

**MANATEE COUNTY ORDINANCE**  
**PDMU-04-51(P)(R2) – AG/CENTRUM/MCZ FLORIDA LAND PARTNERS, L.L.C., FOREST CITY LAND GROUP, INC., AND CMPGE, L.C. (CURIOSITY CREEK)**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE NO. PDMU-04-51(P)(R) PERTAINING TO APPROXIMATELY 808.1 ACRES NORTH OF BUCKEYE ROAD, WEST OF GRASS FARM ROAD AND EXTENDING NORTH TO THE HILLSBOROUGH COUNTY LINE IN THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT APPROVING A REVISED ORDINANCE NO. PDMU-04-51(P)(R2) TO BE SUBSTITUTED FOR ORDINANCE PDMU-04-51(P)(R) TO AMEND STIPULATION 5.B REGARDING REQUIREMENT FOR A LOCAL DEVELOPMENT AGREEMENT AND CERTIFICATE OF LEVEL OF SERVICE SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, Manatee County (County) and AG/Centrum/MCZ Florida Land Partners, L.L.C., Forest City Land Group, Inc., and CMPGE, L.C. (the "Applicant") mutually desire to amend the Zoning Ordinance approved on September 19, 2006 pertaining to property north of Buckeye Road, west of Grass Farm Road, and extending north to the Hillsborough County Line in the PDMU (Planned Development Mixed Use) zoning district, this property being more specifically described in Exhibit "A", attached hereto; and

**WHEREAS**, the revision amends Stipulation 5.B regarding concurrency; and

**WHEREAS**, the Board of County Commissioners of Manatee County held public hearings on the following days: September 19, 2006 for the rezoning and Preliminary Site Plan and on September 11, 2007 to amend Stipulation 5.B regarding concurrency; and

**WHEREAS**, the Board of County Commissioners of Manatee County held a public hearing on March 11, 2008 after due notice, considered the criteria set forth in the Manatee County Land Development Code, and approved the amendment to the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY AS FOLLOWS:**

**Section 1. FINDINGS OF FACT:** The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for an amended Ordinance, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby make the following findings of fact:

A. The Board of County Commissioners had received and considered the report of the Manatee County Planning staff concerning the application for

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a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

- B. The Board of County Commissioners held a duly noticed public hearing on March 11, 2008, regarding the amended Ordinance.

## **Section 2. AMENDMENT OF SEPTEMBER 2006 ORDINANCE APPROVAL:**

Stipulation 5.B of Ordinance PDMU-04-51(Z)(P) is hereby amended. The previous Zoning Ordinance and Site Plan approval on September 19, 2006 remains ineffect, except for the revision to Stipulation 5.B. The amended and restated Stipulations for the approved Preliminary Site Plan on the property described in Exhibit "A" are as follows:

### **STIPULATIONS**

1. Commercial uses:

- A. All building facades shall exhibit an aesthetically attractive appearance. Design shall be subject to the following criteria and reviewed for compliance by the Planning Department with future Final Site Plan and Building Permit submittals.
- 1) The sides of all buildings shall have minimal blank walls no longer than 30 feet in length or 20' in height. In order to insure that the buildings do not project a massive blank wall, design elements with distinctive color variation shall include prominently visible architectural details [e.g., bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Director. Facades greater than 75 feet in length shall have varying roof lines through varying the height of the cornice, or the use of 2 or more roof types (parapet, dormers, and sloped, etc.).
  - 2) Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted, Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least seventy five percent (75%) of the building face is constructed from other permitted materials.
- B. All rooftop mechanical equipment shall be screened from view from abutting roadways or adjacent residential properties. Screening shall be provided by materials consistent with the building. Details shall be shown prior to Final Site Plan approval.
- C. Service Areas

