

MANATEE COUNTY ZONING ORDINANCE
PDR-06-05(Z)(P) – HELLER 301 PROPERTIES, LLC/SALTSMAN PROPERTY

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 1,208.82 ACRES NORTHWEST OF THE INTERSECTION OF MOCCASIN WALOW ROAD AND U.S. 301, AT 12420 U.S. 301 N., PARRISH FROM A/NCO (GENERAL AGRICULTURE/NORTH CENTRAL OVERLAY) TO THE PDR/NCO (PLANNED DEVELOPMENT MIXED USE ZONING DISTRICT) RETAINING THE NORTH CENTRAL OVERLAY; APPROVING A PRELIMINARY SITE PLAN FOR 1,960 RESIDENTIAL UNITS (INCLUDING 1,542 LOTS FOR SINGLE-FAMILY DETACHED AND 418 LOTS FOR SINGLE-FAMILY ATTACHED DWELLINGS WITH (197 UNITS (10% OF THE PROJECT) DESIGNATED FOR WORKFORCE HOUSING), 3 COMMUNITY RECREATIONAL CENTERS, AND DESIGNATION OF PARCELS FOR A FUTURE ELEMENTARY SCHOOL, COUNTY PARK, AND FIRE STATION; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Heller 301 Partners, LLC (the "Applicant") filed an application to rezone approximately 1,208.82 acres described in Exhibit "A", attached hereto, (the "Property") from A/NCO (General Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential zoning district) retaining the North Central Overlay; and

WHEREAS, the Applicant also filed a Preliminary Site Plan for 1,960 residential units (including 1,542 lots for single-family detached and 418 lots for single-family attached dwellings with (197 units (10% of the project) designated for workforce housing), 3 community recreational centers, and designation of parcels for a future elementary school, county park, and a fire station (the "Project") upon the Property; and

WHEREAS, the Applicant also filed a request for Special Approval for a gross density over 1 dwelling unit per acre in the UF-3 Future Land Use Category; and

WHEREAS, the Applicant also filed a request for Specific Approval for an alternative to Section 907.9.4.2 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, subject to the stipulations contained in the Planning staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on January 10, 2008 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, received the staff recommendations and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications, subject to the stipulations contained in the staff report.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

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 amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from A/NCO (General Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential zoning district), retaining the North Central Overlay.

B. The Board of County Commissioners held duly noticed public hearings on February 7, 2008, February 12, 2008, and March 20, 2008 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of (Ordinance No. 90-01, the Manatee County Land Development Code), and has further considered the information received at the public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 907.9.4.2, the Board finds that the public purpose of the LDC regulations is satisfied to an equivalent degree by the proposed design because in one case, safe and convenient turn-around is provided for emergency vehicles, and in all cases the exceedence in length is temporary.

H. For the purposes of granting Special Approval, the Board finds that the Project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 1,960 residential units (including 1,542 lots for single-family detached and 418 lots for single-family attached dwellings with (197 units (10% of the project) designated for workforce housing), 3 community recreational centers, and designation of parcels for a future elementary school, county park, and fire station, upon the property subject to the following Stipulations:

