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CHARLOTTE COUNTY

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A RESOLUTION APPROVING THE MASTER DEVELOPMENT ORDER FOR RIVERWOOD, A DEVELOPMENT OF REGIONAL IMPACT.

BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. Pursuant to Section 380.06, of the Florida Statutes, the Board of County Commissioners of Charlotte County, Florida, has heard, at a public hearing convened on November 13, 1990, the application for development approval for Riverwood Master Development of Regional Impact, which consists of approximately 1,265 acres to be developed in the manner described in the application filed by Robert M. Taylor, Trustee, for said development.

2. The Board of County Commissioners of Charlotte County has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Charlotte County staff, the documents and comments upon the record made before the Charlotte County Board of County Commissioners of Charlotte County and hereby makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

A. Riverwood is a Mixed Use Master Plan Development of Regional Impact located on approximately 1,265 acres adjacent to the Myakka River in Charlotte County, Florida, and is more particularly described as follows:

See Exhibit "A" Attached.

The property has been substantially modified by various activities in the past and includes a large part (4,000 + lots) of the 1920's EL JOBEAN plat.

The Master Plan Development will contain the following uses:

<u>Use</u>	<u>Total</u>
Residential ¹	3,300 units

¹Including 600 single family, 1,400 cluster, and 1,300 multi-family (up to 200 of which may be seasonal/vacation units such as resort, hotel or bed and breakfast inn rooms or up to 200 manufactured housing/mobile homes):

RECORD VERIFIED - BARBARA T. SCOTT, CLERK
TAMMIE WHISENANT
BY: JW D.C.

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Commercial (Total)*	334,000 s.f.
• Retail	248,000 s.f.
• Office	86,000 s.f.
Golf Course ²	18 holes
Marina	See Notes ³
Wet Slip Docking	See Notes ⁴
Open Space ⁵	264 acres

The Master Plan will also contain a Utility Site to accommodate the wastewater treatment facility, golf course maintenance area, irrigation facilities, storage for boats and recreational vehicles, and may contain a potable water supply tank.

Buildout of Riverwood is expected to require approximately fifteen (15) years from the Effective Date as described herein. The phasing will be dictated by each Incremental Development Order which will determine the length of, and any phasing breakdowns for, each such Incremental Development Order.

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

C. The development does not unreasonably interfere with the achievement of the objectives of any adopted state land development plan applicable to the area.

D. Upon meeting the conditions contained herein, the

* Commercial uses do not include Golf Course Clubhouse uses as described in footnote 2.

²This use will include ancillary commercial uses including, but not limited to restaurant, lounge and pro-shops.

³A marina basin is conceptually approved generally located as shown on the Master Plan subject to conditions herein.

⁴In addition to the marina, small boat access facilities such as docking may be considered in each increment.

⁵Including only upland reserves and wetland areas. There will also be ±200 acres of golf course and lakes.

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development is consistent with the local comprehensive plan and will be consistent with land development regulations at the time of development.

E. The development is consistent with the report and recommendations of the Southwest Florida Regional Planning Council submitted pursuant to Subsection 380.06(11), Florida Statutes.

F. The development is consistent with the State Comprehensive Plan.

II. CONCLUSIONS OF LAW

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, in public meeting, duly constituted and assembled that the Development of Regional Impact Application for Master Development Approval submitted by Robert M. Taylor, Trustee, is hereby ordered Approved subject to the following conditions, restrictions, and limitations:

A. CONDITIONS

1. DRAINAGE/WATER QUALITY

- a. Each increment will require SWFWMD permits for conceptual approval and/or construction and operation of the surface water management system, and for any dewatering activities associated with the construction of lakes, roads or building foundations as required by SWFWMD.
- b. All water retention/detention areas must meet SWFWMD criteria. Any areas which do not meet this criteria may not be used in the calculation of water quality or quantity volumes.
- c. The applicant shall confirm, to the satisfaction of the SWFWMD and the applicable federal, state, and local permitting agencies that the proposed water management system will not significantly adversely impact habitats of any species of special concern, threatened or endangered species occurring on-site contrary to law or required regulations, or that such impacts will be mitigated as deemed appropriate during the permitting process.
- d. Provisions for the drainage of off-site areas and out-parcels that presently drain through each increment site must be provided at the time of permit application.

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- e. The applicant shall undertake a regularly scheduled vacuum sweeping of all commercial and office parking facilities, to be incorporated as a best management practice.
 - f. In areas adjacent to retail, offices and marina uses the applicant shall provide pre-treatment of runoff, in accordance with the applicable criteria of the permitting agencies, in order to provide reasonable assurance that hazardous materials will not enter the stormwater management system.
 - g. The operation of the Riverwood Surface Water Management System is dependent on the Myakka River for an outlet. Therefore, each incremental water management plan shall demonstrate that the system is designed in accordance with existing SWFWMD permit design parameters for the adjacent portions of the Myakka River.
 - h. The applicant shall cooperate with any on-going or future efforts by Charlotte County to establish a County-wide Watershed Basin Management Plan.
 - i. Best Management Practices (BMP's) and monitoring and maintenance of the stormwater management system shall be implemented by the applicant in accordance with SWFWMD guidelines.
 - j. All commitments made by the applicant within the AMDA related to Question 15 (Water Quality) and Question 22 (Drainage) and subsequent sufficiency round information, not in conflict with the above recommendations, shall be incorporated in each increment of the project as conditions for approval.

