by reference in this Development Order, the City Commission may temporarily suspend the Development Order during which no development permit applications shall be granted within the development until compliance is achieved.

7.3 The obligations of this Development Order shall run with the land. The Applicant is bound by the terms of this Development Order so long as it owns such property. This Development Order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest thereto or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

SECTION 8 Severability

8.1 If any section, sentence, clause, phrase, or word of this Development Order is for any reason held or declared to be invalid, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Development Order and it shall be construed to have been the intent to pass this Development Order without such invalid or inoperative part herein, and

the remainder exclusive of such part or parts shall be deemed and held to be valid as if such parts had not been included herein unless to do so would frustrate the intent of this Development Order

SECTION 9 Service and Recording

9.1 This Ordinance shall be binding upon the Applicant, its successors and assigns and upon City of North Port. Notice of the adoption of this Ordinance shall be recorded by the Applicant in accordance with Section 380.06(15)(t) Florida Statutes.

9.2 The City of North Port Clerk shall certify the date upon which certified copies of this Ordinance are deposited in the U.S. Mail for DCA, the SWFRPC and the Applicant.

SECTION 10 Effective Date This Development Order shall take effect upon execution of the consent provided for in Section 11 of this Ordinance and transmittal of the copies of said Development Order to the parties specified in Section 380.07(2) Florida Statutes, the expiration of any appropriate appeal period or the resolution of any appeal, whichever is later.

SECTION 11 Relationship to Other Regulations

11.1 This Development Order shall not be construed as an agreement on the part of City of North Port to exempt the Applicant, its successors and assigns from the operation of any ordinance or other governmental regulation now in effect or hereafter adopted by City of North Port for the purpose of protection of public health, welfare and safety, which said Ordinance or regulation shall be generally and equally applicable throughout City of North Port and which said Ordinance or regulation does not impair or otherwise frustrate the Development herein approved.

11.2 This DRI shall not be subject to down zoning, unit density reduction or intensity reduction prior to December 31, 2017, unless City of North Port can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the Applicant or that the change is clearly established by City of North Port to be essential to the public health, safety or welfare.

11.3 Prior to the first building permit issued for Phase II, the applicant shall pay all application fees in accordance with Ordinance 96-14.

SECTION 12 Consent to Provisions of Ordinance

12.1 The Applicant, by signing this document in the space hereinafter provided, signifies its approval of and assent to the provisions of this Development Order. Such signature shall also constitute a certification by the Applicant that it has delivered to the Southwest Florida Regional Planning Council and the Department of Community Affairs a complete copy of all documents specified in Section 2.2.1 above.

SECTION 13 - CONFLICTS

13 0 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance the provisions of this Ordinance shall prevail to the extent of such conflict

SECTION 14 - EFFECTIVE DATE

14 0 This Ordinance shall be come effective immediately upon its adoption by the City of North Port City Commission

READ BY TITLE ONLY in public session this 12th day of February, 2007

PASSED and ADOPTED on second and final reading in public session this 20th day of February, 2007

CITY OF NORTH PORT FLORIDA

Barbara L. Gross

BARBARA L. GROSS
COMMISSION CHAIR

ATTEST

Heleen Raimbeau
HELEEN RAIMBEAU CMC
City Clerk

Approved as to form and correctness

Robert K. Robinson
ROBERT K. ROBINSON
City Attorney

EXHIBIT A
Legal Description

✓
CERTIFIED
000305
DATE: 6/31/12

DESCRIPTION OF THE PROPOSED REVERSIONARY BOUNDARY FOR A PORTION OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 13 THROUGH 13NN AND A PORTION OF THE 56TH ADDITION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA WITH SAID BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF NORTH PORT BLVD (FORMERLY MYAKKAHATCHEE BLVD) WITH THE NORTHERLY LINE OF APPOMATTOX DRIVE AS PLATTED IN SAID 52ND ADDITION, THENCE S 45°34'35"E, ALONG SAID NORTHERLY LINE OF APPOMATTOX DRIVE A DISTANCE OF 1833.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 260.00 FEET A CENTRAL ANGLE OF 23°13'38", A CHORD BEARING OF S 57°11'24"E, AND A CHORD LENGTH OF 104.68 FEET, THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 105.40 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE S 68°48'13"E ALONG SAID NORTHERLY LINE A DISTANCE OF 2715.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 260.00 FEET A CENTRAL ANGLE OF 17°44'15", A CHORD BEARING OF S 77°40'20"E AND A CHORD LENGTH OF 80.17 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 80.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 86°32'28"E, ALONG SAID NORTHERLY LINE A DISTANCE OF 403.32 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET A CENTRAL ANGLE OF 89°58'27", A CHORD BEARING OF N 48°28'18"E AND A CHORD LENGTH OF 35.35 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 39.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 03°29'05"E ALONG THE WESTERLY LINE OF SUMTER BLVD (200 FEET WIDE) A DISTANCE OF 7.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1524.84 FEET A CENTRAL ANGLE OF 26°10'34", A CHORD BEARING OF N 16°34'22"E AND A CHORD LENGTH OF 690.60 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 696.64 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE N 29°39'39"E ALONG SAID WESTERLY LINE OF SUMTER BLVD A DISTANCE OF 1900.39 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 949.64 FEET A CENTRAL ANGLE OF 35°45'49", A CHORD BEARING OF N 11°46'44"E AND A CHORD LENGTH OF 583.18 FEET, THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 592.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 06°06'10"W ALONG SAID WESTERLY LINE A DISTANCE OF 682.16 FEET TO THE SOUTHEAST CORNER OF TRACT "A" AS PLATTED IN SAID 56TH ADDITION, THENCE N 06°06'10"W, ALONG SAID WESTERLY LINE OF SUMTER BLVD A DISTANCE OF 405.72 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1600.00 FEET A CENTRAL ANGLE OF 05°18'00", A CHORD BEARING OF N 03°27'41"W AND A CHORD LENGTH OF 147.95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 148.01 FEET TO A POINT OF CUSP WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET A CENTRAL ANGLE OF 86°32'01", A CHORD BEARING OF S 42°27'20"W AND A CHORD LENGTH OF 68.54 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 75.51 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 85°43'21"W, ALONG THE NORTH LINE OF AFORESAID NORTH PORT BLVD (100 FEET WIDE) A DISTANCE OF 208.40 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF

2750 00 FEET A CENTRAL ANGLE OF $03^{\circ}42'18''$, A CHORD BEARING OF $S 83^{\circ}52'12''W$ AND A CHORD LENGTH OF 177 80 FEET THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 177 83 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE $S 82^{\circ}01'03''W$, ALONG SAID NORTH LINE A DISTANCE OF 355 74 FEET TO THE NORTHWEST CORNER OF SAID 56TH ADDITION THENCE $S 82^{\circ}01'01''W$, ALONG THE NORTH LINE OF SAID NORTH PORT BLVD AS PLATTED IN SAID 52ND ADDITION A DISTANCE OF 947 20 FEET, THENCE $N 08^{\circ}00'00''W$, ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 955 00 FEET, THENCE $S 82^{\circ}00'00''W$ ALONG THE NORTH LINE OF BLOCK 2653 A DISTANCE OF 365 00 FEET, THENCE $N 08^{\circ}00'00''W$, ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 630 90 FEET THENCE $S 82^{\circ}00'00''W$, A DISTANCE OF 150 00 FEET TO THE NORTHWEST CORNER OF LOT 39 IN SAID BLOCK 2653 THENCE $S 08^{\circ}00'00''E$ ALONG AND EXTENDING THE WEST LINE OF SAID LOT 39 A DISTANCE OF 175 00 FEET TO THE CUL-DE-SAC CENTER AT THE NORTH END OF FLEETWAY ROAD (50 FEET WIDE), THENCE $S 07^{\circ}57'17''E$, ALONG THE CENTERLINE OF SAID FLEETWAY ROAD A DISTANCE OF 605 80 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF CAMERO STREET (50 FEET WIDE), THENCE $S 82^{\circ}00'00''W$, ALONG SAID CENTERLINE OF CAMERO STREET A DISTANCE OF 1636 11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 100 00 FEET A CENTRAL ANGLE OF $90^{\circ}00'00''$, A CHORD BEARING OF $S 37^{\circ}00'00''W$ AND A CHORD LENGTH OF 141 42 FEET, THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 157 08 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE $S 08^{\circ}00'00''E$, ALONG THE CENTERLINE OF DAMON AVE (50 FEET WIDE) A DISTANCE OF 185 03 FEET, THENCE $S 82^{\circ}00'00''W$ ALONG THE LINE DIVIDING LOTS 7 AND 8 IN AFORESAID BLOCK 2653 A DISTANCE OF 150 11 FEET TO THE WEST LINE OF SAID BLOCK 2653, THENCE $S 08^{\circ}00'00''E$ ALONG SAID WEST LINE OF SAID BLOCK 2653 A DISTANCE OF 606 62 FEET TO A POINT ON THE NORTHWESTERLY LINE OF AFORESAID NORTH PORT BLVD, THENCE $S 19^{\circ}45'51''E$, A DISTANCE OF 50 00 FEET TO THE CENTERLINE OF SAID NORTH PORT BLVD AND A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 4070 00 FEET A CENTRAL ANGLE OF $16^{\circ}49'34''$, A CHORD BEARING OF $S 61^{\circ}49'22''W$ AND A CHORD LENGTH OF 1190 95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 1195 24 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 700 00 FEET A CENTRAL ANGLE OF $18^{\circ}24'35''$, A CHORD BEARING OF $S 44^{\circ}12'17''W$ AND A CHORD LENGTH OF 223 95 FEET THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 224 92 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1422 00 FEET A CENTRAL ANGLE OF $09^{\circ}25'25''$ A CHORD BEARING OF $S 39^{\circ}42'43''W$ AND A CHORD LENGTH OF 233 62 FEET, THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 233 88 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE $S 44^{\circ}25'25''W$ ALONG SAID CENTERLINE A DISTANCE OF 203 96 FEET TO THE POINT OF BEGINNING

DESCRIPTION OF REAL ESTATE

TRACT "A" A portion of Section 21 Township 39 South, Range 21 East Sarasota County Florida, more particularly described as follows

Commencing at the Northwest corner of the Fifty-Sixth Addition to Port Charlotte Subdivision, per plat thereof, recorded in Plat Book 28, Pages 50 and 50-A Public Records of Sarasota County Florida said corner also being on the centerline of the Snover Waterway (200' wide) as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision, per plat thereof recorded in Plat Book 14, Pages 6 6-A through 6-V, Public Records of Sarasota County Florida; thence S 00° 43' 08" W along the Westerly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision also being the Westerly Right-of-Way Line of Sumter Boulevard (200' wide) a distance of 100.00 feet to the POINT OF BEGINNING, at the Intersection of said Right-of-Way Line with the South Line of said Snover Waterway, thence along said Westerly Right-of-Way Line of Sumter Boulevard the following two courses, S 00° 43' 08" W, a distance of 1346.71 feet to the point of curvature of a 2100.00 foot radius curve to the left with the center point bearing S 89° 16' 52" E, thence Southerly along the arc of said curve, through a central angle of 151° 04', a distance of 559.59 feet to an intersection with the Northerly Right-of-Way Line of Price Boulevard with said point also being a point of reverse curvature of a 25.00 radius curve to the right with the center point bearing S 75° 27' 04" W thence along the said Northerly Right-of-Way Line of Price Boulevard (100' wide) the following four courses Southwesterly along the arc of said curve, through a central angle of 85° 42' 32" a distance of 37.40 feet to a point of reverse curvature of a 1650.00 foot radius curve to the left, with the center point bearing S 18° 50' 24" E, thence Southwesterly along the arc of said curve, through a central angle of 22° 20' 06" a distance of 643.20 feet to a point of tangency, thence S 48° 49' 30" W, a distance of 408.66 feet to the point of curvature of a 1950.00 foot radius curve to the right with the center point bearing N 41° 10' 30" W, thence Westerly along the arc of said curve through a central angle of 71° 11' 22", a distance of 2422.85 feet thence leaving said Northerly Right-of-Way Line of Price Boulevard N 29° 59' 32" E, a distance of 1198.77 feet thence N 15° 00' 00" W a distance of 1800.00 feet to the South Line of the aforesaid Snover Waterway (OR Book 1941 Page 6) thence along said South Line S 89° 16' 51" E a distance of 2953.00 feet to the Point of Beginning

Containing 170.30 Acres more or less

Intentionally

left

Blank.

DESCRIPTION OF REAL ESTATE

TRACT "B" A portion of Sections 21 and 22 Township 39 South Range 21 East Sarasota County Florida more particularly described as follows

Commencing at the Northeast corner of the Fifty-Sixth Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 28 Pages 50 and 50-A Public Records of Sarasota County Florida said corner also being on the centerline of the Snover Waterway as shown on the Plat of the Eighteenth Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 14 Pages 6 6-A through 6-V Public Records of Sarasota County Florida, thence S 00 43 08"W along the Easterly Boundary Line of said Fifty-Sixth Addition to Port Charlotte Subdivision also being the Easterly Right-of-Way Line of Sumter Boulevard (200 wide) a distance of 700 00 feet to the POINT OF BEGINNING thence leaving the said Westerly Right-of-Way Line S 89 16 51"E a distance of 606 00 feet thence N 00 43 09"E a distance of 600 00 feet to the Southerly Right-of-Way Line of the Snover Waterway (O R Book 1941, Page 6) thence S 89 16 51"E along said Southerly Right-of-Way Line a distance of 880 95 feet to the Northwesterly corner of North Port Water Control District property (O R Book 2357 Page 382) thence leaving said Southerly Right-of-Way Line and along the Westerly Boundary Line of the said North Port Water Control District Property S 00 43 09"W a measured distance of 1052 76 feet (Deed 1050 00) to the Southwest corner of said North Port Water Control District property, thence along the Southerly Boundary of said North Port Water Control District property S 89 16 51"E a distance of 1028 67 feet to the Westerly Boundary Line of the Blueridge Waterway (100 feet wide) (O R Book 1941 Page 6) said point also being a point on the arc of a 1000 00 foot radius curve with the center point of said curve bearing N 77° 26 14"W thence along the Westerly Right-of-Way Line of said Blueridge Waterway the following two courses Southwesterly along the arc of said curve through a central angle of 55 49' 01" a distance of 974 19 feet to a point of reverse curvature of a 1150 00 foot radius curve to the left with the center point bearing S 21 37 14"E thence Southwesterly along the arc of said curve through a central angle of 52 16 11" a distance of 647 89 feet to the intersection of said Westerly Right-of-Way Line with the Northerly Right-of-Way Line of Price Boulevard (100 wide) thence along the Northerly Right-of-Way Line of said Price Boulevard the following three courses N 56 24 18"W a distance of 131 21 feet to the point of curvature of a 1650 00 foot radius curve to the left with the center point bearing S 33 35 42"W thence along the arc of said curve through a central angle of 43 52 31" a distance of 1263 51 feet to a point of reverse curvature of a 25 00 foot radius curve to the right with the center point bearing N 10 16 49"W, thence along the arc of said curve through a central angle of 85 43 55" a distance of 37 41 feet to a point in the aforesaid Easterly Right-of-Way Line of Sumter Boulevard and the Easterly Boundary Line of the aforesaid Fifty-Sixth Addition to Port Charlotte Subdivision said point is also the point of compound curvature of a 1900 00 foot radius curve to the right with the center point bearing N 75 27 06"E thence along the said Easterly Right-of-Way Line for the following two courses Northerly along the arc of said curve through a central angle of 15 16 02", a distance of 506 28 feet to the point of tangency thence N 00 43 08 E a distance of 746 71 feet to the Point of Beginning

Containing 72 12 Acres more or less

Intentionally

Left

Blank

DESCRIPTION OF REAL ESTATE

TRACT C" A portion of Sections 21 and 28 Township 39 South Range 21 East Sarasota County Florida more particularly described as follows

Beginning at a concrete monument at the Northwest corner of the Right-of-Way of North Port Boulevard as shown on the Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision per plat thereof Recorded in Plat Book 28 Pages 50 and 50-A Public Records of Sarasota County Florida thence S 82°01'05"W (S 82°00'00"W Plat bearing) along the Northerly Right-of-Way of said North Port Boulevard (Myakkahatchee Boulevard) as shown on the Plat of the Fifty-Second Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 21 Pages 13 13-A through 13-NN Public Records of Sarasota County Florida a distance of 947.20 feet (946.95 feet plat distance) to a concrete monument at the Southeast corner of Block 2653 in said Fifty-Second Addition to Port Charlotte Subdivision thence leaving said Northerly Right-of-Way Line and along the Northeastery Boundary Line of said Block 2653 the following four courses N 08°00'00"W a distance of 955.00 feet thence S 82°00'00"W a distance of 365.00 feet thence N 08°00'00"W a distance of 630.90 feet, thence S 82°00'00"W a distance of 150.00 feet thence leaving said Boundary Line N 29°59'32"E, a distance of 1080.80 feet to the Southerly Right-of-Way Line of Price Boulevard (100 Wide) thence along said Southerly Right-of-Way Line the following five courses S 59°55'11"E a distance of 23.99 feet to the point of curvature of a 2050.00 foot radius curve to the left with the center point bearing N 30°04'49"E thence Easterly along the arc of said curve through a central angle of 71°15'19" a distance of 2549.46 feet to a point of tangency thence N 48°49'30"E a distance of 408.68 feet to the point of curvature of a 1550 foot radius curve to the right with the center point bearing S 41°10'30"E thence Northeasterly along the arc of said curve through a central angle of 22°06'43" a distance of 598.19 feet to a point of compound curvature of a 25 foot radius curve to the right with the center point bearing S 19°03'47"E thence Easterly and Southerly along the arc of said curve through a central angle of 90° 27'50" a distance of 39.47 feet to a point on the Westerly Right-of-Way Line of Sumter Boulevard as shown on the aforesaid Plat of the Fifty-Sixth Addition to Port Charlotte Subdivision said point also being a point of reverse curvature of a 2100.00 foot radius curve to the left with the center point bearing N 71°24'03"E thence along said Westerly Right-of-Way Line of Sumter Boulevard the following four courses Southerly along the arc of said curve through a central angle of 00°13'14" a distance of 8.09 feet to a point of reverse curvature of a 1300.00 foot radius curve to the right with the center point bearing S 71°10'49"W thence Southerly along the arc of said curve through a central angle of 77°57'00" a distance of 1768.63 feet to a point of reverse curvature of a 1600.00 foot radius curve to the left with the center point bearing S 30°52'11"E thence Southwesterly along the arc of said curve through a central angle of 59°57'23" a distance of 1674.30 feet to a point of reverse curvature of a 50.11 foot radius curve to the right with the center point bearing S 89°10'26"W thence Southwesterly along the arc of said curve through a central angle of 86°32'36" a distance of 75.69 feet to the aforesaid Northerly Right-of-Way Line of North Port Boulevard thence along the said Northerly Right-of-Way Line the following three courses S 85°43'11"W a distance of 208.42 feet to the point of curvature of a 2750.00 foot radius curve to the left, with the center point bearing S 04°16'49"E, thence Southwesterly along the arc of said curve through a central angle of 03°42'20" a distance of 177.85 feet to a point of tangency thence S 82°00'51"W a distance of 355.73 feet to the Point of Beginning

Containing 140.58 Acres, more or less

DESCRIPTION OF REAL ESTATE

TRACT "D" A portion of Sections 21 and 22 Township 39 South Range 21 East Sarasota County Florida more particularly described as follows

Commencing at the Northeastly corner of the Fifty-Second Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 21 Pages 13-13-A through 13-NN Public Records of Sarasota County Florida said corner also being on the centerline of the Blueridge Waterway (100 wide) (OR Book 1941 Page 6) thence leaving the said centerline and along the Northerly Boundary Line of the said Fifty-Second Addition to Port Charlotte Subdivision N 84°56'11"W a distance of 50.00 feet to the ~~POINT OF BEGINNING~~ said point also being on the Westerly Right-of-Way Line of the said Blueridge Waterway, thence leaving said Westerly Right-of-Way Line and along the Northerly Boundary Line of said Fifty-Second Addition the following three courses N 84°56'11"W a distance of 1375.64 feet to the point of curvature of 400 foot radius curve to the right with the center point bearing N 05°03'49"E thence along the arc of said curve through a central angle of 29°49'49" a distance of 208.26 feet to a point of tangency thence N 55°06'22"W a distance of 442.85 feet to a corner on the Boundary Line of the Fifty-Sixth Addition to Port Charlotte Subdivision per plat thereof recorded in Plat Book 28 Pages 50 and 50-A, Public Records of Sarasota County Florida said point is also on the arc of a 2350.00 foot radius nontangent curve with the center point bearing N 55°05'20"W thence Southwesterly along the Westerly Boundary Line of Tract "D" as platted in said Fifty-Sixth Addition and the arc of said curve through a central angle of 10°06'22" a distance of 414.31 feet to a point on the Easterly Right-of-Way Line of Sumter Boulevard (200 wide) as platted in said Fifty-Sixth Addition with said point also being on the arc of a 1400.00 foot radius nontangent curve with the center point bearing S 73°36'02"E thence Northeasterly along said Easterly Right-of-Way Line the following three courses along the arc of said curve through a central angle of 42°43'51" a distance of 1044.11 feet to a point of reverse curvature of a 1500.00 foot radius curve to the left with the center point bearing N 30°52'11"W thence along the arc of said curve through a central angle of 77°31'15" a distance of 2029.49 feet to a point of reverse curvature of a 25.00 foot radius curve to the right with the center point bearing N 71°36'34"E thence along the arc of said curve through a central angle of 98°45'30" a distance of 43.09 feet along the Southerly Right-of-Way Line of Pricea Boulevard (100' wide) to a point of compound curvature of a 1550.00 foot radius curve to the right with the center point bearing S 09°37'56"E thence along the said Southerly Right-of-Way Line for the following two courses along the arc of said curve through a central angle of 43°13'39" a distance of 1169.42 feet to a point of tangency thence S 56°24'18"E a distance of 131.17 feet to a point on the aforesaid Westerly Right-of-Way Line of the Blueridge Waterway said point also being on the arc of a 1150.00 foot radius curve with the center point bearing S 58°52'26"E thence along said Westerly Right-of-Way Line the following two courses Southwesterly along the arc of said curve through a central angle of 26°04'14" a distance of 523.27 feet to a point of tangency thence S 05°03'20"W a distance of 1932.28 feet to the Point of Beginning

Containing 83.90 Acres more or less

LESS AND EXCEPT THOSE LANDS DESCRIBED IN EXHIBIT A TO DEED
RECORDED IN OFFICIAL RECORDS BOOK 2890 PAGE 1965 PUBLIC RECORDS OF
SARASOTA COUNTY, FLORIDA.

