

City
BCE
#14

RESOLUTION
NUMBER 2009-164

REVISED AND RESTATED RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, ADOPTING THE MASTER DEVELOPMENT ORDER FOR THE MURDOCK CENTER DEVELOPMENT OF REGIONAL IMPACT (DRI)

WHEREAS, the Master Development Order for the Murdock Center Development of Regional Impact was approved by Resolution 87-48, and there have been several amendments approved, and;

WHEREAS, the Master Development Order has been modified by Resolutions 88-280 on December 13, 1988; 89-142 on July 11, 1989; 89-367 on December 20, 1990; 92-146 on July 14, 1992; 92-170-B on August 18, 1992; 93-189 on October 12, 1993; 94-102 on June 21, 1994; 961230A0 on July 25, 1996; 2004-049 on March 9, 2004; and 2006-055 on April 20, 2006; and

WHEREAS, it is desired to incorporate all of the changes previously approved, along with the current NOPC request, into one restated Resolution, as follows:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA:

1.1 On September 18, 1985, General Development Corporation, hereafter referred to as the "Applicant" submitted an Application for Master Development Approval ("AMDA") dated August, 1985 for the Murdock Center Development of Regional Impact, to Charlotte County and the Southwest Florida Regional Planning Council ("SWFRPC") pursuant to Chapter 380.06 (21), Florida Statutes.

1.2 The Murdock Center development encompasses approximately 646 acres, located in the general vicinity of the intersection of U.S. 41 and S.R. 776; and more specifically described in Exhibit 1 and 1A.

1.3 The review of the Murdock Center AMDA was carried out according to the 3-Party Agreement between the Applicant, the SWFRPC, and Charlotte County.

1.4 Charlotte County has complied with all notification requirements, as specified by Chapter 380.06 (11) F.S., and the Charlotte County Zoning Regulations.

1.5 At a duly noticed public hearing the Local Planning Agency received all pertinent evidence, including the SWFRPC report and recommendations and recommended approval of the Murdock Center AMDA, subject to specific conditions contained in this Master Development Order.

CERTIFIED TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA
BY: *Anne L. Gabler*
DEPUTY CLERK

★ 48
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1.6 At a duly noticed public hearing the Board of County Commissioners of Charlotte County, Florida ("Board") received and considered all pertinent evidence, including the SWFRPC report and recommendations, and the recommendations of the Local Planning Agency.

1.7 It is the purpose and intent of this Master Development Order to specify the additional information required to be submitted with each Application for Incremental Development Approval ("AIDA"), and to identify those issues which can result in the denial of an AIDA in accordance with the provisions of Section 380.06 (21) (b) (1), Florida Statutes.

1.8 When developed in accordance with the conditions imposed by this Master Development Order, which also requires further review of each subsequent increment of the Murdock Center development pursuant to Applications for Incremental Development Approval, the Murdock Center development can be accommodated in a manner so as to have the generally favorable effect upon the regulations in general, and Charlotte County, in particular.

1.9 The proceedings herein relating to this Murdock Center DRI AMDA have been conducted in compliance with the provisions of Chapter 380, Florida Statutes.

1.10 The proposed Murdock Center DRI 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 any adopted state land development plan applicable to the area.

1.12 The proposed development will be consistent with the Charlotte County Comprehensive Plan upon adoption of this Master Development Order.

However, additional Comprehensive Plan Amendments may be necessary to accommodate the subsequent increments of the development.

1.13 The proposed development is in all material aspects consistent with the report and recommendations of the SWFRPC, submitted pursuant to Section 380.06(12), Florida Statutes.

1.14 The conditions or requirements of this Master Development Order, as well as subsequent Incremental Development Order, shall not be affected by change of ownership, but instead shall run with the land.

1.15 The Applicant shall be eligible for credit for contributions, construction, expansion, or acquisition of public facilities, as provided by law. Each Incremental Development Order shall specify the procedure by which the local government will provide a credit toward local impact fees or exactions, if such credit is required by Section 380.06(16), Florida Statutes, or other applicable law.

1.16 The Applicant and Charlotte County may enter into a capital contribution front-ending agreement to reimburse the Applicant for contributions in excess of their fair share.

Section 2. Incorporation of Associated Documents by Reference

2.1 The Murdock Center Application for Master Development Approval is incorporated by reference into this Master Development Order in the following manner:

The Murdock Center Application for Master Development Approval is incorporated herein by reference, and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Master Development Approval is a condition for approval unless waived or modified by agreement among the parties, as defined in Subsection 380.07 (2), Florida Statutes.

The Murdock Center AMDA, dated August 14, 1985, also comprises the Murdock Center AMDA supplements submitted April 3, 1986, and August 15, 1986, as amended by a letter to Wayne Daltry dated November 4, 1986.

2.2 In construing and enforcing the provisions of the documents incorporated in this order by sub-section 2.1, the following shall apply:

a) The most recent response to any AMDA or Sufficiency Question shall control over any previous response, where a conflict exists. Otherwise, the responses shall be considered cumulative.

b) All information, commitments, or impact mitigating provisions included in said documents, which are inconsistent with any or all of the specific conditions set forth in this resolution and the exhibits attached hereto, shall be deemed superseded and not applicable.

c) Nothing contained in said documents shall be construed to create or assign any financial responsibility to Charlotte County.

Only those financial obligations expressly undertaken by Charlotte County, within the subsequent Incremental Development Orders shall be considered binding upon the County, except as generally provided by law.

d) As applicable, for purposes of analysis of the transportation impacts of the Murdock Center AMDA, the Murdock Center Traffic Report (February 1, 1987), shall amend the Applicant's analysis of transportation impacts and proportional share for roadway improvements.

e) For the purpose of interpreting the provisions of this Master Development Order, the "Applicant" shall refer to the applicant for Master Development Approval, the "AIDA applicant" shall refer to the applicant for Incremental Development Approval, and the "developer" shall refer to any entity undertaking construction or land development within any increment of the DRI.

Section 3. Approval of the Murdock Center DRI with Conditions.

3.1 The AMDA for the Murdock Center DRI, as modified in accordance with Section 2, is hereby approved, subject to compliance with the conditions contained in this Master Development Order, including those specific conditions outlined in Exhibit 2.

3.2 The Charlotte County Growth Management Director, or his designee, is hereby designated as the local monitoring official responsible for receiving and monitoring annual reports required by Chapter 380, Florida Statutes. Additional reports, required as a condition of this development order, shall be submitted for review and approval, to the governmental department designated as appropriate by the specific condition.

3.3 Unless specifically provided for in Exhibit 2, any change proposed for the Murdock Center DRI AMDA, as amended herein, shall be submitted to the Board for a determination as to whether such change constitutes a substantial deviation and, therefore, requires further review, pursuant to Section 380.06, Florida Statutes.

Section 4. Annual Report Requirements

4.1

The annual reporting required under the Master Development Order and all Incremental Development Orders is hereby changed to biennial reporting, pursuant to the requirements of Chapter 380.06(18), Florida Statutes and procedures established by the Southwest Florida Regional Planning Council (SWFRPC), with the first report due on or before November 1, 2007.

4.2 The annual report shall contain:

- a) Changes in any portion of the conceptual development plan, as outlined in the AMDA, for the report year and anticipated for the following year;
- b) Identification of tracts of land that have been sold by the Applicant to a separate entity or developer, and a listing of the new land owners or their agents, along with a disclosure concerning responsibilities for meeting conditions of this Master Development Order that runs with the land;
- c) Identification and intended uses of land purchases, leases, or options by the Applicant adjacent to the DRI site, since the Master Development Order was adopted;
- d) An assessment of the development's and local government's compliance with the conditions of approval contained in this Master Development Order;
- e) Requests for substantial deviation determinations that were filed in the reporting year and are anticipated to be filed during the following year;
- f) Annual monitoring reports that shall include:

1) An update showing the consistency and compliance of each Increment with each Capital Facilities Plan required by condition #A.17 of the General Conditions of Exhibit 2 of this Master Development Order.

In addition, the update shall include and update an assessment of road construction and traffic improvements mandated as a condition of development approval in the Master Development Order. This report shall determine existing levels of service on regionally significant and locally significant roadways and intersections, and shall make recommendations concerning the proposed improvements with regard to their sufficiency in accommodating expected traffic, and the timeliness of their construction.

Also, this report shall contain traffic and turning movement counts taken at the access points to Murdock Center parcels.

2) A report on the present status of solid waste needs for the Murdock Center DRI.

3) A report on the status and capability of police, fire protection and emergency ambulance service for the Murdock Center DRI.

4) A report on the status and capability of existing or planned school facilities to accommodate anticipated students resulting from the Murdock Center Development.

g) All other requirements as specified by the SWFRPC;

h) A statement that all persons have been sent copies of the annual report in conformance with Chapter 380.06(18), Florida Statutes; and

i) A copy of any notice of the adoption of a Development Order, or modification of an adopted Development Order, that was recorded by the Applicant pursuant to Chapter 380.06 (15) (f).

4.3 If the local government does not receive the annual report, containing the required information, or receives notification that the SWFRPC, and/or DCA has not received the report, the Charlotte County Planning Department shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days from receipt of notice, shall result in the suspension of the development order until such time as an acceptable Annual Report is submitted to the required parties.

Section 5. Enforcement

5.1 All conditions, restrictions, requirements, commitments, and impact mitigation provisions contained or incorporated by reference, in this Master Development Order may be enforced by action at law or equity.

5.2 Definitions contained in Chapter 380, Florida Statutes, shall control in the interpretation of this development order, unless specifically defined within the development order.

5.3 The obligation of this Master Development Order shall run with the land. All successors or assigns within the DRI, except owners of individual residential units, shall provide Charlotte County, SWFRPC and the DCA with a report which addresses the ownership of the land and outlines responsibilities assumed by the new owner in meeting the conditions required by this Master Development Order, within thirty (30) days of title change.

Section 6. Severability

If any section, subsection, sentence, clause, phrase or word of this Master Development Order is, for any reason, held or declared invalid, inoperative or void, the remaining portion of the order shall remain valid and continue in full force and effect.

Section 7. Commencement of Development.

7.1 In the event the Applicant fails to commence significant physical development within five (5) years from the effective date of the Development Order, the development shall be subject to further consideration pursuant to Section 380.06, Florida Statutes and shall be presumed to be in substantial deviation from the terms and conditions of the AMDA. Significant physical development shall mean site preparation work from any portion of any increment.

Any appeal of this Master Development Order, or regulatory agency action, which by denial of an application for permit, prohibits or delays development, shall during the pendency of any appeal of this Master Development Order, or of regulating agency permit denial, toll the running of the five (5) year commencement of development time.

7.2 The Murdock Center Development is planned to extend for a twenty (20) year period. Failure to complete development within five (5) years of the projected date for completion of the development of the last phase of Murdock Center shall constitute a presumption that a substantial deviation has occurred. The buildout date is extended to March 1, 2012. The Master Development Order, the Increment I Development Order, the Increment II Development Order, the Increment III Development Order, and the Increment IV Development Order shall forever maintain a uniform build-out date.

Section 8. Vesting

8.1 Charlotte County agrees that Murdock Center shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless it can demonstrate that substantial changes in the conditions underlying the approval of the Master Development Order and subsequent increments have occurred or this Master

Development Order or subsequent increments was based on substantially inaccurate information provided by the Applicant or that the change is clearly established by Charlotte County after due notice and public hearing, to be essential to the public health, safety or welfare.

8.2 Nothing contained herein shall be construed to require retrofitting of development constructed prior to the issuance of the Master Development Order, which development was undertaken pursuant to the February 10, 1978 agreement between the Division of State Planning and General Development Corporation and as described in the 3-party Agreement.

Section 9. Resolution as Development Order

9.1 This Resolution and its accompanying exhibits and references, shall be deemed the Master Development Order required pursuant to Section 380.06, Florida Statutes, for the Murdock Center DRI.

9.2 Notice of the adoption of this Master Development Order shall be recorded by the Applicant in accordance with Chapter 380.06 (15) (f), Florida Statutes.

9.3 The County Clerk shall certify the date upon which certified copies of this Master Development Order are deposited in the U.S. Mail to the DCA, the SWFRPC, and the Applicant.

Section 10. Effective Date

The effective date of this Master Development Order shall be the date of transmittal of the approved development order to all parties, as defined by Rule 9J-2.025(6), F.A.C. and Section 380.07(2), Florida Statutes. Any appeal of this Master Development Order shall, during the pendency of such appeal, stay the effective date of this Master Development Order.