2. ENERGY

Each Development Order for any Increment shall contain a provision encouraging the Applicant to incorporate the following energy conservation features where appropriate in saving energy, into final site plans and architecture. These features may be implemented through appropriate deed restrictions and covenants in order to mitigate further energy impacts of the project. To the extent practicable the following shall be undertaken or incorporated into development plans:

- a. Provision of a bicycle/pedestrian system along Riverwood Drive and other collector roads within the project.
- b. Provision of bicycle racks or storage facilities in recreational, commercial and multi-family residential

areas.

- c. Cooperation in the locating of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area.
- d. Use of energy-efficient features in window design (e.g., tinting and exterior shading).
- e. Use of operable windows and ceiling fans.
- f. Installation of energy-efficient appliances and equipment.
- g. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts. (e.g., building orientation, clotheslines, and solar water heating systems).
- h. Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
- i. Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.
- j. Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.
- k. Planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas.
- l. Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.
- m. Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
- n. Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.
- o. Inclusion of porch/patio areas in residential units.
- p. Consideration by the project architectural review committee(s) of energy conservation measures (both

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those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

3. HISTORICAL/ARCHAEOLOGICAL SITES

Pursuant to the AMDA containing an archeological study and report identifying various historical or archeological sites:

- a. Shell midden A is not eligible for listing in the National Register of Historic Places, nor otherwise has any national, state, regional, or local significance, therefore, no further archaeological consideration is necessary for this site.
- b. Preservation of shell midden B shall occur if it is determined to be a site eligible for inclusion on the National Register of Historic Places. Such determination shall be based on an archaeological test excavation conducted prior to local development permitting to provide sufficient data to make a final determination concerning its possible regional significance. The resultant project report must be forwarded to the State Division of Historical Resources to complete the process of reviewing the impact of this project on significant archaeological resources.
- c. If preservation of shell midden B is chosen as an option it shall be stabilized through use of native vegetation, rip-rap, or similar barrier.
- d. Preservation of the burial mound shall occur if reasonably feasible, and if not, prior to local development permitting, heavy equipment shall be used to remove the overburden covering the mound to determine if burials are present. This work shall be monitored by a professional archaeologist. If human burials are encountered, all work within the burial mound area shall cease pending compliance with the provisions of Section 872.05, Florida Statutes.
- e. If preservation of the burial mound is chosen as an option it shall be recontoured, capped, and planted with native vegetation.

4. HURRICANE EVACUATION/FLOODPLAINS

For each Riverwood AIDA the Applicant will be required to submit hurricane preparedness and mitigation measures consistent with the provisions of Florida Administrative Code Rules. The

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plan for any future proposed marina area to protect boats and prevent boats from becoming battering objects to on-site and off-site property.

5. MARINA

- a. The two separate wet slip docking facilities as proposed within the AMDA are not approved, however small boat access facilities such as docks may be considered within an AIDA application.
- b. The marina basin shall be conceptually approved in the general location proposed by the applicant with the number of wet and dry slips to be determined at the time of AIDA approval. Nothing herein obligates the approval of a Comprehensive Plan Amendment or rezoning by Charlotte County.
- c. Any marina shall be subject to an appropriate comprehensive plan amendment.

6. TRANSPORTATION

- a. Based on the Applicant's initial analysis of buildout in year 2004, Riverwood is projected to utilize 5 percent or more of the peak hour level of service "D" capacity on the regionally and locally significant road segments summarized below and identified in Exhibit B for which a service deficiency is also projected. Therefore, in addition to any site related improvements identified in the AIDA Development Order, all AIDA submittals for increments of Riverwood showing any impacts on these road segments shall identify the roadway and intersection improvements to support the incremental development and shall specify the AIDA's proportionate share of required road and intersection improvements.

Regionally Significant Facilities

US 41

- Sumter Boulevard to Cornelius Boulevard
- Creighton Boulevard to Toledo Blade Boulevard North
- Toledo Blade Boulevard South to Harbor Boulevard

SR 776

- Pine Street to US 41

CR 771

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- SR 776 to Rotonda Boulevard

Kennilworth Boulevard

- Murdock Circle to Toledo Blade Boulevard

Toledo Blade Boulevard

- US 41 to Hillsborough Boulevard

Locally Significant Facilities

Toledo Blade Boulevard

- Pellam Boulevard to Lakeview Terrace

Collingswood Boulevard

- US 41 to SR 776

Chamberlin Boulevard

- Bowman Terrace to US 41

Cornelius Boulevard

- SR 776 to US 41

Lakeview Boulevard

- Toledo Blade Boulevard to Midway Boulevard

Bowman Terrace

- Biscayne Boulevard to Chamberlin Boulevard

- b. All Increments shall be required to pay for specific access point intersection improvements and their proportionate share of offsite regional intersection improvements which are required as a result of Riverwood traffic and as identified in subsequent AIDA submittals. Access point intersection improvements include, but are not necessarily limited to, signalization and turn lanes. Site related improvements and calculation of credits, if any, against Road Impact Fees shall be consistent with the provisions of the Charlotte County Impact Fee Ordinance. The proportionate share of improvements to off-site intersections of arterial and collector roads with the regional roadways indicated in Condition "a" above shall be included as mitigation for proportionate

share purposes.