- 1) All truck loading, service areas, and outside storage shall not be visible from adjacent roads or residential properties.
  - 2) Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade.
- D. Exhaust and other filtering systems in food service establishments or uses shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the Environmental Management Department with each Final Site Plan containing a food service establishment or use.
- E. Exterior loud speakers, bells, or similar audio-communication shall not be permitted. However, directed (non broadcast) communication devices and intercoms shall not be restricted. "Directed (non broadcast)" shall mean not plainly audible to a person greater than 10 feet from the source.
- F. Tractor trailer or semi-trucks involved in deliveries to the rear of the buildings (or side if it faces the residential land uses) shall be restricted to the hours between 6:00 a.m. and 10:00 p.m. between 10:00 p.m. and 6:00 a.m., there shall be no:
- delivery, loading, or unloading of tractor trailer or semi-trucks;
  - use of forklifts or other loading or unloading devices; and
  - running of truck or trailer motors, or other refrigeration devices installed thereon.
- G. An 8 foot high wall, measured above the finished floor elevation of the nearest commercial building, shall be installed prior to any Certificate of Occupancy for the commercial project. The required canopy trees on the outside of the wall shall be a minimum caliper of 3" at time of planting and maintain a minimum setback of 10 feet from the wall.
- H. Only one pole sign shall be permitted along each street frontage. Additional permitted signs associated with out buildings shall be limited to 8 foot high ground signs.
- I. Prior to Final Site Plan approval, the applicant shall demonstrate adequate throat length at both entrances, based on the anticipated ultimate design of the adjacent roads.
2. Residential Uses:
- A. No lots shall be platted through any greenbelt, wetland, stormwater pond, floodplain compensation area, or wetland buffer.
  - B. Multi-family buildings are limited to two (2) stories in height (35 feet maximum).

- C. The front yard setback for all single family residences shall be 25' to the garage portion of the structure. The remaining portion (habitable portion) of the structure may be set back 20 feet. The front yard setback for structures with side loaded garages shall be 20 feet.

For the multi-family phase, the front yard setback shall be 20 feet, provided that the buildings are staggered as shown on PSP Sheet 12.

- D. The school site shown on the PSP shall be moved within the project boundary to be co-located with the district park site. To accommodate this relocation, single-family detached units may be placed on the former school site and an additional ten (10) lots may be permitted on site from what is currently shown on the plans. Any revisions to the PSP based on these relocations may be approved administratively with the Final Site Plan.
- E. The specific layout and design for the interior pedestrian plan in the multi-family section shall be finalized at time of Final Site Plan approval.
- F. The pocket parks shall include recreation amenities, benches, and shade trees. The specific and design for each park shall be determined at time of Final Site Plan approval.
- G. The minimum side yard setback for the 65 foot wide single-family detached residences shall be 7.5 feet. A minimum side yard setback of 6 feet shall be permitted for the 50 ft wide single family detached lots, if structures and equipment, including pool cages, screened enclosures, HVAC equipment, and yard sheds are prohibited within the side yard setback.

### 3. Environmental

- A. An Exotic Plant Species Management Plan shall be submitted for review and approval prior to or concurrent with Final Site Plan or Construction Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Final Plat approval, in accordance with Section 715.4 of the LDC.
- B. The developer shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the Project with the following sources, in order of preference: (1) reuse water; (2) stormwater; and (3) non-potable quality groundwater. Prior to Final Site Plan approval, the Developer shall identify the irrigation source which will be utilized. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems, including individual lots.

- C. The developer shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Planning Department with the Final Site Plan.
- D. Prior to Certificate of Occupancy issuance or in conjunction with the adjacent Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands wetland buffers, and upland preservation areas (18.5 acres in the northeastern portion of the project) shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
- E. Erosion and Sediment control (ESC) measures are required by Sections 717.3.17 and 717.4.2.7 of the LDC. Locations, details or notes for ESC should be submitted to the Planning Department for approval and be included in the Final Site Plan.
- F. An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval. Where practical, native or drought tolerant landscape materials shall be utilized in common areas. In addition, the developer shall encourage individual homeowners to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
- G. A Construction Water Quality Monitoring Program and proposed sampling locations shall be submitted to the EMD for review and approval prior to Final Site Plan approval.
- H. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation or mitigative measures.
- I. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan, approved by the appropriate State or Federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval.
- J. A Well Management Plan for the proper rehabilitation or abandonment of existing wells shall be submitted to the EMD for review and approval prior to Final Site Plan approval.
- K. Any wells discovered during land clearing shall be protected or abandoned in

accordance with SWFWMD Rule Chapter 40D. Existing wells shall be kept in a watertight manner and be protected during all construction activities.