EXHIBIT B Conditions of Approval of Heron Creek DRI

1 Land Use

The ADA for the Heron Creek DRI is hereby approved for the following land uses and phases subject to the conditions contained in herein consistent with Preliminary Master Plan Map H dated February 2000, and subject to the other provisions of this Development Order

Land Use	Phase I (97 2001)	Phase II (02 2006)	Phase III (07 2011)	Phase IV (12 2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi Family (LUC 220)	125 DU		175 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		5 Courts		
Medical/Professional (LUC 720)			43 000 GLA	
Office General (LUC 710)			40 000 GLA	
Retail Shopping Center (LUC 820)	90 000 GLA	30 000 GLA	488 000 GLA	137 500 GLA

2 Affordable Housing

Prior to commencement of Phase II or 2177 trips and subsequent phases of the project the Applicant or project employers shall provide supply data (such as Multiple Listing Services data) showing vacant for sale and /or for rent units available within a 10 mile/20 minute radius of the project. If analysis of the demand data provided in the Application for Development Approval (ADA) and the submitted supply data shows a shortage of affordable housing units that exceeds the threshold for significant impact for the DRI whether in one phase or cumulatively for the entire DRI the Applicant shall mitigate the need by following one of the options outlined in Rule 9J 2 048 the Adequate Housing Uniform Standard Rule

Applicant proposes to file an application for development approval (ADA) for a substantial deviation by May 31 2007. Otherwise Applicant shall by that same date file a notice of proposed change (NOPC) to address affordable housing impacts

3 Energy

The Applicant shall comply with all commitments for energy conservation contained in the ADA

CERTIFIED
HWR
DATE: 5/31/12

4 Stormwater Management

- a The Heron Creek DRI shall require a Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit for construction and operation of the surface water management system. At the time of permit application the Applicant shall provide verification to District staff that the proposed system designs will meet District criteria in effect at that time.
- b The Heron Creek DRI shall require a SWFWMD Water Use Permit for withdrawals from groundwater, project lakes, and/or other surface water bodies for irrigation or potable uses, and dewatering associated with the construction of project lakes, and/or road or building foundations, in accordance with current regulations.
- c The Applicant shall develop an integrated Fertilizer/Pesticide/Herbicide Management Plan as a component of the golf course design process, to be approved by the City of North Port Utilities Department, the City of North Port Public Works Department with input from Sarasota County, SWFWMD, the Florida Fish and Wildlife Conservation Commission, and the Florida Department of Environmental Protection (DEP). The plan shall address the following items:
 - Fertilizer, pesticide, herbicide, and insecticide use, storage, and safety
 - Alternative pest control strategies
 - Golf course management methods and procedures, and
 - Quality control and assurance procedures
- d Elevations corresponding to a 100 year flood shall be used to set minimum building elevations on the site, taking into account the backwater elevations along the various onsite flowways.
- e Best management practices shall be included on construction plans for development and should be submitted to the City of North Port for review and approval.
- f All internal stormwater management lakes and ditches, and the onsite preserved/enhanced wetland areas, shall be set aside as private drainage and/or conservation easements on the recorded final plat. Stormwater lakes shall include, where practical, adequate maintenance easements around the lakes, with access to a paved roadway.
- g During construction activities, the Applicant shall employ best management practices for erosion and sedimentation control. These practices shall be included with, or presented on, all construction plans and shall be subject to approval by the appropriate agencies prior to their implementation.

- h Any construction silt barriers or hay bales and any anchor soil as well as accumulated silt shall be removed upon completion of construction. Either the applicant or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.
- i The final stormwater management plan shall consider as applicable measures to reduce runoff rates and volumes including but not limited to, fixed control structures perforated pipes and grass swale conveyances. Swales shall be used whenever possible rather than closed systems.
- j Any shoreline banks created along the onsite stormwater management system shall include littoral zones constructed on slopes consistent with SWFWMD and City of North Port requirements and shall be planted in native emergent or submerging aquatic vegetation. The Applicant shall ensure by supplemental replanting if necessary that at least 80% cover by native aquatic vegetation is established within the littoral zone for the duration of the project.
- k The Applicant shall conduct annual inspections of the Heron Creek Master Stormwater Management System and the preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.
- l The Applicant shall confirm to the satisfaction of all applicable federal, state and local review agencies and SWFWMD that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite or that such impacts shall be mitigated to the benefit of on site populations of those species.
- m The Applicant shall participate in any ongoing or future efforts by the City of North Port and Sarasota County to establish a countywide stormwater management system.
- n Ditch and swale slopes shall be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with grass or other appropriate vegetation.
- o The vegetated stormwater treatment areas shall be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales or which may interfere with the normal flow of water through discharge structures and underdrain systems shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be replaced immediately.

- p Underdrain systems and grease baffles if utilized within the Heron Creek DRI shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.
 - q Stormwater management system maintenance requirements shall include removal of any mosquito productive nuisance plant species (e.g. water lettuce, water hyacinth and primrose willows) from all system nodes, reaches and percolation basins, as well as from the lake littoral zones employed in the system.
 - r To the extent consistent with applicable stormwater management system and environmental regulations, any isolated wading bird pools constructed in lake littoral zones shall be excavated to a depth which provides aquatic habitat for mosquito larvae predators, such as Gambusia affinis.
- s The Applicant shall comply with all commitments made in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description), Question 13 (Wetlands), Question 14 (Water), Question 15 (Soils), Question 16 (Floodplains) and Question 19 (Stormwater Management) which are not in conflict with the above recommendations.

5 Transportation

- a The applicant or his successor or assigns shall be fully responsible for the site related roadway and intersection improvements required within Heron Creek DRI. The applicant shall be required to pay the full cost for any site related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by the City of North Port for the project's access intersections onto Appomattox Drive, Sumter Boulevard or Price Boulevard. The site access points shall be located and developed consistent with the City of North access management standards and permit requirements.
- b Based on the transportation assessment of significant project impacts, the following process shall determine what regionally significant transportation improvements shall be required prior to or coincident with development of the Heron Creek DRI if adopted level of service conditions are to be maintained through Phase III (2011) on regional roadway segment and intersections.

Prior to any building permits for development exceeding those identified in Phase I plus Phase II land uses or for equivalent development generating 2,177 gross p.m. peak hour external trips, a Traffic Monitoring Study (TMS) shall be undertaken to confirm the estimates of the transportation analysis. Prior to undertaking this monitoring study, a meeting shall be held with staff of the SWFRPC, FDOT and the City of North Port. The purpose of the meeting will be to identify the scope and procedures to be utilized in this study. At a minimum, the TMS shall contain p.m. peak hour, peak season trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed below and a calculation of

the existing peak season level of service at these intersections and on the road segments indicated below. The levels of service shall be calculated according to current professional standards. The study shall also provide a calculation of the existing levels of service on the facilities and the estimated levels of service and project impact for the next increment for which development approval is desired. The TMS shall also identify any road improvements required to meet existing adopted level of service thresholds. Further, the study shall address the issues identified by all applicable review agencies in the SWFRPC staff assessment report. Specifically, the study shall confirm the allocation of traffic signal green time on US 41 and that road's ability to continue to meet traffic demands for the project phases through Phase III.

Regional Roadways

I 75 Kings Highway to Toledo Blade Blvd
 I 75 Toledo Blade Blvd to Sumter Blvd
 US 41 North Port Blvd To Pan American Blvd
 US 41 Biscayne Drive to Ortiz Blvd
 US 41 Toledo Blade Blvd to Enterprise

Regional Intersections

I 75/Kings Highway (all ramps)
 I 75/Toledo Blade Blvd (all ramps)
 I 75/Sumter Blvd (all ramps)
 US 41/North Port Blvd
 US 41/Pan American Blvd
 US 41/Biscayne Drive
 US 41/Ortiz Blvd
 Price Blvd /Sumter Blvd
 Price Blvd /Salford Blvd
 Appomattox Dr /North Port Blvd
 Appomattox Dr /Sumter Blvd

The transportation impacts to the roads and intersections above shall be appropriately addressed consistent with Southwest Florida Regional Planning Council policies and the determination of proportional share and/or pipelining of the regional road improvements shall be in accordance with Section 163.3220 F.S. which requires a Local Government Development Agreement.

- c. The applicant is eligible to apply for impact fee credits pursuant to Chapter 380.06 Florida Statutes and the City of North Port Ordinance No. 2000-4 as it may be amended and the applicant may receive credits as authorized by the Ordinance. Further, impact fee payments made prior to the time at which proportionate share payments are due, if mitigation (described below) is selected, shall be held in escrow by the City of North Port and applied against the proportionate share payment.

- d Mitigation Options The following options are established for purposes of mitigating Phases I, II and III impacts. Prior to preliminary plat or preliminary site plan approval for 740 single family detached residential units or equivalent land uses which will result in 651 net new external p.m. peak hour trips, the applicant and the City of North Port shall select one or a combination of the following alternatives to mitigate the project's transportation impacts, provided that the combination(s) selected achieve the required degree of mitigation. The applicant shall report the option selected in the first required annual report following its selection. Further, the status of any transportation improvements required by the option selected shall be included in each subsequent required annual report. Continued issuance of development permits by the City of North Port for the project shall require a determination by the City of North Port for compliance with one of the options set forth below.

1. ~~Funding commitments~~ For the purpose of this order, funding commitments shall be defined in Section 9J 2.045 (7) a. 1 FAC. The improvements listed in the table below include roadway link and intersection improvements required for the development of Phases I through III.

TABLE 1
PHASES I, II AND III (2011)
REQUIRED LINK AND INTERSECTIONS

LOCATION	IMPROVEMENT	% OF PH I, II & III (OR NET EXTERNAL TRIPS)
Price @ Sumter	Signalize Add EL, WL, WR, NL, NR, SL turn lanes	24% (651)
Appomattox @ Sumter	Signalize Add ER, NL, SR turn lanes	31% (867)
I-75 Sumter to Toledo Blade	Widen to 6 lanes	54% (1,523)
Price @ Salford	Signalize add EL, WL, NL turn lanes	62% (1,735)
Appomattox @ North Port	Signalize add EL, WL, NL turn lanes	76% (2,168)
I-75 Toledo Blade to King Highway	Widen to 6 lanes	98% (2,761)

With each preliminary plat or preliminary site plan, the applicant shall submit a projection of gross external p.m. peak hour trips anticipated to be generated by the development included in the preliminary plat or preliminary site plan plus any development for which a preliminary plat or preliminary site plan has been previously approved.

- a No building permits shall be issued for land uses that will result in 651 net new external trips until funding commitments are in place for the first improvement identified in Table 1 above
- b No building permits shall be issued for land uses that will result in 867 new external p.m. peak hour trips until funding commitments are in place for the second improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met
- c No building permits shall be issued for land uses that will result in 1,523 net new external trips until funding commitments are in place for the third improvement identified in Table 1 above
- d No building permits shall be issued for land uses that will result in 1,735 net new external trips until funding commitments are in place for the fourth improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met
- e No building permits shall be issued for land uses that will result in 2,168 net new external trips until funding commitments are in place for the fifth improvement identified in Table 1 above. A traffic control signal shall be installed when warrants for signalization as published in the Manual on Uniform Traffic Control Devices are met
- f No building permits shall be issued for land uses that will result in 2,761 net new external trips until funding commitments are in place for the sixth improvement identified in Table 1 above

In the event that funding commitments for the above transportation improvements are not in place, the applicant shall have the option to submit an NOPC to the City, DCA and the SWFRPC pursuant to Section 380.06(10) Florida Statutes with updated traffic counts on the impacted roadways that do not have commitments for required transportation improvements. The applicant shall further submit projections of traffic volumes that include the currently approved project development plus the volumes to be generated from an additional increment of development for which the applicant is seeking approval and future background traffic. If the submittal as approved by the above agencies shows that the unimproved road will operate at an acceptable level of service, the City of North Port may issue building permits for the requested increment of development.

The funding commitments for the above improvements shall be assessed and reported in the required annual report. The City of North Port shall cease issuance of any further building permits if the annual monitoring report shows that any of the required improvements is no longer funded as defined in Table 1 (above).

- 2 Proportionate share This option shall only be available if the City of North Port Comprehensive Plan authorizes payment of proportionate share contribution for local and regional significant traffic impacts in accordance with Section 163.3180(12) Florida Statutes and Rule 9J.2.045(7) a 3 F.A.C. With City of North Port and FDOT approval, the applicant may pay to the City of North Port a proportionate share contribution.

pursuant to Section 9J 2 045 FAC of those improvement projects listed in Section 1 above for which funding remains uncommitted The proportionate share contribution shall be used to improve anyone of the listed impacted roadways for which funding remains uncommitted pursuant to a roadway construction agreement to be entered into between the applicant City of North Port and the responsible government agencies (if applicable) subject to the following terms and conditions

- a No further building permits shall be issued by the City of North Port subsequent to the triggering of transportation needs shown in Table 1 Table 1 will be mitigated by the selection of Option 2 until the roadway construction agreement is executed Further should the applicant default in the payment of the proportionate share in accordance with the agreement no further building permits shall be issued until the applicant is in compliance with the agreement
- b The agreement shall be in the form of either a clearly identified executed and recorded local government development agreement consistent with Sections 163 3220 through 163 3243 Florida Statutes an interlocal agreement an FDOT joint participation agreement or a written acceptance by the affected local government board or the FDOT as appropriate The agreement to accept proportionate share payments shall be attached as an exhibit to the development order through a Ch 380 06fl G) 0 2) c(2) amendment following the selection of this option and the execution of the agreement at the time of the next development order amendment The agreement shall require the receiving local governmental agency to apply the contributed monies only towards the construction of one or more of the roadway improvements listed in Table 1 of this development order If the contributed money is sufficient to fully construct one or more of the required improvements the receiving governmental agency shall agree as a condition of acceptance to expeditiously apply the received monies for the construction of the improvement
- c The specific nature and scope of the selected improvements(s) shall be set forth in the roadway construction agreement The roadway construction agreement shall address the timing of the applicant's payments toward design ROW acquisition construction and the selected improvement(s)
- d The proportionate share amount is as set forth in Table 2 (attached and incorporated as part of this development order) in accordance with 9J 21 045(7)3 F AC The proportionate share has been calculated in Year 2000 dollars This amount shall be updated at the time of payment in accordance with the FDOT construction Cost Price Trends Index The proportionate share in Table 2 mitigates the impacts of all development in Phases I II and III If any of the required improvements have been completed prior to the applicant's selection to pay the proportionate share then the proportionate share amount shall be reduced by deleting the completed road improvement from the proportionate share computation

- e Any delay or change to the proportionate share payment due to a change in the development schedule shall require an analysis of the proportionate share amount as part of any amendment to the build out date of the development. Payment of the proportionate share does not release the applicant from the obligation to pay impact fees as provided for in the City's Transportation Impact Fee Ordinance; however, the proportionate share is creditable against impact fees in accordance with state law.
- f The applicant shall dedicate 50 feet of right of way for a greenway/bicycle and pedestrian pathway extending on the west side of the property running parallel to the Myakkahatchee preserve from Appomattox to Price Boulevard.
- g The applicant shall promote efficient pedestrian and bicycle movement within the development.
- h The applicant shall help to accommodate any local and/or express transit service if established by the City of North Port or Sarasota County through the inclusion of bus stops or other means deemed necessary by the City of North Port or Sarasota County.

6 Vegetation and Wildlife/Wetlands

- a The Applicant shall comply with all commitments contained in the Wildlife and Habitat Management Plan and Scrub Jay Management Plan (Management Plan) which is incorporated by reference into this Development Order. The Applicant shall also comply with the commitments in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description), Question 12 (Vegetation and Wildlife) and Question 13 (Wetlands) to the extent that they are consistent with the Management Plan.
- b The applicant must coordinate the location, size and management plan for the Florida scrub jay preserve with the US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission in Vero Beach to avoid any permit delays.
- c The conservation easement over wetlands and uplands including the scrub jay preserve will be written to comply with the requirements of Rule 9J-4J (9) (b) 3 FAC.
- d Native habitats will also be preserved as part of the golf course design and the open space requirements.
- e In accordance with SWFWMD policy, Heron Creek will maintain or enlarge pre-developed contributing areas to each wetland in the post-developed condition to the extent possible.

- f The Proposed Mitigation Summary as part of the last sufficiency will serve as a framework for conceptual wetland mitigation approaches for the proposed impacts to 22 acres of wetlands
- g Total of 43.56 acres of wetlands (36.2 acres of Freshwater Marshes and 7.4 acres of Hardwood Hammock) will be preserved and enhanced
- h There will be a minimum of 16 +/- acres of vegetated uplands preserved plus additional upland acreage associated with the Scrub Jay Preserve to be determined at final development design and layout
- i The applicant will preserve some of the cabbage palm hammocks in place and relocating other portions while attempting to preserve significant oak trees.
- j The Applicant shall by the end of calendar year 2007 record a conservation easement for the upland preservation area depicted on the Heron Creek Conservation Easement Upland Preservation Area Location Map
- k The Applicant shall by May 31 2007 provide the City and the SWFRPC with an updated GIS shape file on the aforementioned upland preservation area in a State Albers Projection
- l The Applicant shall by May 31 2007 provide the City and the SWFRPC with an updated GIS shape file of the subject property consistent with the legal description contained in Resolution 01 R 5

7 Wastewater Management/Water Supply

- a The project shall utilize ultra low volume water use plumbing fixtures self closing and/or metered water faucets and other water conserving devices and methods consistent with the criteria outlined in the water conservation plan of the public supply permit issued to the City of North Port Utilities Department by SWFWMD
- b For the purpose of non potable and/or reclaimed water conservation the Heron Creek DRI shall to the extent possible utilize xeriscape principles in all common landscaped areas and in the landscape design of the golf course and other recreational facilities Ecologically viable portions of existing (pre development) native vegetation shall be incorporated into the Development's landscape design to the greatest extent practicable
- c The Applicant shall apply for water use permits as required for withdrawals from groundwater project lakes and/or other surface water bodies for irrigation or potable use and for any dewatering activities proposed for the construction of onsite lakes and/or road or building foundations

- d At the time of application for the SWFWMD Water Use Permit for the proposed irrigation system the Applicant shall provide verification that the proposed plumbing and irrigation system designs meet SWFWMD criteria in effect at that time
- e The Applicant shall comply with the applicant's agreement with the City of North Port for the provision of potable water wastewater treatment and nonpotable water by the City of North Port Utilities Department
- f The requirements for reclaimed water for the Heron Creek development are governed by the Second Developer's Agreement between the City of North Port and the Applicant dated June 5 2000
- g Prior to applying for any well permits from Sarasota County the Applicant shall actively pursue alternative methods for obtaining non potable water Such efforts shall include (but are not limited to) cisterns reclaimed stormwater reclaimed water from a regional resource off site canals or any comprehensive approach that will reduce or eliminate the need for onsite wells
- h The use of reclaimed water pesticides herbicides or fertilizers shall be prohibited within onsite wetland buffers and the wetlands they protect. Irrigation systems shall be designed and located so as to ensure that reclaimed wastewater does not contact or enter any open water canal or waterway within or adjacent to the DRI which is ultimately tributary to Myakkahatchee Creek
- i In order to help protect water quality within the Myakkahatchee Creek Watershed and to increase public awareness about local water supply sources and the natural systems that support them the Applicant shall provide educational materials to property buyers residents and businesses within the DRI concerning the proper use and disposal of chemicals and hazardous materials as well as local and regional water quality issues Such materials shall include guidelines for homeowners concerning lawn and landscape irrigation and the proper application handling and storage of fertilizers pesticides herbicides and other chemicals The Applicant may use existing publications covering these topics if such are found to exist and to be suitable for the North Port area The development shall also participate in any County or City sponsored 'Amnesty Days' program and should consider providing a central site for collection of hazardous materials
- j Temporary septic systems may be utilized in conjunction with construction and sales offices and model homes Septic systems shall not be allowed onsite other than for construction and sales offices golf course restrooms and model homes All temporary septic systems shall be properly abandoned and/or removed by a licensed septic system firm at the time when permanent or interim wastewater treatment facilities come online

- k All potable water facilities shall be properly sized to supply average and peak day domestic demand in addition to fire flow demand at a rate approved by the City of North Port Fire and Rescue District
- l The Applicant shall comply with all commitments in the ADA and subsequent sufficiency round information related to Question 10 (General Project Description) Question 14 (Water) Question 17 (Water Supply) and Question 18 (Wastewater Management) that are not in conflict with the above recommendations
- m Potable water for the Heron Creek DRI shall be served by the City of North Port Utilities Department. A Developer's Agreement between the applicant and the City has been executed for the entire project. The agreement reserves potable water supply for Phase I of the Heron Creek DRI. The Developer's Agreement articulates specific water supply facility upgrades that are the sole responsibility of the applicant
 - 1 In order to insure that water supply facilities will be in place and available to serve each phase of development no later than the issuance by the City of North Port of a certificate of occupancy or its functional equivalent, the City and the Applicant shall comply with their respective obligations under the developer's agreements dated August 31, 1998 and June 16, 2000.
 - 2 The City of North Port Utility Master Plan, dated March 1999, shall serve as the basis for projecting potable water supply demands and allocating appropriate capital expenditures to serve the Heron Creek DRI development. The master plan is incorporated herein by reference.
 - 3 Annually, the City of North Port shall review the utility master plan to ensure consistency with its Capital Improvements Program and the applicable water supply and sewer provisions in the comprehensive plan.
 - 4 By 2001, the City of North Port shall update the utility master plan and include an analysis of existing and future demands, capital expenditures, and feasibility of purchasing water from a public regional water source.
 - 5 Annually, the City of North Port Utility Department shall prepare a report as to the status of the guaranteed improvements of the water supply improvements. The assessment shall be included in the annual DRI status report. If the report shows evidence that the needed potable water supply facility improvements are no longer scheduled or guaranteed, the City of North Port will cease to issue building permits until the supply facility improvements return to a guarantee or scheduled status.
 - 6 Should the water supply improvements schedule change or cause delay to the Heron Creek DRI approved schedule, the applicant shall be required to amend the approved development schedule through the Notice of Proposed Change provisions of Section 380.06(19), Florida Statutes. This process automatically amends the development order.
 - 7 Nothing herein shall relieve the City or the Applicant of their reciprocal obligations under the developer's agreements dated August 31, 1998 and June 16, 2000.