- c. In order to determine the proportionate share that each Increment contributes to the total transportation impacts forecasted for Riverwood, future phases of Increments that may overlap shall be staged in five year stages to coincide with each other. Based on the Increment I AIDA, future phases shall be 1995, 2000 and 2005 unless otherwise amended.
- d. All Increments shall participate in annual traffic monitoring programs to determine existing levels of service on regional facilities and the need for improvements in a timely manner.
- e. In future AIDAs, the applicant shall be responsible for identifying cumulative Riverwood transportation impacts. Each Increment shall be responsible for scheduling with the appropriate governmental agency funding for those regional road and intersection improvements needed during each five year phase to maintain the applicable level of service standard in effect at that time for the agency having jurisdiction over the particular roadway in question. This schedule of required improvements (i.e., Capital Road Facilities Plan) shall be a part of each Incremental development order.
- f. Each AIDA applicant shall be responsible for indicating the transportation impacts of that increment upon the road network by analyzing the applicable levels of service, itemizing the necessary roadway and intersection improvements, and calculating the applicant's proportionate share of the costs of these improvements. A schedule of required improvements shall be made a part of each incremental development order.
- g. If any improvement to a regionally or locally significant road or intersection needed during an Increment and identified in the Capital Road Facilities Plan (as required by Condition "e") is not constructed as specified in the Plan, construction of Riverwood shall stop at the end of the Increment (or five year stage that the Increment is in at the time the improvement fails to be constructed as planned). If the applicant is responsible for the construction of the improvement which failed to be completed in a timely manner, the construction of Riverwood shall immediately cease.
- h. If staged road/intersection improvements are required and later additional improvements are anticipated on State highways, then the applicant (or local government

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as the case may be) shall forward to the Florida Department of Transportation, one or more typical cross section designs for each stage of the improvement prior to the improvement being implemented. The FDOT shall be given an opportunity review and comment upon the cross-sections, particularly on their suitability for future staged improvements, and shall forward their comments to Charlotte County.

7. VEGETATION AND WILDLIFE

- a. Land uses within the primary and secondary Bald Eagle zones shall be consistent with the Bald Eagle Habitat Management Plan to be approved by Charlotte County through the appropriate F.S. Chapter 380 development order amendment procedures at a later date.
- b. Mitigation measures for Gopher Tortoises shall be consistent with FGFWFC Management Guidelines.

8. WATER SUPPLY

Each incremental development order shall also contain the following conditions where practicable:

- a. Prior to construction of buildings in each approved phase or increment, the Applicant shall show verification, acceptable to the SWFWMD, that adequate water facilities are available for that respective portion of the project.
- b. Each phase or increment shall acquire, as required by SWFWMD, a water use permit for any withdrawals from groundwater, project lakes and/or any other surface water bodies for irrigation or potable uses and for any dewatering activities associated with the construction of project lakes, and/or road, or building foundations.
- c. The applicant shall commit to the use of treated wastewater for all or part of the irrigation demand for each phase or increment, at such time as adequate amounts of treated wastewater are available for each respective portion of the project.
- d. If treated wastewater is used for irrigation, the applicant shall ensure that onsite lakes and wetlands, and the Myakka River, are adequately buffered from possible effluent contamination as regulated by the appropriate agencies.
- e. Water should not be used for the purpose of lot, driveway or street cleaning.

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- f. Water conservation measures and practices should be utilized in Riverwood such as low water use plumbing fixtures, self closing and/or metered water faucets, and other water conserving devices. Unless spray effluent is utilized for irrigation, landscape irrigation should be restricted to the hours between 5:00 p.m. and 9:00 a.m. after the establishment of landscaping.
- g. Riverwood shall utilize xeriscape principles in the design and maintenance of the project's landscaping.
- h. All construction plans, technical specifications, and proposed plats, if applicable, for the proposed water distribution system for each increment shall be reviewed and approved by Charlotte County prior to commencement of construction.

9. WETLANDS

- a. Wetland impacts shall be avoided where ever reasonably possible. Unavoidable wetland impacts shall be mitigated using "state of the art" methodologies and consistent with the present Regional Policy Plan.
- b. Riverwood shall utilize "Best Management Practices" (BMPs) for stormwater management in order to assure that the quality of water entering wetland areas is acceptable in terms of quality, quantity, timing and pattern of flow.
- c. Wetlands to be preserved shall be adequately buffered from surrounding construction and development activities as deemed appropriate by applicable permitting agencies.
- d. A wetland maintenance plan shall be designed and implemented by the applicant for the overall maintenance and protection of ecological integrity of the wetland preserve areas within each increment.

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10. EDUCATION

The Applicant shall satisfy the requirements of any ordinance which also requires other developments not subject to Chapter 380.06 F.S. procedures to participate by contributing its proportionate share needed to accommodate the impacts of the development.

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11. FIRE PROTECTION

- a. The Applicant shall satisfy the requirements of the Charlotte County Impact Fee Ordinance and any ordinance which also requires other developments not subject to Chapter 380.06 F.S. procedures to participate by contributing its proportionate share needed to accommodate the impacts of the development.
- b. The applicant and the fire department shall, if required, meet during site plan review to recommend and implement safety and access features for the project.

12. POLICE PROTECTION

- a. The Applicant shall satisfy the requirements of the Charlotte County Impact Fee Ordinance and any ordinance which also requires other developments not subject to Chapter 380.06 F.S. procedures to participate by contributing its proportionate share needed to accommodate the impacts of the development.
- b. The Sheriff's Department and the applicant shall, if required, meet during site plan review for each increment to incorporate safety, security and access feature recommendations in the project design.