- L. Any new Water Well Construction Permits shall be obtained from the EMD prior to construction of any new well(s).
- M. Between Wetland O and Curiosity Creek, the roadway design shall include wildlife connections, traffic calming, and signage to maintain connectivity. In the vicinity of Wetlands B & C, the applicant will apply traffic calming measures or signs. A 10-15 foot wide dedicated easement between Lots A17 and A20 shall be shown on the Final Site Plan to provide connectivity between Wetlands B and C. The details and methodology shall be provided prior to Final Site Plan approval.
- N. A Wetland Buffer Restoration Plan shall be submitted to the Planning Department with each Final Site Plan in accordance with Section 719.11.2.1. of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation. Wetland buffer restoration shall be completed prior to Final Plat approval.
- O. An ERP approved by SWFWMD shall be provided to the Planning Department prior to Final Site Plan approval.
- P. Tree Protection Measures:
  - 1). Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated. Specific tree protective measures shall be approved by the Planning Department with the Final Site Plan and Construction Plan submittal. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed and shall be clearly shown on the Final Site Plan. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by Planning Department.
  - 2). The developer shall require all contractors, subcontractors, and construction crews to attend the pre-construction meeting required by Section 508.3.4.7(j) of the LDC. The purpose of this meeting is to discuss tree protection and to ensure trees in the field to be retained and removed, ensure tree barricades remain up during all phases of construction, and penalties for noncompliance or unauthorized tree removal in accordance

with the LDC.

- 3). The developer shall immediately notify the Planning Department in the event that any preserved tree or native vegetation is adversely impacted.
- 4). The Final Site Plan shall include the following information:
  - Tree and native vegetation preservation areas.
  - The limits of clearing.
  - Typical cross section details for all activities within 25' of any preservation areas.
  - Details and locations of signs (in both English and Spanish) to alert workers of tree and native vegetation protection areas. These signs shall be constructed of weather resistant materials and shall demarcate the boundaries of the protected areas.

Q. If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.

#### 4. Stormwater and Drainage

- A. Drainage Models and Construction Plans shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
- B. All waste water manhole rims, service clean-outs, and lift station wet well and valve vault covers shall be set 12 inches above any adopted 25-year floodplain elevation or 4 inches above the 100-year floodplain elevation, whichever is higher. However, Manatee County may approve service clean-outs and manhole rims installed lower than any adopted 25 yr floodplain elevation provided that these manholes and service cleanouts can be demonstrated to be watertight to the satisfaction of the Utility Engineer.
- C. All residential lots shall be located outside of the post-development 25-year floodplain.
- D. All public roads within the 100 year flood plain must be above the flood elevation set by the FEMA flood zone maps.
- E. Final Site Plans shall show all required perimeter swales or yard drains along the property lines to convey incoming offsite runoff.

- F. Any fill within the 100-year floodplain of Curiosity Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
- G. The developer shall provide an easement over the proposed stormwater facilities to Manatee County to accept stormwater for the potential Buckeye Road expansion along the property frontage and the proposed Piney Point Road (Port Connector), with a right of access to modify the stormwater system to create additional treatment and attenuation capacity at the expense of the County.

## 5. Transportation

- A. Proposed roads locations must be aligned with the Gateway North DRI (Artisan Lakes) to the south and Newport Isles to the east.
- B. Manatee County has required the Applicant and other developers with development projects in the vicinity of the Project to (1) design, finance, donate and build infrastructure, public facilities and services, (2) share or jointly use infrastructure, facilities and services, and (3) coordinate development plans for interconnectivity between development projects in order to benefit the public interest, and plan and implement a county-coordinated land-planning effort for the area of the County in which the Applicant's Project is located. Applicant has filed Application No. 06-03 to process a Development Agreement (LDA) in order to obtain an extended CLOS for the Project and detail the respective responsibilities of the Applicant and other developers in regard to the funding and construction of public infrastructure.