Section 11. Relationship to other Regulations

This Master Development Order shall not be construed as an agreement on the part of Charlotte County to exempt the Applicant, its successors and assigns, from the operation of any ordinances or other governmental regulation now in effect or hereafter adopted, except as provided for in Section 8 of this Resolution.

Section 12. NOPC Changes Approved.

Revised Map H attached hereto is hereby adopted along with the Murdock Land Use table.

PASSED AND DULY ADOPTED this 17 of March, 2009.

BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA

By: Patricia M. Duffy
Patricia M. Duffy, Chair

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

By: Anne L. Parker
Deputy Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney

LA 09-130
RS

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EXHIBIT 1

PROJECT INFORMATION
AND
DEVELOPMENT SUMMARY

OR 911 PG 786

OR 911 PG 1696

OR 912 PG 577

APPLICANT INFORMATION AND DEVELOPMENT SUMMARY

APPLICANT INFORMATION

Project Name:	Murdock Center
Applicant:	Calvin J. Landau Authorized Representative General Development Corp. 1111 South Bayshore Drive Miami, FL 33131
Date on which DRI/AMDA was received:	September 18, 1986
Date on which DRI/AMDA elected not to supply further information:	October 1, 1986
County DRI Hearing Date:	January 20, 1987
Type of Development:	Mixed Use Project; Residential/Office/ Regional Shopping Ctr.
Location of Development:	Charlotte County
DRI-Thresholds:	750 dwelling units 300,000 gross sq.ft. Office 400,000 gross sq.ft. Commercial/retail

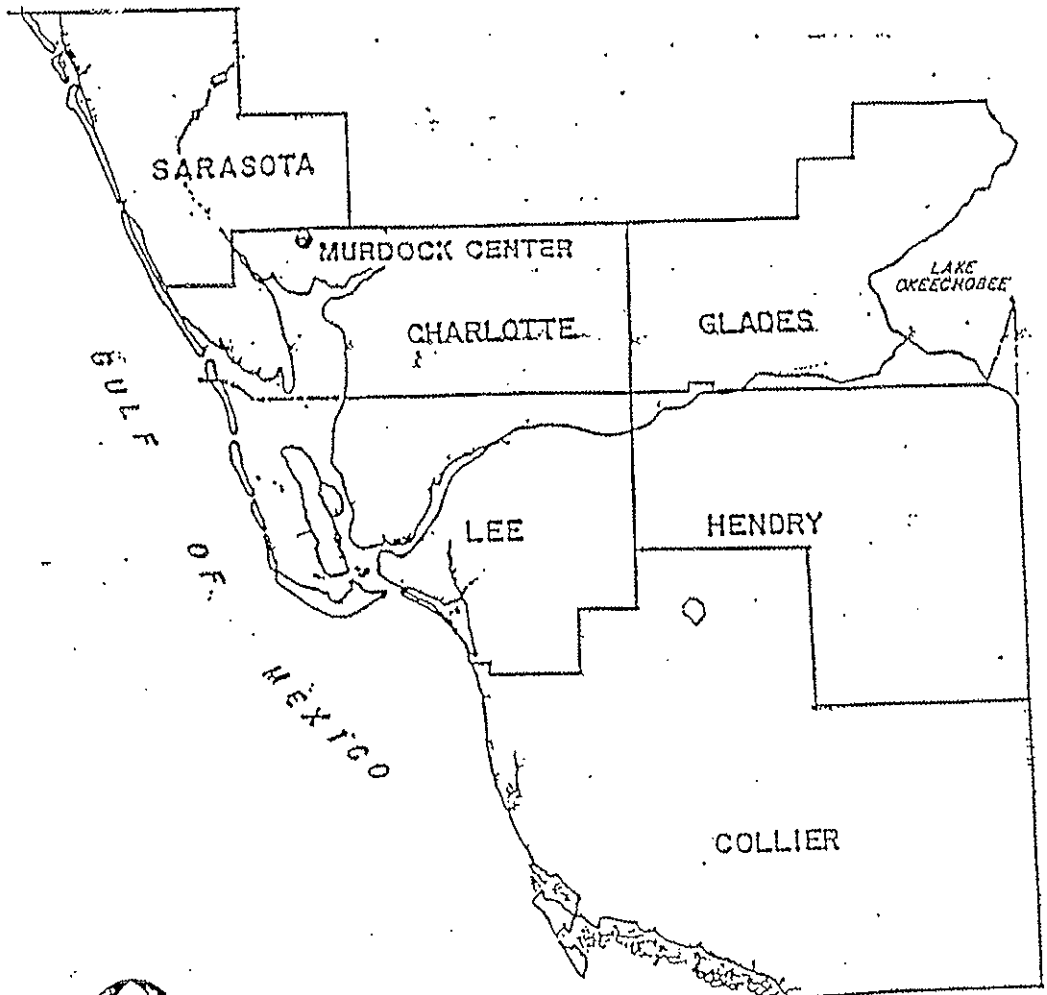
DEVELOPMENT SUMMARY (at buildout)

Total Dwelling Units	4,135 (including 30 equivalent DUs for nursing home)
Total Commercial	1,752,500 gross sq.ft.
Total Office	1,162,500 gross sq.ft.
Total Acres	646 +/-
Gross Density (units per acre)	6.4
Total Population (1.7 pph average)	7,025
Estimated Average Potable Water Demand: (million gallons per day)	1.030
Estimated Average Non-Potable Water Demand: (million gallons per day)	Included in Potable Water Demand
Estimated Average Sewage Generation: (million gallons per day)	1.030
Estimated Solid Waste Generation:	57.3 tons/day
Major Roads Impacted:	US 41, Kenilworth Bypass, SR 776
Project Construction Period:	20 years

UR 911 PG 767

UR 911 PG 1697

UR 912 PG 578



OR 911 PG 789

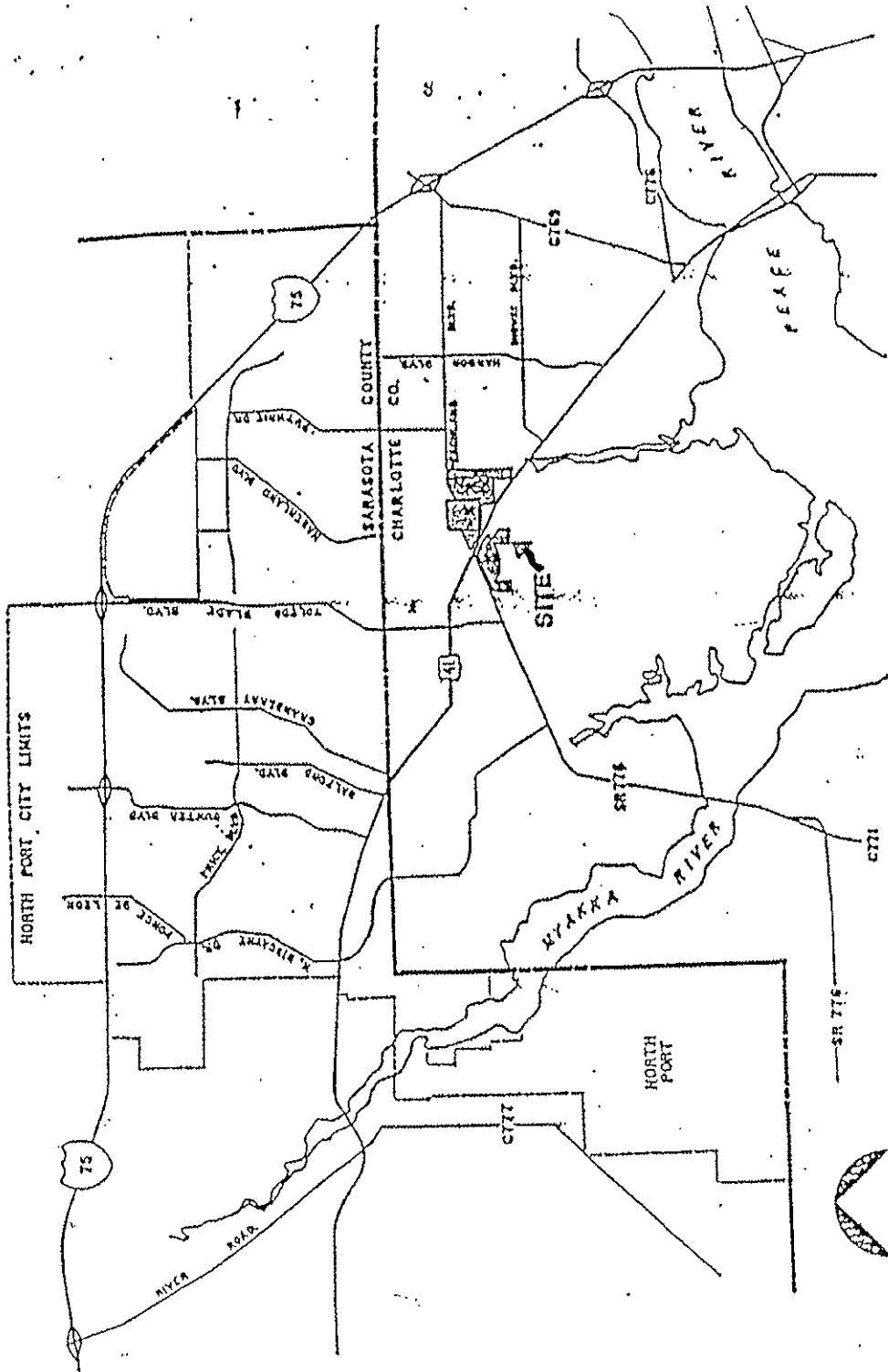
OR 911 PG 1699



0 5 10 15 20 25 MILES
SWERP
RHC

SOUTHWEST FLORIDA REGION

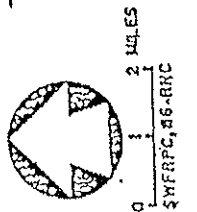
OR 912 PG 580



OR 911 PG 790

PRINTED KODAKUM

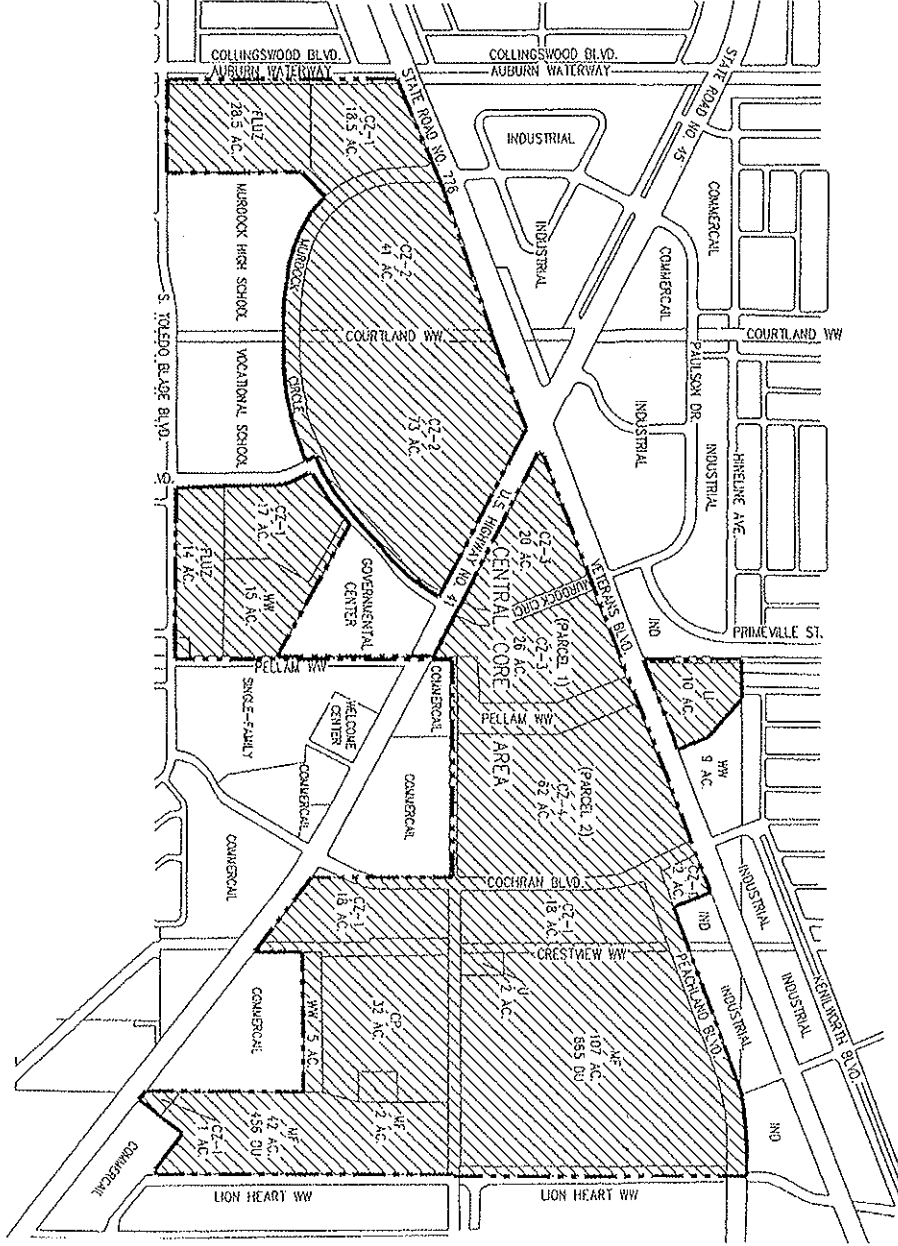
OR 911 PG 1700



OR 912, PG 581

LAND USE	ACRES	CVS
INDUSTRIAL	111	1,110,000
COMMERCIAL	45.3	453,000
RESIDENTIAL	11.2	1,120,000
GOVERNMENTAL	11.2	1,120,000
RECREATION	11.2	1,120,000
UNDEVELOPED	11.2	1,120,000
TOTAL	206.9	2,069,000