13. SOLID WASTE

- a. The Applicant shall develop (and be prepared to implement) procedures for storing and disposing of hazardous waste, including hazardous waste water, in accordance with local, regional, state and federal hazardous waste program.

Such procedures should be concurrent with local zoning approvals.

- b. Any business which might generate special or hazardous wastes, shall be responsible for the temporary storage and proper disposal of special or hazardous wastes generated by the businesses that will occupy Riverwood. These types of wastes shall include any of those listed in the Charlotte County Hazardous Waste Assessment (Table III-2), performed by the Southwest Florida Regional Planning Council in July 1985. However, there shall be no siting of special or hazardous waste storage facilities contrary to Charlotte County Zoning Regulations.

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14. WASTEWATER MANAGEMENT

The following remedial actions/information should be provided in future AIDAS:

- a. The applicant shall update wastewater flows for each increment, as well as treatment plant excess capacity, so as to assure that adequate treatment capacity is available for each increment and general growth within the plant service area.
- b. The applicant should provide assurance, for any increment involving commercial or marina uses, that non-domestic wastewater will be treated separately from domestic wastewater and handled in accordance with FDER criteria.
- c. The applicant should not use treated effluent for the purpose of washing boats at the proposed marina, so as to avoid contamination of the Myakka River.
- d. Temporary septic tanks may be used for residential models, construction and sales offices. Unless otherwise specified in future increments, in commercial and marina portions of the project, septic tanks should not be allowed, except for construction of sales offices and model home centers due to the possibility of hazardous wastewater generation. Septic tanks shall not be allowed in any residential portions of the project, except for construction or sales offices which shall be connected to central treatment facilities prior to residential use.. Septic tank use for incidental buildings, such as on the proposed golf course, should be subject to review during the agency review of the appropriate increments.

15. GENERAL CONSIDERATIONS

- a. All commitments and impacts mitigating actions provided by the applicant within the Application for Master Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are incorporated herein and officially adopted as conditions for approval.
- b. The development phasing schedule presented within the AMDA, as adjusted to the Effective Date of the master development order (i.e. upon expiration of any appeal or appeal period) shall be incorporated as a condition of approval. If development order conditions and applicant commitments incorporated within the development order, AMDA or sufficiency round responses

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to mitigate regional impacts are not carried out as indicated to the extent or in accordance with the phasing schedule specified within the development order then this shall be presumed to be a substantial deviation for the affected regional issues.

- c. The review of subsequent incremental applications shall be as prescribed in Paragraph 380.06(21)(b), Florida Statutes. Substantial changes in conditions underlying the approval of the Master Development Order or substantially inaccurate information upon which the Master Development Order was based may be construed to mean changed conditions or inaccurate information that creates a reasonable likelihood of additional adverse regional impact or any other regional impact not previously reviewed by the regional planning agency.
- d. Pursuant to Chapter 380.06(16), the applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the developer is also subject by local ordinances to impact fees or exactions to meet the same needs. The local government and the Applicant may enter into a capital contribution front-ending agreement to reimburse the Applicant for voluntary contributions in excess of his fair share.
- e. Certain outparcels contained within the outside perimeter of Riverwood are not owned by the Applicant. Therefore, prior to the issuance of Incremental Development Orders, the Applicant shall either own the development rights to the parcels or indicate them as "outparcels" to the project. Because the entire area within the perimeter of the Riverwood boundary has already been extensively reviewed and inspected, subsequent acquisition of the "outparcels" shall not create a substantial deviation pursuant to Ch. 380 F.S.
- f. Upon the expiration of the expected buildout of any individual increment, if there are remaining uses which have been approved and mitigated herein, but which have not been built within that increment at the Applicants option, those uses along with credit for any mitigation required in the incremental development order may be rolled over into a subsequent A.I.D.A.
- g. The Applicant will comply with all applicable local codes, ordinances and regulations of Charlotte County.

B. REGIONAL ISSUES SUBJECT TO FURTHER REVIEW

1. DRAINAGE/WATER QUALITY

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- a. Regional Issues Identified
 - (1) Natural Resources
 - (2) Public Services and Facilities
- b. Information Requirements for AIDAs.
 - (1.) Any future AIDA(s) which incorporates all, or a portion, of the proposed marina must address possible water quality impacts of the marina on the Wild and Scenic portion of the Myakka River.
 - (2.) Pursuant to the submission of any Riverwood AIDA, each AIDA shall contain the following information with regard to Question 22, Drainage:
 - (a.) Describe the various elements of the proposed drainage system and show on the Conceptual Water Management Plan Map G.
 - (b.) From the Conceptual Water Management Plan Map G, indicate the total number of acres in each AIDA, and specify the acreage of any portions of drainage areas outside the site boundaries. Indicate the total acres and storage capacity of proposed retention areas, and the total acres of proposed impervious surfaces.
 - (c.) Indicate what provisions will be incorporated in the design of the drainage system to minimize any increase in runoff from the site and to minimize any degradation of water quality in the ultimate receiving body over that occurring in its pre-development state. Indicate the major points of discharge for stormwater.
 - (d.) Who will operate and maintain the drainage system for each AIDA after completion of the development?
 - (3.) Each AIDA shall consider the SWFWMD review criteria applicable at the time of submittal.