By adoption of this zoning ordinance by the Board of County Commissioners the Applicant does not receive any entitlement to any extended CLOS beyond the term that is allowed by Sec. 510, Land Development Code without an LDA. The Board of County Commissioners reserves complete discretion to approve, approve with modifications or deny approval of any future LDA.

Until such LDA is approved, the staff is only authorized to issue a Certificate of Level of Service for 150 dwelling units, said amount having been determined as not having any traffic impacts which require mitigation. Staff is further authorized to maintain the application for a CLOS in its current place in line until April 2, 2009. Said LDA shall be presented to the Board of County Commissioners for action by October 6, 2008, such consideration which may be continued from time to time.

Said LDA shall include provisions for the monitoring of transportation impacts and a mechanism for adjusting the timing and priority of the transportation improvements required in the LDA to maintain adopted level of service standards.

- C. There shall be no construction traffic access to this project from Grass Farm Road.



- D. A pedestrian access and sidewalk shall be provided from Grass Farm Road to an internal street in vicinity of Lots F-48 or G-27 to facilitate access to the school sites. The walkway shall have a 5 foot wide paved surface and be within common open space at least 20 feet wide.
- E. The applicant shall construct a five foot wide sidewalk or other alternative pursuant to Land Development Code Section 719 along the entire length of Buckeye Road or contribute the cost of a 5' concrete sidewalk to the sidewalk fund.
- F. A 50 foot wide right-of-way for a future inter-neighborhood tie shall be provided from the western entrance street off Buckeye Road to the parcel to the west.

6. General Conditions

A.

- 1) Upon 30 days written notice from either the Manatee County School Board or Manatee County, the applicant shall convey for value a minimum of 30 acres of usable upland land to said governmental entity for use as a middle school.
- 2)
  - a) If not previously acquired pursuant to (1) above, the applicant shall provide notice to the Manatee County School Board and Manatee County when sufficiently sized public road access, sewer and water are available to the school site. Concurrent with said notice, the applicant shall offer to convey for value a minimum of 30 acres of usable, upland land to the Manatee County School Board.
  - b) Public water, sewer and road access to the school site shall be provided no later than concurrently with the final plat for the 562<sup>nd</sup> dwelling unit.
- 3) If, within six months of receiving notice prescribed in (2) above, the School Board does not accept such conveyance in writing, the obligation to convey to the School Board is terminated.
- 4) In the event the School Board has not accepted such conveyance within the six month period described in (3) above, then the applicant shall provide notice to Manatee County that the School Board failed to accept such conveyance and that the applicant offers to convey such land to Manatee County for a school or park.
- 5) If Manatee County does not accept, in writing, the offer to convey such land within three months of receipt of notice described in (4) above, all obligations to convey such land to Manatee County shall terminate.
- 6) The location of this land shall be adjacent to the district park which is shown on the Preliminary Site Plan.