8 Police and Fire Protection

- a To assure the project does not dilute the delivery of service during the site and development/construction plan approval process the Applicant shall meet with the North Port Police Department to ensure that security features are incorporated within the project design
- b Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988 shall file hazardous materials reporting applications in accordance with sections 302 303 304 or 311 312 Applications must be updated annually by each reporting facility
- c Fire protection shall be provided according to existing standards or fire flow criteria promulgated by the City or recommended guidelines developed by the National Fire Protection Association
- d The City of North Port's Unified Land Development Code requires up to 1 500 GPM for residential and up to 4 000 GPM for commercial development The Heron Creek potable water distribution/building fire sprinkler systems shall be designed to meet the City's requirements

9 Solid Waste/Hazardous Waste/Medical Waste

- a Any business located within the Heron Creek Development which generates hazardous or infectious waste shall be responsible for the temporary storage siting and proper disposal of the waste generated by such businesses Outside storage of hazardous waste or infectious waste should be prohibited However there should be no siting of hazardous waste storage facilities contrary to North Port's Zoning Regulations
- b Loading off loading and storage areas for regulated substances shall be curbed and provided with impervious bases free of cracks and gaps to fully contain spills and leaks
- c All hazardous materials shall be handled stored and applied in accordance with applicable regulations F A C Chapter 62 730 is the governing regulation covering hazardous waste which would be applied to any generator who may become a tenant at Heron Creek
- d The project shall participate in the City of North Port's recycling program which at present consists of curbside pickup of newspaper cardboard plastics glass tin and aluminum cans to aid in the reduction of solid waste sent to the landfill
- e The applicant shall explore the possibility of mulching trees and brush in the land clearing operations to meet on site needs

10 General Conditions

- a All commitments and impact mitigating actions provided by the Applicant in the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval
- b The development phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval. If development order conditions and applicant commitments incorporated within the development order ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules ~~specified within the development order and this phasing schedule~~ then this shall be presumed to be a substantial deviation for the affected regional issue, except as provided in Section 7 m 6
- c If the City of North Port during the course of monitoring the development can demonstrate that substantial changes in the conditions underlying the approval of the development order has occurred or that the Development Order was based on substantially inaccurate information provided by the applicant resulting in additional substantial regional impacts then a substantial deviation shall be deemed to have occurred
- d Pursuant to Chapter 380.06(16) the Applicant may be subject to credit for contributions construction expansion or acquisition of public facilities to the extent the Applicant is also subject by City ordinances to impact fees or exactions to meet the same needs. The City of North Port and the Applicant may enter into a capital contribution front ending agreement to reimburse the Applicant for voluntary contributions in excess of the fair share

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Legal Description

TRACT A A PORTION OF SECTION 21 TOWNSHIP 39 SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE SNOVER WATERWAY (200 WIDE) AS SHOWN ON THE PLAT OF THE EIGHTEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 14 PAGES 6 6 A THROUGH 6 V PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 00 43 08 W ALONG THE WESTERLY BOUNDARY LINE OF SAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) A DISTANCE OF 100 00 FEET TO THE POINT OF BEGINNING AT THE INTERSECTION OF SAID RIGHT OF WAY LINE WITH THE SOUTH LINE OF SAID SNOVER WATERWAY THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD THE FOLLOWING TWO COURSES S 00 43 08 W A DISTANCE OF 1346 71 FEET TO THE POINT OF CURVATURE OF A 2100 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 89 16 52 E THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15 16 04 A DISTANCE OF 559 59 FEET TO AN INTER SECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD WITH SAID POINT ALSO BEING A POINT OF REVERSE CURVATURE OF A 25 00 RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 75 27 04 W THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) THE FOLLOWING FOUR COURSES SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85 42 32 A DISTANCE OF 37 40 FEET TO A POINT OF REVERSE CURVATURE OF A 1650 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 18 50 24 E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22 20 06 A DISTANCE OF 643 20 FEET TO A POINT OF TANGENCY THENCE S 48 49 30 W A DISTANCE OF 408 66 FEET TO THE POINT OF CURVATURE OF A 1950 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 41 10 30 W THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 71 11 22 A DISTANCE OF 2422 85 FEET THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD N 29 59 32 E A DISTANCE OF 1198 77 FEET THENCE N 15 00 00 W A DISTANCE OF 1800 00 FEET TO THE SOUTH LINE OF THE AFORESAID SNOVER WATERWAY (O R BOOK 1941 PAGE 6) THENCE ALONG SAID SOUTH LINE S 89 16 51 E A DISTANCE OF 2953 00 FEET TO THE POINT OF BEGINNING

CONTAINING 170 30 ACRES MORE OR LESS

TRACT B A PORTION OF SECTIONS 21 AND 22 TOWNSHIP 39 SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE SNOVER WATERWAY AS SHOWN ON THE PLAT OF THE EIGHTEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 14 PAGES 6 6 A THROUGH 6 V PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 00° 43' 08" W ALONG THE EASTERLY BOUNDARY LINE OF SAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) A DISTANCE OF 700.00 FEET TO THE POINT OF BEGINNING THENCE LEAVING THE SAID WESTERLY RIGHT OF WAY LINE S 89° 16' 51" E A DISTANCE OF 606.00 FEET THENCE N 00° 43' 09" E A DISTANCE OF 600.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE SNOVER WATERWAY (O R BOOK 1941 PAGE 6) THENCE S 89° 16' 51" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 880.95 FEET TO THE NORTHWESTERLY CORNER OF NORTH PORT WATER CONTROL DISTRICT PROPERTY (O R BOOK 2357 PAGE 382) THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE WESTERLY BOUNDARY LINE OF THE SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY S 00° 43' 09" W A MEASURED DISTANCE OF 1052.76 FEET (DEED 1050.00) TO THE SOUTHWEST CORNER OF SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY S 89° 16' 51" E A DISTANCE OF 1028.67 FEET TO THE WESTERLY BOUNDARY LINE OF THE BLUERIDGE WATERWAY (100 FEET WIDE) (O R BOOK 1941 PAGE 6) SAID POINT ALSO BEING A POINT ON THE ARC OF A 1000.00 FOOT RADIUS CURVE WITH THE CENTER POINT OF SAID CURVE BEARING N 77° 26' 14" W THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID BLUERIDGE WATERWAY THE FOLLOWING TWO COURSES SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 55° 49' 01" A DISTANCE OF 974.19 FEET TO A POINT OF REVERSE CURVATURE OF A 1150.00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 21° 37' 14" E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32° 16' 11" A DISTANCE OF 647.69 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE WITH THE NORTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID PRICE BOULEVARD THE FOLLOWING THREE COURSES N 56° 24' 18" W A DISTANCE OF 131.21 FEET TO THE POINT OF CURVATURE OF A 1650.00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 33° 35' 42" W THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43° 52' 31" A DISTANCE OF 1263.51 FEET TO A POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 10° 16' 49" W THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85° 43' 55" A DISTANCE OF 37.41 FEET TO A POINT IN THE AFORESAID EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD AND THE EASTERLY BOUNDARY LINE OF THE AFORESAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION SAID POINT IS ALSO THE POINT OF COMPOUND CURVATURE OF A 1900.00 FOOT RADIUS

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NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF
15 16 02 A DISTANCE OF 506 28 FEET TO THE POINT OF TANGENCY THENCE N 00 43 08 E
A DISTANCE OF 746 71 FEET TO THE POINT OF BEGINNING

CONTAINING 72 12 ACRES MORE OR LESS

TRACT C A PORTION OF SECTIONS 21 AND 28 TOWNSHIP 39 SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF THE RIGHT OF WAY OF NORTH PORT BOULEVARD AS SHOWN ON THE PLAT OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 82 01 05 W (S 82 00 00 W PLAT BEARING) ALONG THE NORTHERLY RIGHT OF WAY OF SAID NORTH PORT BOULEVARD (MYAKKAHATCHEE BOULEVARD) AS SHOWN ON THE PLAT OF THE FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 13 13 A THROUGH 13 NN PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA A DISTANCE OF 947.20 FEET (946.95 FEET PLAT DISTANCE) TO A CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF BLOCK 2653 IN SAID FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE AND ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID BLOCK 2653 THE FOLLOWING FOUR COURSES N 08 00 00 W A DISTANCE OF 955.00 FEET THENCE S 82 00 00 W A DISTANCE OF 365.00 FEET THENCE N 08 00 00 W A DISTANCE OF 630.90 FEET THENCE S 82 00 00 W A DISTANCE OF 150.00 FEET THENCE LEAVING SAID BOUNDARY LINE N 29 59 32 E A DISTANCE OF 1080.80 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES S 59 55 11 E A DISTANCE OF 23.99 FEET TO THE POINT OF CURVATURE OF A 2050.00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING N 30°04'49" E THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 71 15 19 A DISTANCE OF 2549.46 FEET TO A POINT OF TANGENCY THENCE N 48 49 30 E A DISTANCE OF 408.68 FEET TO THE POINT OF CURVATURE OF A 1550 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 41 10 30 E THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°06'43" A DISTANCE OF 598.19 FEET TO A POINT OF COMPOUND CURVATURE OF A 25 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 19 03 47 E THENCE EASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90 27 50 A DISTANCE OF 39.47 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD AS SHOWN ON THE AFORESAID PLAT OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION SAID POINT ALSO BEING A POINT OF REVERSE CURVATURE OF A 2100.00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING N 71 24 03 E THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD THE FOLLOWING FOUR COURSES SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00 13 14 A DISTANCE OF 8.09 FEET TO A POINT OF REVERSE CURVATURE OF A 1300.00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 71 10 49 W THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77 57 00 A DISTANCE OF 1768.63 FEET TO A POINT OF REVERSE CURVATURE OF A 1600.00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 30 52 11 E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 59 57 23 A DISTANCE OF 1674.30 FEET TO A POINT OF REVERSE CURVATURE OF A 50.11 FOOT RADIUS CURVE TO THE RIGHT WITH THE

CENTER POINT BEARING S 89 10 26 W THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 86 32 36 A DISTANCE OF 75 69 FEET TO THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF NORTH PORT BOULEVARD THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES S 85 43 11 W A DISTANCE OF 208 42 FEET TO THE POINT OF CURVATURE OF A 2750 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING S 04 16 49 E THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03 42 20 A DISTANCE OF 177 85 FEET TO A POINT OF TANGENCY THENCE S 82 00 51 W A DISTANCE OF 355 73 FEET TO THE POINT OF BEGINNING

CONTAINING 140 58 ACRES MORE OR LESS

TRACT D A PORTION OF SECTIONS 21 AND 22 TOWNSHIP 39 SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEASTERLY CORNER OF THE FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 13 13 A THROUGH 13 NN PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE BLUERIDGE WATERWAY (100 WIDE) (O R BOOK 1941 PAGE 6) THENCE LEAVING THE SAID CENTERLINE AND ALONG THE NORTHERLY BOUNDARY LINE OF THE SAID FIFTY SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION N 84 56 11 W A DISTANCE OF 50 00 FEET TO THE POINT OF BEGINNING SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY LINE OF THE SAID BLUERIDGE WATERWAY THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE AND ALONG THE NORTHERLY BOUNDARY LINE OF SAID FIFTY SECOND ADDITION THE FOLLOWING THREE COURSES N 84 56 11 W A DISTANCE OF 1375 64 FEET TO THE POINT OF CURVATURE OF 400 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 05 03 49 E THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°49'49" A DISTANCE OF 208 26 FEET TO A POINT OF TANGENCY THENCE N 55 06 22 W A DISTANCE OF 442 85 FEET TO A CORNER ON THE BOUNDARY LINE OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID POINT IS ALSO ON THE ARC OF A 2350 00 FOOT RADIUS NONTANGENT CURVE WITH THE CENTER POINT BEARING N 55 05 20 W THENCE SOUTHWESTERLY ALONG THE WESTERLY BOUNDARY LINE OF TRACT D AS PLATTED IN SAID FIFTY SIXTH ADDITION AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10 06 22 A DISTANCE OF 414 51 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) AS PLATTED IN SAID FIFTY SIXTH ADDITION WITH SAID POINT ALSO BEING ON THE ARC OF A 1400 00 FOOT RADIUS NONTANGENT CURVE WITH THE CENTER POINT BEARING S 73 36 02 E THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42 43 51 A DISTANCE OF 1044 11 FEET TO A POINT OF REVERSE CURVATURE OF A 1500 00 FOOT RADIUS CURVE TO THE LEFT WITH THE CENTER POINT BEARING N 30 52 11 W THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77 31 15 A DISTANCE OF 2029 49 FEET TO A POINT OF REVERSE CURVATURE OF A 25 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING N 71 36 34 E THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 98 45 30 A DISTANCE OF 43 09 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF PRICE BOULEVARD (100 WIDE) TO A POINT OF COMPOUND CURVATURE OF A 1550 00 FOOT RADIUS CURVE TO THE RIGHT WITH THE CENTER POINT BEARING S 09 37 56 E THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE FOR THE FOLLOWING TWO COURSES ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43 13 39 A DISTANCE OF 1169 42 FEET TO A POINT OF TANGENCY THENCE S 56 24 18 E A DISTANCE OF 131 17 FEET TO A POINT ON THE AFORESAID WESTERLY RIGHT OF WAY LINE OF THE BLUERIDGE WATERWAY SAID POINT ALSO BEING ON THE ARC OF A 1150 00 FOOT RADIUS CURVE WITH THE CENTER POINT BEARING S 58 52 26 E THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES SOUTHWESTERLY ALONG THE ARC OF SAID

CURVE THROUGH A CENTRAL ANGLE OF 26 04 14 A DISTANCE OF 523 27 FEET TO A
POINT OF TANGENCY THENCE S 05 03 20 W A DISTANCE OF 1932 28 FEET TO THE POINT
OF BEGINNING

CONTAINING 83 90 ACRES MORE OR LESS

DESCRIPTION OF THE PROPOSED REVERSIONARY BOUNDARY FOR A PORTION OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 21 PAGES 13 THROUGH 13NN AND A PORTION OF THE 56TH ADDITION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA WITH SAID BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF NORTH PORT BLVD (FORMERLY MYAKKAHATCHEE BOULEVARD) WITH THE NORTHERLY LINE OF APPOMATTOX DRIVE AS PLATTED IN SAID 52ND ADDITION THENCE S 45°34'35" E ALONG SAID NORTHERLY LINE OF APPOMATTOX DRIVE A DISTANCE OF 1833.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 260.00 FEET A CENTRAL ANGLE OF 23°13'38" A CHORD BEARING OF S 57°11'24" E AND A CHORD LENGTH OF 104.68 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 105.40 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 68°48'13" E ALONG SAID NORTHERLY LINE A DISTANCE OF 2715.05 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 260.00 FEET A CENTRAL ANGLE OF 17°44'15" A CHORD BEARING OF S 77°40'20" E AND A CHORD LENGTH OF 80.17 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 80.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 86°32'28" E ALONG SAID NORTHERLY LINE A DISTANCE OF 403.32 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET A CENTRAL ANGLE OF 89°58'27" A CHORD BEARING OF N 48°28'18" E AND A CHORD LENGTH OF 35.35 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 39.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 03°29'05" E ALONG THE WESTERLY LINE OF SUMTER BLVD (200 FEET WIDE) A DISTANCE OF 7.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1524.84 FEET A CENTRAL ANGLE OF 26°10'34" A CHORD BEARING OF N 16°34'22" E AND A CHORD LENGTH OF 690.60 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 696.64 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 29°39'39" E ALONG SAID WESTERLY LINE OF SUMTER BLVD A DISTANCE OF 1900.39 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 949.64 FEET A CENTRAL ANGLE OF 35°45'49" A CHORD BEARING OF N 11°46'44" E AND A CHORD LENGTH OF 583.18 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 592.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE N 06°06'10" W ALONG SAID WESTERLY LINE A DISTANCE OF 682.16 FEET TO THE SOUTHEAST CORNER OF TRACT A AS PLATTED IN SAID 56TH ADDITION THENCE N 06°06'10" W ALONG SAID WESTERLY LINE OF SUMTER BLVD A DISTANCE OF 405.72 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1600.00 FEET A CENTRAL ANGLE OF 05°18'00" A CHORD BEARING OF N 03°27'41" W AND A CHORD LENGTH OF 147.95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 148.01 FEET TO A POINT OF CUSP WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET A CENTRAL ANGLE OF 86°32'01" A CHORD BEARING OF S 42°27'20" W AND A CHORD LENGTH OF 68.54 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 75.51 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 85°43'21" W ALONG THE NORTH LINE OF AFORESAID NORTH PORT BLVD (100 FEET WIDE) A DISTANCE OF 208.40 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE

LEFT HAVING A RADIUS OF 2750.00 FEET A CENTRAL ANGLE OF 03°42'18" A CHORD BEARING OF S 83°52'12" W AND A CHORD LENGTH OF 177.80 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 177.83 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 82°01'03" W ALONG SAID NORTH LINE A DISTANCE OF 355.74 FEET TO THE NORTHWEST CORNER OF SAID 56TH ADDITION THENCE S 82°01'01" W ALONG THE NORTH LINE OF SAID NORTH PORT BLVD AS PLATTED IN SAID 52ND ADDITION A DISTANCE OF 947.20 FEET THENCE N 08°00'00" W ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 955.00 FEET THENCE S 82°00'00" W ALONG THE NORTH LINE OF BLOCK 2653 A DISTANCE OF 365.00 FEET THENCE N 08°00'00" W ALONG THE EAST LINE OF BLOCK 2653 A DISTANCE OF 630.90 FEET THENCE S 82°00'00" W A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF LOT 39 IN SAID BLOCK 2653 THENCE S 08°00'00" E ALONG AND EXTENDING THE WEST LINE OF SAID LOT 39 A DISTANCE OF 175.00 FEET TO THE CUL DE SAC CENTER AT THE NORTH END OF FLEETWAY ROAD (50 FEET WIDE) THENCE S 07°57'17" E ALONG THE CENTERLINE OF SAID FLEETWAY ROAD A DISTANCE OF 605.90 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF CAMERO STREET (50 FEET WIDE) THENCE S 82°00'00" W ALONG SAID CENTERLINE OF CAMERO STREET A DISTANCE OF 1636.11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET A CENTRAL ANGLE OF 90°00'00" A CHORD BEARING OF S 37°00'00" W AND A CHORD LENGTH OF 141.42 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 157.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 08°00'00" E ALONG THE CENTERLINE OF DAMON AVE (50 FEET WIDE) A DISTANCE OF 185.03 FEET THENCE S 82°00'00" W ALONG THE LINE DIVIDING LOTS 7 AND 8 IN AFORESAID BLOCK 2653 A DISTANCE OF 150.11 FEET TO THE WEST LINE OF SAID BLOCK 2653 THENCE S 08°00'00" E ALONG SAID WEST LINE OF SAID BLOCK 2653 A DISTANCE OF 606.62 FEET TO A POINT ON THE NORTHWESTERLY LINE OF AFORESAID NORTH PORT BLVD THENCE S 19°45'51" E A DISTANCE OF 50.00 FEET TO THE CENTERLINE OF SAID NORTH PORT BLVD AND A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 4070.00 FEET A CENTRAL ANGLE OF 16°49'34" A CHORD BEARING OF S 61°49'22" W AND A CHORD LENGTH OF 1190.95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 1195.24 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 700.00 FEET A CENTRAL ANGLE OF 18°24'35" A CHORD BEARING OF S 44°12'17" W AND A CHORD LENGTH OF 223.95 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 224.92 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1422.00 FEET A CENTRAL ANGLE OF 09°25'25" A CHORD BEARING OF S 39°42'43" W AND A CHORD LENGTH OF 233.62 FEET THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 233.88 FEET TO THE POINT OF TANGENCY OF SAID CURVE THENCE S 44°25'25" W ALONG SAID CENTERLINE A DISTANCE OF 203.96 FEET TO THE POINT OF BEGINNING

CONTAINING 392.07 ACRES MORE OR LESS

LESS AND EXCEPT THE FOLLOWING

A PORTION OF SECTIONS 21 AND 22 TOWNSHIP SOUTH RANGE 21 EAST SARASOTA COUNTY FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF THE FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 28 PAGES 50 AND 50 A PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA SAID CORNER ALSO BEING ON THE CENTERLINE OF THE SNOVER WATERWAY AS SHOWN ON THE PLAT OF THE EIGHTEENTH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 14 PAGES 6 6 A THROUGH 6 V PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA THENCE S 00 43 08 W ALONG THE EASTERLY BOUNDARY LINE OF SAID FIFTY SIXTH ADDITION TO PORT CHARLOTTE SUBDIVISION ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF SUMTER BOULEVARD (200 WIDE) A DISTANCE OF 700 00 FEET TO THE POINT OF BEGINNING THENCE LEAVING THE SAID WESTERLY RIGHT OF WAY LINE S 89 16 51 E A DISTANCE OF 606 00 FEET THENCE N 00 43 09 E A DISTANCE OF 600 00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE SNOVER WATERWAY (O R BOOK 1941 PAGE 6) THENCE S 89 16 51 E ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 880 95 FEET TO THE NORTHWESTERLY CORNER OF NORTH PORT WATER CONTROL DISTRICT PROPERTY (O R BOOK 2357 PAGE 382) THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE WESTERLY BOUNDARY LINE OF THE SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY S 00°43 09 W A MEASURED DISTANCE OF 1052 76 FEET (DEED 1 050 00) TO THE SOUTHWEST CORNER OF SAID NORTH PORT WATER CONTROL DISTRICT PROPERTY THENCE N 89 16 51 W A DISTANCE OF 1486 95 FEET TO THE EASTERLY RIGHT OF WAY LINE OF AFORESAID SUMTER BOULEVARD THENCE N 00 43 08 E ALONG SAID LINE A DISTANCE OF 452 76 FEET TO THE POINT OF BEGINNING

CONTAINING 27 59 ACRES MORE OR LESS

LANDFILL

ALL OF TRACT X AS SHOWN ON SAID RECORD PLAT OF THE 52ND ADDITION TO PORT CHARLOTTE SUBDIVISION

CONTAINING 367 27 ACRES MORE OF LESS AFTER EXCEPTION



Attachment 3
MORRIS ENGINEERING AND CONSULTING, LLC
 Civil Engineering and Land Development Consulting

July 30, 2010

Mr. Dan Trescott, Planning Manager
 Southwest Florida Regional Planning Council
 1926 Victoria Avenue
 Fort Myers, Florida 33901

**Reference: Heron Creek (FKA Marsh Creek) DRI Notice of Proposed Change
 Sufficiency Comments Response 01**

Dear Mr. Trescott:

On behalf of our client, Heron Creek Associates, Ltd., we offer the following responses to the Sufficiency Review Comments provided by various review agencies for the above referenced Notice of Proposed Change for the Heron Creek DRI (State DRI #11-9697-137):

Department of Community Affairs:

1. The Conversion Matrix needs to include a provision, or establish transfer limits such that, an increase of any use may not exceed the substantial deviation criteria of subsection 380.06(19)(b), F.S.

Response: Applicant agrees to including language. Please see response to City of North Port Comment 1 below.

Florida Department of Transportation:

1. The north arrow on revised Map H is incorrect, please update.

Response: Please find the revised Map H, attached.

2. The total number of golf holes (36) indicated on the revised Map H is not representative of the proposed number of golf holes (27) listed in the table.

Response: The number of golf holes have been revised on the attached Map H.

3. Please include the background information regarding the land use conversion table estimates.

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 HLR
 DATE: 5-31-15

Response: Please find the attached Technical Memorandum prepared by Tindale Oliver and Associates, which establishes the methods and background information for the proposed conversion table estimates. Please note that the numbers provided in the table in the memorandum reflect what is "given up" (i.e. Give up 4.31 MFDU to receive 1,000 SF retail), whereas the table in the report reflects what is received.

City of North Port:

1. The matrix conversion permits a greater number of housing units than is allowed within any zoning district; therefore, the suggested language is as follows:

d) Forty-five (45) days notice of any conversion must be provided to the City, FDCA and SWFRPC. In addition, the amount of the conversion must be reported as part of the subsequent monitoring report and petition to develop. When a petition to develop which includes a transfer or conversion of land use is submitted to the City, proof that no adverse impact is being caused by the transfer or conversion or any combination thereof.

e) The transfer or conversion does not increase the allotted number of units on any particular parcel to a level above what is permitted in the DRI or the City of North Port Land Development Code and does not exceed the substantial deviation criteria of subsection 380.06(19)(b), F.S.