2. HURRICANE EVACUATION/FLOODPLAIN

- a. Regional Issues Identified:
 - (1.) PUBLIC SAFETY
 - (a.) Evacuation Time and Route Protection

(b.) Adequate Storm Evacuation Shelters

b. Information Requirements for AIDAs.

- (1.) Each AIDA shall answer question 17.C (Hurricane Evacuation) and 3-7 of the SWFRPC supplemental ADA questionnaire.
- (2.) Each AIDA shall provide mitigation proposals for hurricane shelter and evacuation time impacts consistent with the provisions of Florida Administrative Code Rules.
- (3.) A hurricane preparedness plan for any proposed marina area to protect boats and prevent boats from becoming battering objects to on and off-site property.

3. MARINA

a. Regional Issues Identified:

- (1.) COASTAL AND MARINE RESOURCES
- (2.) NATURAL SYSTEMS AND RECREATIONAL LANDS

b. Information Requirements for the AIDA

- (1.) Answer the applicable question to question 41 (Port Facilities) of the ADA Questionnaire.
- (2.) State how the marina will meet the marina siting considerations approved in June 1984 of the Southwest Florida Marina Siting Survey.
- (3.) Conduct benthic studies for the marina site using methods acceptable to the Department of Natural Resources. This study shall be conducted in late spring or early summer.
- (4.) Provide site plans and typical cross-sections of the marina facility and the channel.
- (5.) Conduct a bathymetric survey referenced to mean low water levels.
- (6.) Conduct an analysis of projected additional boat traffic on the Wild and Scenic River corridor as a result of the marina. The analysis shall include a discussion of seasonal changes in use patterns.

- (7.) Conduct an analysis of the impacts the increase in boat traffic can be expected to have on submerged aquatic vegetation beds and the nearby upstream bird rookery.
- (8.) Consider sea-level rise, the subsequent landward migration of wetlands and the resultant need for upland buffers in the design of the marina facility.
- (9.) Agree to install and maintain manatee caution signs and manatee information displays, and meet the state standard manatee construction condition.
- (10.) Provide information as follows, if applicable:
 - (a.) Explicit location maps.
 - (b.) Latitude & longitude.
 - (c.) Distance to nearest ocean inlet.
 - (d.) Is the project located in an aquatic preserve?
 - (e.) Number of sailboats.
 - (f.) Number of power boats.
 - (g.) Number of boat ramps or travel lifts.
 - (h.) Number of trailer parking spaces for boat ramp(s) or travel lift(s).
 - (i.) Linear feet of shoreline owned by applicant (specify footage not being used or to be used as single family lots which could have boat dock access).
 - (j.) Detailed description of existing and proposed site use to include other site uses such as restaurants, fueling and specifics of commercial use.
 - (k.) Whether caution signs, standard construction conditions, conservation easement(s) and/or informational display(s) are proposed.
- (11.) Demonstrate that construction of the marina will have no significant adverse impacts on submerged grass beds during the permitting process.
- (12.) Demonstrate that no significant adverse impacts to the nearest bald eagle nest will occur from the marina facility during the permitting process.

4. TRANSPORTATION

- a. Regional Issues Identified

b. Information Requirements for AIDA's

- (1.) Transportation conditions listed herein are based upon the applicant's AMDA submittal. Charlotte County is developing a new model based on the Florida Standard Urban Transportation Modeling Structure (FSUTMS). Any traffic reanalyses which may be required through the Incremental Development Orders, shall be based on the latest available methodologies acceptable to the Applicant, Charlotte County, SWFRPC and the Florida DOT.
- (2.) Future AIDAs should contain all of the information deemed necessary by the appropriate review agencies required for DRI Transportation Question 31A-G "Public Facilities: Transportation" within the Development of Regional Impact, Application for Development Approval Under Section 380.06(6), Florida Statutes, as may be amended from time to time. AIDAs should address all SWFRPC supplemental questions to DRI Question 31 of the above referenced source.
- (3.) Each AIDA (excluding Increment I, since it was filed concurrently with the AMDA) shall contain an update of Question 31A-G of the AMDA. This update shall be staged in five year phases to coincide with those phases of Increment I submitted increment.

5. VEGETATION AND WILDLIFE

a. Regional Issues Identified

- (1.) PROTECTION OF COASTAL AND MARINE RESOURCES
- (2.) NATURAL SYSTEMS AND RECREATIONAL LANDS
- (3.) LAND USE

b. Information Requirements for AIDAs.

Pursuant to submittal of any future Riverwood AIDAs, each AIDA shall submit the following information with regard to Vegetation and Wildlife:

- (1.) All information requirements of AMDA Question 18, Vegetation and Wildlife, shall be submitted for each AIDA.

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- (2.) If Endangered, Threatened or Special Concern listed wildlife species are found within an Increment area, then a detailed management plan with proposed mitigation measure for the protection of the species shall be submitted with the Increment. The management plan shall utilize State and Federal guidelines, applicable at the time of submittal of the Increment.
- (3) A detailed Florida scrub jay survey and usage analysis shall be implemented by the Applicant following survey procedures approved by the FGFWFC on any scrub jay habitat within or contiguous to the proposed increment in that area.
- (4) With the submittal of any increment containing scrub jay habitat, the Applicant shall prepare and submit a Florida scrub jay management plan, including mitigation measures, utilizing state and federal guidelines, for any scrub jay habitat within or contiguous to the proposed increment in that area.