NOTE: 1. PARCELS LISTED AS GOVT. OWNED ARE EXCLUDED FROM THIS TOTAL. 2. PARCELS LISTED AS GOVT. OWNED ARE EXCLUDED FROM THIS TOTAL. 3. PARCELS LISTED AS GOVT. OWNED ARE EXCLUDED FROM THIS TOTAL.



NOTE: (R11) REVISIONS SINCE FROM MAY 15, 2009 TO 11/15/2009

MAP H



MURDOCK CENTER
AMDA

TSI
TRANSPORTATION SERVICES, INC.
2100 Casper Parkway, Suite 200
Atlanta, GA 30328
Phone: 404.411.2500
Fax: 404.411.2600
T: 404.411.2600
F: 404.411.2600

MURDOCK CENTER LAND USES		
LAND USE	ACRES	UNITS
MULTI-FAMILY:		
MF - MULTI-FAMILY	<u>151</u>	1,312 D.U.'s
FLEXIBLE LAND USE ZONE (FLUZ)	<u>40.5</u>	N/A
MF - 12 - MULTI-FAMILY		(486 D.U.'s)
ACLF - ADULT CONGREGATE LIVING FACILITY (D.U.'s)		(555 D.U.'s)
NHF - NURSING HOME FACILITY (BEDS)		(185 BEDS)
INST - INSTITUTIONAL (SF 1,000's)		(324,000 S.F.)
COMMERCIAL & SERVICES:	<u>296.5</u>	
CZ-1 COMMERCIAL ZONE-1 (N/GC/O)	74.5	682,000 S.F.
RETAIL / OFFICE	63.5	572,000 S.F.
OFFICE	11.0	110,000 S.F.
CZ-2 COMMERCIAL ZONE-2 (REGIONAL FAC.)	114.0	1,224,000 S.F.
RETAIL / OFFICE	114.0	1,224,000 S.F.
OFFICE		
CZ-3 COMMERCIAL ZONE-3 (CENTRAL CORE)	20	1,364,000 S.F.
RETAIL / OFFICE	20	1,364,000 S.F.
OFFICE	0	0 S.F.
CZ-4 COMMERCIAL ZONE-4 (CENTRAL CORE)	88	N/A
RETAIL / OFFICE		733,924 S.F.
OFFICE		44,076 S.F.
HOTEL		100 ROOMS (*)
MF-20		500 D.U.'s
INDUSTRIAL:		
INDUSTRIAL	<u>10</u>	5,095 S.F.
RECREATION, PARKS & OPEN SPACE:	<u>88</u>	N/A
CP COMMUNITY PARK	32	
WW OPEN SPACE / WATERWAY	56 (**)	
(OTHER RECREATION / OPEN SPACE)	(100)	
TRANSPORTATION:	<u>48</u>	N/A
MAJOR ROADS R.O.W.	48	
UTILITIES:	<u>3</u>	N/A
U - UTILITY SITES	3	
TOTAL:	637	

(*) NOTE: IF 100 HOTEL UNITS ARE BUILT,
COMMERCIAL IS REDUCED TO 718,000 SQ.FT.
IN CZ-4

(**) WW 9.0 AC. HAS BEEN DELETED FROM MAP

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EXHIBIT 1 A

MURDOCK CENTER AMDA

LEGAL DESCRIPTION

OR 911 PG 793

OR 911 PG 1703

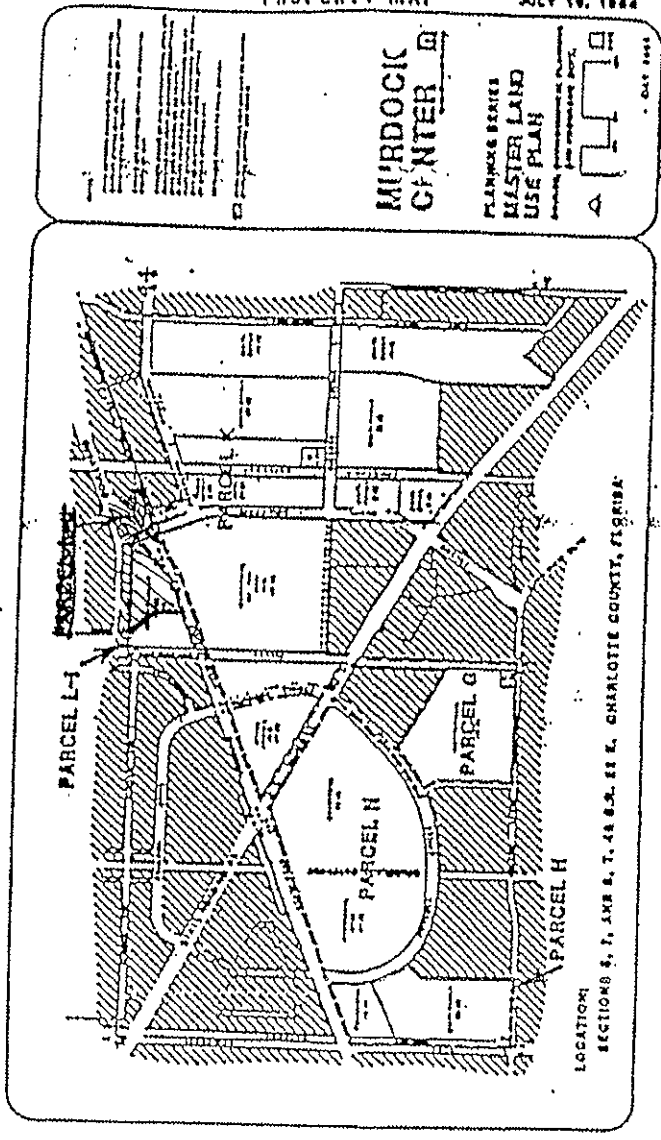
OR 912 PG 584

EXHIBIT 1A
MURDOCK CENTER AMOA
LEGAL DESCRIPTION

2

PROPERTY MAP

JULY 10, 1984



MURDOCK
CENTER

PLANNED
MASTER LAND
USE PLAN



DATE

PARCEL L-1

PARCEL N

PARCEL G

PARCEL H

LOCATION:

SECTIONS 5, 7, 1 AND 8, T. 48 N., E. 11 E., CHARLOTTE COUNTY, FLORIDA

OR 911 PG 794

OR 911 PG 1704

OR 912 PG 585

EXHIBIT 1A
MURDOCK CENTER AREA
LEGAL DESCRIPTION

PARCEL G

A parcel of land lying in Section 7, Township 40 South, Range 22 East, Charlotte County, Florida, further described as follows:

Beginning at the point of intersection of the East line of said Section 7, and the North Right-of-Way line of TOLEDO BLADE BOULEVARD, according to the Plat of PORT CHARLOTTE SUBDIVISION SECTION NINETY, recorded in Plat Book 7, Pages 384 and 378 of the Public Records of Charlotte County, Florida, run thence N. 17°38'10"W. along said Right-of-Way line a distance of 1220.03 feet to the Point of Curvature of a circular curve concave Northwesterly having a radius of 25.00 feet and a central angle of 15°49'04", said point being also a point on a Public Right-of-Way as shown, described and dedicated in Official Records Book 471, Pages 1273 through 1278 of the Public Records of Charlotte County, Florida; thence Northwesterly along the arc of said curve and along said Public Right-of-Way a distance of 37.13 feet to the Point of Tangency of said curve; thence continue along said Public Right-of-Way the following courses and distances:

N. 0°09'16"W. a distance of 453.16 feet to the Point of Curvature of a circular curve concave Westerly having a radius of 209.27 feet and a central angle of 25°50'00"; thence Northwesterly along the arc of said curve a distance of 213.14 feet to the Point of Tangency of said curve; thence N. 25°39'18"W. a distance of 116.18 feet to the Point of Curvature of a circular curve concave Southwesterly having a central angle of 88°11'23" and a radius of 25.00 feet; thence Northwesterly along the arc of said curve a distance of 38.48 feet to a Point of Reversed Curvature of a circular curve concave Northwesterly having a radius of 2330.00 feet; thence Northwesterly along the arc of said curve through a central angle of 14°04'24" a distance of 377.22 feet to a point on Parcel 'C' as shown and described in Official Records Book 340, Pages 1043 and 1044 of the Public Records of Charlotte County, Florida;

thence along the Southwesterly line of said Parcel 'C', S. 40°45'59" E. a distance of 1373.43 feet; thence along the Easterly line of said Parcel 'C', N. 0°04'48"W. a distance of 1221.18 feet to a point on the southerly Right-of-Way line of U.S. Highway No. 41; thence S. 42°12'14" E. along said southerly Right-of-Way line a distance of 71.71 feet to its intersection with the West line of Section 8, Township 40 South, Range 22 East as said West line is shown on the Plat of PORT CHARLOTTE SUBDIVISION SECTION EIGHTY-EIGHT, recorded in Plat Book 7, Pages 484 and 488 of the Public Records of Charlotte County, Florida; thence along said West section line S. 0°04'48"W. (shown as N. 00°06'03"W. on said Plat of PORT CHARLOTTE SUBDIVISION SECTION NINETY-ONE, recorded in Plat Book 7, Pages 484 and 488 of said Public Records) a distance of 2086.33 feet to the POINT OF BEGINNING.

Containing 30.15 Acres, more or less, including a Sewer Lift Station Site in the Northwest corner of said lands and a portion of Yellam Waterway along the Easterly line.

PARCEL H

A parcel of land lying in Section 7, Township 40 South, Range 22 East, Charlotte County, Florida, further described as follows:

Beginning at the point of intersection of the West line of said Section 7, and the Northerly Right-of-Way line of Toledo Blade Boulevard, as same is shown and described in Official Records Book 151, pages 104 through 109 of the Public Records of Charlotte County, Florida, run thence N. 0°06'03"E., along said West line of Section 7, a distance of

OR 911 PG 795

OR 911 PG 1705



OR 912 PG 586

111°04'22" then southeasterly along the arc of said curve a distance of 48.47 feet to the Point of Tangency of said curve; thence S. 0°04'03"W. a distance of 211.41 feet to the Point of Curvature of a circular curve concave Northwesterly having a radius of 1030.00 feet; thence southeasterly along the arc of said curve through a central angle of 43°12'10", a distance of 771.73 feet to a point on Parcel 'A' as shown and described in Official Records Book 333, pages 1182 through 1186 of the Public Records of Charlotte County, Florida; thence run thence along the Northwesterly line of said Parcel 'A' S. 46°33'33"W. radial to the last mentioned curve a distance of 301.33 feet; thence S. 00°09'14"E. along the Westerly line of said Parcel 'A' a distance of 1249.33 feet to a point on the aforementioned Northerly Right-of-Way line of Toledo Blade Boulevard; thence N. 89°36'20"W. along the aforementioned Northerly Right-of-Way line a distance of 436.23 feet to the Point of Beginning.