- 7) The applicant shall be entitled to receive value for the school site no greater than its purchase price, closing costs and interest carry from the date of purchase (not to exceed three years of interest carry) as shall be detailed in a separate agreement between the applicant and governmental entity accepting the conveyance (either Manatee County or the Manatee County School Board).
- B. Within six (6) months after receipt of notice from Manatee County, the applicant shall convey to Manatee County a  $\pm$  75 acre park site as shown on the Preliminary Site Plan. As noted on the site plan, a portion of this site will be used for required flood plain compensation. If there is no access to the site at the time the County requests conveyance, the applicant shall dedicate to Manatee County road right-of-way access to Buckeye Road. The applicant shall be entitled to park impact fee credits and or reimbursement for the acreage dedicated or conveyed to Manatee County for the park site provided no impact fee credits or reimbursement shall be granted for any acreage used for required flood plain compensation. The value of the park site shall be determined based upon the purchase price paid by the applicant.
- C. The Applicant shall dedicate to Manatee County a 30-foot wide greenway trail in conjunction with development of adjacent parcels, as shown on the Preliminary Site Plan this trail will be constructed in a manner substantially in conformance with the cross section which is attached hereto as Exhibit "D". Applicant shall be entitled to recreational impact fee credits, as allowed by Manatee County code for all acreage dedicated or conveyed to Manatee County for the greenway trail. In addition, applicant shall be entitled to impact fee credits for all construction costs associated with construction of this trail. If the project does not develop as intended, Manatee County has the option of requesting dedication or conveyance of a 30 foot strip to use as a Greenway Trail. The owner shall be entitled to impact fee credits for any requested conveyance or dedication.
- D. Street lighting shall be of a unified theme. The design and shielding of any on-site lighting within the development shall comply with Section 709.2.2 of the Land Development Code. In addition, any pole and building mounted lights in the commercial parcel and all common area lighting shall be limited to 16 feet in height and shall be directed to the interior of the development using horizontal cut-off fixtures. The use of decorative street lights is permitted.
- E. A unified sign plan shall be submitted with the first Final Site Plan submittal. This plan shall include all residential and non-residential sign types proposed and their approximate locations.
- F. The Community Service Parcel shall be limited to use for public library, public safety, public recreation, or offices for governmental agencies. This parcel shall not be used for such uses as storage or staging areas, maintenance facilities, pump or lift station, or similar uses that are not compatible with surrounding residential uses.

- G. Earthmoving activity associated with the project, including off-site removal, shall be allowed and shall comply with the operating permit criteria of the Land Development Code.
- H. The Notice to Buyers or Tenants shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract, and in the Final Site Plan shall include language informing prospective homeowners of the following:
  - 1). The future commercial development at the corner of Artisan Lakes Parkway and Buckeye Road.
  - 2). The future extension of Artisan Lakes Parkway a collector roadway through the project.
  - 3). The future East West Port Connector Road along the north boundary of the project as a major collector.
  - 4). The future public park, and middle school site in the northwestern portion of the project and the elementary school site or park on adjacent property to the east.
  - 5). The IL Future Land Use Category of the property adjacent to the multi-family parcel, west of the spine road.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.** Special Approval is hereby granted for: a 1) a mixed-use project in the UF-3 Future Land Use Category; 2) exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category; 3) adjacent to a perennial stream, and 4) exceeding 30,000 square feet of non-residential uses. The Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the Project approved pursuant to Section 2 hereof.

**Section 4. SEVERABILITY.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such sentence, section, clause, or other such provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional, the remaining sections, sentences, clauses, or provisions of this Ordinance.

**Section 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 11<sup>th</sup> day of March, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: 

Chairman



ATTEST:

R. B. SHORE

Clerk of the Circuit Court

BY: 

Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION.