6. WETLANDS

a. Regional Issues Identified

- (1.) WATER RESOURCES
- (2.) COASTAL AND MARINE RESOURCES
- (3.) NATURAL SYSTEMS AND RECREATIONAL LANDS
- (4.) LAND USE

b. Information Requirements for AIDAs.

Pursuant to the submittal of any future Riverwood AIDAs, each AIDA shall submit the following information with regard to Wetlands:

- (1.) All information required by ADA Question 16 Wetlands, or it's equivalent, and all appropriate sufficiency questions.
- (2.) Each AIDA application shall contain wetland maintenance provisions which shall include provisions for removal and control of exotic plants.
- (3.) Each AIDA shall contain a wetlands mitigation proposal for wetland impacts within the Increment.

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7. WATER SUPPLY

- a. Each Riverwood Application for Incremental Development Approval should identify the potable water needs and the most feasible sources (including respective utilities) for satisfying potable water demands. Each AIDA should also provide a break-down of nonpotable water demand (quantified), how such water will be obtained, and who will be the responsible entity for the nonpotable system.

8. GENERAL CONSIDERATIONS

- a. Due to the conceptual nature of the Riverwood AMDA only a final buildout date has been provided. A phasing schedule or buildout date will be needed for each future Application for Incremental Development Approval (AIDA) submitted. This phasing schedule or buildout date is necessary for each AIDA to determine when various mitigation actions are to be implemented.
- b. The County Administrator shall be the local official responsible for assuring compliance with this Development Order.
- c. Wherever the term "applicant" or "Applicant" is used herein to refer to a condition or requirement which must be completed, the term "applicant" shall include any successors or assigns or a management entity hereinafter succeeding to the rights or obligations under this development order.
- d. This Master Development Order shall remain in effect for a period of twenty (20) years from the Effective Date (i.e. after expiration of any appeal or appeal period). In the event that significant physical development has not commenced within five (5) years, development approval will terminate and this development order shall no longer be effective. For purposes of this requirement, "significant physical development" does not include roads, drainage or landscaping but does include construction of buildings or installation of utilities and facilities such as sewer and water lines.
- e. Pursuant to Section 380.06(15)(c)3, Charlotte County agrees that the Riverwood Master Development Order shall not be subject to downzoning, unit density reduction or intensity reduction, for a period of twenty (20) years unless it can demonstrate that substantial changes have occurred in the conditions underlying the approval of this development order or

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that the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by Charlotte County to be essential to the public health, safety or welfare.

- f. The applicant or its successor(s) in title to the subject property shall submit a report annually, commencing one year from the effective date of this development order (i.e. after expiration of any appeal or appeal period), to CHARLOTTE COUNTY, the Southwest Florida Regional Planning Council, and the Department of Community Affairs. This report will contain the information required in Section 9B-16.25, Florida Administrative Code. Failure to submit the annual report shall be governed by Subsection 380.06(16), Florida Statutes.
- g. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the applicant to comply with all other applicable local or state permitting procedures.

PASSED AND DULY ADOPTED this 13th day of Nov., 1990.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Jack Lotz
Jack Lotz, Chairman



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

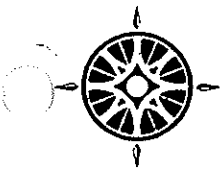
By Diane Lemaster
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Robert H. Berntsson
Robert H. Berntsson
Chief Assistant County Attorney

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WILSON • MILLER • BARTON • SOLL & PEEK, INC.

ENGINEERS PLANNERS SURVEYORS
LANDSCAPE ARCHITECTS ENVIRONMENTAL CONSULTANTS
4571 COLONIAL BLVD., FORT MYERS, FLORIDA 33912
(813) 939-1020 FAX (813) 939-7479

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**DESCRIPTION
(NOT SURVEYED)**

All that part of Sections 17, 20, 21, 28 and 29, Township 40 South, Range 21 East, Charlotte County, Florida, also being, those lands as described in Deeds recorded in O.R. Book 903 Pages 1729 through 1731, O.R. Book 941 Page 164, O.R. Book 941 Pages 165 through 180, and Pages 186 through 188, O.R. Book 941 Page 181, and O.R. Book 941 Pages 183 through 185, O.R. Book 981 Pages 776 and 777, O.R. Book 999 Page 1854; O.R. Book 1014 Page 1891 (all of the Public Records Charlotte County, Florida) all being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 17; thence N.89°27'35"E. along the North line of said Section 17, said line also being the South limit of PORT CHARLOTTE SUBDIVISION, Section 49, according to the Plat thereof as recorded in Plat Book 5, Pages 63-A through 63-E, Public Records of Charlotte County, Florida, a distance of 2683.48 feet to the Northwest corner of the Northeast Quarter of said Section 17; thence S.0°47'30"W. along the West line of the Northwest 1/4 of the Northeast 1/4 of said Section 17, said line also being the West limit of PORT CHARLOTTE SUBDIVISION, Section 61, according to the Plat thereof as recorded in Plat Book 5, Pages 75-A through 75-C, Public Records of Charlotte County, Florida, a distance of 172.00 feet more or less to the centerline of a creek and the POINT OF BEGINNING of the parcel herein described; thence continue S.0°47'30"W. along said West line of the Northwest 1/4 of the Northeast 1/4 of said Section 17, a distance of 1163.11 feet to the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 17; thence S.89°40'23"E. along the South line of the Northwest 1/4 of the Northeast 1/4 of said Section 17, said line also being the South limit of said PORT CHARLOTTE SUBDIVISION, Section 61, a distance of 1323.43 feet to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 17; thence S.0°23'14"W. along the West line of the Southeast 1/4 of the Northeast 1/4 of said Section 17, said line also being the