STIPULATIONS

A. Design and Land Use

1. The segment of Road U3 that is east of Road U5 shall be eliminated and Pocket Park #10 may be shifted north of Lot 954. The SWF may be relocated.
2. The sidewalk at the end of Road U3 shall be extended to the sidewalk on the west side of Fort Hamer Road.
3. A pedestrian connection shall be provided from Road Z2 (south of Lot 797) to Fort Hamer Road Extension.
4. Both single-family attached areas shall be redesigned to provide convenient guest and resident parking. The extra parking spaces shall generally be within 300 feet (walking distance) of each dwelling unit.
5. An inter-neighborhood tie shall be provided to the north from Road Z, provided that the adjacent land does not contain wetlands such that a connection would not be permissible.
6. The lots on the south side of Road Z2, abutting Moccasin Wallow Road, shall have a minimum lot width of 65 feet.
7. The sidewalk at the southern end of Road G shall be extended to the southern project property boundary or to the U.S. 301 right-of-way to accommodate a future pedestrian connection to the potential commercial sites at the corner of U.S. 301 and Moccasin Wallow Road.
8. Prior to Final Site Plan approval, the applicant shall provide a noise mitigation plan for the mitigation of noise from Moccasin Wallow Road, U.S. 301, and the future extensions of Fort Hamer and Spencer Parrish Roads. Such analysis shall demonstrate noise mitigation based on the projected 2025 traffic volumes. Approved noise mitigation measures shall be shown on the approved Final Site Plan and installed prior to the first abutting Final Plat.
9. The 9.6 acre park site shall be donated to the County prior to or in conjunction with the first Final Plat approval that includes Road E2.
10. No lot shall front on the segment of Road E2 between Fort Hamer Road and the traffic circle shown on the Preliminary Site Plan. The applicant may redistribute the lots shown on the Preliminary Site Plan that front Road E2 between Fort Hamer Road and the traffic circle to other locations on site, including to the segment of Road E2 east of the traffic circle.

All lots that are adjacent to (but do not front) Road E2 shall be separated by a minimum 20 foot buffer.

11. The area south of the realigned Spencer Parrish Road shall be redesigned on the Final Site Plan, and include a 50 foot buffer in accordance with the North Central Overlay District. The 3-acre fire station site shall be shifted to the south side of Spencer Parrish Road. Direct access to US 301 may be allowed, subject to FDOT approval.
12. Road J3 shall end at Lot 148. The area where the road is shown west of Lot 148 shall be incorporated into upland preservation area. The remaining lots west of Lot 148 may be retained if the project is redesigned to preserve the dense tree cluster west of Lot 148.
13. Road J2, north of the FP&L easement, shall be realigned to save the tree cluster between Wetland “E8” and Lots 133 – 139. This may also require a design modification to the area to the west and south to facilitate this realignment.
14. To accommodate increased tree preservation, Lots 117 & 490 shall be eliminated or relocated, provided their relocation does not impact other open space areas shown on the site plan.
15. The following areas shall be redesigned to help break up the repetition of lots and enhance the view corridors into lakes and wetland areas.
 - a. Lots 694 and 695 shall be eliminated or relocated, provided their relocation does not impact other open space areas shown on the site plan, to provide a pronounced view into the abutting lake.
 - b. Lots 650 – 655 shall be shifted as far to the west as possible to increase the buffer adjacent to Road Y2. Park 19 may be reduced to accommodate this shift.
 - c. Lots at the southwest intersection of Roads U and K shall be eliminated or relocated, provided their relocation does not impact other open space areas shown on the site plan, to provide a pronounced view into the abutting lake.
 - d. Lots at the north intersection of Roads P2 and Y2 shall be eliminated or relocated, provided their relocation does not impact other open space areas shown on the site plan, to provide a pronounced view into the abutting lake.
 - e. Lots at the southwest or northwest intersection of Roads Z and U shall be eliminated or relocated, provided their relocation does not impact other open space areas shown on the site plan, to provide a pronounced view into the abutting lake or wetland.
 - f. The pump station site between Lots 642 and 643 may be relocated to help compensate for the above loss of lots.

16. The park site north of the school shall be at least 9.6 acres and contain at least 6 usable upland acres in addition to wetlands and stormwater ponds. Prior to approval of Construction Drawings for the Fort Hamer Road Extension, north of Road E2, the stormwater facility on the park site shall be relocated or reconfigured as agreed upon by Manatee County and the developer.