PARCEL A

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 33 SOUTH, RANGE 18 EAST, THENCE RUN N 89°48'16" W, A DISTANCE OF 4958.90 FEET TO THE CENTERLINE OF CURIOSITY CREEK; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF CURIOSITY CREEK THE FOLLOWING FIVE COURSES: S 49°50'21" E, A DISTANCE OF 71.86 FEET; THENCE S 49°13'13" E, A DISTANCE OF 1167.57 FEET; THENCE S 40°55'08" E, A DISTANCE OF 926.00 FEET; THENCE S 46°20'49" E, A DISTANCE OF 149.42 FEET; THENCE S 64°06'22" E, A DISTANCE OF 150.84 FEET TO THE END OF SAID CENTERLINE; THENCE S 79°43'49" E, A DISTANCE OF 195.51 FEET; THENCE S 04°47'25" E, A DISTANCE OF 387.58 FEET; THENCE S 51°21'48" E, A DISTANCE OF 274.08 FEET; THENCE S 68°36'33" E, A DISTANCE OF 348.89 FEET; THENCE S 52°06'49" E, A DISTANCE OF 44.53 FEET; THENCE S 03°06'27" E, A DISTANCE OF 267.37 FEET; THENCE WESTERLY ALONG THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF BUCKEYE ROAD THE FOLLOWING SIX COURSES: THENCE N 89°27'56" W, A DISTANCE OF 660.63 FEET; THENCE N 81°43'05" W, A DISTANCE OF 110.40 FEET; THENCE S 89°58'13" W, A DISTANCE OF 319.39 FEET; THENCE S 07°20'10" W, A DISTANCE OF 12.76 FEET; THENCE N 89°37'04" W, A DISTANCE OF 828.87 FEET; THENCE N 87°40'59" W, A DISTANCE OF 120.21 FEET TO THE END OF SAID MAINTAINED RIGHT OF WAY LINE; THENCE N 04°06'59" E, A DISTANCE OF 1326.29 FEET; THENCE N 89°45'58" W, A DISTANCE OF 1473.67 FEET; THENCE N 01°44'53" E ALONG THE WEST LINE OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, A DISTANCE OF 1196.80 FEET; THENCE N 44°00'01" W, A DISTANCE OF 209.36 FEET; THENCE N 89°32'14" W ALONG THE SOUTH LINE OF SECTION 5, TOWNSHIP 33 SOUTH, RANGE 18 EAST, A DISTANCE OF 1177.98 FEET; THENCE N 01°38'46" E, A DISTANCE OF 1381.30 FEET; THENCE N 29°18'33" E, A DISTANCE OF 500.79 FEET; THENCE N 40°44'46" E, A DISTANCE OF 765.16 FEET; THENCE N 89°07'25" E, A DISTANCE OF 583.70 FEET; THENCE S 00°00'24" E, A DISTANCE OF 118.37 FEET; THENCE N 88°57'33" E, A DISTANCE OF 648.52 FEET; THENCE N 15°24'36" E, A DISTANCE OF 129.71 FEET; THENCE N 73°04'56" E, A DISTANCE OF 182.16 FEET; THENCE S 88°39'17" E, A DISTANCE OF 373.42 FEET; THENCE N 62°12'18" E, A DISTANCE OF 199.88 FEET; THENCE S 87°07'22" E, A DISTANCE OF 270.03 FEET; THENCE N 56°32'19" E, A DISTANCE OF 453.07 FEET; THENCE N 88°09'45" E, A DISTANCE OF 378.71 FEET; THENCE N 46°59'38" E, A DISTANCE OF 1467.18 FEET; THENCE N 65°20'23" E, A DISTANCE OF 1819.82 FEET; THENCE N 19°18'42" E, A DISTANCE OF 360.14 FEET; THENCE N 14°50'09" W, A DISTANCE OF 109.35 FEET; THENCE N 90°00'00" E, A DISTANCE OF 500.25 FEET; THENCE S 00°39'39" W ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 5046.57 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 4, 5, 8 AND 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 606.76 ACRES

AND

DESCRIPTION: PARCEL "B"

BEGINNING AT THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE RUN S 00°39'39" W ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 300.00 FEET; THENCE S 90°00'00" W, A DISTANCE OF 500.25 FEET; THENCE 14°50'09" W, A DISTANCE OF 91.09 FEET; THENCE N 43°22'44" W, A DISTANCE OF 241.87 FEET; THENCE N 00°00'00" E, A DISTANCE OF 35.32 FEET; THENCE N 89°56'00" E ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 693.16 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 4, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 4.06 ACRES