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West limit of said PORT CHARLOTTE SUBDIVISION, Section 61, a distance of 1314.80 feet to the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 17; thence S.0°52'20"W. along the West line of the East 1/2 of the Southeast 1/4 of said Section 17, said line also being the West limit of Plat of said PORT CHARLOTTE SUBDIVISION, Section 61, a distance of 2717.26 feet to the Southwest corner of the East 1/2 of the Southeast 1/4 of said Section 17; thence N.89°26'20"E. along the South line of said Section 17, said line also being the South limit of said PORT CHARLOTTE SUBDIVISION, Section 61, a distance of 1328.90 feet to the Southeast corner of said Section 17 and the Northwest corner of said Section 21; thence S.89°41'20"E. along the North line of said Section 21, a distance of 1955.50 feet to the Westerly boundary of those lands as described in Official Record Book 688, Page 215, Public Records of Charlotte County, Florida; thence S.00°49'28"W. along said boundary a distance of 825.10 feet; thence S.89°41'20"E. along said boundary a distance of 369.37 feet to the Westerly Right-of-Way line of Hamner Avenue (a 60' Right-of-Way) as shown on PLAN NO. 2 OF A PART OF WARD 7, EL JOBE-AN according to the Plat thereof as recorded in Plat Book 2, Page 48, Public Records of Charlotte County, Florida; thence continue S.89°41'20"E. a distance of 30.64 feet to the centerline of said Hamner Avenue; thence N.12°04'06"E. along said centerline a distance of 256.48 feet to the centerline of Colonial Avenue (a 60' Right-of-Way) as shown on said Plat; thence N.72°04'06"E. along said centerline a distance of 610.84 feet to the centerline of Ward Road (a 50' Right-of-Way) as shown on said Plat; thence N.12°04'06"E. along said centerline a distance of 390.95 feet to the North line of said Section 21; thence S.89°41'20"E. along said North Section line a distance of 2237.96 feet to the centerline of C.H. & N. Railroad Right-of-Way (abandoned) as shown on said PLAN NO. 2 OF A PART OF WARD 7, EL JOBE-AN; thence S.12°04'06"W. along said centerline a distance of 2490.78 feet to the Southerly Right-of-Way line of Lee Circle (a 100' Right-of-Way) as shown on said Plat and to a point on a curve; thence Westerly and Southwesterly along said Southerly Right-of-Way line 273.03 feet along the arc of a non-tangential circular curve concave to the Southeast, having a radius of 232.00 feet, through a central angle of 67°25'47" and being subtended by a chord which bears

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S.68°21'13"W. a distance of 257.55 feet to the Southerly Right-of-Way line of Rowe Avenue (a 60' Right-of-Way) as shown on said Plat and to a point on said curve; thence N.47°55'54"W. along said Southerly Right-of-Way line a distance of 1323.02 feet to the Southerly Right-of-Way line of Dade Avenue (a 60' Right-of-Way) as shown on said Plat; thence S.72°04'06"W. along said Southerly Right-of-Way line a distance of 1222.43 feet to a point on the Southeasterly projection of the Northerly Right-of-Way line of Lincoln Circle (a 100' Right-of-Way) as shown on said Plat; thence S.77°15'10"W. a distance of 332.00 feet to the radius point of Lincoln Circle; thence S.77°55'54"E. a distance of 125.10 feet; thence continue S.77°55'54"E. along the Northerly line of those lands as described in Official Record Book 981, Pages 776 and 777, Public Records of Charlotte County, Florida, a distance of 1204.90 feet to the Westerly Right-of-Way line of Southland Avenue (a 60' Right-of-Way); thence continue along the boundary of said described lands in the following seven (7) described courses:
 1) S.12°04'06"W. along said Westerly Right-of-Way line of Southland Avenue a distance of 2123.59 feet; 2) S.77°55'54"E. a distance of 30.00 feet; 3) Southeasterly 212.87 feet along the arc of a circular curve concave to the Southwest, having a radius of 232.00 feet, through a central angle of 52°34'13" and being subtended by a chord which bears S.51°38'48"E. a distance of 205.48 feet to an intersection with the Northerly Right-of-Way line of Russel Avenue extended; 4) N.72°04'06"E. along said extended Right-of-Way line a distance of 42.00 feet more or less to the ordinary low water line of a lake; 5) Meander Southerly, then Southwesterly along said low waterline 400 feet more or less to an intersection with Easterly Right-of-Way line of Southland Avenue extended; 6) S.12°04'06"W. along said Easterly Right-of-Way line extended a distance 100 feet more or less to an intersection of the Southerly boundary of Seminole Circle and the Easterly Right-of-Way line of Southland Avenue; 7) S.12°04'06"W. along said Easterly Right-of-Way line a distance of 210.24 feet; thence N.77°55'54"W. a distance of 60.00 feet to the Westerly Right-of-Way line of Southland Avenue; thence S.12°04'06"W. along said westerly right-of-way line a distance of 861.93 feet to the Northeasterly line of Lot 556 as shown on PLAN NO. 2 OF A PART OF WARD TWO, EL JOBE-AN according to the Plat thereof as recorded in Plat Book 2, Page 43 Public