Containing 47.11 Acres, more or less, and includes a portion of Auburn Waterway along the Westerly line.

PARCEL K

A parcel of land lying in Section 3, Section 7, Section 8, and Section 17, all in Township 40 South, Range 22 East, Charlotte County, Florida, further described as follows:

Commencing at the point of intersection of the East line of said Section 7 and the North Right-of-Way line of TOLEDO BLADE BOULEVARD, according to the Plat of PORT CHARLOTTE SUBDIVISION SECTION NINETY, recorded in Plat Book 7, Pages 19A and 19B of the Public Records of Charlotte County, Florida, run thence N. 0°04'48"W. along said East line of Section 7, a distance of 211.41 feet to a point on the Northwesterly Right-of-Way line of U.S. Highway No. 41 and the POINT OF BEGINNING of the lands herein described; thence run N. 62°32'14" W. along said Right-of-Way line a distance of 1137.48 feet; thence N. 17°07'48" E. a distance of 76.78 feet to a point on a line parallel with and 100.00 feet Southeast, as measured at right angles, of the southeasterly Right-of-Way line of the SEAGARD COAST LINE RAILROAD; thence N. 69°01'46" E. along said parallel line a distance of 1011.38 feet to a point on said East line of Section 7; thence continue N. 69°01'46" E. a distance of 913.83 feet to the Point of Curvature of a circular curve concave Northwesterly, and having a radius of 1100.00 feet; thence Northwesterly along the arc of said curve through a central angle of 21°20'41" a distance of 409.79 feet to the Point of Tangency; thence N. 47°41'03" E. 67.43 feet to a point on the aforementioned southeasterly Right-of-Way line of the SEAGARD COAST LINE RAILROAD; thence N. 69°01'46" E. along said southeasterly Right-of-Way line a distance of 823.16 feet; thence S. 10°38'14" E. a distance of 449.64 feet; thence N. 69°01'46" E. a distance of 1582.36 feet to the Point of Curvature of a circular curve, concave southeasterly having a radius of 2030.00 feet and a central angle of 21°05'23"; thence Northwesterly along the arc of said curve a distance of 734.39 feet to the Point of Tangency of said curve; thence S. 89°52'48" E. a distance of 349.85 feet to a point on the centerline of LION HEART WATERWAY, as shown on the FIRST REPLAT IN PORT CHARLOTTE SUBDIVISION SECTION NINETY-FIVE, recorded in Plat Book 15, Pages 12A through 12F of the Public Records of Charlotte County, Florida, said point lying N. 0°28'17"W. (shown as S. 00°28'10" W. on said plat) 30.00 feet from the intersection of said centerline of LION HEART WATERWAY with the centerline of PEACELAND BOULEVARD as shown on the aforesaid replat; thence S. 0°28'17"W. E. (shown as S. 0°28'10" E. on said Plat) along said centerline of LION HEART WATERWAY a distance of 3723.37 feet to its intersection with the centerline of QUESADA BOULEVARD as shown on said replat; said point being also a point on the North line of the X.E. 1/4 of the S.E. 1/4 of said Section 8; thence N. 89°36'51" W. along said North line a distance of 30.00 feet; thence S. 0°28'17" E. a distance of 2637.77 feet to a point on the South line of said Section 8; thence N. 89°36'23" W. along said section line a distance of 22.06 feet; thence S. 37°37'17" W. a distance of 64.90 feet to the Easterly point of a parcel described in Official Records Book 578, Pages 1038 and 1039 of the Public Records of Charlotte County, Florida; thence along the Northwesterly boundary of said parcel N. 52°02'43" W. a distance of 411.24 feet (shown as S. 32°02'51" E. in said Official

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thence S. 37°37'17" W., a distance of 304.04 feet (shown on S. 37°37'09" W., in Official Records Book 314, Pages 1034 through 1039 of the Public Records of Charlotte County, Florida) to a point on the Northwestly Right-of-Way line of U.S. Highway No. 411 thence S. 31°02'43" W. along said Right-of-Way line a distance of 100.00 feet to a point on the West line of the N.E. 1/4 of the N.E. 1/4 of said Section 17; thence N. 0°46'16" E. along said West line a distance of 127.37 feet to the Southwest corner of the S.E. 1/4 of the S.E. 1/4 of said Section 8; thence N. 0°23'14" W. a distance of 127.31 feet to the southeast corner of the N.W. 1/4 of the S.E. 1/4 of said Section 8; thence N. 89°53'01" W. a distance of 1311.39 feet to the Southwest corner of said N.W. 1/4 of the S.E. 1/4 of the S.E. 1/4 of Section 8, a distance of 414.11 feet to a point on the Northeastly Right-of-Way line of U.S. Highway No. 411; thence along said Right-of-Way line N. 31°02'43" W. a distance of 164.34 feet to the point of Curvature of a circular curve concave Southwesterly having a radius of 4762.80 feet; thence Northwestly along the arc of said curve through a central angle of 3°07'10" a distance of 539.38 feet to a point on the East line of the N. 1/2 of the N.E. 1/4 of the S.W. 1/4 of Section 8 as presently occupied; thence N. 0°17'24" W. along said line a distance of 1260.11 feet to a point on the North line of the S.W. 1/4 of said Section 8, thence N. 49°36'51" W. along said Northerly line and along the Northerly line of that parcel recorded in Official Records Book 444, Pages 223 and 224 of the Public Records of Charlotte County, Florida, a distance of 1275.79 feet to a point on the West line of said Section 8; thence S. 0°04'48" E. along said section line a distance of 111.41 feet to the POINT OF BEGINNING.

Containing 325.47 Acres, more or less, and includes Right-of-Ways for Pellam Waterway, Crosscut Waterway, Quince Boulevard and Peachland Boulevard.

Parcel L-1

A parcel of land lying in Section 8, Township 40 South, Range 22 East, being more particularly described as follows:

Beginning at the point of Intersection of the Easterly Right-of-Way line of Ravenswood Boulevard with the Northerly line of Section 8 (Southerly line of Section 5), according to the record plats of Port Charlotte Subdivision, Section Seventeen as recorded in Plat Book 5, Pages 6A through 6D, and Port Charlotte Subdivision, Section Thirty Four as recorded in Plat Book 5, Pages 38A through 38H, all of the Public Records of Charlotte County, Florida; thence North 89°53'37" West, along the Northerly line of said Section 8 (being the Southerly limit of said record plats), a distance of 195.02 feet to the Easterly Right-of-Way line of Pellam Waterway according to the said plat of Port Charlotte Subdivision Section Seventeen; thence South 00°53'20" West along the Southerly extension of said Easterly line, a distance of 0.52 feet to the point of intersection with a line parallel with, and 100.00 feet Easterly of, as measured at right angles, the Westerly line of said Section 8; thence South 00°04'48" East along said parallel line, a distance of 869.43 feet to the Northerly Right-of-Way line of former Seaboard Airline Railroad; thence North 69°01'45" East along said Northerly line, a distance of 790.05 feet; thence North 24°35'41" West, a distance of 358.58 feet; thence North 48°10'50" West, a distance of 390.82 feet to the Northerly line of said Section 8; thence North 89°53'37" West along said Northerly line, a distance of 103.41 feet to the point of intersection with the said Easterly line of Ravenswood Boulevard and the Point of Beginning.

Said lands containing 10.02 acres, more or less.

Said lands situate, lying and being in Charlotte County, Florida.

PARCEL X

A Parcel of land lying in Section 7, Township 40 South, Range 12 East, Charlotte County, Florida, described as follows:

Commencing at the Southwest corner of said Section 7, run thence N. 0° 03' 44" E. along the West line of said Section 7, a distance of 40.00 feet to a point on the Northwesterly Right-of-Way line of TOLEDO BLAND BOULEVARD, the same as shown and described in Official Records Book 211, Pages 104 through 108, and on the Plat of PORT CHARLOTTE SUBDIVISION SECTION NINETY, recorded in Plat Book 7, Pages 534 and 538, of the Public Records of Charlotte County, Florida; thence S. 89° 58' 20" E., along said Right-of-Way line, a distance of 1359.93 feet to the Point of Curvature of a circular curve concave Northerly having a radius of 1602.15 feet and a central angle of 13° 44' 34"; thence Southerly along the arc of said curve a distance of 384.19 feet to the Point of Tangency of a circular curve concave Southerly having a radius of 1681.38 feet and a central angle of 13° 44' 34"; thence Easterly along the arc of said curve a distance of 401.29 feet to the Point of Tangency of said curve; thence S. 89° 58' 20" E., along said Northwesterly Right-of-Way line, a distance of 49.73 feet to a point lying on the Northwesterly extension of the centerline of COURTLAND WATERWAY, as shown on said Plat of PORT CHARLOTTE SUBDIVISION SECTION NINETY; thence N. 0° 09' 16" W., along the centerline of said COURTLAND WATERWAY extended Northerly a distance of 470.00 feet to the intersection of the Northwesterly corner of Parcel "A" with the Northwesterly corner of Parcel "X", as both are shown and described in Official Records Book 552, Pages 1192 through 1203 of the Public Records of Charlotte County, Florida, said point being also the Point of Beginning of the lands herein described; thence S. 49° 50' 14" W., along the Northwesterly line of said Parcel "A" a distance of 30.00 feet to the Point of Curvature of a circular curve concave Northerly having a radius of 2750.00 feet and a central angle of 15° 31' 36"; thence Westerly along the arc of said curve a distance of 743.48 feet to the Point of Compound Curvature of a circular curve, concave Northerly having a radius of 1030.00 feet; thence Northerly along the arc of said curve through a central angle of 31° 31' 15", a distance of 377.45 feet; thence, leaving Parcel "A", continue Northerly and Northerly along the arc of said curve having a radius of 1050.00 feet, through a central angle of 43° 12' 10", a distance of 791.73 feet to the Point of Tangency; thence N. 0° 06' 03" E., 211.84 feet to the Point of Curvature of a circular curve, concave Southerly and having a radius of 25.00 feet; thence Northerly along the arc of said curve, through a central angle of 111° 04' 32", a distance of 44.47 feet to a point on the Southeastery Right-of-Way line of State Road No. 771, an said Right-of-Way is recorded in Official Records Book 81, Pages 524 through 530 of the Public Records of Charlotte County, Florida; thence S. 49° 01' 33" E., along said Southeastery Right-of-Way line a distance of 200.03 feet to the Point of Curvature of a circular curve, concave Northwesterly and having a radius of 11309.16 feet; thence Northwesterly along the arc of said curve, through a central angle of 3° 25' 33", a distance of 723.39 feet to the Point of Tangency; thence N. 69° 01' 04" E., 491.03 feet (shown as 489.41 feet in the aforementioned Official Records Book 81) to the point of intersection of the aforesaid Southeastery Right-of-Way line of U.S. Highway No. 41; thence S. 42° 32' 14" E., along said Southeastery Right-of-Way line a distance of 1698.40 feet to the Northwesterly point on a Land Dedication Right-of-Way parcel, recorded in Official Records Book 672, Pages 1273 through 1278, of the Public Records of Charlotte County, Florida, said point being also the Point of Curvature of a circular curve, concave Southwesterly and having a radius of 25.00 feet; thence Southwesterly, Southerly, and Southwesterly along the arc of said curve, being also the Northwesterly line of aforementioned parcel, through a central angle of 30° 00' 00" a distance of 39.27 feet to the Point of Compound Curvature of a circular curve, concave Northwesterly, and having a radius of 250.00 feet; thence Southwesterly along the arc of said curve, through a central angle of 21° 00' 00" a distance of 344.19 feet to the Point of Curvature of a circular curve, concave W., 479.46 feet to the Point of Curvature of a circular curve, concave Northwesterly and having a radius of 2250.00 feet; thence Southwesterly along the arc of said curve, through a central angle of 17° 41' 33", a distance of 494.78 feet to a point; thence S. 34° 10' 41" E., radially,

OR 911 PG 798

OR 912 PG 588

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distance of 100.00 feet to a point on the northerly line of Parcel "1", as same is shown and described in Official Records Book 584, Pages 1747 and 1748 of the Public Records of Charlotte County, Florida, said point being also a point on a circular curve radial to the above line & curve Northwesterly and having a radius of 2350.00 feet; thence Westerly along the arc of said curve, through a central angle of $6^{\circ}11'16''$ a distance of 181.82 feet to the Northwesterly corner of the aforementioned Parcel "1"; thence concave Westerly along the northerly line of said Parcel "1" and along the arc of said curve, having a radius of 2350.00 feet, through a central angle $17^{\circ}09'09''$ a distance of 703.31 feet to the Point of Tangency; thence S. $89^{\circ}30'16''$ W. a distance of 179.04 feet to the Point of Beginning.