Response: The Applicant is Agreeable to the above revisions, with the addition of the bold typed language in part e, as requested by the DCA.

Because the Unified Land Development Code of the City of North Port does not distinguish between office and medical professional land uses, and the lot size and other restrictions pertaining to these uses are the same, the City has used the average of these conversions supplied by the applicant to complete the matrix conversion allotment. This is done to help rectify where lot sizes would not accommodate the intensities proposed; however, the averaging will still grant a positive conversion for the applicant.

Land Use		Single Family	Multi Family	Medical/ Professional	Office General	Retail Shopping Center
		(d.u.)	(d.u.)	(sq.ft.)	(sq.ft.)	(sq.ft.)
From	Single Family (Per d.u.)	1.0	1.8	325	690 507	350
	Multi-Family (Per d.u.)	0.6	1.0	200	790 495	230
	Medical/ Professional (Per 1,000 sq.ft.)	3.1 2.3	4.99 3.12	1,000	3960 2480	1160 725
	General Office (Per 1,000 sq.ft.)	1.5	1.26	250	1,000	290

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HAR
DATE: 5/31/12

	Retail Shopping Center (Per 1,000 sq.ft.)	2.8	4.31	860	3420 2140	1,000
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Response: The Applicant requests that the Land Use Conversion Table that was originally proposed with this NOPC be utilized. The proposed conversions were established so that there will be no impact to the regional transportation system when converting land uses. Although the proposed conversions were based solely on transportation impact considerations, the Applicant recognizes that some uses may be limited in intensity because of physical site constraints. We believe that utilizing the conversion matrix to limit the intensity of the development because of site constraints may serve to hinder the developer from utilizing creative design techniques to take full advantage of the intensities that would be allowed based on a development impact standpoint. Furthermore, the conversions proposed are maximum allowable conversions, and where site constraints limit the intensity of a particular development, a lower conversion rate could be utilized.

2. The striking of the current language is acceptable; however, staff has questions concerning the housing report. DRI's are required to provide affordable housing regardless of the housing market trends and should take those trends into consideration in all areas. Even though much of the housing in North Port is considered affordable it must be considered that there are many unemployed which lowers the income level and the ratios are affect. DRI's are not exempt of the affordable housing requirement because of market trends. Any decrease in affordable housing should be mitigated or addressed showing due cause for the requested lowering of the requirement. There is a question concerning the methodology regarding the price point of the affordable housing (\$82,812) for low income category (\$23,250).

Response: Please see the attached Explanation of Methodology for the previously provided Affordable Housing Report prepared by Parker and Associates. Also, in lieu of striking the current language, we offer the following language in regard to Affordable Housing:

"Affordable Housing shall not be required for any Development receiving Subdivision or Major Site and Development Plan Approval from the City of North Port prior to June 1, 2014. However, no Subdivision or Major Site and Development Plan for a Development shall be approved after that date unless the Applicant has previously prepared and submitted an updated Affordable Housing Analysis to the City of North Port, RPC and DCA."

We believe that this language addresses the current conditions in North Port, which has a large supply of Affordable Housing Units which we feel are sufficient to accommodate low income households, while still recognizing that the conditions of both the workforce and housing inventory.

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DATE 6/31/10

3. The City has discussed the revised language for the "Transportation" section which is as follows: (The portion in red is the verbiage which is in conflict – strike through is the section added by the developer which is not in the language agreed to; underlined is the section taken out by the developer from the language agreed to).

"The City of North Port will prepare plans, utilizing their consultant, for the construction of an at-grade shell, or other cost comparable pervious material, pathway within existing City-owned right-of-way along the eastern bank of the Myakkahatchee Creek, from Appomatox Drive to Price Boulevard. These plans will be utilized by the City for the purpose of permitting the pedestrian/bicycle trail through appropriate regulatory agencies as well as for a Major Site and Development Plan Approval by the City. Within 120 days after Major Site and Development Plan Approval by the City, the applicant shall commence construction of the pathway as described above; or should the City elect to construct the pathway, the Applicant shall provide funding that is cost comparable to the construction of an at-grade shell, or other pervious material pathway. Should the City elect to ~~design, permit and~~ construct the pathway other than at-grade or utilizing a material other than pervious shell, the City shall be responsible for providing funding above the Applicant's contribution, as described above.

Response: The Applicant has been in discussion with Daniel Schult, Assistant City Manager, with regard to this stipulation. Pursuant to these discussions, we understand that the City is agreeable to the following language for this stipulation:

"The City of North Port will prepare plans, utilizing their consultant, for the construction of an at-grade shell, or other cost comparable pervious material, pathway within existing City-owned right-of-way along the eastern bank of the Myakkahatchee Creek, from Appomatox Drive to Price Boulevard. These plans will be utilized by the City for the purpose of permitting the pedestrian/bicycle trail through appropriate regulatory agencies as well as for a Major Site and Development Plan Approval by the City. Within 120 days after Major Site and Development Plan Approval by the City, the applicant shall commence construction of the pathway as described above; or should the City elect to construct the pathway, the applicant shall provide funding that is cost comparable to the construction of an at-grade shell pathway. Should the City elect to construct the pathway other than at-grade or utilizing material other than pervious shell, the City shall be responsible for providing funding above the Applicant's contribution as described above."

4. Map H agrees with the approved allotted uses pursuant to Petition DRI-06-107 (Heron Creek NOPC) which amended the original DRI land uses and reduced the number of multi-family dwelling units from 1,067 to 300, and the number of tennis courts from 12 to 5, and the amount of medical office square footage from 130,00 s. f. to 43,000 s. f., and the amount of general office square footage from 120,00 s. f. to 40,000 s. f., and increased the amount of retail commercial from 500,000 s. f. to 745,500 s. f..

Response: N/A

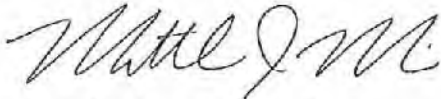
✓
CERTIFIED
H/T
DANIEL
5/3/7

Mr. Dan Trescott
Heron Creek DRI Sufficiency Response 01

July 30, 2010
Page 5

We trust that this information meets your needs for approval of the NOPC at this time. However, should you have any questions or require any additional information, please do not hesitate to contact me directly. Thank you.

Sincerely,
MORRIS ENGINEERING AND CONSULTING, LLC



Matthew J. Morris, P.E.
President

CC: Ron York, Heron Creek Associates

✓
CERTIFIED
HAK
DATE: 5/31/

Tindale-Oliver

**and Associates,
Inc.**

Technical Memorandum

Date: September 6, 2006

From: William E. Oliver, P.E., Senior Vice President
W. T. Bowman, Transportation Engineer

Subject: Heron Creek NOPC
Land Use Trade-Off Mechanism
City of North Port, FL

Introduction

To create the ability to respond to market demand, it is common to implement a "Land Use Trade-Off" mechanism into the development order for a DRI. This mechanism allows for land uses to be traded for each other based on an equivalency matrix which is based on traffic generation. This technical memorandum documents the steps taken to determine the acceptable land use trade off rates to be incorporated into the updated Heron Creek development order.

Analysis

The Heron Creek DRI was reviewed to determine appropriate land use trade off equivalencies to be included in a Development Order update. The rates were determined by comparing the previously approved Phase 1-3 development program and corresponding external trip generation, to a proposed development program. The proposed development program would provide for additional retail entitlements concurrent with a decrease in, or "trade-off" of, other entitled uses (i.e. office and residential).

As approved, the entitlements of Heron Creek were estimated to generate approximately 2,804 net external trips during the PM peak hour. The originally approved development and trip generation are presented in Attachment A. The conditions of the development order limit development based on external trips, with improvements conditioned at various trip milestones. This analysis was carried out to determine an updated development mix, incorporating additional retail entitlements, which would not result in additional net external trip generation from the DRI. The updated development mix and trip generation are presented in Attachment B.

The updated mix of units was compared to the previously approved development mix and trip generation to determine the appropriate land-use trade off equivalency matrix, to be incorporated into the development order. The existing and a potential proposed development program are presented in Table 1.

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Table 1: Trip Generation and Development Comparison

Use	Approved Units	Proposed Units	Original PM Peak Hour Trip Generation (Net External Trips)	Proposed PM Peak Hour Trip Generation (Net External Trips)	Change in Units	Change in Trips	Net External Trips per unit of development
Single Family (du)	903	903	684	739	0	55	n/a
Multi Family (du)	1067	300	529	157	-767	-372	0.486
Retail (ksf)	383	808	1,055	1,568	245	513	2.095
Office (ksf)	120	40	159	110	-80	-49	0.612
Medical Office (ksf)	130	43	323	112	-87	-211	2.424

Table 1 also presents the net external trips per unit of development that will be realized with the updated development program. These numbers form the basis for the trade-off mechanism. For instance, based on the updated trip generation estimates, additional 245 ksf of retail is estimated to increase net external trip generation by 513 vehicles per hour (vph), or 2.095 vehicles per hour/per ksf. The multi-family decrease of 767 dwelling units is estimated to decrease net external trip generation of the site by 372 vph, or .486 vehicles per dwelling unit. Therefore, $2.095/.486 = 4.31$ multi-family dwelling units trade off for 1000 square feet of retail. It should be noted that in performing this analysis, the proposed trip generation estimates were updated to the most recent information published in the *Trip Generation 7th Edition, Institute of Transportation Engineers*. The internal capture rates for the retail uses were also updated to be more representative of anticipated rates for the larger scale retail development, which is proposed. Table 2 summarizes the similar calculations for the remaining uses.

Table 2: Land Use Trade-Off Matrix

		RECEIVE				
		Land Use	Multi-family (du)	Retail (ksf)	Office (ksf)	Medical Office (ksf)
GIVE UP	Land Use	ITE LUC	220	820	710	720
	Multi-family (du)	220		4.31	1.26	4.99
	Retail (ksf)	820	0.23		0.29	1.16
	Office (ksf)	710	0.70	3.42		3.86
	Medical Office (ksf)	720	0.20	0.86	0.25	

Note: du = dwelling units, ksf = 1,000 square feet, gross leasable area

The intent of this NOPC is not to eliminate any intended land uses from the development, rather to allow for the reallocation of the quantities that are approved based on the changes in the market demand. Therefore it is recommended that the trade off mechanism be implemented with a "cap". For instance, medical office space may be traded for retail space at .86 ksf of medical office per 1.0 ksf of retail space, with no more than 80% of the originally approved 130 ksf being eligible for trade off; similarly for office and residential. It is the intention, at this time, to accommodate 560-570 ksf of retail by trading 767 multi-family dwelling units and 50 ksf of medical office. The analysis was performed with additional leeway for future fine tuning.

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Conclusions

Based on the analysis, it is recommended that the Development Order be modified to allow for the Land Use Trade off Mechanism with the ratios presented herein, based on net external trip generation equivalency.

Attachments: A: Approved Uses - Trip Generation Table
 B: Proposed Uses - Trip Generation Table
 C: Intended and Proposed Uses - Trip Generation Table

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DATE: 5-31-17

ATTACHMENT A

Heron Creek DRI

Approved Land Uses (Original Trip Gen - ITE 6th ed.)

PM Peak Hour Trip-Ends

SFDDU (DU)	Thse (DU)	MDU (DU)	Other Retail (kstgba)	Office (kstgba)	Med Ofc (kstgba)	Golf Course (holes)	Tennis Center (Court)	High School (Stdnt)	Park (ACRES)	210 SFDDU	230 Thse	220 MDU	820 Other Retail	710 Office	Med Ofc (kstgba)	Golf Course (holes)	492 Tennis Center	530 High School	472 Park	Other Retail % NT	Total	In	Out
903		1067	90.00	65.00	80	27.00	12			780	0	596	555	97	243	75	46	0	0	60%	2,192	1,198	994
			122.50	55.00	50					0	0	0	718	82	161	0	0	0	0	63%	697	275	422
			150.00							0	0	0	821	0	0	0	0	0	0	65%	537	258	279
										0	0	0	0	0	0	0	0	0	0	0%	0	0	0
903	0	1,067	363	120	130	27	12	0	0	780	0	596	2,124	179	408	75	46	0	0		3,426	1,732	1,695
903	0	1067	362.50	120.00	130	27.00	12	0	0	780	0	596	2,124	179	408	75	46	0	0		3,426	1,732	1,695
0	0	0	0	0.00	0	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0

Source: Tindale-Oliver and Associates, Inc. 2000

ITE Trip Generation, Sixth Edition (1997)

Notes

Trip generation for office land uses are based on an assumption of an average building size of 100,000 s.f.g.b.a.
 Trip generation for R&D land uses are based on an assumption of an average building size of 150,000 s.f.g.b.u.
 School enrollment numbers are from October, 1999 NDCP.

Gross Trips Gen

Gross Trips Generated:

4,208

Q Fat: 50.3%

East Gross Trips Generated:

0

West Gross Tpts Generated:

Heron Creek DRI

Updated Trip Generation Estimate 07-16-2000

Internal and Pass-By Capture Worksheet

[illegible]

Internal Capture Percentages

	SF	MF	Rnt	GOtc	MOTc	Golf	Tennis	
SF	0.0%	1.0%	2.0%	3.0%	3.0%	5.0%	2.0%	19.0%
MF	2.0%	0.0%	5.0%	7.0%	3.0%	2.0%	2.0%	20.0%
Rnt	5.0%	3.0%	15.0%	5.0%	5.0%	1.0%	0.5%	36.5%
GOtc	2.0%	1.0%	5.0%	0.0%	0.0%	0.0%	3.0%	11.0%
MOTc	5.0%	2.0%	15.0%	0.0%	0.0%	0.0%	0.0%	22.0%
Golf	25.0%	10.0%	4.0%	0.0%	0.0%	0.0%	0.0%	39.0%
Tennis	25.0%	20.0%	5.0%	0.0%	0.0%	0.0%	0.0%	50.0%

Internally Captured Trips:

Internal Capture Percent:

Net External Trips:

4/14/96064.05 - Heron Creek DRI Update/Analysis/Original Trip Conclusions
3/3/2000

ATTACHMENT B

Heron Creek DRI

Proposed Land Uses (Trip Gen - ITE 7th ed.)

PM Peak Hour Trip-Ends

SFDDL (DU)	Thse (DU)	MDU (DU)	Other Retail (ks/gha)	Office (ks/gha)	Med Ofc (ks/gha)	Golf Course (holes)	Tennis Club (Court)	High School (Stdnt)	Park (ACRES)	210	230	220	320	710	Med Ofc (ks/gha)	Golf Course (holes)	491	530	412	Other Retail % NT	Total	In	Out
200		300	50	40	43					200	0	183	296	124	144	0	0	0	0	52%	858	404	453
703		0	70			27	12			820	0	0	495	0	0	74	40	0	0	57%	1,015	571	444
		0	480							0	0	0	1,763	0	0	0	0	0	0	75%	1,328	638	691
		0	8							0	0	0	118	0	0	0	0	0	0	40%	47	23	25
903	0	300	608	40	43	27	12	0	0	820	0	183	2,772	124	144	74	40	0	0		3,249	1,636	1,613
903	0	300	600	40	43	27	12	0	0	820	0	183	2,652	124	144	74	40	0	0		3,202	1,613	1,588
0	0	0	3	0	0	0	0	0	0	0	0	0	118	0	0	0	0	0	0		47	23	25

Source: Tindale-Dwyer and Associates, Inc.
ITE Trip Generation, Seventh Edition (2003)

Gross Trips Gen

Gross Trips Generated:
East Gross Trips Generated:
West Gross Trips Generated:

4,156
47
0.4%
80.4%

INBOUND (PM PEAK) FOR TENNIS ASSUMED EQUAL TO INBOUND FOR HEALTH CLUB (PM PEAK LUC 402)

Heron Creek DRI

Approved Land Use Plan Trip Generation

Internal and Pass-By Capture Worksheet

Total Trips		Internal Capture													
	In	Out	SF Res	MF Res	Retail	Gen'l Ofc	Med Ofc	Golf	Tennis	Gross External Trips		Pass-By Capture	Net External Trips		
SF Res	517		0	1	26	2	5	10	5	468			468		
		303	0	1	15	0	2	8	5		271		271		
MF Res	119		1	0	6	4	2	2	2	101			101		
		64	1	0	3	1	1	1	1		56		56		
Retail	1331		15	3	100	5	16	2	1	1189		440	749		
		1441	26	6	100	1	6	2	1		1300	481	819		
Gen'l Ofc	21		0	1	1	0	0	0	0	19			19		
		103	2	4	5	0	0	0	0		91		91		
Med Ofc	39		2	1	6	0	0	0	0	30			30		
		105	5	2	16	0	0	0	0		82		82		
Golf	33		8	1	2	0	0	0	0	21			21		
		41	10	2	2	0	0	0	0		27		27		
Tennis	21		5	1	1	0	0	0	0	13			13		
		20	5	2	1	0	0	0	0		11		11		
2,079										1,841		440	1,401		
2,077										1,839		481	1,358		
Gross Trips:		4,156		Internally Captured Trips:						476	3,680	921	2,759		

Internally Captured Trips:
Internal Capture Percent:

476
11%

Net External Trips:

Internal Capture Percentages

	SF	MF	Ret	GOfc	MOfc	Golf	Tennis	
SF	0.0%	1.0%	5.0%	3.0%	2.0%	5.0%	2.0%	18.0%
MF	1.0%	0.0%	5.0%	7.0%	3.0%	3.0%	2.0%	20.0%
Ret	5.0%	5.0%	7.5%	5.0%	5.0%	1.0%	0.5%	29.0%
GOfc	2.0%	4.0%	5.0%	0.0%	0.0%	0.0%	0.0%	11.0%
MOfc	5.0%	2.0%	15.0%	0.0%	3.0%	0.0%	0.0%	22.0%
Golf	25.0%	10.0%	4.0%	0.0%	0.0%	0.0%	0.0%	36.0%
Tennis	25.0%	20.0%	5.0%	0.0%	0.0%	0.0%	0.0%	50.0%

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ATTACHMENT C

Heron Creek DRI

Intended & Proposed Land Uses (Trip Gen - ITE 7th ed.)

PM Peak Hour Trip-Ends

	SFDCU (DU)	Thse (DU)	MDU (DU)	Other Retail (ksgbs)	Office (ksgbs)	Med Ofc (ksgbs)	Golf Course (holes)	Tennis Club (Court)	High School (Student)	Park (ACRES)	210 SFDCU	230 Thse	220 MDU	820 Other Retail	710 Office	Med Ofc (ksgbs)	Golf Course (holes)	491 Tennis Center	530 High School	412 Park	Other Retail % NT	Total	In	Out
23 + 923	200		300	50	120	80					200	0	183	396	213	256	0	0	0	0	52%	1,050	450	610
56 + 921 + 922	703		0	50			27	12			820	0	0	396	0	0	74	40	0	0	52%	942	536	406
			0	470							0	0	0	1,739	0	0	0	0	0	0	75%	1,308	828	600
			0	0							0	0	0	0	0	0	0	0	0	0	0%	0	0	0
	903	0	300	570	120	80	27	12	0	0	820	0	183	2,531	213	256	74	40	0	0		3,309	1,614	1,695
	903	0	300	570	120	80	27	12	0	0	820	0	183	2,531	213	256	74	40	0	0		3,309	1,614	1,695
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	0	0

Source: Tindale/Oliver and Associates, Inc.
ITE Trip Generation, Seventh Edition (2003)

Gross Trips Gen

Gross Trips Generated:
East Gross Trips Generated:
West Gross Trips Generated:

4.117

D Fm 48.8%

INBOUND (PM PEAK) FOR TENNIS ASSUMED EQUAL TO INBOUND FOR HEALTH CLUB (PM PEAK<LLC 492)

Heron Creek DRI

Approved Land Use Plan Trip Generation

Internal and Pass-By Capture Worksheet

Total Trips		Internal Capture																					
	In	Out	SF Res		MF Res		Retail		Gen'l Ofc		Med Ofc		Golf		Tennis		Gross External Trips		Pass-By Capture	Net External Trips			
SF Res	517		0		1		26		4		9		10		5		462			462			
		303		0		1		15		1		3		8		5		270		270			
MF Res	119		1		0		6		7		4		2		2		96			96			
		64		1		0		3		1		1		1		1		55		55			
Retail	1215		15		3		81		9		28		2		1		1066			671			
		1316		26		6		91		2		10		2		1		1178	394	742			
Gen'l Ofc	36		1		1		2		0		0		0		0		32			32			
		177		4		7		9		0		0		0		0		157		157			
Med Ofc	89		3		1		10		0		0		0		0		54			54			
		187		9		4		28		0		0		0		0		146		146			
Golf	33		8		1		2		0		0		0		0		21			21			
		41		10		2		2		0		0		0		0		27		27			
Tennis	21		5		1		1		0		0		0		0		13			13			
		20		5		2		1		0		0		0		0		11		11			
2,009																		1,745		394	1,350		
Gross Trips:		2,108																	528		1,845	436	1,409
		4,117																	3,589		830	2,759	
Internally Captured Trips:																							

Internal Capture Percentages

	SF	MF	Ref	GOtc	MOtc	Golf	Tennis	
SF	0.0%	1.0%	5.0%	3.0%	3.0%	5.0%	2.5%	18.0%
MF	1.0%	0.0%	5.0%	7.0%	1.0%	2.0%	2.0%	20.0%
Ref	5.0%	5.0%	7.5%	5.0%	5.0%	1.0%	0.5%	29.0%
GOtc	2.0%	4.0%	3.0%	0.0%	0.0%	0.0%	0.0%	11.0%
MOtc	5.0%	2.0%	15.0%	0.0%	0.0%	0.0%	0.0%	22.0%
Golf	20.0%	10.0%	4.0%	0.0%	0.0%	0.0%	0.0%	34.3%
Tennis	25.0%	20.0%	5.0%	0.0%	0.0%	0.0%	0.0%	50.0%

Internally Captured Trips:
Internal Capture Percent:

Net External Trips:

**HERON CREEK DRI
AFFORDABLE HOUSING (Q24)
FOR DRI SUPPORT
EXPLANATION OF METHODOLOGY**

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DATE: *5-31-12*

**EXPLANATION OF METHODOLOGY USED FOR
QUESTION 24 – AFFORDABLE HOUSING**

Prepared by

J. Chris Parker



June 2010

HERON CREEK DRI - QUESTION 24 – AFFORDABLE HOUSING

Explanation of Methodology

In June 2010, Mr. Matt Morris, P.E., President of Morris Engineering and Consulting contacted Parker Associates indicating that North Port City Planners request clarification of Heron Creek DRI Question 24 "Affordable Housing" conclusions generated by Parker Associates for the Heron Creek DRI (Q-24) application report submittal in March of 2008.

As indicated in the Question 24 report (March 2008), Parker Associates applied the East Central Florida Regional Planning methodology developed by Susan Caswell AICP in 1996 (and revised in 1999). This methodology is universally accepted in all Florida planning jurisdictions.

This methodology calculates the demand, supply, and need for affordable housing. Results of all analyses are presented in a form that establishes the steps through which calculations were made and lists any pertinent data or information used in the calculation of housing demand and supply.

The ensuing explanation references portions of the report submitted in March 2008 (following).