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Records of Charlotte County, Florida; thence N.47°55'54"W. along the Northeasterly line of Lot 556 and Lot 470 a distance of 125.49 feet; thence S.42°04'06"W. along the Northwesterly line of Lot 470, a Southwesterly prolongation of Lot 470 and the Northwesterly line of Lot 469, a distance of 260.00 feet; thence S.47°55'54"E. along the Southeasterly line of Lot 469 and 559 a distance of 125.50 feet to the Northerly Right-of-Way line of Weeksonia Avenue, all as shown on said Plat; thence S.72°04'06"W. along said northerly right-of-way line of Weeksonia Avenue for 734.39 feet; thence N.47°55'54"W. along the Northerly right-of-way line of Tampa Road as shown on said plat of PLAN NO. 2 OF A PART OF WARD TWO, EL JOBE-AN for a distance of 651.26 feet; thence S.72°04'06"W. along the Northerly right-of-way line of Tampa Road as shown on said plat of PLAN NO. 2 OF A PART OF WARD TWO, EL JOBE-AN for a distance of 685.90 feet; thence along the platted rights of way and lot lines as shown on PLAN NO. 1 OF A PART OF WARD TWO, EL JOBE-AN, according to the Plat thereof as recorded in Plat Book 2, Page 39, Public Records of Charlotte County, Florida, for the following five (5) described courses: 1) S.12°04'06"W. along the westerly right-of-way line of Tampa Road for a distance of 685.90 feet; 2) S.47°55'54"E. along the southerly right-of-way line of Tampa Road for a distance of 292.95 feet; 3) S.42°04'06"W. along the northwesterly line of Lots 916, 928, 941, 959 and their southwesterly prolongations for a distance of 565.42 feet to the southwesterly right-of-way line of Jamaica Way; thence S.44°04'55"E. along said right-of-way line for a distance of 37.94 feet; thence S.46°06'25"W. along the northwesterly line of Lot 995 and its southwesterly prolongation for a distance of 334.02 feet to the Mean High Water Line of the Myakka River; thence run Northerly along said Mean High Water Line for a distance of 38,375 feet more or less to a point on the centerline of a creek; thence meander N.41°27'35"E. along the centerline of said creek for a distance of 1100.00 feet more or less; thence continue to meander N.89°27'35"E. along said centerline for a distance of 1500.00 feet more or less to the Point of Beginning of the parcel herein described;

CONTAINING 1123 acres more or less;

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EXCEPTING THEREFROM the following;

Lots 816, 817, 831, 930, 931, 932, 967, 968, 969, and 1001, all being part of PLAN NO. 1 OF A PART OF WARD TWO EL JOBE-AN according to the Plat thereof as recorded in Plat Book 2, Page 39;

Lots 436 and 437, both being part of PLAN NO. 2 OF A PART OF WARD TWO EL JOBE-AN according to the Plat thereof as recorded in Plat Book 2, Page 43;

Lots 10, 11, 18, 19, 28, 29, 456, 464, 465, 466, 467, 584, 637, 638, 675 through 682, 792, 793, 829, 836, 837, 838, 851, 860, 861, 862, 853, 864, 865, and 866, all being part of PLAN NO 1. OF A PART OF WARD 3 EL JOBE-AN according to the Plat thereof as recorded in Plat Book 2, Page 42;

Lots 53, 94, 95, 96, 265 and 266, all being part of PLAN NO. 2 OF A PART OF WARD THREE EL JOBE-AN according to the Plat thereof as recorded in Plat Book 2, Page 46;

Lots 176, 194, 195, 200, 201, 617, 618, 719, 737, 738 739, and 754, all being part of PLAN OF WARD 4, CITY OF EL JOBE-AN, FLORIDA, according to the Plat thereof as recorded in Plat Book 1, Page 60;

Lots 301, 555, 676, 677, 1248, 1249 and 1743 all being part of PLAN OF WARD 6, CITY OF EL JOBE-AN, FLORIDA, according to the Plat thereof as recorded in Plat Book 1, Page 61;

all being of the Public Records of Charlotte County, Florida;

the parcel herein described being subject to easements, restrictions and reservations of record;

the parcel herein described also being subject to the following recorded Plats:

- PLAN NO. 1 OF A PART OF WARD TWO EL JOBE-AN (P.B. 2, P.39),
- PLAN NO. 2 OF A PART OF WARD TWO EL JOBE-AN (P.B. 2, P.43),
- PLAN NO. 1 OF A PART OF WARD 3 EL JOBE-AN (P.B. 2, P.42),
- PLAN NO. 2 OF A PART OF WARD THREE EL JOBE-AN (P.B. 2, P.46),
- PLAN OF WARD 4, CITY OF EL JOBE-AN, FLORIDA (P.B. 1, P.60),
- PLAN OF WARD 6 CITY OF EL JOBE-AN, FLORIDA (P.B. 1, P.61)
- PLAN NO. 1 OF A PART OF WARD SEVEN, EL JOBE-AN (P.B. 2, P.37);

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PLAN NO. 2 OF A PART OF WARD SEVEN, EL JOBE-AN (P.B.2, P.48);
all being of the Public Records of Charlotte County, Florida;

Basis of bearings assumes the West Right-of-Way line of State
Road 771 - EL JOBE-AN Road (130' R/W) being S.12°04'06"W. as
shown on the State Right-of-Way Maps for State Road 771.

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