Containing 111.15 Acres, more or less.

The above description includes the improved waterway and the proposed roads not dedicated, lying within the lands described.

OR 911 PG 799

OR 911 PG 1709

OR 912 PG 590

~~SECRET~~

EXHIBIT 2

Conditions of Development Approval
for Murdock Center AMDA

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OR 911 PG 800

OR 911 PG 1710

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EXHIBIT 2

Conditions of Development Approval
for Murdock Center DRI AMDA

1. General Conditions

A. Conditions for Development Approval.

1. All commitments and impact 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, are officially adopted as conditions for approval, unless otherwise stated herein.
2. The Applicant shall submit an annual report on the development of regional impact to Charlotte County, the Southwest Florida Regional Planning Council, the Department of Community Affairs and all affected permitting agencies, as required in Subsection 380.06(18), Florida Statutes. The contents of this report shall be as outlined in Section 4 of the accompanying Resolution.
3. The development buildout date presented within the AMDA shall be incorporated as a condition of approval. If development buildout date extends beyond five (5) years of that indicated in the AMDA, then this shall be presumed to be a substantial deviation.
4. All subsequent AIDA's must contain a development phasing schedule for that increment.
5. The development phasing schedule to be presented within each AIDA shall be incorporated as a condition of approval. If development order conditions and applicant commitments, incorporated within each Incremental Development Order to mitigate impacts, are not carried out as indicated to the extent or in accord with the timing schedules specified within each Incremental Development Order and its phasing schedule, then this shall require a substantial deviation determination for that particular AIDA, pursuant to Chapter 380, Florida Statutes.
6. The review of each AIDA shall be as prescribed in Paragraph 380.06(21)(b), Florida Statutes. Substantial changes in conditions underlying the approval of this Master Development Order, or substantially inaccurate information upon which the Master Development Order was based, are to be construed to mean changed conditions or inaccurate information that creates a reasonable likelihood of additional adverse impacts not previously reviewed by the regional planning agency or the local government reviewing agencies.
7. The Applicant shall be allowed, after prior approval by the Charlotte County Board of County Commissioners, to initiate construction on specific sites or tracts in a later phase before the date scheduled for beginning that phase, provided that (a) all necessary roads, drainage facilities, and utilities are available to serve the site, (b) such construction will not unduly burden the roads and other public facilities available at the time, and (c) the Board finds that the construction will not be a substantial deviation, and its finding is reviewed by the Regional

OR 911 Pg 801

OR 911 Pg 1711

OR 912 Pg 592

Planning Council and the State Land Planning Agency, and (d) the Board finds that the construction on the site will not have any material adverse effects on the area that are not outweighed by the benefits of the construction.

8. No building permit shall be granted, within the area subject to this Master Development Order, until an Application for Incremental Development Approval has been filed and reviewed, and an Incremental Development Order issued for the particular area involved.
9. All applicable Charlotte County ordinances and resolutions shall be followed by the Applicant, and/or developer. In the event that a particular standard or practice is not specified within an adopted County regulation, then "Best Management Practices (BMP's)", "Best Available Control Technologies" and similar development standards referenced in the conditions for development approval shall be identified and agreed to in writing prior to issuance of an Incremental Development Order. Where possible these will be determined at the pre-application conference for each AIDA.
10. Failure to meet any applicable condition for development approval in this Master Development Order may result in the denial of an AIDA.
11. Material failure to meet any AIDA informational requirement, or to make satisfactory provision for any issue raised by the AIDA informational requirements, may result in the denial of an AIDA. Material failure shall be defined as one resulting in the inability of the reviewing agency to adequately review the AIDA.
12. Each increment of the Murdock Center DRI shall be subject to development design standards to be drafted by the AIDA applicant, and agreed upon by the Charlotte County Planning Department and the Charlotte County Public Works Department, whose approval shall not be unreasonably withheld.
13. A "Design Review Board" shall be set up by Charlotte County and the Applicant prior to the first development approval for an Increment. The responsibilities of the design review board shall include:
 - a. Review of proposed amendments to the design standards to insure consistency with this Master Development Order.
 - b. Review of development site plans for consistency with design standards.
14. The development design standards shall become an attachment to the Incremental Development Order for each Increment. Amendments to the design standards may be made from time to time administratively by the Design Review Board. Such amendments to the design standards shall not be required to be referred to the Board of County Commissioners nor constitute a substantial deviation of development approval unless the change in some manner conflicts with other conditions of development approval.
15. If Charlotte County should, at a later date, adopt design or performance standards for an area of which the Murdock Center DRI would be included and which standards would apply to the Murdock Center DRI, and a conflict in standards occurs, then the most stringent applicable standard shall apply to develop-

OR 911 PG 802

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OR 912 PG 593

ment occurring subsequent to adoption of such standard.

16. All standards and methodologies, to be applicable to an AIDA, shall be agreed upon in writing prior to the issuance of an Incremental Development Order. Where possible these will be determined at the pre-application conference for each AIDA.
17. Prior to the issuance of a development order for any Incremental Development Center, the AIDA applicant shall submit to Charlotte County for its approval a Capital Facilities Plan. The plan shall address the provision of the following public facilities and services deemed necessary to serve and mitigate the impacts of the development during the first phase or five-year period, whichever is the lesser timeframe: roadway and intersections identified on Exhibits B and C (intersections of arterial and collector roads with the regional and local roadways shown on these Exhibits should be considered at a minimum); fire protection; police protection; emergency medical service; solid waste; parks; bicycle paths; and, pedestrian paths.

The contents of said plan shall include, but not be limited to, the following elements:

- A. Needed facilities or capital improvements.
- B. Timing for construction or acquisition.
- C. Cost estimates.
- D. Funding responsibilities and crediting procedures.
- E. Funding sources and their limitations.
- F. Implementation methods.
- G. Consistency with plans prepared pursuant to this condition for other Increments of Murdock Center, if applicable.
- H. A general procedure of costs and funds accounting to address any discrepancies between improvement estimates and actual costs.

The plan shall be implemented to the extent practicable by means of conditions to the development order for that Increment, Charlotte County capital improvements programming, the Charlotte County budgeting process, and other means, as appropriate. There shall be a new plan prepared and submitted for each subsequent phase or five-year period whichever is the lesser timeframe, through buildout of the Increment.

No building permits shall be issued for a phase if a Capital Facilities Plan is not approved by Charlotte County for that particular phase.

Charlotte County shall provide assistance and respond to requests for information within 30 days to the AIDA applicants for preparation of the Capital Facilities Plan required by this condition. Such assistance shall include, but not be limited to, information concerning:

- A. Timing of facilities and capital improvements needs.
- B. Current service standards.
- C. Current facility types and design standards.

DR 911 PG 803

DR 911 PG 1713

DR 912 PG 594

D. Cost estimates for facilities.

E. County budget processes.

18. The Applicant shall be eligible for credit for contributions, construction, expansion, or acquisition of public facilities, as provided by law. Each Incremental Development Order shall specify the procedure by which the local government will provide a credit towards local impact fees or exactions, if such credit is required by Section 380.06(16), Florida Statutes, or other applicable law.

19. Nothing contained within this Master Development Order shall be construed to create or assign any financial responsibility to Charlotte County.

Only those financial obligations expressly undertaken by Charlotte County within the subsequent Incremental Development Orders shall be considered binding upon the County, except as generally provided by law.

B. Issues Subject to Further Review in AIDA's

In all subsequent AIDA's the Applicant, or his agent, shall respond to the following general questions as required in the ADA Questionnaire (Form DSP-BLWM-11-76):

Question(s)	1	Statement of Intent
	2,3,4	Applicant Information
	5,6,7	Development Information
	8,9	Permit Information, Statement of Purpose
	10	Instructions
	11	Map
	12	General Project Description

2. Air Quality

A. Conditions for Development Approval

1. During construction operations, road grading, and land clearing of all incremental phases of the Murdock Center DRI, the developer shall employ suitable dust control measures to control airborne dust particles.

B. Issues Subject to Further Review in AIDA's

SWFRPC Regional Issues (9B-20.14 F.A.C.)

None

Regional and Local Information Requirements:

1. In the event that future AIDA's contain potential point sources of air pollution, as defined by Florida Department of Environmental Regulation rules; then Question No. 13 of DSP-BLWM-11-76 shall be answered in full.

3. Land/Soils

A. Conditions for Development Approval

1. During construction activities within Murdock Center, the AIDA applicant shall employ Best Management Practices (BMP's) for erosion and sedimentation controls. The implementation of these practices shall be reviewed by appropriate Charlotte County departments.

OR 911 PG 804

OR 911 PG 1714

OR 912 PG 595

2. No commercial extraction of minerals from the subject site shall occur, provided, however, that materials excavated for lakes may be utilized as fill material elsewhere where permitted.
3. If commercial excavation occurs, the AIDA applicant must determine the concentration of the naturally occurring radioactive series in the cores taken from proposed excavation for lakes and/or fill materials. The results of these core samples shall be made known to the Charlotte County monitoring official.

B. Issues Subject to Further Review in AIDA'S

SWFRPC Regional Issues (9B-20.14 F.A.C.)

None.

Regional and Local Information Requirements

1. If an AIDA is to include residential development, the AIDA applicant must address the potential for radon gas problems.

4. Energy

A. Conditions for Development Approval

1. The Applicant shall cooperate in planning for a bicycle/pedestrian system connecting all land uses within the project. This system is to be consistent with Charlotte County design requirements.
The Applicant shall further cooperate with Charlotte County in establishing an entity for the provision and operation of this system. This entity shall be established by December 31, 1987.
2. The developer shall provide bicycle racks or storage facilities in recreational, commercial and multi-family residential areas. The number and type of which shall be as prescribed in the appropriate design standards for the area.
3. The Applicant, or developer, shall cooperate in the locating of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, as needed.
4. The developer shall use energy-efficient features in window design (e.g., tinting and exterior shading).
5. The developer shall use operable windows where appropriate in saving energy.
6. The developer shall install energy efficient appliances and equipment.
7. Dead restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts, (e.g., building orientation, and solar water heating systems), are prohibited.
8. The developer shall minimize coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas, to the extent possible, to reduce local air temperatures and reflected light and heat.

OR 911 PG 805

OR 911 PG 1715

OR 912 PG 596

9. The developer shall utilize energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas, unless otherwise prescribed by the appropriate design standards.
10. The developer shall use water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, Chapter 553.14, Florida Statutes.
11. The developer shall utilize native, or other drought-resistant plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs. Acceptable plant species shall be prescribed in the appropriate design standards.
12. The developer shall plant native, or other drought resistant shade trees to provide reasonable shade for all recreation areas, streets, and parking areas, and shall utilize existing trees to the greatest extent possible within the entire DRT area. Acceptable plant species shall be prescribed in the appropriate design standards.
13. Placement of trees shall be oriented so as to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.
14. The developer shall provide for the orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
15. The developer shall provide for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical, when natural shading cannot be used effectively.
16. The developer shall provide for the inclusion of porch/patio areas in residential units, wherever practical.
17. Energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development, shall be included in the design standards to be created as a requirement of Section 1.A.(12) of the "General Conditions" of Exhibit 2 of this Master Development Order.
18. This section shall be implemented where appropriate in saving energy; and when the conditions contained herein do not conflict with the applicable design standards.

B. Issues Subject to Further Review in AIDA'S

SWFRPC Regional Issues (9B-20.14 F.A.C.)

None.

Regional and Local Information Requirements:

Each AIDA applicant shall answer Question No. 25 a., c., d., and e. of DSP-BLWM-11-76, as well as SWFRPC Supplemental ADA Question No. 25 d., as required in the 3-Party Agreement.

OR 912 PG 597

OR 911 PG 805

OR 911 PG 1716

5. Historical/Archaeological Sites

A. Conditions for Development Approval

1. If significant sites are discovered during surveys or construction, activity in the vicinity shall cease until appropriate mitigation and/or preservation measures are identified and implemented. The AIDA applicant's, or developer's, consultant, and other appropriate personnel will evaluate the site and shall cooperate with county and state agencies in deciding preservation/mitigation measures to be taken.