First, in order to generate calculations in context with the new Heron Creek dwelling offerings, Parker Associates defined the "new supply" anticipated to be added by the proposed Heron Creek community DRI ("A-1" in the following report) over time indicating 1,203 new housing dwellings, 75 percent (903) of which are single family, and 25 percent (300) of which are multi-family dwellings.

These are added in phases through 2011. Additionally section "A" details home-lot package or lot sales, and defines target consumers for these new housing products. Thus, this defines "What" the products are and "Who" will be purchasing them.

Estimating Demand

Demand for affordable housing is estimated by determining the number of very low, low, and moderate income households in which a DRI employee is the head of the household, and then projecting income for those households.

Tables 24a and 24b calculate Heron Creek generated employment and distributes those employees by NAICS types and anticipated income ranges, based on Florida Department of Labor and Employment Security statistical data from below \$9,999 to above \$69,500 annually.

Tables 24-4 through 24-6 calculate employment and income (each table representing a different employment type – Retail, Office and Service) revealing the number of employees anticipated for each qualifying household income category and differentiating between single-income and multi-income households.

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Housing Affordability

Housing affordability is calculated for "for-sale" and "rental" dwellings – based on percentage of income reduced to monthly mortgage payments (income $\times 0.3 / 12$ = affordable monthly mortgage payment, with affordability determined to include principal, interest, taxes and insurance [PITI]) and rent payments (income $\times 0.3 / 12$ = affordable monthly rent payment). Mortgage payments calculations must allow for 5 percent down-payment on housing cost.

Table 24-7 (Parker report) calculates rental and "for-sale" mortgage housing price affordability for "very-low," "low," "moderate" and "upper" income levels for income ranges for this market determined through relationship to median income for the area at this time. Below (Table 3 - taken directly from the ECFRPC methodology guidelines) = is the 2008 ECFRPC table presenting the monthly mortgage and rental payment amounts.

Table 3: Principal and Interest Payments on a Thirty-Year Mortgage												
Mortgage Amount	Interest Rate											
	6.0%	6.5%	7.0%	7.5%	8.0%	8.5%	9.0%	9.5%	10.0%	10.5%	11.0%	11.5%
\$20,000	\$120	\$127	\$133	\$140	\$147	\$154	\$161	\$168	\$176	\$183	\$191	\$198
\$25,000	\$150	\$158	\$167	\$175	\$184	\$192	\$201	\$210	\$220	\$229	\$238	\$246
\$30,000	\$180	\$190	\$200	\$210	\$220	\$231	\$242	\$252	\$263	\$275	\$286	\$297
\$35,000	\$210	\$222	\$233	\$245	\$257	\$269	\$282	\$294	\$307	\$320	\$334	\$347
\$40,000	\$240	\$253	\$266	\$280	\$294	\$308	\$322	\$336	\$351	\$366	\$381	\$396
\$45,000	\$270	\$285	\$300	\$316	\$330	\$346	\$362	\$378	\$395	\$412	\$429	\$446
\$50,000	\$300	\$317	\$333	\$350	\$367	\$385	\$403	\$421	\$439	\$458	\$477	\$496
\$55,000	\$330	\$348	\$366	\$385	\$404	\$423	\$443	\$463	\$483	\$503	\$524	\$545
\$60,000	\$360	\$380	\$400	\$420	\$440	\$461	\$483	\$505	\$527	\$549	\$572	\$595
\$65,000	\$390	\$411	\$433	\$455	\$477	\$500	\$523	\$547	\$571	\$595	\$619	\$644
\$70,000	\$420	\$443	\$466	\$490	\$514	\$538	\$564	\$589	\$615	\$641	\$667	\$694
\$75,000	\$450	\$475	\$500	\$525	\$551	\$577	\$604	\$631	\$659	\$686	\$716	\$743
\$80,000	\$480	\$508	\$533	\$560	\$587	\$615	\$644	\$673	\$702	\$732	\$762	\$793
\$85,000	\$510	\$538	\$566	\$595	\$624	\$654	\$684	\$715	\$746	\$778	\$810	\$842
\$90,000	\$540	\$570	\$599	\$630	\$661	\$692	\$725	\$757	\$790	\$824	\$858	\$892
\$95,000	\$570	\$601	\$633	\$665	\$697	\$731	\$765	\$799	\$834	\$869	\$905	\$941
\$100,000	\$600	\$633	\$666	\$700	\$734	\$769	\$805	\$841	\$878	\$915	\$953	\$991

Table 4: HUD Utility Allowances					
	Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Heating	\$6.50	\$9.10	\$11.70	\$14.30	\$18.20
Air Conditioning	\$7.55	\$10.55	\$13.60	\$16.60	\$21.15
Cooking	\$4.25	\$6.00	\$7.70	\$9.40	\$11.95
Water Heating	\$12.00	\$17.90	\$23.05	\$28.15	\$35.80
Other Electric	\$12.85	\$17.30	\$22.25	\$27.20	\$34.65
TOTAL (Heat)	\$36.40	\$50.30	\$64.70	\$79.05	\$100.60
TOTAL (AC)	\$37.45	\$51.75	\$66.80	\$81.35	\$103.55
TOTAL (averaged and rounded)	\$37.00	\$51.00	\$66.00	\$80.00	\$102.00

Note: These allowances are for all-electric dwelling units and do not include water, sewer or trash collection charges. These numbers are for Orange County, please contact your local housing authority for local HUD utility allowances.

Source: HUD.

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DATE: 5/31/11

QUESTION 24- HOUSING

- A. 1. If the proposed development contains residential development, provide the following information on Table 1 for each phase of the development.

The development is proposed to contain 1,203 dwellings to be built in four phases beginning in 1997 through anticipated build out in 2017. The mix of residential development consists of 903 single family dwellings accounting for 75 percent of the total and 300 multi family dwellings comprising the remaining 25 percent of the total. (See Table 24-1 – Dwelling Units by Type and Phase)

Table 24.1
Heron Creek
Dwelling Units by Type and Phase

Years	Single Family	Multi-Family	Total
1997-2001	275	125	400
2002-2006	377	-	377
2007-2011	251	175	426
2012-2017	-	-	-
Project Total	903	300	1,203
Project Total	75%	25%	100%

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2. What number and percent of lots will be sold without constructing dwelling units?
What is the extent of improvements to be made on these lots prior to sale?

It is assumed that 100 percent of single family and multi family lots will be sold with dwelling units on them.

3. What will be the target market for the residential development (break down by number, percent and type, the number of dwelling units to be marketed for retirees, families, etc.)? What portion will be marketed as second or vacation homes?

Market conditions will determine this breakdown, but it is anticipated that the target market will be as described in Table 24-2 – Target Market. It is estimated that 10% of the total units sold will be second or vacation homes.

Table 24.2
Heron Creek
Target Market

Type of Resident	Number of Units	Percent
Families 2/	120	10%
Empty Nester 1/	301	25%
Retirees 1/	782	65%
Total	1203	100%

1/ Empty nesters' are typically full-time working individuals whose children are no longer living with them. 'Retirees' are typically not working individuals, and typically do not have children living with them.

2/ Families have school-age children, and typically work full-time.

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B. Indicate and discuss the availability or projected availability of adequate housing and employment opportunities reasonably accessible to the development site. Housing opportunities should be described in terms of type, tenure, and cost range as well as location within the following circumscribed areas: adjacent, two miles, five miles, ten miles, and within the local jurisdiction or county. Employment opportunities should be described in terms of two digit NAICS code numbers located within the local jurisdiction with estimated distances or transit times to the development site.

Methodology

The methodology followed for the determination of demand, supply and need for the Heron Creek project is delineated in the Housing Demand Supply and Need Methodology for assessing the Affordable Housing Impact of Development of Regional Impact as published by the East Central Florida Regional Planning Council (ECFRPC), June 1999 (The Methodology). The discussion that follows presents the tables and narrative addressing the results of applying The Methodology.

Estimated Employment

The affordable housing issue is derived from estimated employment that results in very low, low, moderate, and upper incomes. The method for estimating this employment is included in The Methodology. The estimated employment figures for Heron Creek are outlined in Tables 24-3 (a) and (b) – Projected Employment by NAICS and Income Range. We have used the factors shown in this table to estimate the number of employees that will be generated by the proposed development program. The distributions used were obtained from ES-202 Employment and Wage Data for Sarasota County. This resulting distribution was used as input to derive the number of employees for Very Low, Low, Moderate, and Upper income ranges.

Table 24.3(a)
Heron Creek
Estimated Employment Figures (Summary)

		<u>Non-Construction Employees</u>
Retail Commercial (400 square feet per employee)		
Shopping Center	745,500 sq ft	1,864
Golf (0.62 EE/Hole)		
Golf	27 Holes	17
Professional Medical/Office (333 square feet per employee)		
Office Buildings	83,000 sq ft	249
Total Employment		2,130

Source: Florida Department Of Labor Quarterly Census Of Employ/Wages for Sarasota County, Florida 4th Quarter 2007.
Source: Parker Associates, 2008

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DATE: 5/31/10

Table 24-3(b)
Heron Creek
Projected Employment by NAICS and Income Range

Income Distribution	Below \$9,999	\$10,000 \$11,499	\$11,500 \$14,999	\$15,000 \$18,499	\$18,500 \$22,999	\$23,000 \$28,999	\$29,000 \$34,999	\$35,000 \$40,499	\$40,500 \$46,499	\$46,500 \$52,499	\$52,500 \$57,999	\$58,000 \$63,999	\$64,000 \$69,499	Above \$69,500	
Retail Income Distribution	1.43%	4.90%	15.31%	20.53%	15.47%	12.71%	8.46%	7.13%	5.45%	5.80%	0.32%	0.60%	0.19%	0.68%	100%
Retail Employees SIC 52-59	27	91	265	383	307	237	158	134	102	108	6	11	4	13	1,864
Income Distribution	Below \$9,999	\$10,000 \$11,499	\$11,500 \$14,999	\$15,000 \$18,499	\$18,500 \$22,999	\$23,000 \$28,999	\$29,000 \$34,999	\$35,000 \$40,499	\$40,500 \$46,499	\$46,500 \$52,499	\$52,500 \$57,999	\$58,000 \$63,999	\$64,000 \$69,499	Above \$69,500	
Office Income Distribution	0.00%	4.75%	5.24%	11.81%	23.67%	21.87%	9.57%	7.80%	5.24%	4.20%	3.50%	1.14%	0.84%	0.15%	100%
Office Employees SIC 8741 / NAICS 56111	0	12	13	29	59	54	24	19	13	10	9	3	2	0	249
Income Distribution	Below \$9,999	\$10,000 \$11,499	\$11,500 \$14,999	\$15,000 \$18,499	\$18,500 \$22,999	\$23,000 \$28,999	\$29,000 \$34,999	\$35,000 \$40,499	\$40,500 \$46,499	\$46,500 \$52,499	\$52,500 \$57,999	\$58,000 \$63,999	\$64,000 \$69,499	Above \$69,500	
Service Income Distribution	0.60%	4.15%	16.51%	21.64%	15.34%	13.45%	10.19%	7.87%	4.79%	4.42%	0.41%	0.34%	0.00%	0.07%	100%
Service Employees SIC 70-89	0	1	3	4	3	2	2	1	1	1	0	0	0	0	17
Total															2,130

Source: Florida Department Of Labor And Employment Security, Division Of Jobs And Benefits, Bureau Of Labor Market Information

Source: Parker Associates, 2008

DATE 5/31/12
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Housing Demand Based on Estimated Project Employment

Tables 24-4, 24-5 and 24-6 – Affordable Housing Analysis include the housing demand resulting from Heron Creek's employment generation, calculated by applying the steps outlined in The Methodology. Table 24-7 – Affordable Housing Analysis, Housing Affordability summarizes this demand by income group. Tables 24-4, 24-5 and 24-6 include the background data used to calculate demand. Those tables contain:

- Median Family Income (MFI) for Sarasota County as provided by the East Central Florida Regional Planning Council (ECFRPC) for 2007. The current applicable MFI for the City of North Port is \$36,560. The Very Low income level is up to 50% of the MFI, Low is between 50% and 80%, and Moderate is 80% to 120% of the MFI (Upper is over 120%).
- Percent of Heads of Household for each income category (Very Low, Low, Moderate, and Upper) are applied to the number of jobs in each income category, separating out households whose heads individually earn the amount of income for which the household is classified (Very Low, Low, Moderate, and Upper). It is only these households that are considered in the demand analysis. The percentage used for each category was developed by the East Central Florida Regional Planning Council (ECFRPC).
- The percentage of Single and Multi-worker Households is derived from the 2000 U.S. Census and supplied by the ECFRPC.
- A variety of county and state affordable housing options and programs are available for residents of Sarasota County, including the Florida Community Loan Fund, Florida Housing Finance Corporation programs like Down Payment Assistance, First Time Homebuyer Program, Home Ownership Assistance Program, Home Investment Partnership Program, Mortgage Credit Certificate, Multifamily Mortgage Revenue Bonds, Florida Affordable Housing Guaranty Program, Elderly Housing Community Loan, Low Income Housing Tax Credits, State Apartment Incentive Loans, Predevelopment Loan Program, Demonstration Loan, and the Affordable Housing Catalyst Program, among others.
- Utility allowances as generated by the local Section 8 Housing Authority. The demand analysis uses the two-bedroom utility amount as the average.

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Table 24-4
Heron Creek
Affordable Housing Analysis – Retail

Retail NAICS 44-45,722,7221-72 Median Wage North Port \$36,560																
Income Group	Wage Ranges	Midpoint	% Of Employees	Number of Employees	Total Wages	Heads Of Household	Single Worker HH Very Low	Low	Moderate	Upper	Household Income	Multiple Worker HH Very Low	Low	Moderate	Upper	Household Income
Very Low	\$17,000 - \$18,499	\$18,250	1.0%	18	\$340,134	12	4				\$18,250	8				\$18,250
	\$19,500 - \$21,999	\$20,750	2.0%	37	\$773,456	25	8				\$20,750	17				\$20,750
	\$22,000 - \$24,499	\$23,250	3.0%	56	\$1,299,966	37	12				\$23,250	25				\$23,250
Low	\$24,500 - \$26,999	\$25,750	5.0%	93	\$2,399,578	62		21			\$25,750		41			\$25,750
	\$27,000 - \$29,499	\$28,250	8.0%	149	\$4,212,075	99		33			\$28,250		66			\$28,250
	\$29,500 - \$31,999	\$30,750	12.0%	224	\$6,877,238	149		50			\$30,750		99			\$30,750
	\$32,000 - \$34,499	\$33,250	16.0%	298	\$9,915,150	199		66			\$33,250		133			\$33,250
	\$34,500 - \$36,559	\$35,750	11.0%	205	\$7,329,497	137		46			\$35,750		91			\$35,750
Moderate	\$36,560 - \$39,499	\$38,250	7.0%	130	\$4,990,191	87			29		\$38,250			58		\$38,250
	\$39,500 - \$41,999	\$40,750	5.0%	93	\$3,797,391	62			21		\$40,750			41		\$40,750
	\$42,000 - \$44,499	\$43,250	5.0%	93	\$4,030,359	62			21		\$43,250			41		\$43,250
	\$44,500 - \$46,999	\$45,750	5.0%	93	\$4,263,328	62			21		\$45,750			41		\$45,750
	\$47,000 - \$49,499	\$48,250	4.0%	75	\$3,597,038	50			17		\$48,250			33		\$48,250
	\$49,500 - \$51,999	\$50,750	4.0%	75	\$3,783,413	50			17		\$50,750			33		\$50,750
	\$52,000 - \$54,499	\$53,250	3.0%	56	\$2,977,341	37			12		\$53,250			25		\$53,250
Upper	\$54,500 - \$56,999	\$55,750	3.0%	56	\$3,117,122	37				12	\$55,750				25	\$55,750
	\$57,000 - \$59,499	\$58,250	2.0%	37	\$2,171,259	25				8	\$58,250				17	\$58,250
	\$59,500 - \$61,999	\$60,750	2.0%	37	\$2,264,456	25				8	\$60,750				17	\$60,750
	\$62,000 - \$64,499	\$63,250	1.0%	19	\$1,178,822	12				4	\$63,250				8	\$63,250
	\$64,500 - \$66,999	\$65,750	1.0%	19	\$1,225,418	12				4	\$65,750				8	\$65,750
Total			100%	1864	\$70,542,938	1243	25	215	137	37		50	431	273	76	
Total Single Worker Households (Very Low, Low, Moderate, Upper)																
414																
Total Multi-Worker Households (Very Low, Low, Moderate, Upper)																
829																

Note : US Census For Income; ES-202 for wages

Table 24-5
Heron Creek
Affordable Housing Analysis – Office

Office NAICS 52-55,511,5312,82- Median Wage North Port \$36,560																
Income Group	Wage Ranges	Midpoint	% Of Employees	Number of Employees	Total Wages	Heads Of Household	Single Worker HH Very Low	Low	Moderate	Upper	Household Income	Multiple Worker HH Very Low	Low	Moderate	Upper	Household Income
Very Low	\$17,000 - \$19,499	\$18,250	1%	2	\$45,488	2	1				\$18,250	1				\$18,250
	\$19,500 - \$21,999	\$20,750	2%	5	\$103,438	3	1				\$20,750	2				\$20,750
	\$22,000 - \$24,499	\$23,250	3%	7	\$173,851	5	2				\$23,250	3				\$23,250
Low	\$24,500 - \$26,999	\$25,750	5%	12	\$320,908	8		2			\$25,750		6			\$25,750
	\$27,000 - \$29,499	\$28,250	8%	20	\$563,303	13		4			\$28,250		9			\$28,250
	\$29,500 - \$31,999	\$30,750	12%	30	\$919,730	20		7			\$30,750		13			\$30,750
	\$32,000 - \$34,499	\$33,250	16%	40	\$1,326,006	27		9			\$33,250		18			\$33,250
	\$34,500 - \$36,556	\$35,750	11%	27	\$980,173	18		6			\$35,750		12			\$35,750
Moderate	\$36,560 - \$39,499	\$38,250	7%	17	\$667,365	12			4		\$38,250			3		\$38,250
	\$39,500 - \$41,999	\$40,750	5%	12	\$507,845	8			3		\$40,750			6		\$40,750
	\$42,000 - \$44,499	\$43,250	5%	12	\$539,002	8			3		\$43,250			6		\$43,250
	\$44,500 - \$46,999	\$45,750	5%	12	\$570,158	8			3		\$45,750			6		\$45,750
	\$47,000 - \$49,499	\$48,250	4%	10	\$481,051	7			2		\$48,250			4		\$48,250
	\$49,500 - \$51,999	\$50,750	4%	10	\$505,976	7			2		\$50,750			4		\$50,750
	\$52,000 - \$54,499	\$53,250	3%	7	\$398,176	5			2		\$53,250			3		\$53,250
Upper	\$54,500 - \$56,999	\$55,750	3%	7	\$416,869	5				2	\$55,750				3	\$55,750
	\$57,000 - \$59,499	\$58,250	2%	5	\$290,375	3				1	\$58,250				2	\$58,250
	\$59,500 - \$61,999	\$60,750	2%	5	\$302,838	3				1	\$60,750				2	\$60,750
	\$62,000 - \$64,499	\$63,250	1%	2	\$157,650	2				1	\$63,250				1	\$63,250
	\$64,500 - \$66,999	\$65,750	1%	2	\$163,881	2				1	\$65,750				1	\$65,750
Total			100%	249	\$9,434,084	166	3	28	18	5		7	58	37	10	
Total Single Worker Households (Very Low, Low, Moderate, Upper)																
55																
Total Multi-Worker Households (Very Low, Low, Moderate, Upper)																
111																

Note : US Census For Income; ES-202 for wages

Table 24-6
Heron Creek
Affordable Housing Analysis – Service

Services NAICS 1025,1025, 71		Median Wage North Port \$36,560														
Income Group	Wage Ranges	Midpoint	% Of Employees	Number of Employees	Total Wages	Heads Of Household	Single Worker HH Very Low	Low	Moderate	Upper	Household Income	Multiple Worker HH Very Low	Low	Moderate	Upper	Household Income
Very Low	\$17,000 - \$19,499	\$18,250	1.0%	0	\$3,103	0	0				\$18,250	0				\$18,250
	\$19,500 - \$21,999	\$20,750	2.0%	0	\$7,055	0	0				\$20,750	0				\$20,750
	\$22,000 - \$24,499	\$23,250	3.0%	1	\$11,858	0	0				\$23,250	0				\$23,250
Low	\$24,500 - \$26,999	\$25,750	5.0%	1	\$21,888	1		0			\$25,750		0			\$25,750
	\$27,000 - \$29,499	\$28,250	8.0%	1	\$38,420	1		0			\$28,250		1			\$28,250
	\$29,500 - \$31,999	\$30,750	12.0%	2	\$62,730	1		0			\$30,750		1			\$30,750
	\$32,000 - \$34,499	\$33,250	16.0%	3	\$90,440	2		1			\$33,250		1			\$33,250
	\$34,500 - \$36,559	\$35,750	11.0%	2	\$68,853	1		0			\$35,750		1			\$35,750
Moderate	\$36,560 - \$39,499	\$38,250	7.0%	1	\$45,518	1			0		\$38,250			1		\$38,250
	\$39,500 - \$41,999	\$40,750	5.0%	1	\$34,638	1			0		\$40,750			0		\$40,750
	\$42,000 - \$44,499	\$43,250	5.0%	1	\$36,768	1			0		\$43,250			0		\$43,250
	\$44,500 - \$46,999	\$45,750	5.0%	1	\$38,888	1			0		\$45,750			0		\$45,750
	\$47,000 - \$49,499	\$48,250	4.0%	1	\$32,810	0			0		\$48,250			0		\$48,250
	\$49,500 - \$51,999	\$50,750	4.0%	1	\$34,510	0			0		\$50,750			0		\$50,750
	\$52,000 - \$54,499	\$53,250	3.0%	1	\$27,158	0			0		\$53,250			0		\$53,250
Upper	\$54,500 - \$56,999	\$55,750	3.0%	1	\$28,433	0				0	\$55,750				0	\$55,750
	\$57,000 - \$59,499	\$58,250	2.0%	0	\$19,805	0				0	\$58,250				0	\$58,250
	\$59,500 - \$61,999	\$60,750	2.0%	0	\$20,655	0				0	\$60,750				0	\$60,750
	\$62,000 - \$64,499	\$63,250	1.0%	0	\$10,753	0				0	\$63,250				0	\$63,250
	\$64,500 - \$66,999	\$65,750	1.0%	0	\$11,178	0				0	\$65,750				0	\$65,750
Total			100%	17	\$643,450	11	0	2	1	0		0	4	2	1	
Total Single Worker Households (Very Low, Low, Moderate, Upper)																
4																
Total Multi-Worker Households (Very Low, Low, Moderate, Upper)																
7																

Note : US Census For Income; ES-202 for wages

DATE: 5-31-10
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Housing Affordability

Housing affordability has been calculated in accordance with The Methodology (ECFRPC) and includes affordability calculations for rental units and for sale units. The monthly affordable rents and mortgage amounts are listed in Table 24-7. These are the prices (purchase) and rents against which the supply in the reasonably accessible supply area would typically be reconciled.