B. Buffers

1. At time of Final Site Plan approval, 35 foot greenbelt buffers shall be provided along the northern and western project boundaries if the adjacent properties are used for active agriculture activities as specified in Section 702.6.7 of the LDC.
2. Existing native vegetation within required landscape buffers shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation, with the exception of limited crossings.
3. No detention or retention ponds shall be constructed within landscape buffers or greenbelts, except where shown adjacent to Upland Preservation Area #A3 as noted on the plan for the future Moccasin Wallow Road Stormwater Treatment and Attenuation Ponds.

C. Drainage

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Buffalo Canal and Gamble Creek. Modeling shall be used to determine pre- and post- development flows.
2. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
3. Existing storage volume in existing wetlands and drainage ditches shall be compensated with equal or greater volume in the proposed stormwater retention pond.
4. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
5. Stormwater attenuation and water quality treatment shall be reserved for the expansion of the north half of Moccasin Wallow Road roadway improvements.
6. All lots shall be graded at minimum to provide positive drainage to the internal drainage system and/or retention ponds.

7. All satellite lift stations shall be landscaped in accordance with the Landscaping Tree and Shrub requirements for lift stations of the Manatee County Public Works Standards.
8. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.
9. All water and sanitary sewer mains and facilities to be dedicated to Manatee County for perpetual maintenance shall lie within dedicated utility easements as described in County Resolution R-99-115.
10. The developer shall provide easements to Manatee County to allow for attenuation and treatment of all stormwater from the planned build-out conditions (4 or 6-lane with intersection improvements, bike lanes, and sidewalks) for Moccasin Wallow Road, U.S. 301, Fort Hamer Road, and Spencer Parrish Road. A Drainage, Maintenance, and Access Easement shall also be provided to Manatee County for conveyance of stormwater from each roadway to the stormwater pond. The Drainage-Maintenance Access Easement shall be on clear and level ground and free of obstructions, including any landscaping in addition to the roadway buffer. Manatee County shall be responsible for the construction of the drainage conveyance improvements, the restoration of the roadway buffer and the maintenance of the free flow of the drainage conveyance. The pond within the stormwater easement shall not be a bonded improvement. Prior to Final Plat approval for the first plat abutting each thoroughfare roadway, the easements shall be approved by the Transportation Department and recorded in the Public Records and the developer shall submit to the Transportation Department the SWFWMD approval letter demonstrating that the approved stormwater pond has been designed with the capacity to accommodate the drainage for the build-out of each thoroughfare roadway as described above. Completion of the above improvements by Manatee County shall not require any further authorization from the developer or Home Owner's Association.

D. Transportation

1. At the time of Preliminary Site Plan, Final Site Plan and Construction Plan approval for each phase of the project the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.
2. Fort Hamer Road from Moccasin Wallow Road to the northern property boundary shall be completed (or bonded with the plat) as the outside two lanes of a 4-lane divided section with bike lanes and sidewalks, and include the ultimate configuration of the intersection at Moccasin Wallow Road. This shall be prior to the first Final Plat approval that includes Road E2. Temporary striping shall be

utilized until the full intersection improvements are made by the County.

3. Subject to the results of D.(12), Spencer Parrish Road extension shall be redesigned to run south of the northern boundary of the project, west from U.S. 301. The design of Spencer Parrish Road shall be approved by the Public Works Department prior to 1) the first Final Site Plan approval after the Public Works Department approval of the alignment of Spencer Parrish Road or 2) the first Final Site Plan approval adjacent to Spencer Parrish Road, whichever may occur first. The right-of-way for Spencer Parrish Road shall be dedicated to the County prior to the first Final Plat approval associated with the above referenced Final Site Plans or upon written request for the dedication by the Public Works Department, whichever may occur first. This road shall be completed (or bonded with the plat) as two lanes of a 4-lane divided section with bike lanes and sidewalks along the entire northern boundary of the project and include the ultimate configuration at the intersection at U.S. 301 prior to the first Final Plat approval abutting this roadway.

The right-of-way of Spencer Parrish Road extension shall be a minimum of 120 feet. Per Table 5-1 of the Comprehensive Plan, up to an additional 24' of right-of-way may be required at the intersection of Spencer Parrish Road extension and US 301 for a length of up to 1,000 linear feet from the intersection of Spencer Parrish Road extension and US 301.

