

R-87-58

RESOLUTION GRANTING AMENDMENTS TO
R-86-323, WHICH AMENDED THE DEVELOP-
MENT ORDER FOR COOPER CREEK CENTER
(R-85-236)

WHEREAS, the Board of County Commissioners of Manatee County approved Resolution R-86-323 granting an amendment to the Development Order for Cooper Creek Center on December 23, 1986; and

WHEREAS, Manatee County, Tampa Bay Regional Planning Council and the Wilbur Boyd Corporation wish to make non-substantive minor changes in the approval granted by R-86-323 in order to clean up the language of said Resolution; and

WHEREAS, said Board of County Commissioners, has considered all of the foregoing and has been advised and informed in the premises,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that the Board hereby approves the amendment to R-86-323 which amended R-85-236, the Development Order for Cooper Creek Center, as follows:

1. All references to "R-85-235" in R-86-323 shall be amended to read "R-85-236".

2. Paragraph A.(1) is hereby amended to read in its entirety as follows:

A.(1) "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in Policy 9-1.C of the Manatee County Comprehensive Plan (Ordinance 80-4 as amended). Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1985) or Transportation Research Circular 212 (1980) or the most current manual in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour level of Service "D" capacity, or if actual data is available to determine the "K" factor, then on the basis of the "K" factor. Acceptable Level of Service for links and intersections in Sarasota County, Florida, shall mean Level of Service "C" on an average daily basis ("D" on a peak hour basis), which shall be measured as provided in this paragraph. Where a link or intersection in Sarasota County is operating at Level of Service "D" on an

average daily basis ("E" on a peak hour basis) on the effective date of this Resolution, then the Acceptable Level of Service in Sarasota County for that link or intersection shall mean Level of Service "D" on an average daily basis ("E" on a peak hour basis).

3. Paragraph C.(6) is hereby amended to read in its entirety as follows:

C.(6) Wilbur Boyd Corporation, its successors, assigns or transferees, shall provide the transportation improvements for Phase One described in Exhibit C when Warranted*. There shall be no approvals granted as to the Subsequent Development Property* unless the transportation improvements required for Phase One have been completed or such improvements are determined as not Warranted* under Traffic Studies* required for such approvals. Wilbur Boyd Corporation, its successors, assigns or transferees, also shall prepay transportation component impact fees for Phase One Vertical Development* in an amount of \$1,040,000.00 less any transportation component impact fees previously paid, in accordance with the Fee Agreement entered into with Manatee County, incorporated herein by reference. Such impact fees shall be credited against transportation component fees subsequently due Manatee County. Such payment shall not prevent Manatee County from revising or increasing the impact fees due from the developer as provided in Ordinance 86-09, to which these advance sums are applied.

4. Paragraph C.(8) is hereby amended to read in its entirety as follows:

C.(8) Maintenance of Acceptable Level of Service* on the intersections listed in Table 1 or in the Study Area identified in paragraph C.(1) shall be verified by the developer to the satisfaction of the County Transportation Authority* as part of each annual report as required by Chapter 380.06(18), Florida Statutes.

5. All other provisions of Resolution R-86-323, which amended Resolution R-85-236, the Development Order for Cooper Creek Center, not amended hereby, shall remain in full force and effect.

ADOPTED with a quorum present and voting this 10th day of February, 1987.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: [Signature]
Chairman 2/10/87

ATTEST: R. B. SHORE,
Clerk of the Circuit Court
[Signature] Chief Clerk