Table 24-7
Heron Creek
Affordable Housing Analysis
Housing Affordability

	Number Of Households	Income	Rent	Monthly Payment	Payment Less Taxes And Insurance	Mortgage @ 7.00% Interest	Home Price
Very Low	84	\$23,250	\$531	\$581	\$523	\$78,671	\$82,812
Low	738	\$35,750	\$844	\$894	\$804	\$120,952	\$127,318
Moderate	467	\$53,250	\$1,281	\$1,331	\$1,198	\$180,129	\$189,609
Upper	126	\$65,750	\$1,594	\$1,644	\$1,479	\$222,410	\$234,116
Total	1415						

Affordable Housing Supply and Need

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By following The Methodology as set forth by the ECFRPC the resultant details of employment generation and family income ranges can be found in Table 24-8 -- Affordable Housing Analysis, Data for ECFRPC Demand Methodology. Table 24-7 shows that Heron Creek will generate a housing need for 84 Very Low-income families, 738 Low-income families, 467 Moderate-income families, and 126 Upper-income families. Assuming a 5% down payment, Very Low Income households can afford a maximum home price of \$82,812, Low Income households can afford a maximum home price of \$127,318, Moderate income households can afford a maximum home price of \$189,609, and Upper Income households can afford a maximum home price of \$234,116 (Table 24-7).

Table 24-8
Heron Creek
Data for ECFRPC Demand Methodology

Median Income and Income Limits of Households*	
Category	<u>Income</u>
Median Family Income*	\$36,560
Very Low (Less than 50%)	\$18,280
Low (50% - 80%)	\$29,248
Moderate (80% - 120%)	\$43,872
*Source: ECFRPC; Florida Research and Economic Database.	

Percent of Heads of Household by Income Level (Sarasota County)*		
Category	<u>Single</u>	<u>Multi</u>
Very Low	80.9%	19.1%
Low	62.9%	37.1%
Moderate	42.9%	57.1%
*Source: ECFRPC; Florida Research and Economic Database.		

Percent of Single and Multi-Worker Families	
<u>Category</u>	<u>Percentages</u>
Single Worker	33.3%
Multi-Worker	66.6%
*Source: ECFRPC; Florida Research and Economic Database.	

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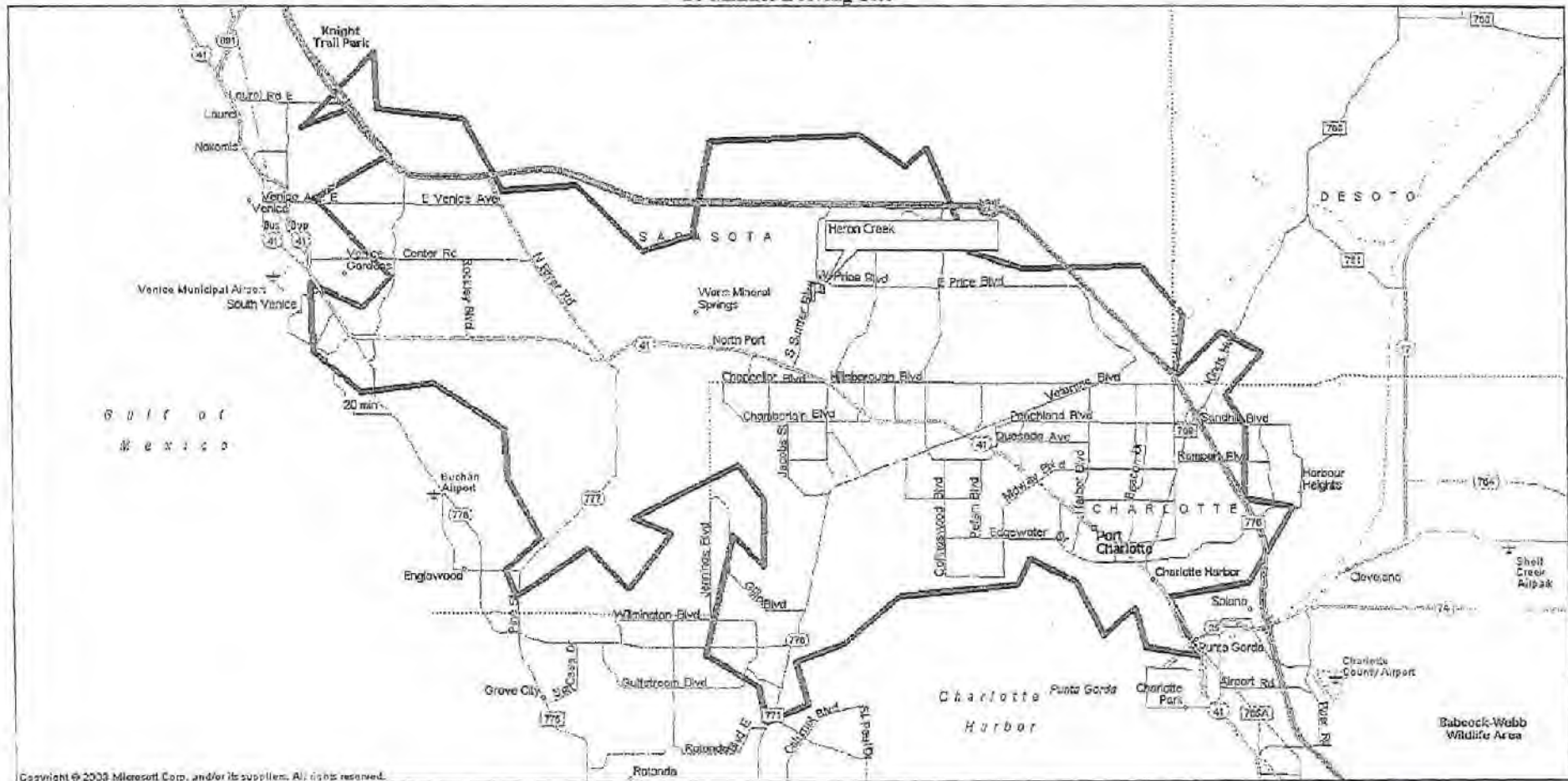
DATE: 5-31-12

The need enumerated in the previous paragraph can be fulfilled through on-site building of multifamily and single-family for sale housing, resale housing (within the 10-mile/20-minute boundary illustrated in Graphic 24-1 on the next page) available through the Realtor Multiple Listing Service, and new construction housing available through approved and operating PUD's in proximity to Heron Creek.

As currently planned, Heron Creek will have no multi family on-site units to meet the needs for Low, Very Low, Income housing and roughly 150 dwelling units for Moderate Income housing and households.

An inventory of the resale homes available within the 10-mile/20-minute radius reveal that there are 165 homes available for families with Very Low incomes, 541 homes available for families with Low incomes, 1,371 homes available for families with Moderate incomes, and 590 homes available for families with Upper incomes.

Graphic 24-1
Heron Creek DRI
20 Minute Driving Site



DATE: 5/31/12

Area affordable apartments include 688 for Very Low Income, 1,655 for Low Income, 464 for Moderate, and 101 for Upper Incomes.

This inventory is detailed in Table 24-9 – Affordable Housing Analysis, Affordable PUD and Market Housing Inventory.

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DATE: 5-31-12

Table 24-9 – Affordable Housing Analysis, Affordable Housing Inventory summarizes the inventories taken. The aggregate demand does not exceed the aggregate supply in any category and the overall supply for all products exceeds demand therefore it is concluded that there will not be need for affordable housing due to Heron Creek, and there is sufficient local supply to meet all of this need.

Table 24-9
Heron Creek DRI
Affordable PUD and Market Housing Inventory

Affordable Housing Thresholds	Very Low \$82,812	Low \$127,318	Moderate \$189,609	Upper \$234,116	TOTAL
Affordable Housing Need (Units)	84	738	467	126	1,415
	Very Low	Low	Moderate	Upper	
Maximum Purchase Price	\$82,812	\$127,318	\$189,609	\$234,116	
NEW DEVELOPMENT					
BellaVia at Port Charlotte	-	-	141	71	
Total	-	-	141	71	212
ON SITE SUPPLY	Very Low	Low	Moderate	Upper	Total
Multi-family	0	0	0	0	0
SARASOTA/CHARLOTTE COUNTIES OFF SITE SUPPLY					
MLS Analysis by city (10 Mile Radius of Heron Creek)					
North Port	71	233	673	240	
Port Charlotte	94	308	557	279	
Total Realtor Listings	165	541	1,230	519	2,455
Total All Affordable Housing Categories	165	541	1,371	590	2,667
	Very Low	Low	Moderate	Upper	Total
Maximum Rent Price	\$ 531	\$ 844	\$ 1,281	\$ 1,594	
Off-site Supply					
Total Affordable Apartments/Mfg. Rentals	688	1,655	464	101	2,908
Total All Supply Categories	853	2,196	1,976	762	5,787
Plus All Credits	0	0	0	0	0
Gross Supply	853	2,196	1,976	762	5,787
Total Net Need	(769)	(1,458)	(1,509)	(836)	(4,372)

C. If displacement or relocation of existing residents will occur due to the proposed development, identify the number of people that will be affected, any special needs of these people, and any provisions for addressing the effects of the relocation or displacement of these people, particularly in regards to their ability to find suitable replacement housing.

No displacement or relocation should occur as a result of the development of this project.

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HMR
DATE: 5-31-12



Attachment 4
MORRIS ENGINEERING AND CONSULTING, LLC
 Civil Engineering and Land Development Consulting

August 29, 2011

Mr. Dan Trescott, Planning Manager
 Southwest Florida Regional Planning Council
 1926 Victoria Avenue
 Fort Myers, Florida 33901

**Reference: Heron Creek (FKA Marsh Creek) DRI Notice of Proposed Change
 Sufficiency Comments Response 02**

Dear Mr. Trescott:

On behalf of our client, Heron Creek Associates, Ltd., we offer the following responses to the Second Sufficiency Review Comments provided by various review agencies for the above referenced Notice of Proposed Change for the Heron Creek DRI (State DRI #11-9697-137):

Southwest Florida Water Management District:

No Additional Comments Provided.

Florida Department of Transportation:

No Additional Comments Provided.

City of North Port:

1. The City received an analysis and recommendation from Nick Lepp, AICP of Renaissance Planning Group, the Transportation Consultant for the City. The analysis shows that the trade-off using the Institute of Transportation Engineers (ITE) trip generation rates is more in line with the City's proposal. Therefore, the proposed matrix submitted by the applicant is unacceptable. Pursuant to the recommendation from the Renaissance Planning Group, the City will accept the revised trade-off matrix (see attached letter). It shall be noted that the allowable density or intensity shall not exceed the maximum allowable density or intensity permitted in the zoning district in the City's Unified Land Development Code, which applies to the specified uses within this development.

Response: The Conversion Matrix proposed in the attached NOPC Document is the CERTIFIED matrix proposed by the City's Consultant.

DATE: 5/3/11

Mr. Dan Trescott
Heron Creek DRI Sufficiency Response 02

August 29, 2011
Page 2

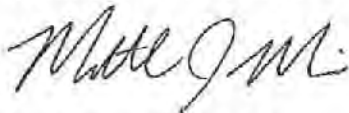
2. The above proposed language (referring to the previously proposed Affordable Housing Stipulation) is unacceptable. Pursuant to the Development Order for this DRI, and the RPC requirements for DRIs, the Applicant shall provide affordable housing. The Applicant has the option to provide affordable housing "on-site", "off-site" or "mitigate".

Response: Revised language for the Affordable Housing Stipulation, which has been agreed to by the City and the RPC, has been provided in the attached NOPC Document.

At this time, it is our understanding that all other review agencies have had their concerns and comments satisfactorily addressed.

We trust that this information meets your needs for approval of the NOPC at this time. However, should you have any questions or require any additional information, please do not hesitate to contact me directly. Thank you.

Sincerely,
MORRIS ENGINEERING AND CONSULTING, LLC



Matthew J. Morris, P.E.
President

CC: Ron York, Heron Creek Associates

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FILED
DATE: 5-31-11

HERON CREEK DRI (FKA MARSH CREEK DRI)

Notice of Proposed Change

Prepared by:



MORRIS ENGINEERING AND CONSULTING, LLC
Civil Engineering and Land Development Consulting

2004 53rd Avenue East
Bradenton, Florida 34203
(941)228-4729

Prepared for:

Heron Creek Associates, Ltd.
4524 Southeast 16th Place, Suite 3
Cape Coral, Florida 33904
(239)542-1010

Revised: August 2011

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DATE: 5-31-12

Table of Contents

Notice of a Proposed Change to a Previously
Approved Development of Regional Impact

pages 1-13

Exhibits

Approved Master Plan, Map H

A

Revised Master Plan, Map H

B


CERTIFIED
DATE 000369

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd., Tallahassee, Florida 32399
850/488-4925

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.03(19), FLORIDA STATUTES**

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, **Matthew J. Morris, P.E.**, the undersigned authorized Representative of **Heron Creek Associates, Ltd.**, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the **Heron Creek DRI** development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the **City of North Port**, to the **Southwest Florida Regional Planning Council**, and to the Bureau of Local Planning, Department of Community Affairs.

8/29/11
Date

Matthew J. Morris
Signature

Date

Signature

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DATE *5-31-12*
NOPC FORM
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2. Applicant (name, address, phone).

Heron Creek Associates, Ltd.
4524 Southeast 16th Place, Suite 3
Cape Coral, Florida 33904
Phone: (239) 542-1010

Owner (name, address, phone).

Heron Creek Associates, Ltd.
4524 Southeast 16th Place, Suite 3
Cape Coral, Florida 33904
Phone: (239) 542-1010

3. Authorized Agent (name, address, phone).

Matthew J. Morris, P.E.
Morris Engineering and Consulting, L.L.C.
2004 53rd Avenue East
Bradenton, Florida 34203
Phone: (941)228-4729

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4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

The project is located in Section 28, Township 39 South, Range 18 East, North Port, Florida.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application of Development Approval.

The subject NOPC has been prepared to revise 4 aspects of the currently approved DRI Development Order and Map H. These revisions are as outlined below:

a. Map H has been updated to reflect the current existing and proposed development of Heron Creek. The current Map H was approved in 1996, and did not specify the layout of any tracts on the north side of Price Boulevard. The revised Map H is being provided to provide the current layout of existing and proposed development at this location as well as to depict other minor changes in the geometry of the tract layouts in other areas of the development area. Additionally, the Land Use Table is being revised to match what has been approved in previous NOPC approvals. Please note that a copy of the approved Map H as well as a copy of the proposed Map H are being provided for comparison purposes.

b. As required by Development Order Stipulation 2, Affordable Housing, we are proposing revised language and requirements regarding Affordable Housing based on reports prepared by the Applicant and requests/input from the City of North Port and the Regional Planning Council.

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c. Development Order Condition 5f states that the Developer will contribute 50 feet of right-of-way to the City of North Port along the Myakkahatchee Creek between Appomattox and Price Boulevards, for the purpose of constructing a greenway/bicycle and pedestrian pathway. It is the City's desire to make this greenway/bicycle and pedestrian pathway part of larger, city-wide trail system over the coming years. As a result of discussions between the City and the Developer/Applicant, this stipulation is proposed to be revised. Please refer to response to Question 13, below, for the new proposed language.

d. Due to the changing market conditions, specifically pertaining to commercial development, the Applicant is proposing that a Conversion Matrix be approved for this development that will offer the Applicant flexibility in meeting the needs of the City and the real estate market demand in general, with regard to the proposed commercial uses within the DRI. The matrix demonstrates how residential, retail, office and medical office space can be converted through the local development order process, without exceeding thresholds which would otherwise trigger a substantial deviation to the DRI. Please see response to Question 13, below, for proposed matrix and language.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

The substantial deviation determination chart has been prepared and is included below. No development intensity is proposed to change; therefore, all land use categories are stated as not applicable.

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

The Original Development Order has been modified twice by the City of North Port (Ordinance 05-28 and Ordinance 06-46). These changes have also been addressed in previous NOPCs that have been submitted to and approved by the DCA and RPC.

Ordinance 05-28 served to Modify Section 4 dealing with local conditions, Section 4.2 addressing sheltered bus stops and Section 4.6 addressing sidewalks. Additionally, this NOPC added the specific number of trips to Item 2 (affordable Housing under Exhibit B).

Ordinance 06-46 served to amend the proposed development table to the current version and to address certain transportation issues of the DO.

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8. Describe any land purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

No lands have been acquired or optioned by the applicant within 1/4 mile of the Heron Creek DRI.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

None of the proposed changes meet the criteria for Substantial Deviations.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES ☒ _____ NO _____

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

No, the applicant does not propose to change the buildout or phasing date of the project.

11. Will the proposed change require an amendment to the local government comprehensive plan?

No, the proposed change is consistent with the City of North Port Comprehensive Plan.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 9J-2.025, Florida Administrative Code:

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

A copy of the original Map H has been provided as Exhibit A, while a copy of the Proposed Map H has been provided as Exhibit B.

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements

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including locations, square footage, number of units; and other major characteristics or components of the proposed change;

The applicable revised portions of the approved development order are shown in strike-through and underline format below:

1. Land Use

The ADA or the Heron Creek DRI is hereby approved for the following land uses and phases subject to the conditions contained herein consistent with Preliminary Master Plan Map H, dated February 2000, and subject to the other provisions of this Development Order:

Land Use	Phase I (97-2001)	Phase II (02-2006)	Phase III (07-2011)	Phase IV (12-2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi-Family (LUC 220)	125 DU		175 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		5 Courts		
Medical/Professional (LUC 720)			43,000 GLA	
Office General (LUC 710)			40,000 GLA	
Retail Shopping Center (LUC 820)	90,000 GLA	30,000 GLA	488,000 GLA	137,500 GLA

The Land Use Table, as specified above, may be modified by the Developer without further amendment to this Development Order, subject to the following.

a. This transfer or conversion may occur subject to the following conversion table:

<u>Land Use</u>		<u>To</u>				
		<u>Single Family</u>	<u>Multi Family</u>	<u>Medical/ Professional</u>	<u>Office General</u>	<u>Retail Shopping Center</u>
		(d.u.)	(d.u.)	(sq.ft.)	(sq.ft.)	(sq.ft.)
<u>From</u>	<u>Single Family (Per d.u.)</u>	1.0	1.5	443	685	365
	<u>Multi Family (Per d.u.)</u>	0.7	1.0	291	450	239
	<u>Medical/ Professional (Per 1,000 sq.ft.)</u>	2.3	3.4	1000	1544	822
	<u>General Office (Per 1,000 sq.ft.)</u>	1.5	2.2	648	1000	533
	<u>Retail Shopping Center (Per 1,000 sq.ft.)</u>	2.7	4.2	1216	1878	1000

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b. This transfer or conversion may occur provided that: 1) the external trips approved for the DRI remain the same and 2) no additional impact will occur to other public facilities (such as sewer and water). Further, no alteration to the Map H may occur as a result of the conversion.

d. Forty Five (45) days notice of any conversion must be provided to the City, FDCA and SWFRPC. In addition, the amount of the conversion must be reported as part of the subsequent monitoring report and petition to develop. When a petition to develop which includes a transfer or conversion of land use is submitted to the City, proof that no adverse impact is being caused by the transfer or conversion or any combination thereof.

e. The transfer or conversion does not increase the allotted number of units on any particular parcel to a level above what is permitted in the DRI or the City of North Port Land Development Code and does not exceed the substantial deviation criteria of subsection 380.06(19)(b), F.S.

2. Affordable Housing

~~Applicant proposes to file an application for development approval (ADA) for a substantial deviation by May 31, 2007. Otherwise, Applicant shall, by the same date, file a notice of proposed change (NOPC) to address affordable housing impacts.~~

Prior to obtaining a certificate of occupancy for development in excess 364,000 square feet of existing and future Retail Shopping Center Uses (LUC 820) , the Applicant or project employers shall provide supply data (such as Multiple Listing Services data) showing vacant, for sale and /or for rent units available within a 10-mile/20 minute radius of the project. To the extent the City of North Port or SWFRPC collect reliable data as to the adequate housing need or supply, then the determination of adequate housing supply for Heron Creek shall take such data into account. If analysis of the demand data provided in the Application for Development Approval (ADA) and the submitted supply data shows a shortage of affordable housing units that exceeds the threshold for significant impact for the DRI, whether in one phase or cumulatively for the entire DRI, the Applicant shall mitigate the need by following one of the options outlined in Rule 9J-2.048, the Adequate Housing Uniform Standard Rule.

5. Transportation

~~f. The applicant shall dedicate 50 feet of right-of-way for a greenway/bicycle and pedestrian pathway extending on the west side of the property, running parallel to the Myakkahatchee preserve from Appomattox to Price Boulevard.~~

f. The City of North Port will prepare plans, utilizing their consultant, for the construction of an at-grade shell, or other cost comparable pervious material, pathway within existing City-owned right-of-way along the eastern bank of the Myakkahatchee Creek, from Appomattox Drive to Price Boulevard. These plans will be utilized by the City for the purpose of permitting the pedestrian/bicycle trail through appropriate regulatory agencies as well as for a Major Site and Development Plan Approval by the City. Within 120 days after Major Site and Development Plan Approval by the City, the applicant shall commence construction of the pathway as described above; or should the City elect to construct the pathway, the applicant shall provide funding that is cost comparable to the construction of an at-grade shell pathway. Should the City elect to construct the pathway other than at-grade or utilizing material other than pervious shell, the City shall

be responsible for providing funding above the Applicant's contribution as described above

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DATE: 5-31-12

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces			N/A
	# Spectators			
	# Seats			
	Site Locational Changes			
	Acreage including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Airports	Runway (length)			N/A
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site Locational Changes			
	Airport Acreage, including drainage, ROW, easements, etc.			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OR HIS AGENT.

DATE: 5/3/12

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Airports Continued....	# External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Hospitals	# Beds			N/A
	# Parking Spaces			
	Building (gross square feet)			
	Site Locational Changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Industrial	Acreage, including drainage, ROW, easements, etc.			N/A
	# Parking Spaces			
	Building (gross square feet)			
	# Employees			
	Chemical Storage (barrels & pounds)			
	Site Locational Changes			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OR HIS AGENT.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Industrial Continued....	# External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Mining Operations	Acreage mined (year)			N/A
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site Locational Changes			
	# External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Office	Acreage, including drainage, ROW, easements, etc.			N/A
	Building (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site Locational Changes			
	# External Vehicle Trips			
	D.O. Conditions			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OR HIS AGENT.

¹See complete description in question #6 of NOPC form

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DATE

5/3/12

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Office Continued...	ADA Representations			
Petroleum/Chemical Storage	Storage Capacity (barrels&/or pound)			N/A
	Distance to navigable waters (feet)			
	Site Locational Changes			
	Facility Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
	Acreage, including drainage, ROW, easements, etc.			N/A
Office	Building (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site Locational Changes			
	Port acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OR HIS AGENT.

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 DATE: 5-23-92

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Residential	# Dwelling units			N/A
	Type of dwelling units			
	# of lots			
	Acreage, including drainage, ROW, easements, etc.			
	Site Locational Changes			
	# External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Wholesale, retail service	Acreage, including drainage, ROW, easements, etc.			N/A
	Floor space (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site Locational Changes			
	# External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OR HIS AGENT.