Street W shall be extended to the new alignment of Spencer Parrish Road extension to the north.

4. A five foot sidewalk shall be provided along the entire frontage of Moccasin Wallow Road prior to the first Final Plat approval for any road that connects to Fort Hamer Road. If the 4 or 6-laning of Moccasin Wallow Road in front of this project is a funded improvement at time of the first Final Plat approval, the developer may contribute the cost to construct the 5' concrete sidewalk (including the cost of ditch piping, wetland crossings, etc.) along this road to this roadway improvement.
5. A five foot sidewalk shall be provided along the entire frontage of U.S. 301 prior to the first Final Plat approval for any lot which takes access from Spencer Parrish Road.
6. The development shall be issued a Certificate of Level of Service ("CLOS") for the first phase upon adoption of this development order. The CLOS shall be conditionally issued for the first phase only in the amount of 494 units. For later phases, the CLOS shall be revised to include the remaining 1,466 units once a re-analysis of the traffic study is approved by the Public Works Department. Subject to any applicable amendments to the Land Development Code or Comprehensive Plan, the re-analysis may use the same pending and reserved trips that were used in the original traffic study. The section of Moccasin Wallow Road from Carter Road to US 301 shall be included in the re-analysis. The first phase shall include the construction of the Ft. Hamer Road Extension from

Moccasin Wallow Road to the Park Site/northern boundary as shown on the approved preliminary site plan. The CLOS shall be subject to safety and operational improvements and the following intersection improvements:

Moccasin Wallow Road & I-75 NB ramps	-add signal when warranted
Moccasin Wallow Road & I-75 SB ramps	-add signal when warranted -add 2 nd SBL turn lane
Moccasin Wallow Road & U.S. 301	-add signal when warranted -add excl EBR turn lane
Ft. Hamer Road & Streets E2/J2	-add signal when warranted
Moccasin Wallow Road & Ft. Hamer Road	-add turn lanes

7. Prior to the approval of any Final Site Plan beyond the first phase developer shall enter into an agreement with the County for the design and/or construction of a substantial improvement to the transportation system in the approximate amount of \$1,200,000.00. The County reserves the right to identify the appropriate project.
8. Developer shall dedicate the right-of-way identified on the approved site plan to the County for Moccasin Wallow Road, Ft. Hamer Extension and Spencer Parrish Road subject to the provisions of D.(12) within 90 days of the request of the County. The Developer has agreed to waive impact fee credits for such dedication and shall not receive compensation for such dedication.
9. The Developer shall dedicate the Park Site north of the School Site to the County after construction of the road to the Park site, at the request of the County. Developer has agreed to waive impact fee credits for such dedication and shall not receive compensation for such dedication.
10. Any phase of this project containing more than one hundred (100) dwelling units shall have a second means of access.
11. An interneighborhood tie shall be provided at Final Site Plan at the north property line and shall intersect Street Z between lots 1529 and 1530. The interneighborhood tie shall be a local street with 50' right-of-way and a 24' wide paved surface.
12. No Final Site Plan shall be approved for the area north of Road E2 and the property north of the roundabout on Road E2 for one year from the date of the approval of this PSP in order to allow the County to review the alignment of Spencer Parrish Road. In the event the County adopts an alignment for Spencer Parrish Road that affects the approved PSP for this area, the developer shall redesign this area to accommodate such realignment. Developer shall then dedicate the necessary right-of-way upon the request of the County with impact fee credits assigned in accordance with the Land Development Code.