AND

DESCRIPTION: PARCEL "C"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE RUN N 89°48'16" W ALONG THE NORTH LINE OF SAID SECTION 9, DISTANCE OF 18.08 FEET TO THE POINT OF BEGINNING; THENCE S 05°42'06" W, A DISTANCE OF 2700.53 FEET; THENCE N 89°30'48" W ALONG THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF BUCKEYE ROAD, A DISTANCE OF 1870.13 FEET; THENCE N 03°04'34" W, A DISTANCE OF 594.73 FEET; THENCE N 03°05'52" W, A DISTANCE OF 386.96 FEET; THENCE S 89°38'54" W, A DISTANCE OF 767.83 FEET; THENCE N 79°43'49" W, A DISTANCE OF 195.51 FEET; THENCE NORTHERLY ALONG THE CENTERLINE OF CURIOSITY CREEK THE FOLLOWING FIVE COURSES: THENCE N 64°06'22" W, A DISTANCE OF 150.84 FEET; THENCE N 46°20'49" W, A DISTANCE OF 149.42 FEET; THENCE N 40°55'08" W, A DISTANCE OF 926.00 FEET; THENCE N 49°13'13" W, A DISTANCE OF 1167.57 FEET; THENCE N 49°50'21" W, A DISTANCE OF 71.86 FEET TO THE END OF SAID CENTERLINE; THENCE S 89°48'16" E, A DISTANCE OF 4940.82 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT: COMMERCIAL PARCEL

COMMENCING AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 E; THENCE RUN N 89°48'16" W ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 18.08 FEET; THENCE S 05°42'06" W A DISTANCE OF 2700.53 FEET; THENCE N 89°30'48" W ALONG THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF BUCKEYE ROAD A DISTANCE OF 571.51 FEET TO THE POINT OF BEGINNING; THENCE

CONTINUING ALONG SAID NORTHERLY MAINTAINED RIGHT OF WAY LINE N 89°30'48" W A DISTANCE OF 1298.62 FEET; THENCE N 03°04'34" W A DISTANCE OF 594.73 FEET; THENCE N 03°05'52" W A DISTANCE OF 7.28 FEET; THENCE N 90°00'00" E A DISTANCE OF 484.33 FEET; THENCE N 00°00'00" E A DISTANCE OF 90.05 FEET; THENCE S 89°30'48" E A DISTANCE OF 821.57 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES S 79°18'19" W A DISTANCE OF 1440.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT OF DISTANCE OF 268.79 FEET THROUGH A CENTRAL ANGLE OF 10°41'41" TO A POINT OF TANGENCY; THENCE S 00°00'00" W A DISTANCE OF 428.01 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING A NET ACREAGE OF 177.37 ACRES