B. Issues Subject to Further Review in AIDA's

SWERP Regional Issues (9B-20.14 F.A.C.)

None.

Regional and Local Information Requirements

None

6. Vegetation and Wildlife

A. Condition for Development Approval

1. It shall be the responsibility of each AIDA applicant to cooperate with the Charlotte County Planning Department and the appropriate state and federal agencies to establish measures for either the preservation of habitat for species considered either endangered, threatened, or a species of special concern, or the relocation of the species to an approved suitable habitat.

B. Issues Subject to Further Review in AIDA's

SWERP Regional Issues (9B-20.14 F.A.C.)

(2) Natural Resources

(g) Impacts on the habitats of endangered, threatened, or rare species.

(c) Impacts on desirable native plant species.

(9) Land Use.

(b) Impacts on environmentally sensitive areas as depicted in the Council's Land Use Policy Plan.

Regional and Local Information Requirements:

Each AIDA, with the exception of Increment I and II, if submitted prior to December 31, 1987, shall provide the following information:

1. As a part of each AIDA a survey of the site shall be conducted, in association with the Charlotte County Planning Department, to identify the presence of plant or animal species which might be classified as either "endangered", "threatened", or a "species of special concern".
2. If species are noted to exist that are considered either "endangered", "threatened", or a "species of special concern", as defined by the appro-

OR 911 PG 807

OR 911 PG 1717

OR 912 PG 598

private state or federal agency, then impact mitigating measures shall be identified.

7. Water Quality and Drainage

A. Condition for Development Approval

1. Stormwater Management Design shall meet the requirements of all Charlotte County regulations in effect at the time of construction plan approval.

The conveyance of up to 150 feet of land adjacent to any waterway within the Murdock Center DRI to increase the said canal right-of-way shall be allowed if requested by Charlotte County and permitted by the Southwest Florida Water Management District, to be conveyed to Charlotte County for the purpose of increasing water quantity storage and maintaining water quality within all waterways. Charlotte County shall obtain all permits and/or permit modifications including modifications to the current Management of Surface Water (MSW) permit for the Murdock watershed. After the conveyance of land adjacent to the waterway, the Developer shall be required to prepare and submit a notification of change to amend the Master Development Order and Incremental Development Order to reflect the change in land use on the AMDA, Map H, and Application for Development Approval (AIDA) Conceptual Master Development Plan.

Prior to the commencement of construction on any of the waterways, the applicant shall, at a minimum, meet the conditions for vegetation and wildlife included in the Incremental Development Order in which said waterway is located.

B. Issues Subject to Further Review in AIDA's

SWFRPC Regional Issues (9B-20.14 F.A.C.)

(2) Natural Resources

- (b) Impacts on the quality and productivity of saltwater and freshwater wetland systems.
- (c) Impacts on quality and productivity of estuarine and freshwater environments.
- (d) Impacts on quality and productivity of submerged bottom communities.
- (e) Impacts on faunal and floral communities in artificial waterways as drainage and stormwater systems.
- (f) Impacts on the use of natural waterways as drainage and stormwater systems.
- (k) Impacts on post-development stormwater runoff conditions in regard to hydroperiod, quantity and quality of the discharge.
- (m) Impacts on saltwater intrusion in those areas listed in the Council's adopted Water Resources of the Region Policy Plan, Section 29I-2.010, Florida Administrative Code.
- (o) Impacts on aquifer recharge areas.
- (q) Impacts on quality of groundwater.
- (v) Impacts on freshwater supply for estuarine areas, including but not limited to those areas defined in the Council's Land Use Policy Plan.
- (w) Impacts on the amount of naturally available freshwater.
- (y) Impacts on soil erosion and urban water runoff.
- (z) Impacts on agricultural crop production and preservation.

(4) Public Services and Facilities

- (n) Impacts on flood-level control structures.

Regional and Local Information Requirements

(Drainage)

Each AIDA applicant shall provide full answers to the following questions:

1. Describe the various elements of the proposed drainage system and show on a map.
2. From the map required above, 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.
3. 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.
4. Who will operate and maintain the drainage system for each AIDA after completion of the development?

(Water Quality)

Each AIDA applicant shall provide full answers to the following questions:

1. Describe the existing hydrologic conditions (ground and surface water) on and abutting the AIDA site, including identification and discussion of any potential aquifer recharge areas.
2. Describe in terms of appropriate water quality parameters the existing ground and surface water quality conditions on and abutting the AIDA site which will be influenced by this development.

8. Water Supply

A. Conditions for Development Approval

1. Within one year of the effective date of this Master Development Order, and prior to commencing development of the Murdock Center project, the Applicant shall submit a central water system report for the entire General Development Utilities service area to the County and the Southwest Florida Regional Planning Council. The report shall contain the following:
 - a. Treated water demand and service connections for the total system for each of the last five years and projections of demands for each of the next five years.
 - b. Permitted raw water sources available at the date of the report and projection of the date when these resources will become exhausted.
 - c. A construction schedule for plant and distribution system expansion on a geographic area basis for the next five years.
 - d. Identify projects and service territory with commitments for service to date, including data on future volume demands therein and projections of additions for each of the next five years.
 - e. Results of studies and methods of implementation complete for the development of new raw water

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OR 911 PG 1719

OR 912 PG 600

sources and efforts in this connection planned for the next five years.

2. This report shall be updated every two years, and submitted to the County and the Southwest Florida Regional Planning Council, until buildout of the Murdock Center project.
3. No building permits shall be issued for any phase of the project unless, based on the above central water system report, it can be demonstrated that the potable water supply will be available to serve such phase of the project for which building permits are being sought and the projected total water system demand at buildout of that phase.

B. Issues Subject to Further Review in AIDA's

SWFRPC Regional Issues (9B-20.14 F.A.C)

(2) Natural Resources

- (m) Impacts on saltwater intrusion in those areas listed in the Council's adopted Water Resources of the Region Policy Plan, Section 291-2.010, Florida Administrative Code.
- (p) Impacts on reuse of non-potable water and conservation of all water.

(4) Public Services and Facilities

- (k) Impacts on resource supplies for proposed public facilities.
- (l) Impacts on floodproofing needs for protection against the statistical 100-year storm.
- (m) Impacts on public water supply, comprising resources and facilities.

Regional and Local Information Requirements

1. Each AIDA applicant shall fully answer Question No. 23 a., b., and c. of DSP-BLWM-11-76, and SWFWMD Addendum Question No. 23 a., as required by the 3-Party Agreement.
2. Each AIDA applicant shall identify the entity responsible for providing the non-potable water system.

9. Wetlands

A. Conditions for Development Approval

1. The commitments to wetland preservation and water management designs, which were made in the AMDA, must be met.
2. A maintenance plan must be developed to maintain the overall ecological integrity of the wetland preserve areas. This plan shall be made a part of the applicable AIDA submittal.
3. The maintenance plan must include provisions for the removal and control of exotic plants in the wetland preserve areas.

OR 911 PG 810

OR 911 PG 1720

OR 912 PG 801

B. Issues Subject to Further Review in AIDA's
SWFRPC Regional Issues (9B-20.14 F.A.C.)

None.

Regional and Local Information Requirements

None.

10. Wastewater Management

A. Conditions for Development Approval

None.

B. Issues Subject to further Review in AIDA's
SWFRPC Regional Issues (9B-20.14 F.A.C.)

None.

Regional and Local Information Requirements

The following information shall be provided in all AIDA's:

1. The AIDA applicant shall update wastewater flows for each increment and phase and the excess capacity at the treatment plant.
2. The AIDA applicant must assure that non-domestic wastewater will receive adequate pre-treatment before entering the collection system.

11. Floodplain/Hurricane Evacuation

A. Conditions for Development Approval

None.

B. Issues Subject to Further Review in AIDA
SWFRPC Regional Issues (9B-10.14 F.A.C.)

(5) Transportation

- (g) Impacts on roads needed to evacuate areas subject to flooding in an emergency.

Regional and Local Information Requirements

Each AIDA applicant shall fully answer Question No. 17 c. of the SWFRPC ADA Supplemental Questions, as required in the 3-Party Agreement.

In addition:

1. Each Increment, with a residential component, shall identify the predicted SLOSH category III flood elevation and the minimum finished floor elevation for that increment.
2. Each AIDA shall identify public shelter space provided within the increment and its minimum elevation.
3. Based on 1 and 2 above, each increment shall then estimate the size of the evacuating population.
4. If there will be population evacuating off site, the increment shall identify the

OR 911 PG 811

OR 911 PG 1721

OR 912 PG 802

to be taken to shelter those individuals, and the transportation improvements to be taken to minimize evacuation times.

9. The Applicant for each AIDA shall meet with the county disaster preparedness office for the purpose of determining the possible use of the site as an evacuee staging area.

12. Police

A. Condition for Development Approval

1. The Applicant shall reserve the 3 acre site, as indicated on Map H of the AMDA, for County government use. Should Charlotte County determine that this site is suitable for such purposes, then the Applicant shall convey the parcel upon request, subject to the receipt of appropriate impact fee credits, as provided by law.

B. Issues Subject to Further Review in AIDA's

None.

Regional and Local Informational Requirements

Each AIDA applicant shall fully answer Question No. 29 of DSP-BLWM-11-76, and Question No. 29 of the SWFRPC ADA Supplemental Questions.

13. Fire

A. Conditions for Development Approval

1. The Applicant shall reserve the 3 acre site, as indicated on Map H of the AMDA, for County government use. Should Charlotte County determine that this site is suitable for such purposes, then the Applicant shall convey the parcel upon request, subject to the receipt of appropriate impact fee credits, as provided by law.

SWFRPC Regional Issues (9B-20.14 F.A.C.)

None.

Regional and Local Information Requirements

Each AIDA applicant shall fully answer Question No. 30 of DSP-BLWM-11-76, in Question No. 30 of the SWFRPC ADA Supplemental Questions.

14. Health Care

A. Conditions for Development Approval

1. The Applicant shall reserve the 3 acre site, as indicated on Map H of the AMDA, for County government use. Should Charlotte County determine that this site is suitable for such purposes, then the Applicant shall convey the parcel upon request, subject to the receipt of appropriate impact fee credits, as provided by law.

OR 911 PG 1722

OR 912 PG 605

B. Issues Subject to Further Review in AIDA's
SWFRPC Regional Issues (9B-20.14 F.A.C.)

None.

Regional and Local Informational Requirements

Each AIDA applicant shall fully answer Question No. 28 of DSP-BLWM-11-76.

15. Education

A. Condition for Development Approval

1. Prior to the issuance of each Incremental Development Order, educational facility and service needs, as determined by the applicable Charlotte County service standard and the specific funding sources available to meet those needs will be identified, and a capital facilities plan and phasing schedule for the provision of the facilities shall be provided to Charlotte County by the Applicant.
2. The Applicant shall cooperate with the School Board regarding the location, timing, and cost of future schools as may be needed over the 20 year buildout period.

B. Issues Subject to Further Review in AIDA's
SWFRPC Regional Issues (9B-20.14 F.A.C.)

None.

Regional and Local Information Requirements

Each AIDA with a residential component, shall fully answer Question No. 26 of DSP-BLWM-11-76.

16. Recreation and Open Space

A. Conditions for Development Approval

1. The Applicant shall reserve the 38 acre site, as indicated on Map H of the AMDA, for potential park and recreation use. Should Charlotte County determine that this site is suitable for such purposes, then the Applicant shall convey the parcel upon request, subject to the receipt of appropriate impact fee credits, as provided by law.

B. Issues Subject to Further Review in AIDA's
SWFRPC Regional Issues (9B-20.14 F.A.C.)

None.

Regional and Local Information Requirements

Each AIDA applicant shall fully answer Question No. 27 a., b., and c. of DSP-BLWM-11-76.

OR 911 PG 812

OR 911 PG 1723

OR 912 PG 604

17. Solid Waste

A. Conditions for Development Approval

1. If a solid waste disposal facility, to serve the project, is not located in Charlotte County, this issue is to be considered a regional issue for purpose of further review.

B. Issues Subject to Further Review in AIDA's

SWFRPC Regional Issues (9B-20.14 F.A.C.)

(4) Public Services and Facilities.

- (d) Impacts on disposal of solid waste.

Regional and Local Information Requirements

Each AIDA applicant shall fully answer Question No. 24 of DSP-BWM-11-76, as required by the 3Party Agreement.

In addition:

1. Each AIDA shall identify the proper on-site handling and temporary storage procedures for any hazardous waste that may be generated on site, in accordance with local, regional and state hazardous waste programs.