¹See complete description in question #6 of NOPC form

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Hotel/Motel	# Rental units	150	150	
	Floor space (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site Locational Changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Office	Acreage, including drainage, ROW, easements, etc.			N/A
	# Parking Spaces			
	Buildings (gross square feet)			
	# Employees			
	Site Locational Changes			
	# External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OR HIS AGENT.

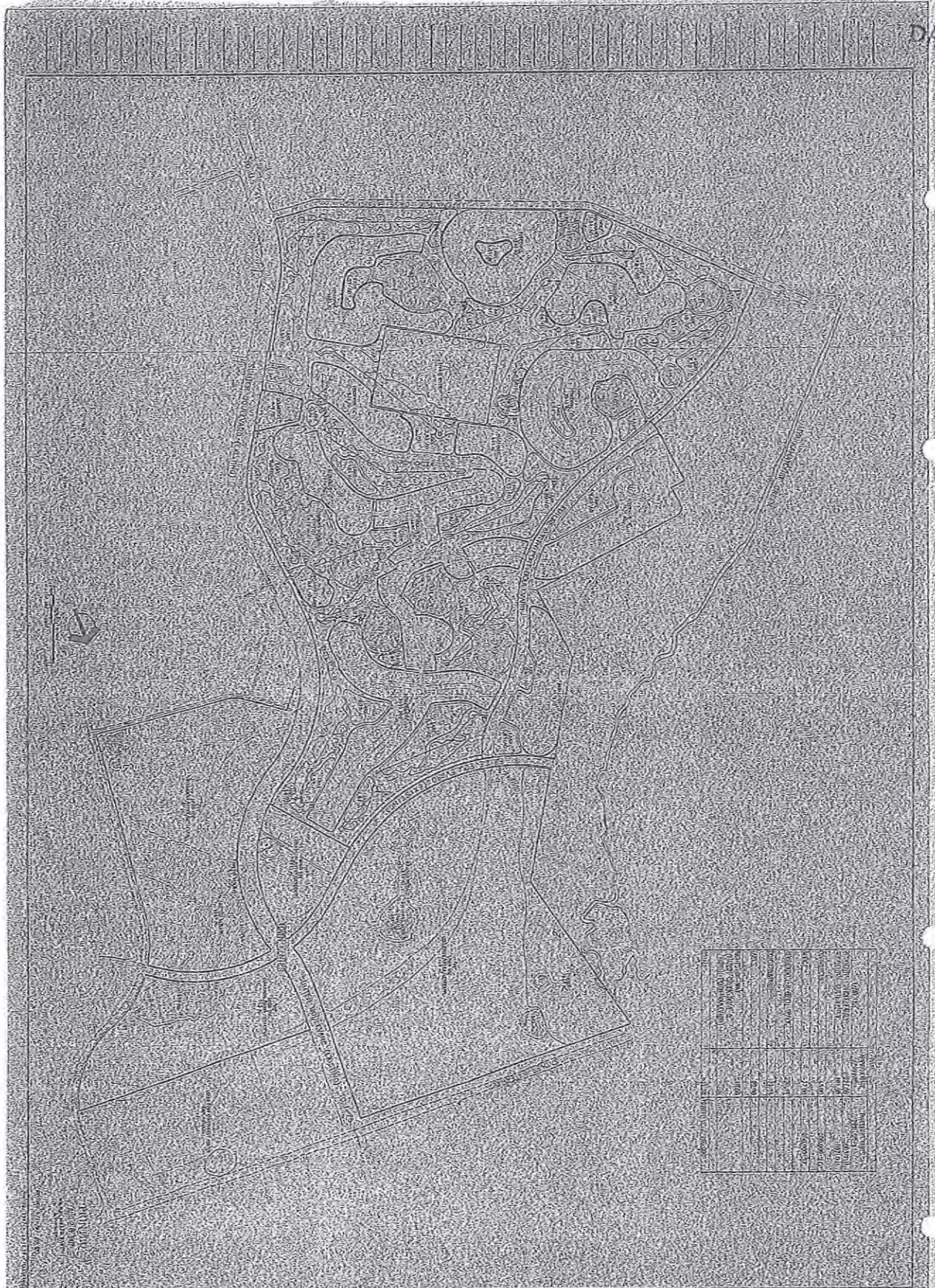
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DATE: 5-31-12

SUBSTANTIAL DEVIATION DETERMINATION CHART

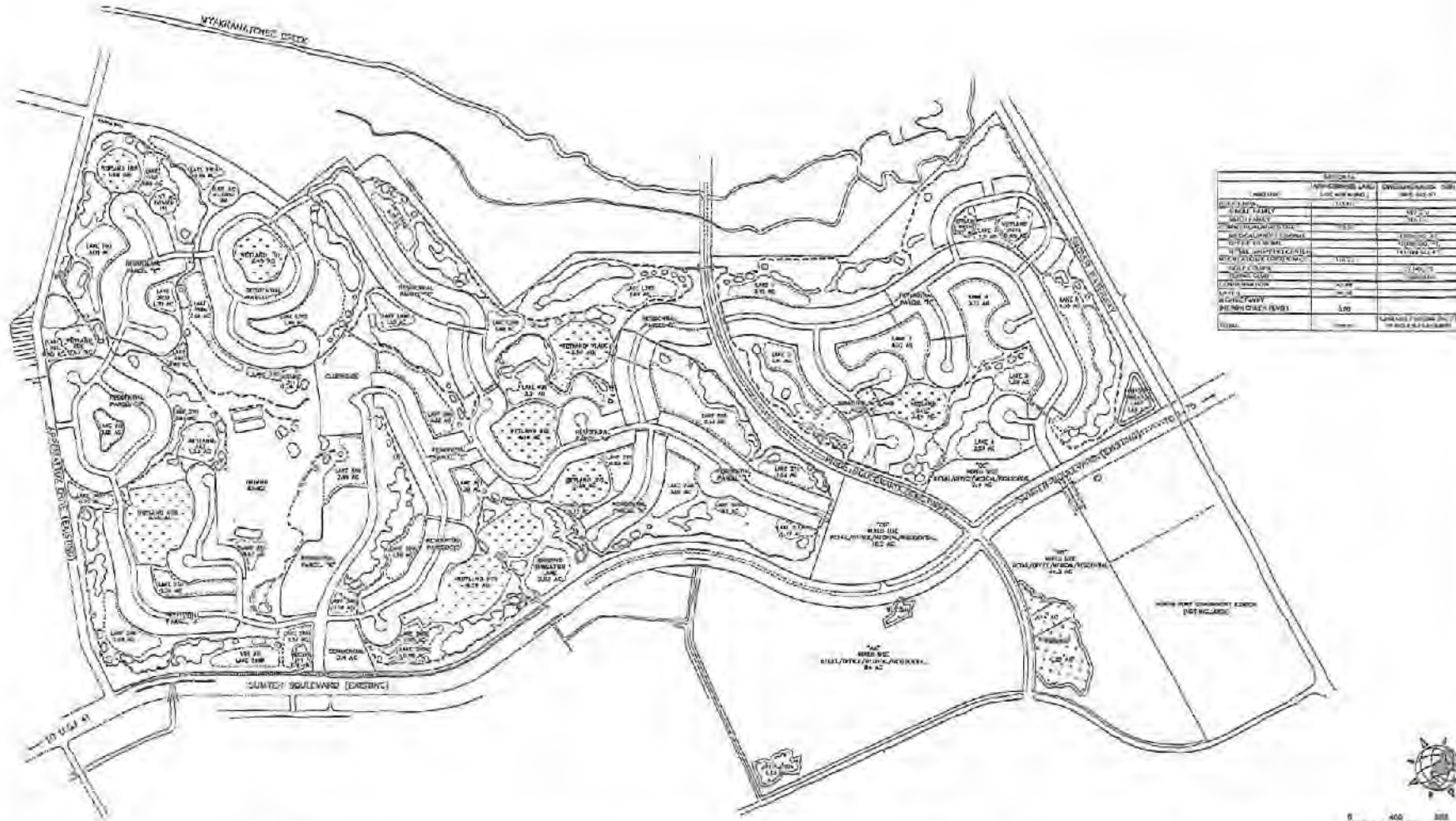
TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Open space (all natural and vegetated non-impervious surfaces)	Acreage			
	Site Locational Changes			
	Type of open space			
	D.O. Conditions			
	ADA Representations			
Preservation, buffer or special protection areas preservation (cont.)	Acreage			N/A
	Site Locational Changes			
	Development of site proposed			
	D.O. Conditions			
	ADA Representations			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OR HIS AGENT.

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[Signature]
 DATE: 5/21/12



Legend	
Property Boundary	Property Boundary
Water Body	Water Body
Other	Other



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DATE: 5-31-12

TABLE 2
HERON CREEK DRI
Proportionate Share Calculation
Revised 07-16-00

Location	Year 2011 PM Peak Hr Background Traffic (vph)	Year 2011 PM Peak Hr Proj + Bkgd Traffic (vph)	Year 2011 PM Peak Hr Project Traffic (vph)	Year 2011 PM Peak Hr Flow Rate (pcph)	Year 2011 Avail Capty (pcphpl)	Year 2011 Remaining Cap. (pcphpl)	Year 2011 Avail Capty After Improv. (pcphpl)	Year 2011 Avail Capty After Signaln only (pcphpl)	Year 2011 Added Capacity (pcphpl)	% Proj Traffic / Added Cap	Cost of Mitigation (\$)	Project Proportionate Share (\$)
Price/Sallora Intersection	759	1,449	890	1825	2076	251	3654	2009	1578	43.71%	\$127,350.00	\$55,658.73
Price/Sumter Intersection	1013	2,132	1,119	2813	1972	-841	4062	1435	2090	53.56%	\$157,350.00	\$84,278.62
Appomattox/North Port Int.	299	1,147	848	1755	3658	1903	4234	No Signal	576	147.16%	\$15,000.00	\$22,074.74
Appomattox/Sumter Int.	867	1,769	902	2303	2389	86	4012	1887	1643	54.91%	\$127,350.00	\$69,928.56
Total Intersections												\$234,960.65

Location	Year 2011 Proj Traffic (vph)	Added Capacity (pcphpl)	% Project Trips / Added Cap	Cost per Mile (Millions)	Length (mi.)	Cost of Mitigation (\$)	Project Proportionate Share (\$)
I-75 : Kings Hy to Toledo Bl.	230	2500	9.20%	\$3.018	9.4	\$28,369,200.00	\$2,609,966
I-75 : Toledo Bl. to Sumter Bl.	423	2500	16.94%	\$3.018	3.0	\$9,054,000.00	\$1,533,530
Total Road Links							\$4,143,496

Total Proportionate Share: \$4,375,437

000387

Ordinance No. 2013-016/Heron Creek Amendment to Development Order
NOP-13-073



RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2013154907 19 PGS
2013 NOV 18 10:25 AM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
JOLSON Receipt#1684432

City of North Port



2013154907

ORDINANCE NO. 2013-16

(Adoption of an Amendment to the Heron Creek DRI Development Order)

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE PREVIOUSLY ADOPTED DEVELOPMENT ORDER FOR THE HERON CREEK DEVELOPMENT OF REGIONAL IMPACT ADOPTED BY ORDINANCE NO. 2011-33; PROVIDING FOR FINDINGS; PROVIDING FOR INCORPORATION OF THE AMENDMENT INTO THE DEVELOPMENT ORDER; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SERVICE AND RECORDING; PROVIDING FOR CONSENT TO THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 31, 2012, the City of North Commission approved by Ordinance 2011-33 and all referenced documents, a Notice of Proposed Change for the previously approved Heron Creek DRI; and

WHEREAS, the developer now submits to change specific language found in Section 4 Additional Local Conditions, Number 4.10 of the adopted Ordinance 2011-33 (Attachment 1), which now serves as the amended and restated Development Order for the Heron Creek DRI; and

WHEREAS, the City of North Port staff has reviewed the proposed change to Section 4 Additional Local Conditions, Number 4.10 of the adopted Ordinance 2011-33 which now serves as the amended and restated Development Order, for compliance with the approved Development of Regional Impact; and

WHEREAS, on September 5, 2013 the Planning and Zoning Advisory Board, after discussion at its regularly scheduled meeting voted to approve the proposed amendment to Section 4 Additional Local Conditions, Number 4.10 of Ordinance 2011-33 which serves as the Heron Creek Development Order; and

WHEREAS, on September 23, 2013, the City of North Port Commission at its regularly scheduled meeting voted to approve Ordinance 2013-16 to amend Section 4 Additional Local Conditions, Number 4.10 of Ordinance 2011-33 which serves as the the Heron Creek Development Order.

Return To:

City Clerk Department

City of North Port

4970 City Hall Blvd

North Port FL 34286-4100

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1. FINDINGS.

The Commission hereby makes the following findings:

1.01 On November 7, 1996, Marsh Creek Properties Inc., through its authorized agent Betsy Benac submitted to the City of North Port, Florida, the Southwest Florida Regional Planning Council (SWFRPC), and to the Division of Resource Planning and Management of the Florida Department of Community Affairs (DCA), an Application for Development Approval (ADA) in accordance with Section 380.06 Florida Statutes for approval of a Development of Regional Impact

1.02 (DRI) to be known as Marsh Creek DRI (now known as Heron Creek), located in the incorporated City of North Port within Sarasota County, north of Appomattox Drive, south of the Snover Waterway, east of the Myakkahatchee Creek, west of Blueridge Waterway, abutting Sumter Boulevard, and approximately two miles south of I-75. The legal description, hereby incorporated as Attachment #1, was subsequently corrected by the adoption of Resolution 01-R-5; and

1.03 The ADA was subsequently amended to add additional lands; to add an additional applicant Renea M Glendinning as Trustee, the owner of the additional lands; to modify the conceptual site plan and the mix of proposed uses and to change the name of the project to Heron Creek DRI; and

1.04 The ADA as amended proposed 1,970 residential units (903 single-family and 1,067 multi-family units), 500,000 gross square feet of retail service, and 250,000 gross square feet of office, 269.38 acres of recreation and open space, 27 holes of golf, buffers and tennis center, 44 acres of conservation lands (wetlands and scrub jay habitat), 105 acres of lakes for water management, and 5 acres of internal road rights-of-way on a project site containing a total of 831.38 acres; and

1.05 Pursuant to Section 380.06(11) Florida Statutes, public hearing notice for hearings on said ADA before the City Commissioners of North Port were duly published in the North Port Sun Herald on May 17, 2000 and were duly provided to the Florida Department of Community Affairs (DCA) the Southwest Florida Regional Planning Council, and other persons designated by DCA rules;

1.06 On June 17, 2000, in accordance with Section 380.06(12) Florida Statutes, the SWFRPC rendered its report and recommendations on the regional impact of the proposed Heron Creek DRI;

1.07 On August 17, 2000, the City of North Port Planning and Zoning Advisory Board (PZAB) held a duly noticed public hearing on said ADA and received all pertinent evidence including the SWFRPC report and recommendation and the testimony of the general public and recommended

approval of the ADA for the Heron Creek DRI subject to certain conditions as contained in the recommendation to the City Commission;

1.08 On August 28 and September 11, 2000, the City Commission of the City of North Port held a duly noticed public hearing on the ADA and received all pertinent evidence including the reports and recommendations of the SWFRPC and the PZAB and the testimony of the general public;

1.09 On July 11, 2005, the Development Order was amended by modifying Section 4 dealing with Local Conditions, Section 4.2 addressing sheltered bus stops, and Section 4.6 addressing sidewalks and by adding the specific number of trips to Item 2;

1.10 On February 12, 2007, the Development Order was amended to reduce the number of Multi-family dwelling units from 1,067 to 300 (a reduction of 767 units), reduce the number of tennis courts from 12 to 5 courts (a reduction of 7 courts), reduce the amount of medical office square footage from 130,000 square feet to 43,000 square feet (a reduction of 87,000 square feet), reduce the amount of general office square footage from 120,000 square feet to 40,000 square feet (a reduction of 80,000 square feet), increase the amount of retail commercial from 500,000 square feet to 745,500 square feet (an increase of 245,500 square feet), with no change in the boundaries of land areas designed for residential or non-residential development;

1.11 On January 31, 2011, a Notice of Proposed Change (NOPC) that was approved by the City of North Port Commission to update Map H to depict existing and proposed development, address affordable housing stipulations in the current Development Order approved with Ordinance 06-46, revise the current stipulations relating to the proposed pathway along the Myakkahatchee Creek to specify if the City chooses to construct and use other materials, the funding from the Applicant shall be at the comparable cost of an at-grade shell surface, and propose a land use conversion matrix that would allow the Applicant to convert approved uses from one area to another as shown in Section 3.01 with no increase in external impacts;

1.12 The Applicant has now submitted a proposal to amend Section 4 Additional Local Conditions, Number 4.10 of Ordinance 2011-33 to adjust the timing of the sidewalk extension from the property perimeter to Salford Boulevard and the pedestrian bridge across the Blueridge Waterway and after staff review language in Attachment 2 was agreed upon;

1.13 The proposed changes are presumed not to create a substantial deviation pursuant to Chapter 380.06(19)(e)2.I, F.S.; however, the Applicant has provided the report from the Regional Planning Council (RPC) and the Department of Economic Opportunity, thereby substantiating the change is not a substantial deviation;

1.14 The proposed development is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380.05 Florida Statutes;

1.15 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan;

1.16 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan;

1.17 The proposed development subject to the conditions imposed herein, is consistent with the North Port Comprehensive Plan and does not appear to conflict with other local land development regulations;

1.18 The proposed development subject to the conditions imposed herein, is consistent with the report and recommendation of the Southwest Florida Regional Planning Council (SWFRPC) pursuant to Section 380.06(12) Florida Statutes;

1.19 The proposed change affects only Section 4 Additional Local Conditions, Number 4.10 of Ordinance 2011-33, which serves as the Development Order for Heron Creek DRI (Attachment #2).

SECTION 2. INCORPORATION OF AMENDMENT AND ASSOCIATED DOCUMENTS IN THE DEVELOPMENT ORDER.

2.01 The following information, commitments, and impacting mitigating provisions submitted by the Applicant and all documents referenced herein are hereby incorporated as an amendment to Ordinance 2011-33 and all referenced documents, which serves as the Development Order for Heron Creek DRI, hereafter referred as the amended Development Order;

SECTION 3. ENFORCEMENT.

3.01 All conditions, restrictions, requirements, commitments, and impact mitigating provisions contained or incorporated by reference in the amended Development Order for Heron Creek DRI, may be enforced by the City of North Port by action at law or equity.

3.02 In the event it is determined by the City Commission of the City of North Port, after notice and hearing, that the Applicant has failed to comply with any conditions, restrictions, requirements, or impact mitigating provisions contained or incorporated by reference in the amended Development Order, the City Commission may temporarily suspend the amended Development Order during which no development permit applications shall be granted within the development until compliance is achieved.

3.03 The obligations of amended Development Order shall run with the land. The Applicant is bound by the terms of the amended Development Order so long as it owns such property. The amended Development Order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest thereto, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this amended Development Order.

SECTION 4. SERVICE AND RECORDING.

4.01 This Ordinance shall be binding upon the Applicant, its successors and assigns and upon the City of North Port. Notice of the adoption of this Ordinance shall be recorded by the Applicant in accordance with Section 380.06(15)(t), Florida Statutes.

4.02 The City of North Port Clerk shall certify the date upon which certified copies of this Ordinance are deposited in the U.S. Mail for Department of Economic Opportunity Division of Community Planning and Development, the SWFRPC, and the Applicant.

SECTION 5. CONSENT TO PROVISIONS OF ORDINANCE

5.01 The Applicant by signing this document in the space herein provided, signifies its approval of and assent to the provisions of the amended Development Order. Such signature shall also constitute a certification by the Applicant that it has delivered to the Southwest Florida Regional Planning Council and the Department of Economic Opportunity Division of Community Planning and Development a complete copy of all documents specified in Section 3.01 above.

SECTION 6. CONFLICTS.

6.01 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 7. SEVERABILITY.

7.01 If any section, sentence, clause, phrase or word of this Development Order is for any reason held or declared to be invalid inoperative or void, such holding of invalidity shall not affect the remaining portions of this Development Order, and it shall be construed to have been the intent to pass this Development Order, without such invalid or inoperative part herein, and the remainder, exclusive of such part or parts, shall be deemed and held to be valid as if such parts had not been included herein, unless to do so would frustrate the intent of this Development Order.

SECTION 8. EFFECTIVE DATE.

8.01. This Ordinance shall take effect upon execution of the consent provided for in Section 5 of this Ordinance and transmittal of the copies of said Ordinance to the parties specified in Section 380.07(2), Florida Statutes, the expiration of any appropriate appeal period or the resolution of any appeal, whichever is later.

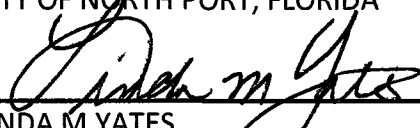
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Ordinance No. 2013-016/Heron Creek Amendment to Development Order
NOP-13-073

READ BY TITLE ONLY in public session this 23rd day of September, 2013.

PASSED and ADOPTED on second and final reading in public session this 14th day of October, 2013.

CITY OF NORTH PORT, FLORIDA




LINDA M YATES,
MAYOR




RON YORK
Development Manager,
Heron Creek Associates, Ltd.