AND

COMMERCIAL PARCEL

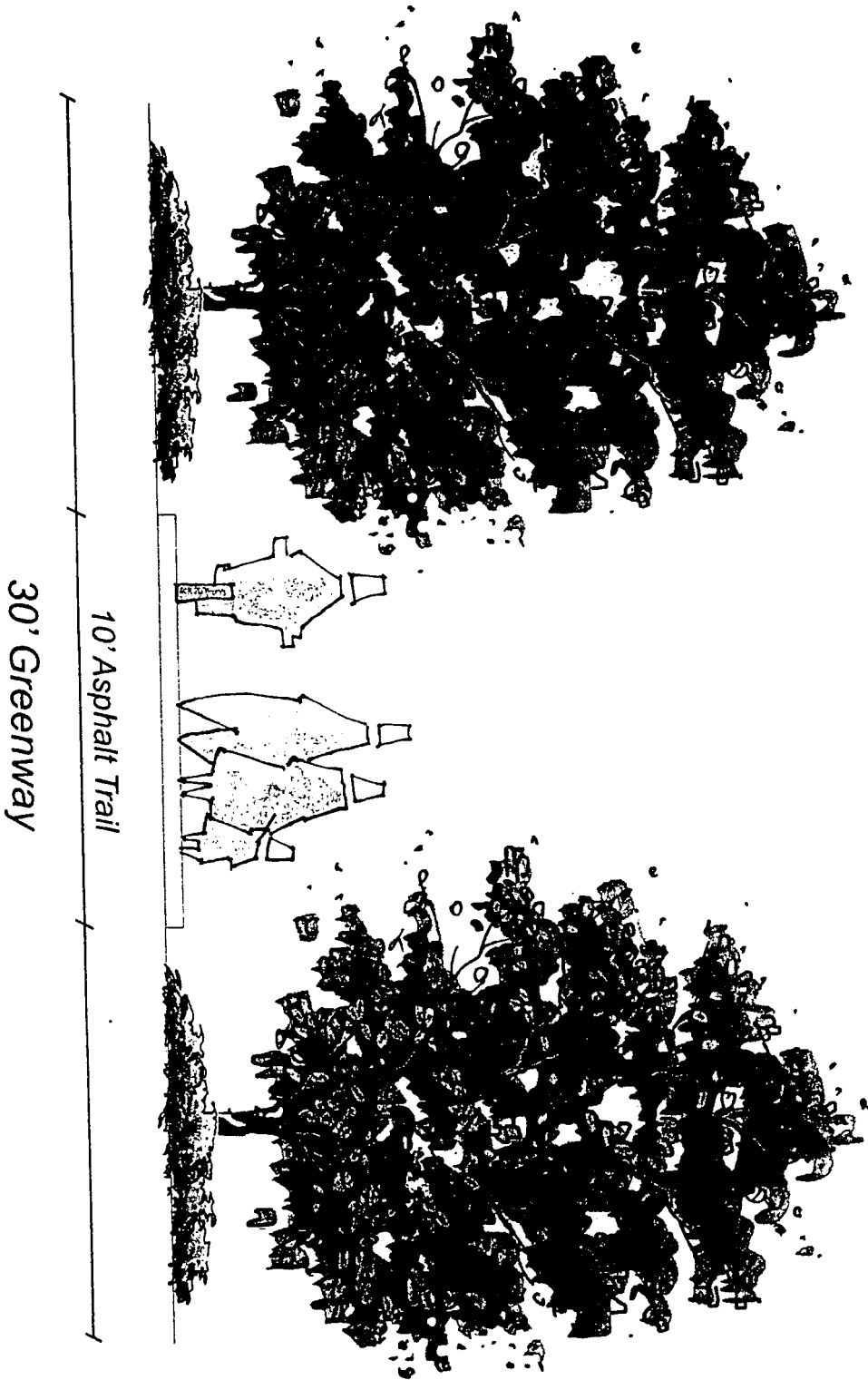
COMMENCING AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 E; THENCE RUN N 89°48'16" W ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 18.08 FEET; THENCE S 05°42'06" W A DISTANCE OF 2700.53 FEET; THENCE N 89°30'48" W ALONG THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF BUCKEYE ROAD A DISTANCE OF 571.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY MAINTAINED RIGHT OF WAY LINE N 89°30'48" W A DISTANCE OF 1298.62 FEET; THENCE N 03°04'34" W A DISTANCE OF 594.73 FEET; THENCE N 03°05'52" W A DISTANCE OF 7.28 FEET; THENCE N 90°00'00" E A DISTANCE OF 484.33 FEET; THENCE N 00°00'00" E A DISTANCE OF 90.05 FEET; THENCE S 89°30'48" E A DISTANCE OF 821.57 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES S 79°18'19" W A DISTANCE OF 1440.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT OF DISTANCE OF 268.79 FEET THROUGH A CENTRAL ANGLE OF 10°41'41" TO A POINT OF TANGENCY; THENCE S 00°00'00" W A DISTANCE OF 428.01 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 9, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 19.94 ACRES

# Exhibit D

## Greenway Typical Section



STATE OF FLORIDA, COUNTY OF MANATEE  
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.  
 Witness my hand and official seal this 12<sup>th</sup> day of March, 20 08.  
 R.B. SHORE  
 Clerk of Circuit Court  
 By: Diare E. Vollmer D.C.





## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

FILED FOR RECORD  
R. B. SHORE

2008 MAR 26 AM 11:06

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

March 18, 2008

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 27, 2008 and certified copies of Manatee County Ordinance Nos. PDMU-04-51(P) (R2) and PDMU-06-21(P) (R2), which were filed in this office on March 17, 2008.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

### DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA  
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA  
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE  
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES  
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282