18. Housing/Land Use

A. Conditions for Development Approval

1. Each Increment of the DRI shall specifically document where it is anticipated that families of prospective employees of the Murdock Center DRI, will live. This shall include an analysis of housing affordability and a map indicating areas of affordable housing.
2. Each Increment of the DRI shall conform to the types and intensities of land uses as outlined in the AMDA. Any substantial change in the types and intensities of land uses shall be subject to further DRI review.

B. Issues Subject to Further Review at AIDA's

SWFRPC Regional Issues (9B-20.14 F.A.C.)

(6) Housing

- (a) Impacts on equal access to an open housing market for all persons.
- (b) Impacts on the variety of housing types and prices.
- (c) Impacts on safe and sanitary housing.
- (e) Impacts on the cost of housing for low and moderate-income families.

(8) Human Services

- (a) Impacts on housing needs of the elderly and handicapped.

OR 911 PG 813

OR 911 PG 1724

OR 912 PG 805

- (b) Impacts on housing needs of low- and moderate-income families.

Regional and Local Information Requirements

1. In each AIDA with a residential component, with the exception of Increment I, the AIDA Applicant shall fully answer Question No. 12 a-f of DSP-BLWM-11-76, as required by the 3-Party Agreement.
2. Each AIDA shall identify the type of zoning that will be utilized..

19. Economy

A. Condition for Development Approval

None.

B. Issues Subject to Further Review in AIDA's

SWFRPC Regional Issues (9B-20.14 F.A.C.)

None.

Regional and Local Information Requirements

Each AIDA applicant shall fully answer Question No. 20 of DSP-BLWM-11-76, except for No. 20.f., as required by the 3-Party Agreement.

In addition, each AIDA shall include:

1. An assessment of the cumulative fiscal impact of all development to and including that proposed in the AIDA under review.
2. A capital facilities plan and phasing schedule for the provision of needed public facilities.
3. All information necessary to run the most current version of the fiscal impact model used for the AMDA fiscal impact analysis.

20. Transportation

A. Conditions for Development Approval

1. All new improvements to the roadways shown on Exhibit A shall be constructed in accordance with the most current adopted design standards of Charlotte County, and the FDOT Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways ("Green Book") in effect at the time of construction plan approval.
2. Prior to the issuance of a development order for any AIDA, the Applicant shall submit to Charlotte County for its approval a Road Network Master Plan that will generally show the road alignment and right-of-way requirements for those roadways shown on Exhibit A that fall within, or adjacent to, the boundaries of the development as defined in Exhibit 1A. This plan shall be submitted within 60 days of the submittal of the next AIDA. Following approval of the Road Network Master Plan the applicant shall reserve any right of way within the boundaries of the

OR 911 PG 814

OR 911 PG 1725

OR 912 PG 606

development, as defined in Exhibit 1A, which is required to mitigate the impacts of the proposed development. Prior to the issuance of any Incremental Development Order for Murdock Center, the Applicant shall enter into a right of way agreement which shall provide for the timely transfer of ownership of the reserved right of way to Charlotte County.

3. Before or during a scheduled phase of development for each increment of Murdock Center, the Applicant shall construct the first two lanes of roadways and drainage for all internal roads within the boundaries of Murdock Center, required for that phase of development.

4. Based on the Applicant's initial analysis of buildout in year 2005. Murdock Center is projected to utilize 5 percent or more of the level of service "C" capacity on the regionally significant road segments shown on Exhibit B. Therefore, in addition to improvements required in item 3 above, each Incremental Development Order for an AIDA, showing any impacts on those regionally significant road segments, for which a service deficiency is also projected, shall specify the AIDA applicant's proportional share of required road and intersection improvements.

5. ~~The By 1990, the~~ Applicant shall design, construct and dedicate or alternatively provide to Charlotte County the necessary funds including right of way dedications to cover the costs of the first 2 lanes of the Kenilworth Boulevard/Hillsborough Boulevard connections from U.S. 41 to Kings Highway, in accordance with the agreement with the County dated June 7, 1988.

This does not release the Applicant from any responsibilities for commitments addressed in Condition #12 of this section of the Master Development Order.

6. If the CZ-2 portion of the Murdock Center DRI, as outlined in Map H of the AMDA is submitted as an increment of the DRI, and is developed as a regional mall site to a minimum of 400,000 square feet by 1990, and the Kenilworth Boulevard/Hillsborough Boulevard connector, from U.S. 41 to Kings Highway, is not open to traffic ~~as at least a two-lane facility,~~ completed in accordance with the agreement between Charlotte County and General Development Corporation, the proportional share analysis of the AIDA and related proportional share contribution, if applicable, shall be made by the AIDA applicant to Charlotte County. This proportional share contribution shall be eligible for reimbursement; from road impact fee receipts to the AIDA Applicant should GDC fulfill the requirements of condition #5 of this section of this Master Development Order.

7. In each Incremental Development Order the AIDA applicant's proportional share of specific access point and off-site regionally significant intersection improvements (including but not limited to signalization, turn lanes, and additional through lanes) which are required as a result of that increment's traffic, shall be identified.

8. In order to determine the proportional share that each increment contributes to the total transportation impacts forecasted for Murdock Center, each AIDA shall, for transportation purposes, specify phases not to exceed five years, the end year of which phases shall be 1990, 1995, 2000 and 2005.

9. Each AIDA applicant shall be responsible for identifying that Increment's transportation impacts on regionally significant roads, and scheduling with the appropriate governmental agency those road and intersection improvements needed during each five year phase to maintain LOC "C" on a peak season average daily basis, or applicable level of service policy in effect at that time for the agency having jurisdiction over the particular roadway in question.

This schedule of required improvements shall be a part of each Incremental Development Order.

10. If, during development of any phase of an Increment of Murdock Center, any improvement to a regionally significant road or intersection identified in the approved Capital Facilities Plan required by Condition 17 of the General Conditions of this Exhibit, as a requirement for that phase of the Increment, is not constructed in accordance with the approved Capital Facilities Plan, and that construction is not the responsibility of that AIDA applicant, construction of that Increment shall stop at the end of that phase of the Increment. However, if the AIDA applicant is responsible for the construction of the improvement, construction within that Increment shall immediately cease.

11. The Applicant shall work with the Charlotte County, DeSoto County, Sarasota County, City of North Port, FDOT, and the Southwest Florida Regional Planning Council to investigate the need, costs and funding sources for a new interchange on I-75 at Raintree Boulevard. Until such time as the new interchange is found to be feasible and is placed in the FDOT work program, it shall not be included in the analysis of the transportation impacts of any AIDA, unless an alternate network analysis is also provided.

12. According to the Applicant's First AMDA Sufficiency Response (Figure 31-Bi), and the applicant's Section AMDA Sufficiency Response (p. 31-10), General Development Corporation (GDC) has made prior commitments to a construction schedule for certain road improvements in the Murdock Center impact area. Should these GDC committed improvements, ~~or alternate improvements approved by Charlotte County~~ not be constructed in the time-frame indicated, then a substantial deviation pursuant to Florida Statutes Chapter 380.06 shall be presumed to have occurred. Unless a written agreement between Charlotte County and GDC is entered into, which provides for a mutually agreed-upon revision of the proposed improvement schedule and the Development Order is successfully amended.

13. Each AIDA applicant shall specifically address DRI Question 31.E., to the satisfaction of the review agencies.

14. Prior to issuance of any Incremental Development Order, if staged road/intersection improvements are required to mitigate the impacts of that Increment's development on State Highways, the AIDA applicant shall forward to the Florida Department of Transportation, one or more typical cross section designs for each stage of the improvement, which adequately address current FDOT design standards.

15. Based upon Charlotte County's analysis of buildout in year 2005, Murdock Center is projected to utilize 5 percent or more of the level of service "C" capacity on the locally significant road segments shown on Exhibit C. Therefore, in

showing any impacts on these locally significant road segments for which a service deficiency is projected, shall specify the AIDA applicant's proportional share of required road and intersection improvements.

16. In each Incremental Development Order the AIDA applicant's proportional share of specific off-site locally significant intersection improvements (including but not limited to signalization, turn lanes, and additional through lanes) which are required as a result of that Increment's traffic, shall be identified.
17. Each AIDA applicant shall be responsible for identifying that Increment's local transportation impacts on locally significant roads and scheduling with the appropriate governmental agency those local road and intersection improvements needed during each five year phase to maintain LOS "C" on a peak season average daily basis, or applicable Charlotte County level of service policy in effect at that time. This schedule of required improvements shall be a part of each Incremental Development Order.
18. If during development of any phase of an Increment of Murdock Center, any improvement to a locally significant road or intersection, identified in the approved Capital Facilities Plan required by Condition 17 of the General Conditions of this Exhibit, as a requirement for that phase of the Increment, is not constructed in accordance with the approved Capital Facilities Plan, and that construction is not the responsibility of that AIDA applicant, construction of that Increment shall stop at the end of that phase of the Increment. However, if the AIDA applicant is responsible for the construction of the improvement, construction within that Increment shall immediately cease.
19. Charlotte County's analysis of the transportation impacts of the Murdock Center AMDA is contained in the Murdock Center Traffic Report (February 1, 1987) (Exhibit 8), prepared by the Charlotte County Public Works Department. Each AIDA applicant shall be required to either fully update and use this study as the basis for analyzing the Increment's traffic impacts, or to provide alternative methodologies and analysis approved by Charlotte County.
20. Prior to the issuance of any building permits for each phase of development, the AIDA applicant shall, subject to approval by Charlotte County, either pay the appropriate proportional share for those roadway and intersection improvements necessitated by that phase of development or bond and begin construction of appropriate improvements identified by Charlotte County, so long as the improvements to be constructed are estimated by Charlotte County, in accordance with the methods in the Charlotte County Subdivision regulations, to be equal in cost to the established proportional share for that phase. In the event that the AIDA applicant is required to construct appropriate improvements which are estimated to cost less than the established proportional share for that phase of development, the difference between the

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OR 911 PG 1728

OR 912 PG 609

estimated cost and the established proportional share, shall be paid to Charlotte County.

21. Prior to the issuance of any Incremental Development Order, the AIDA applicant shall provide documentation to Charlotte County and SWFRPC indicating that the AIDA applicant's proportional share responsibilities to fund and/or construct appropriate roadway and intersection improvements required to mitigate the impacts of that Increment outside of the legal limits of Charlotte County, have been adequately addressed.

22. In the event that Charlotte County cannot meet the schedule of roadway and intersection improvements needed to mitigate the impacts, in Charlotte County, of the Murdock Center development, the Applicant may, subject to approval by Charlotte County, fund or construct the needed improvements, subject to reimbursement, from Charlotte County from road impact fee receipts, of those costs in excess of the Applicant's proportional share.

B. Issues Subject to Further Review in AIDA's

SWFRPC Regional Issues (9B-20.14 F.A.C.)

(5) Transportation

(b) Impacts on the level of service on regional roadways as defined in the Council's Land Use Policy Plan.

(d) Impacts on existing or potentially hazardous and congested traffic areas on regional roadways as defined in the Council's Land Use Policy Plan.

(e) Impacts of transportation improvements in established neighborhoods within the jurisdiction of more than one county.

(f) Impacts on existing or proposed parallel frontage roads along major regional roadways, as defined in the Council's Land Use Policy Plan, which impact the level of service along such regional roadways.

(g) Impacts on roads needed to evacuate areas subject to flooding in an emergency.

Regional and Local Information Requirements

Each AIDA applicant shall fully answer Question No. 31 a-g of DSP-BLWM-11-76, and Question No. 31 a. of the SWFRPC ADA Supplemental Questions. In answering these questions the applicant shall in particular provide the following information:

1. Existing and projected peak hour traffic volumes and capacities by phase.

2. Existing and projected intersection volumes, capacities, and directional traffic flows by phase.

OR 911 PG 818

OR 911 PG 1729

OR 912 PG 610

3. A comprehensive breakdown of projected project and non-project peak hour traffic volumes by phase for each impact roadway segment and critical intersection.
4. For all recommended transportation improvements required to mitigate the impacts of the increment, the AIDA applicant shall show existing geometrics and provide a conceptual design and cost estimate, including any necessary right-of-way acquisition for each improvement and/or modification required to bring intersections and roadways projected to operate below peak-hour level of service "C" up to level of service "C", or applicable Charlotte County level of service policy, in effect at that time.
5. An update of the AMDA Applicant's proportional share as contained in the Murdock Center Traffic Report (Exhibit 8), and a comparison of this update to the cumulative AIDA's proportional share. If an approved alternative methodologies and analysis is utilized, a comparison of that proportional share shall be made to the Murdock Center Traffic Report update.