13. All roads shall be open to the public and not gated, except internal roads in the single family attached areas.

E. Environmental

1. A copy of the Environmental Resource Permit approved by SWFWMD shall be provided to the Planning Department prior to each Final Site Plan approval.
2. 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.
3. Prior to Final Site Plan approval, the entire site shall be re-evaluated to determine the level of contamination and appropriate remediation and mitigative measures as approved by the Environmental Management Department. Copies of a remediation or mitigation plans along the approvals by appropriate State or Federal agencies shall be provided to the Planning Department. All remediation or mitigation activities shall be completed prior to commencement of construction. A remediation plan shall be reviewed and approved by the Environmental Management Department.
4. In the event right-of-way is dedicated for a connection to the Copperstone entrance near the school site, any resulting wetland impacts shall be mitigated on-site and addressed with the ERP for this project.
5. The applicant shall provide a pre-construction Water Quality Monitoring Plan to the Environmental Management Department for approval. Prior to Final Site Plan approval the applicant shall provide one year of baseline water quality data in accordance with the approved monitoring plan.
6. A Water Well Construction Permit shall be obtained from the EMD prior to construction of the proposed well(s).
7. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
8. Underground and aboveground pollutant storage tank installation and removal shall conform to the requirements of Chapters 62-761, Florida Administrative Code.
9. There shall be no open burning of trees or branches for land clearing.

F. Notices

1. The developer is put on notice that the County and School Board are required to establish school concurrency. Until such time as the details of that program are adopted, this approval does not guarantee capacity under the terms of the future program, to the extent school concurrency is legally applicable to the project.
2. The Notice to Buyers 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, and shall include language informing prospective homeowners in the project of:
 - a. The location of the inter-neighborhood ties and the potential for future traffic through the subdivision;
 - b. The required pedestrian connection to the southeast, at the end of the cul-de-sac on Road G;
 - c. The potential uses associated with surrounding agriculture zoning which may have a negative impact on residences (e.g., noise and odor);
 - d. The location of the potential future elementary school and fire station sites;
 - e. Moccasin Wallow Road and U.S. 301 are planned as a 6-lane thoroughfare roadway and Fort Hamer Road and Spencer Parrish Road are planned as a 4-lane thoroughfare roadway and residents may experience increase noise impacts from these roadways.
 - f. The area southeast of this project, at the northwest intersection of U.S. 301 and Moccasin Wallow Road has the potential to be developed as commercial in the future.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a gross density of over 1 dwelling unit per acre in the UF-3 Future Land Use Category. This Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for an alternative to Section 907.9.4.2 of the Land Development Code. The Specific 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. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 90-01, the Manatee County Land Development Code) is hereby amended by changing the zoning district classification of the property identified in Exhibit "A" herein from A/NCO (General Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential zoning district), retaining the North Central Overlay and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 5. 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 section, clause, sentence, or other 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 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 20th 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 1

BEGINNING AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 33 SOUTH, RANGE 19 EAST, THENCE RUN NORTH 00 DEGREES 07 MINUTES 32 SECONDS EAST ALONG THE WEST LINE OF SECTION 18, TOWNSHIP 33 SOUTH, RANGE 19 EAST, A DISTANCE OF 1944.35 FEET; THENCE SOUTH 87 DEGREES 03 MINUTES 06 SECONDS EAST, A DISTANCE OF 3097.80 FEET; THENCE SOUTH 00 DEGREES 51 MINUTES 34 SECONDS WEST, A DISTANCE OF 4410.80 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MOCCASIN WALLOW RD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF THE FOLLOWING THREE COURSES: THENCE NORTH 89 DEGREES 08 MINUTES 59 SECONDS WEST, A DISTANCE OF 328.22 FEET; THENCE NORTH 89 DEGREES 08 MINUTES 06 SECONDS WEST, A DISTANCE OF 2693.61 FEET; THENCE NORTH 87 DEGREES 54 MINUTES 46 SECONDS WEST, A DISTANCE OF 16.97 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 33 SECONDS EAST ALONG THE WESTERLY LINE OF SAID SECTION 19, A DISTANCE OF 2579.15 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 18 AND 19, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