ATTEST:



HELEN RAIMBEAU, MMC
City Clerk

Approved as to form and correctness:



ROBERT K. ROBINSON
City Attorney



City of North Port

ORDINANCE NO. 2011-33

(Development Order for Heron Creek a Development of Regional Impact)

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ADOPTING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE HERON CREEK DRI, AMENDING THE DEVELOPMENT ORDER ORIGINALLY ADOPTED BY ORDINANCE 2000-13, AMENDED BY ORDINANCE 05-28 AND 06-46, FOR THE DEVELOPMENT OF REGIONAL IMPACT (DRI) KNOWN AS HERON CREEK, PROVIDING FOR FINDINGS AND CONCLUSIONS OF LAW, PROVIDING FOR INCORPORATION OF THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA) AND ASSOCIATED DOCUMENTS INTO THE DEVELOPMENT ORDER, PROVIDING FOR THE APPROVAL OF THE HERON CREEK DRI WITH CONDITIONS, PROVIDING FOR ADDITIONAL LOCAL CONDITIONS, PROVIDING FOR THIS ORDINANCE TO BE DEEMED THE DEVELOPMENT ORDER, PROVIDING FOR BUILD OUT AND DEVELOPMENT ORDER TERMINATION DATES FOR THE HERON CREEK DRI, PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY, PROVIDING FOR SERVICE AND RECORDING, PROVIDING FOR RELATIONSHIP TO OTHER REGULATIONS, PROVIDING FOR CONSENT TO THE PROVISIONS OF THE ORDINANCE, PROVIDING FOR CONFLICT, AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

The Commission of the City of North Port hereby makes the following findings of fact and conclusions of law:

1.01 On November 7, 1996 Marsh Creek Properties Inc., through its authorized agent Betsy Benac submitted to the City of North Port, Florida, the Southwest Florida Regional Planning Council (SWFRPC), and to the Division of Resource Planning and Management of the Florida Department of Community Affairs (DCA), an Application for Development Approval (ADA) in accordance with Section 380.06 Florida Statutes for approval of a Development of Regional Impact

(DRI) to be known as Marsh Creek DRI (now known as Heron Creek), located in the incorporated City of North Port within Sarasota County, north of Appomattox Drive, south of the Snover Waterway, east of the Myakkahatchee Creek, west of Blueridge Waterway, abutting Sumter Boulevard, and approximately two miles south of I-75. The legal description, hereby incorporated as Attachment #1, was subsequently corrected by the adoption of Resolution 01-R-5;

1.02 The ADA was subsequently amended to add additional lands; to add an additional applicant Renea M. Glendinning as Trustee, the owner the of additional lands; to modify the conceptual site plan and the mix of proposed uses and to change the name of the project to Heron Creek DRI;

1.03 The ADA as amended proposed 1,970 residential units (903 single-family and 1,067 multi-family units), 500,000 gross square feet of retail service, and 250,000 gross square feet of office, 269.38 acres of recreation and open space, 27 holes of golf, buffers and tennis center, 44 acres of conservation lands (wetlands and scrub jay habitat), 105 acres of lakes for water management, and 5 acres of internal road rights-of-way on a project site containing a total of 831.38 acres more particularly described in Exhibit F;

1.04 Pursuant to Section 380.06(11) Florida Statutes, public hearing notice for hearings on said ADA before the City Commissioners of North Port were duly published in the North Port Sun Herald on May 17, 2000 and were duly provided to the Florida Department of Community Affairs (DCA) the Southwest Florida Regional Planning Council, and other persons designated by DCA rules;

1.05 On June 17, 2000, in accordance with Section 380.06(12) Florida Statutes, the SWFRPC rendered its report and recommendations on the regional impact of the proposed Heron Creek DRI;

1.06 On August 17, 2000, the City of North Port Planning and Zoning Advisory Board (PZAB) held a duly noticed public hearing on said ADA and received all pertinent evidence including the SWFRPC report and recommendation and the testimony of the general public and recommended approval of the ADA for the Heron Creek DRI subject to certain conditions as contained in the recommendation to the City Commission;

1.07 On August 28 and September 11, 2000, the City Commission of the City of North Port held a duly noticed public hearing on the ADA and received all pertinent evidence including the reports and recommendations of the SWFRPC and the PZAB and the testimony of the general public;

1.08 On July 11, 2005, the Development Order was amended by modifying Section 4 dealing with Local Conditions, Section 4.2 addressing sheltered bus stops, and Section 4.6 addressing sidewalks and by adding the specific number of trips to Item 2 (Affordable Housing, Exhibit E);

1.09 On February 12, 2007, the Development Order was amended to reduce the number of Multi-family dwelling units from 1,067 to 300 (a reduction of 767 units), reduce the number of tennis courts from 12 to 5 courts (a reduction of 7 courts), reduce the amount of medical office square footage from 130,000 square feet to 43,000 square feet (a reduction of 87,000 square

feet), reduce the amount of general office square footage from 120,000 square feet to 40,000 square feet (a reduction of 80,000 square feet), increase the amount of retail commercial from 500,000 square feet to 745,500 square feet (an increase of 245,500 square feet), with no change in the boundaries of land areas designed for residential or non-residential development (Exhibit F);

1.10 The Applicant has now submitted on March 10, 2010, a Notice of Proposed Change (NOPC) that would update Map H to depict existing and proposed development, address affordable housing stipulations in the current Development Order approved with Ordinance 06-46, revise the current stipulations relating to the proposed pathway along the Myakkahatchee Creek to specify if the City chooses to construct and use other materials, the funding from the Applicant shall be at the comparable cost of an at-grade shell surface, and propose a land use conversion matrix that would allow the Applicant to convert approved uses from one area to another as shown in Section 3.01 with no increase in external impacts;

1.11 The proposed changes are presumed to create a substantial deviation pursuant to Chapter 380.06(19), F.S.; however, the Applicant has provided the Technical Memorandum dated March 10, 2010 and two subsequent sufficiency responses, thereby rebutting the presumption of a substantial deviation;

1.12 The proceedings herein relating to the Heron Creek DRI ADA, have been conducted in compliance with the provisions of Section 380.06 Florida Statutes and all conditions precedent to the granting of development approval required by Section 380.06 Florida Statutes have occurred;

1.13 The proposed development is not located in an Area of Critical State Concern designated pursuant to the provisions of Section 380.05 Florida Statutes;

1.14 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan;

1.15 The proposed development does not unreasonably interfere with the achievement of the objectives of the adopted State Comprehensive Plan;

1.16 The proposed development subject to the conditions imposed herein, is consistent with the North Port Comprehensive Plan and does not appear to conflict with other local land development regulations;

1.17 The proposed development subject to the conditions imposed herein, is consistent with the report and recommendation of the Southwest Florida Regional Planning Council (SWFRPC) pursuant to Section 380.06(12) Florida Statutes;

1.18 When developed in accordance with the conditions imposed by this Development Order, the Heron Creek development:

- (a) will have a favorable impact on the environment and natural historical resources in the area;

- (b) will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;
- (c) will efficiently use water, sewer, solid waste disposal, public school facilities, and other necessary public facilities;
- (d) will effectively use public transportation facilities;
- (e) will favorably affect the ability of people to find adequate housing reasonably accessible to their place of employment; and
- (f) will comply with such other criteria for determining regional impact as the regional planning agency deems appropriate including but not limited to the extent to which the development would create additional demand for or additional use of energy.

SECTION 2. INCORPORATION OF APPLICATION FOR DEVELOPMENT APPROVAL (ADA) AND ASSOCIATED DOCUMENTS IN THE DEVELOPMENT ORDER.

2.01 The following information, commitments, and impacting mitigating provisions submitted by the Applicant are hereby incorporated in this Development Order by reference:

- (a) Heron Creek's Notice of Proposed Change submitted March 10, 2010.
- (b) Heron Creek's first response to sufficiency comments.
- (c) Heron Creek's second response to sufficiency comments incorporating amended application for Development Approval.
- (d) Heron Creek's previously approved Development Order, Ordinance No. 06-46 (Exhibit F) with referenced Exhibits.

2.02 In construing and enforcing the provisions of the documents incorporated in this Development Order by Subsection 2.1 above, the following shall apply:

- (a) The most recent response of the Applicant in the above referenced documents shall control over any previous response wherever there is a conflict, otherwise the responses shall be considered cumulative;
- (b) Any information, commitments, or impact mitigating provisions in the above referenced documents which are inconsistent with the specific conditions set forth in this Ordinance and the exhibits hereto, shall be deemed superseded and inapplicable.

SECTION 3. APPROVAL OF THE HERON CREEK DEVELOPMENT OF REGIONAL IMPACT WITH CONDITIONS.

3.01 The amended ADA for the Heron Creek DRI is hereby approved for the following land uses and phases, and land use conversion matrix subject to the conditions contained herein consistent with the revised Map H (Attachment 3 of DO), and is subject to the other provisions of the Development Order (including Attachment 4 of DO):

Land Use

Land Use	Phase I (‘97-2001)	Phase II (‘02-2006)	Phase III (‘07-2011)	Phase IV (‘12-2017)
Residential Single Family (LUC 210)	275 DU	377 DU	251 DU	
Residential Multi-Family (LUC 220)	125 DU		175 DU	
Golf Course (LUC 430)	18 Holes	9 Holes		
Tennis Club (LUC 492)		5 Courts		
Medical/Professional (LUC 720)			43,000 GLA	
Office General (LUC 710)			40,000 GLA	
Retail Shopping Center (LUC 820)	90,000 GLA	30,000 GLA	488,000 GLA	137,500 GLA

The Land Use Table, as specified above, may be modified by the Developer without further amendment to this Development Order, subject to the following.

a. This transfer or conversion may occur subject to the following conversion table:

Land Use		To				
		Single Family	Multi Family	Medical/ Professional	Office General	Retail Shopping Center
		(d.u.)	(d.u.)	(sq.ft.)	(sq.ft.)	(sq.ft.)
From	Single Family (Per d.u.)	1.0	1.5	443	685	365
	Multi Family (Per d.u.)	0.7	1.0	291	450	239
	Medical/ Professional (Per 1,000 sq.ft.)	2.3	3.4	1000	1544	822
	General Office (Per 1,000 sq.ft.)	1.5	2.2	648	1000	533
	Retail Shopping Center (Per 1,000 sq.ft.)	2.7	4.2	1216	1878	1000

- (b) The transfer or conversion may occur provided that: 1) the external trips approved for the DRI remain the same and 2) no additional impact will occur to other public facilities (such as sewer and water). Further, no alteration to the Map H may occur as a result of the conversion.
- (c) Forty Five (45) days notice of any conversion must be provided to the City, the Department of Economic Opportunity Division of Community Planning and Development, and Southwest Florida Regional Planning Council. In addition, the amount of the conversion must be reported as part of the subsequent monitoring report and petition to develop. When a petition to develop which includes a transfer or conversion of land use is submitted to the City, proof that no adverse impact is being caused by the transfer or conversion or any combination thereof must be provided.
- (d) The transfer or conversion does not increase the allotted number of units on any particular parcel to a level above what is permitted in the DRI or the City of North Port Land Development Code and does not exceed the substantial deviation criteria of subsection 380.06(19)(b), F.S.

3.02 The City of North Port, Planning Division is hereby designated as the local government department responsible for monitoring the development, enforcing and monitoring the terms of the Development Order, and for receiving the biennial report required by Section 380.06, Florida Statutes.

3.03 Biennial Report Requirements. The Applicant shall submit a biennial report pursuant to the requirements of Section 380.06(18) Florida Statutes Rule 9J.2.025(7) Florida Administrative Code (F.A.C.) and procedures established by the Southwest Florida Regional Planning Council (SWRPC). This report shall be submitted on the anniversary of the effective date of the Development Order or on such other date as agreed upon by the Applicant, City of North Port, the Southwest Florida Regional Planning Council, and the Department of Economic Opportunity Division of Community Planning and Development formerly the Department of Community Affairs (DCA), until and including such time as all terms and conditions of the Development Order are satisfied, unless otherwise specified herein. The date upon which the biennial report is required to be submitted may be established to coincide with the same date upon which the Heron Creek biennial report is required to be submitted. The Applicant shall submit this biennial report to the City of North Port department responsible for land development services, the Southwest Florida Regional Planning Council (SWRPC), the Department of Economic Opportunity Division of Community Planning and Development, and all affected permitting agencies required by law on Form RPM BSP Annual Report I, as the same may be amended from time to time. The biennial report shall contain all information required by rule 9J.2.025(7)(a) through (g) F.A.C. as the same may be amended from time to time.

Upon notification that the biennial report is not received by the Southwest Florida Regional Planning Council (SWRPC), Department of Economic Opportunity Division of Community Planning and Development, or upon non-receipt of the report by the City of North Port, the City shall request in writing that the Applicant submit the report within thirty (30) days. Failure to submit the report after 30 days shall result in the City of North Port temporarily suspending this

Development Order and no new development permit applications shall be granted within the development until the requirements of this subsection are met.

3.04 The Applicant shall submit to the City of North Port department responsible for land development services any monitoring reports specified in the conditions contained in Attachment #4. The director of the department responsible for land development services for the City of North Port shall be the local official responsible for assuring compliance by the Applicant with this Development Order.

3.05 The Applicant shall submit a site access analysis for approval by the City of North Port prior to issuance of any building permits resulting from changes proposed in the NOPC submitted on March 10, 2010. It shall include an analysis of the intersection of Sumter and Price Boulevard and shall identify all necessary improvements including site access, turn lanes, and improvements required to maintain acceptable level of service at the aforesaid intersection and at site access driveways.

SECTION 4. ADDITIONAL LOCAL CONDITIONS.

4.01 The Heron Creek DRI is partially located in Activity Center #2, identified in the Comprehensive Plan, adopted November 10, 1997 by Ordinance No. 97-27 (as amended). All non-residential development (except the golf course, clubhouse, and fitness center) will be located in the Town Center, a subcategory of Activity Center #2. The Town Center is designated as a mixed use pedestrian oriented development. The Applicant has heretofore submitted to the City, a pattern book that includes design guidelines that dictate urban form and architectural controls for non-residential development in the Town Center. The pattern book also addresses the urban form for the City of North Port's civic development in the northeast quadrant of Price and Sumter Boulevard. The City has adopted the pattern book.

The Applicant has completed the grocery store located in the southwest quadrant of Price and Sumter. This store has adhered to the design guidelines set forth in the Heron Creek Pattern Book.

4.02 The Applicant has constructed two (2) bus shelters, with two shelters remaining to be built, as approved. All other shelter locations are to be mutually agreed upon between the City and the Applicant. The Applicant is not responsible for any shelters in the City of North Port's civic development. The shelter design shall be as approved in the Urban Design Standards Pattern Book.

4.03 All roads in the Heron Creek DRI are private. If the Applicant seeks approval to transfer jurisdiction from Applicant/homeowner's association to the City of North Port, a public hearing shall be held and this Ordinance amended.

4.04 Open swales shall not be allowed in the right-of-way for Price and Sumter Boulevards when they are improved or expanded in the town center. This requirement shall not preclude use of open swales in other areas of the Heron Creek development.

4.05 The Applicant shall promote efficient pedestrian and bicycle movement within the development. This shall be achieved through the design of bike lanes, shade trees, and provisions for bicycle racks in the Town Center. Bike lanes will be designed to be either on street, off street, or other design acceptable to the City of North Port.

4.06 The Applicant shall provide permanent sidewalks along both sides of Price and Sumter Boulevards within the project limits. All development within the Town Center will construct sidewalks concurrent with the development of the adjacent property.

If all roadway improvements have not been designed or completed, the Applicant shall be able to put in temporary sidewalk sections that may be replaced with a permanent sidewalk at a later date. If the City of North Port damages any permanent or temporary sidewalk due to on-going improvements to Price or Sumter Boulevards, the City shall be responsible for the replacement of such sidewalk.

4.07 The Applicant and the City of North Port have heretofore entered into a Developer's Agreement that includes the following projects, time frames, and funding commitments:

- (1) Sumter Boulevard (4 lanes adjacent to the proposed development). Sumter Boulevard four-laning may be subject to impact fee credits, and may be paid for from the proposed proportionate share contributions outlined in Table 2 of Attachment #4. Project substantially complete by the end of Phase II, or 2177 trips gross p.m. peak hour estimates.
- (2) If the transportation analysis, to be completed for Phase IV, indicates that four-laning of Price Boulevard is warranted due to existing or expected traffic from the development, the development agreement shall be revised to provide for four-laning Price Boulevard adjacent to the proposed development prior to the completion of Phase IV (2017).
- (3) Provided that the transportation analysis, to be completed showing the addition of two lanes to Sumter Boulevard, does not reduce the expected additional traffic on Pan American Boulevard from the development below 5%, the Applicant agrees to pay a proportionate share of the traffic calming improvements proposed by the City.

4.08 The City of North Port will prepare plans, utilizing their consultant, for the construction of an at-grade shell, or other cost comparable pervious material, pathway within existing City-owned right-of-way along the eastern bank of the Myakkahatchee Creek, from Appomatox Drive to Price Boulevard. These plans will be utilized by the City for the purpose of permitting the pedestrian/bicycle trail through appropriate regulatory agencies as well as for a Major Site and Development Plan Approval by the City. Within 120 days after Major Site and Development Plan Approval by the City, the applicant shall commence construction of the pathway as described above; or should the City elect to construct the pathway, the applicant shall provide funding that is cost comparable to the construction of an at-grade shell pathway. Should the City elect to construct the pathway other than at-grade or utilizing material other than pervious

shell, the City shall be responsible for providing funding above the Applicant's contribution as described above.

4.09 The Public Works Director shall approve all access points to Price and Sumter Boulevards.

4.10 Prior to the issuance of a Certificate of Occupancy for any development located at the southeast quadrant of Price and Sumter and the related roadway access. The developer shall construct an eight-foot sidewalk including a pedestrian bridge over the Blueridge waterway from the northeast corner of the site to the eastern right-of-way line of Salford Boulevard. If the Price Boulevard Corridor study is not complete by the time of certificate of occupancy, the developer shall donate to the City, the funds needed to construct the sidewalk. The City Engineer shall approve the amount of the funds, the location, and design of the sidewalk;

4.11 The Applicant has installed sidewalks within the residential areas as approved by the City Commission pursuant to Petition No. WAV-08-144. Any remaining residential area shall have sidewalks installed pursuant to the approved sidewalk plan, unless the Applicant can provide evidence that the City Commission has waived this requirement;

4.12 The Applicant has installed sidewalks on both sides of Creek Nine Drive from the terminus of the existing sidewalks to Sumter Boulevard pursuant to Ordinance No. 06-46 Subsection 4.12;

4.13 The land use developed on the southeast corner of the intersection of Sumter and Price Boulevards shall be different than the land uses on the other three corners;

4.14 The Applicant has submitted Map H (Attachment #3) and Land Use Matrix included in this petition to the City and the SWFRPC, updating the proposed development densities, intensities, and uses;

4.15 The Applicant's Development Concept Plan (DCP)/Development Master Plan (DMP) shall:

- (a) address any additional impacts on the water sewer and reuse water systems and demonstrate how the plan will support the surrounding utility system;
- (b) include a water conservation plan for the site; and
- (c) indicate the proposed phasing and timing of the water sewer and reuse water service being requested;

4.16 Prior to the issuance of a Development Master Plan, Subdivision Plan or Major Site and Development Plan approval, the developer shall hold a neighborhood meeting to explain and gain input on the design of the site and the buffer yard treatment along the eastern property line of the site. The developer shall notify the property owners within a 1320 foot radius from the property line of the development. The neighborhood meeting shall be held after 6 pm in a location convenient to the neighborhood. The developer shall copy City staff on all correspondence to the citizens in the neighborhood;

4.17 There may be requirements found in the City's Unified Land Development Code that will apply to this development that are not specified in this Ordinance.

SECTION 5. ORDINANCE AS DEVELOPMENT ORDER.

5.01 This Ordinance shall be deemed the Development Order required pursuant to Section 380.06 Florida Statutes for the Heron Creek Development of Regional Impact.

SECTION 6. BUILD OUT AND DEVELOPMENT ORDER TERMINATION DATES FOR THE HERON CREEK DEVELOPMENT OF REGIONAL IMPACT.

6.01 The build out date of this Development Order is December 31, 2017 provided however, additional analysis may be required in accordance with the provisions contained in Attachment #4.

6.02 The Heron Creek Development Order shall remain in effect until December 31, 2017.

SECTION 7. ENFORCEMENT.

7.01 All conditions, restrictions, requirements, commitments, and impact mitigating provisions contained or incorporated by reference in this Development Order may be enforced by the City of North Port by action at law or equity.

7.02 In the event it is determined by the City Commission of the City of North Port, after notice and hearing, that the Applicant has failed to comply with any conditions, restrictions, requirements, or impact mitigating provisions contained or incorporated by reference in this Development Order, the City Commission may temporarily suspend the Development Order during which no development permit applications shall be granted within the development until compliance is achieved.

7.03 The obligations of this Development Order shall run with the land. The Applicant is bound by the terms of this Development Order so long as it owns such property. This Development Order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest thereto, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

SECTION 8. SEVERABILITY.

8.01 If any section, sentence, clause, phrase or word of this Development Order is for any reason held or declared to be invalid inoperative or void, such holding of invalidity shall not affect the remaining portions of this Development Order, and it shall be construed to have been the intent to pass this Development Order, without such invalid or inoperative part herein, and the remainder, exclusive of such part or parts, shall be deemed and held to be valid as if such parts had not been included herein, unless to do so would frustrate the intent of this Development Order.

SECTION 9. SERVICE AND RECORDING.

9.01 This Ordinance shall be binding upon the Applicant, its successors and assigns and upon the City of North Port. Notice of the adoption of this Ordinance shall be recorded by the Applicant in accordance with Section 380.06(15)(t), Florida Statutes.

9.02 The City of North Port Clerk shall certify the date upon which certified copies of this Ordinance are deposited in the U.S. Mail for Department of Economic Opportunity Division of Community Planning and Development, the SWFRPC, and the Applicant.

SECTION 10. RELATIONSHIP TO OTHER REGULATIONS.

10.01 This Development Order shall not be construed as an agreement on the part of the City of North Port to exempt the Applicant, its successors, and assigns from the operation of any ordinance or other governmental regulation now in effect or hereafter adopted by the City of North Port for the purpose of protection of public, health, welfare, and safety, which said ordinance or regulation shall be generally and equally applicable throughout the City of North Port, and which said ordinance or regulation does not impair or otherwise frustrate the development herein approve.

10.02 This DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2017, unless the City of North Port can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the Applicant or that the change is clearly established by the City of North Port to be essential to the public health, safety, or welfare.

10.03 Prior to the first building permit issued for Phase II, the Applicant shall pay all application fees in accordance with Ordinance 2010-14.

SECTION 11. CONSENT TO PROVISIONS OF ORDINANCE

11.01 The Applicant by signing this document in the space herein provided, signifies its approval of and assent to the provisions of this Development Order. Such signature shall also constitute a certification by the Applicant that it has delivered to the Southwest Florida Regional Planning Council and the Department of Economic Opportunity Division of Community Planning and Development a complete copy of all documents specified in Section 2.2 above.

SECTION 12. CONFLICTS.

12.01 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 13. EFFECTIVE DATE.

13.01. This Ordinance shall take effect upon execution of the consent provided for in Section 11 of this Ordinance and transmittal of the copies of said Ordinance to the parties specified in Section 380.07(2), Florida Statutes, the expiration of any appropriate appeal period or the resolution of any appeal, whichever is later.

READ BY TITLE ONLY in public session this 9th day of January, 2012.

PASSED and ADOPTED on second and final reading in public session this 3rd day of January, 2012.

CITY OF NORTH PORT, FLORIDA

Tom Jones
TOM JONES,
COMMISSION CHAIR

ATTEST:

Helen Raimbeau
HELEN RAIMBEAU, MMC
City Clerk

Approved as to form and correctness:

Robert K. Robinson
ROBERT K. ROBINSON
City Attorney

Attachment 2**SECTION 4. ADDITIONAL LOCAL CONDITIONS.**

4.10 Prior to the issuance of a Certificate of Occupancy for any development beyond 286,000 Gross Square Feet of any Development within the 84 acre parcel south and adjacent to W. Price Boulevard, east and adjacent to S. Sumter Boulevard, west and adjacent to Blueridge Waterway, and just north of Abernant Avenue, located at the southeast quadrant of Price and Sumter and the related roadway access, the developer shall construct an eight-foot wide sidewalk including a pedestrian bridge over the Blueridge Waterway, if determined by the City, from the northeast corner of the site to the eastern right-of-way line of Salford Boulevard. The developer shall design the sidewalk and/or pedestrian bridge, if determined by the City, and the City Engineer shall approve the amount of the funds, the location and design of the sidewalk and/or the pedestrian bridge. In addition, the City may elect to construct the sidewalk and/or the pedestrian bridge in conjunction with proposed roadway improvements. Should the City elect to construct the sidewalk and/or the pedestrian bridge, prior to any Certificate of Occupancy being issued for development exceeding 286,000 Gross Square Feet of any development within the 84 acre parcel, as outlined above, the developer shall reimburse the City for the entire cost of the sidewalk and/or pedestrian bridge.