OR 911 PG 819

OR 911 PG 1730

OR 912 PG 611

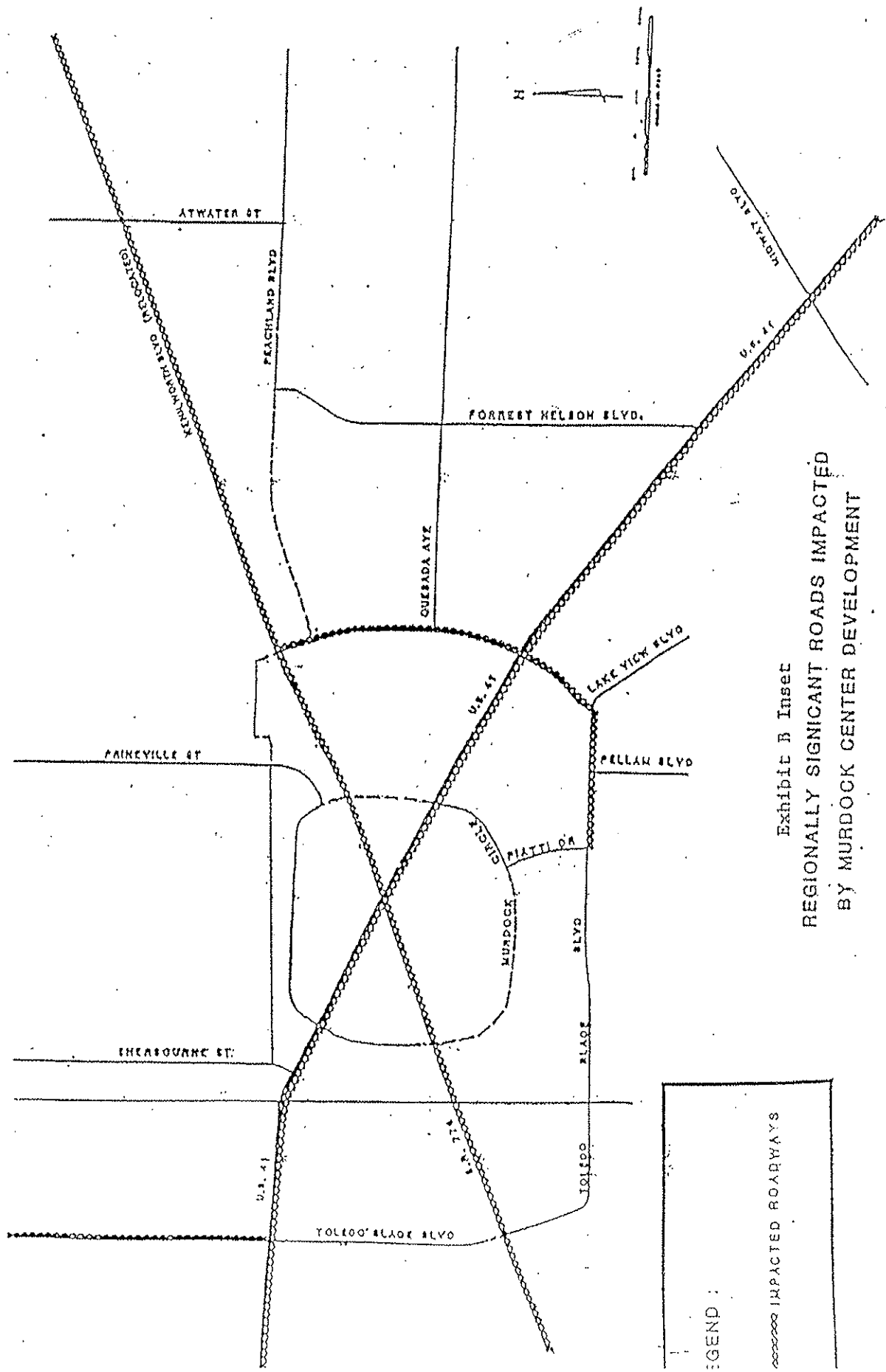


Exhibit B Inset
 REGIONALLY SIGNIFICANT ROADS IMPACTED
 BY MURDOCK CENTER DEVELOPMENT

LEGEND :

IMPACTED ROADWAYS

LEGEND :

----- IMPACTED ROADWAYS

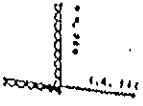
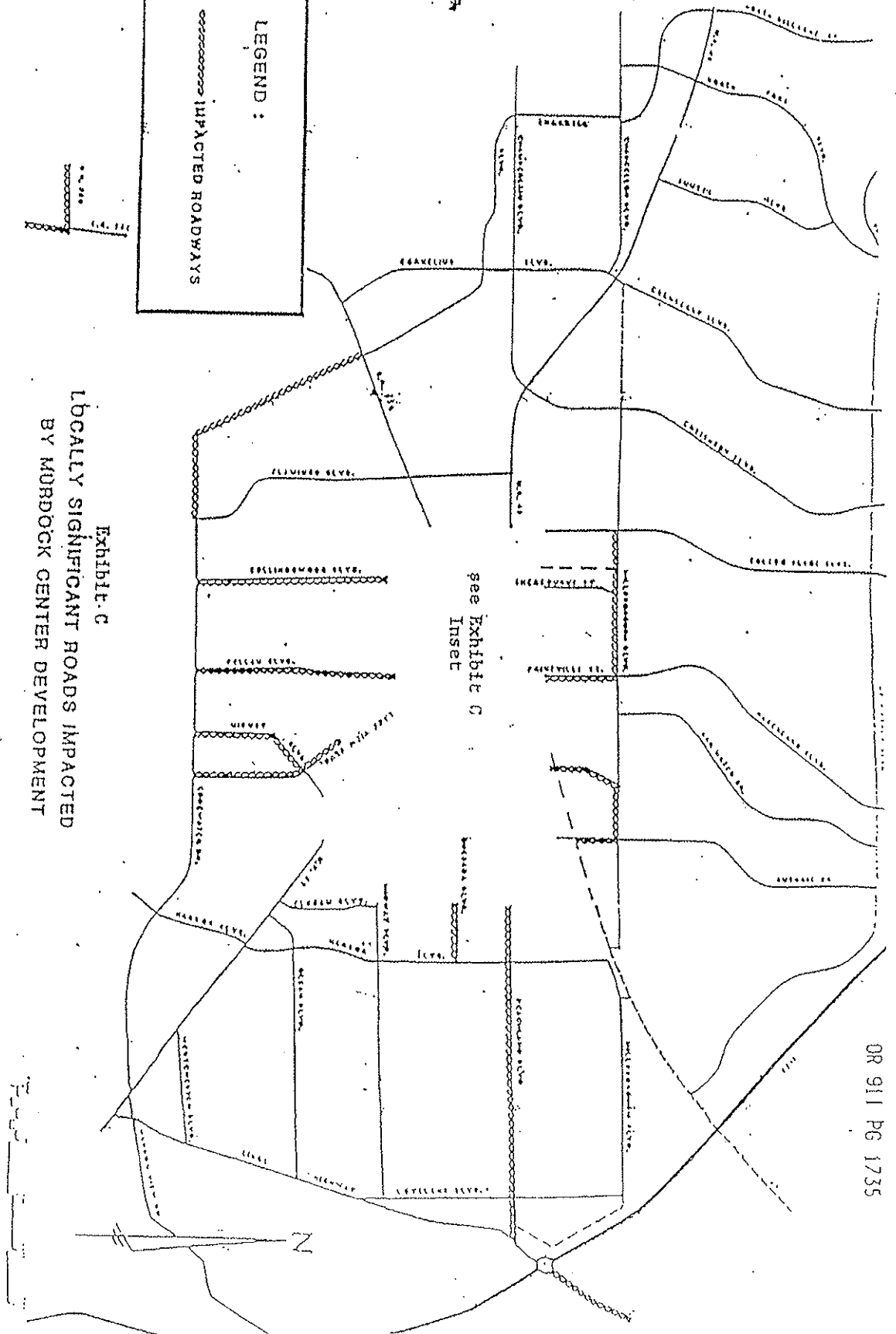


Exhibit C
 LOCALLY SIGNIFICANT ROADS IMPACTED
 BY MURDOCK CENTER DEVELOPMENT



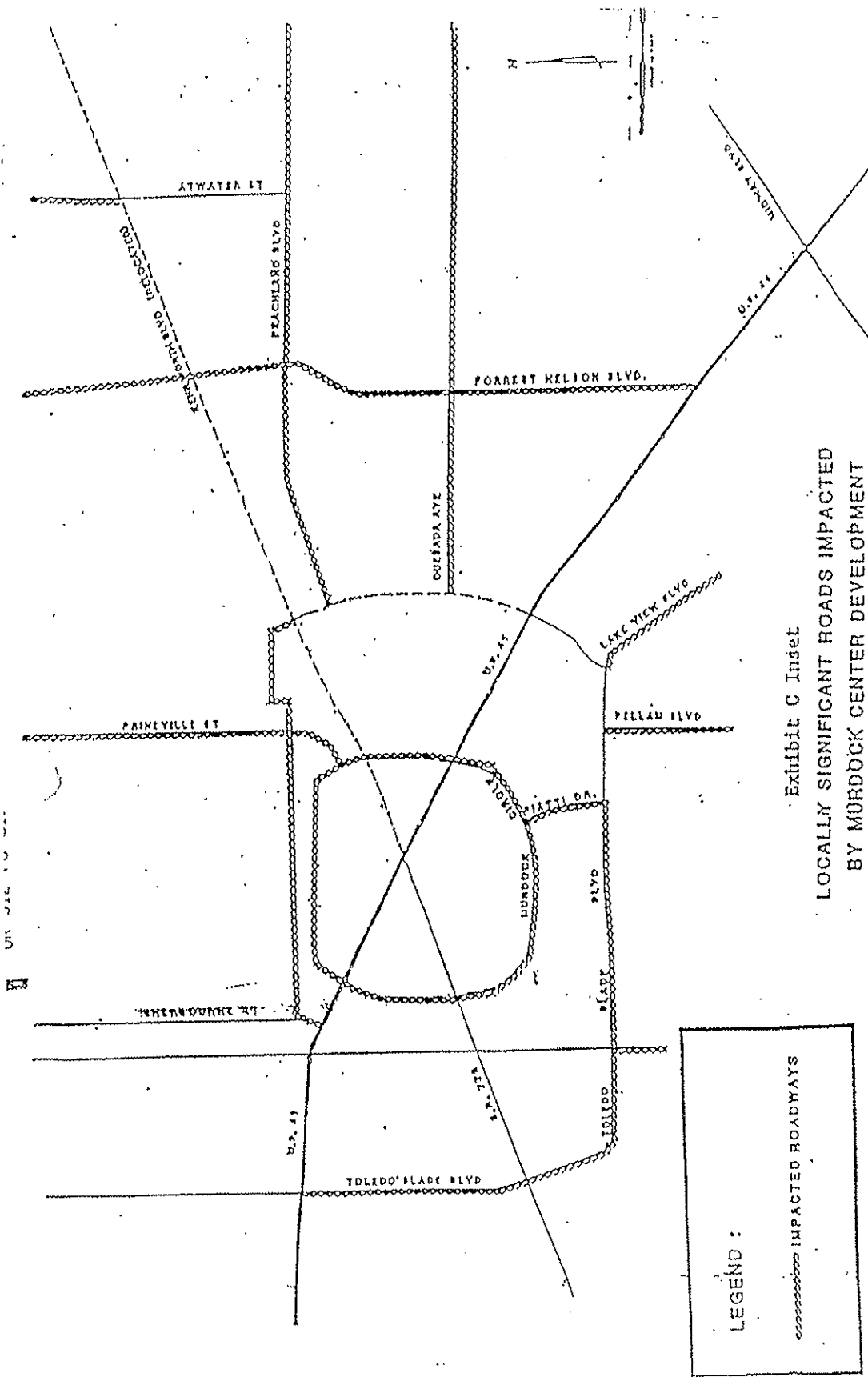


Exhibit C Inset
 LOCALLY SIGNIFICANT ROADS IMPACTED
 BY MURDOCK CENTER DEVELOPMENT