AND

PARCEL 2

FROM THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 33 SOUTH, RANGE 19 EAST, RUN NORTH 00 DEGREES 35 MINUTES 56 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 318.91 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 55 MINUTES 48 SECONDS WEST, A DISTANCE OF 2227.17 FEET; THENCE NORTH 00 DEGREES 51 MINUTES 23 SECONDS EAST, A DISTANCE OF 2013.05 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 22 SECONDS EAST, A DISTANCE OF 2293.32 FEET; THENCE NORTH 00 DEGREES 35 MINUTES 56 SECONDS EAST, A DISTANCE OF 1332.92 FEET; THENCE NORTH 27 DEGREES 47 MINUTES 39 SECONDS EAST, A DISTANCE OF 1049.84 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 4022.65 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF U.S. 301; THENCE SOUTH 36 DEGREES 06 MINUTES 04 SECONDS WEST ALONG THE SAID RIGHT OF WAY LINE, A DISTANCE OF 5506.87 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 48 SECONDS WEST, A DISTANCE OF 3517.23 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 16, 17, AND 18, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

LESS AND EXCEPT FROM THE ABOVE LANDS THAT PORTION CONVEYED TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY BY VIRTUE OF THAT CERTAIN WARRANTY DEED RECORDED SEPTEMBER 3, 2002 IN THE OFFICIAL RECORDS BOOK 1767, PAGE 4886, PUBLIC RECORDS MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND LYING IN SECTION 17, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 17; THENCE NORTH 00 DEGREES 35 MINUTES 56 SECONDS EAST FOR 318.91 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 48 SECONDS EAST FOR 3517.23 FEET TO THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY 301; THENCE NORTH 36 DEGREES 06 MINUTES 04 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID RIGHT OF WAY FOR 420.94 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 39 SECONDS WEST, LEAVING SAID RIGHT OF WAY, FOR 236.10 FEET TO A POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 16 MINUTES 21 SECONDS WEST FOR 60.00 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 39 SECONDS WEST FOR 60.00 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 21 SECONDS EAST FOR 135.00 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 39 SECONDS EAST FOR 60.00 FEET; THENCE SOUTH 00 DEGREES 16 MINUTES 21 SECONDS WEST FOR 75.00 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 4

FROM THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 33 SOUTH, RANGE 19 EAST, RUN NORTH 00 DEGREES 35 MINUTES 56 SECONDS EAST, A DISTANCE OF 318.91 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 55 MINUTES 48 SECONDS EAST, A DISTANCE OF 3517.34 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF U.S. 301; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: SOUTH 36 DEGREES 06 MINUTES 04 SECONDS WEST, A DISTANCE OF 915.56 FEET TO THE P.C. OF A CURVE TO THE LEFT WHOSE RADIUS POINT LIES SOUTH 53 DEGREES 53 MINUTES 56 SECONDS EAST, A DISTANCE OF 1977.86 FEET, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE ALSO BEING SAID RIGHT OF WAY LINE, A DISTANCE OF 972.62 FEET THROUGH A CENTRAL ANGLE OF 28 DEGREES 10 MINUTES 31 SECONDS, THENCE NORTH 89 DEGREES 25 MINUTES 21 SECONDS WEST, A DISTANCE OF 1282.99 FEET; THENCE SOUTH 00 DEGREES 06 MINUTES 48 SECONDS EAST, A DISTANCE OF 1300.10 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MOCCASIN WALLOW RD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES; THENCE NORTH 88 DEGREES 55 MINUTES 17 SECONDS WEST, A DISTANCE OF 1335.16 FEET; THENCE NORTH 89 DEGREES 08 MINUTES 59 SECONDS WEST, A DISTANCE OF 2271.88 FEET; THENCE NORTH 00 DEGREES 51 MINUTES 23 SECONDS EAST, A DISTANCE OF 2868.05 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 48 SECONDS EAST, A DISTANCE OF 2227.17 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 17, 18, 19, AND 20, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.