

FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA

APR 6 10 01 AM '92

MANATEE COUNTY ORDINANCE NO. Z-88-64(R)  
MANATEE JOINT VENTURE

SECRETARY OF STATE

APR 6 10 01 AM '92

FILED

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,  
AMENDING MANATEE COUNTY ORDINANCE NO. Z-88-64  
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON  
NOVEMBER 30, 1989. PRESENT ZONING: PDR/WP-E/ST  
(PLANNED DEVELOPMENT RESIDENTIAL/WATERSHED  
PROTECTION-EVERS/SPECIAL TREATMENT OVERLAY  
DISTRICTS); PROVIDING AN EFFECTIVE DATE.

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

Section 1. FINDINGS OF FACT. 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 of said County as well as all other matters presented to  
said 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 Section 4 of this Ordinance  
zoned PDR/WP-E/ST (Planned Development Residential/Watershed  
Protection-Evers/Special Treatment Overlay District).

B. The said Board of County Commissioners held a Public  
Hearing on March 26, 1992, regarding said proposed amendment to  
approved Manatee County Ordinance No. Z-88-64, described herein in  
accordance with the requirements of Manatee County Ordinance No. 90-  
01, the Manatee County Land Development Code, and has further  
considered the information received at said Public Hearing.

C. The proposed amendment to the Official Zoning Atlas  
regarding the property described in Section 5 herein is found to be  
consistent with the requirements of Manatee County Ordinance No.  
89-01, the Manatee County Comprehensive Plan.

Section 2. An amendment to Manatee County Ordinance No. Z-  
88-64, adopted on November 30, 1989 by the Board of County  
Commissioners, is hereby approved as follows:

Condition G.(8) shall read as follows:

The Developer\* shall assure that all necessary right-of-way is  
dedicated to Manatee County and shall design and complete the  
construction of the south entrance to River Club\* from the River  
Club\* project to an easterly extension of University Parkway  
prior to approval of a Final Subdivision Plat for the 95th unit  
for Residential South\* and prior to any Final Plat Approval for  
the 376th unit in River Club. This condition also includes the  
extension of University Parkway from I-75 to the River Club  
South\* entrance, which shall be located at least one-half (1/2)  
mile from the I-75/University Parkway Interchange in accordance  
with Section 5.1.5.3 of the Manatee County Comprehensive Plan.  
Construction of these two roadways will perform the following  
functions:

- (a) Provide needed access to both River Club\* and Braden  
Woods\* for the thirty-six percent (36%) of project generated  
trips;
- (b) Provide an alternate route to the project in the event the  
multi-laning of SR 70 is delayed for an indeterminate time;
- (c) Provide a second means of access to River Club South\* as  
required by the Manatee County Land Development Code before  
Final Plat Approval for the first 101 units south of the  
Braden River;
- (d) Provide access for the Fire Department and other public  
safety services;

APR 9 1 15 PM '92

- (e) Provide a portion of the Transportation System;
- (f) Provide a secondary means of access for the General Public from University Parkway to State Road 70, especially in the event of problems with the I-75 bridge over the Braden River;
- (g) This roadway shall be considered to serve the function of an Operational Use as set forth in the Manatee County Ordinance 86-09.

Construction shall be of 2 lanes and shall be in conformance with Manatee County standards for the roadway classification. Construction plans for all of these roadways shall be approved by the Manatee County Public Works Department.

Upon completion of construction of the roadways set forth in this Stipulation G.(8), Developer\* shall pay to Manatee County a sum equal to the projected impact fees for the Transportation component for all units of River Club\* that have not yet paid impact fees to Manatee County less sums paid pursuant to Stipulation G.(3), less that portion of the costs to construct the roadways set forth in this stipulation G.(8) that is creditable under Manatee County Ordinance 86-09. Manatee County shall utilize this payment to construct or obtain the construction of one (1) or more improvements to State Road 70 in the area between U.S. 301 and Interstate 75 or to a parallel roadway designed to relieve traffic on State Road 70.

Any payments due Manatee County shall be paid in cash or by certified check and shall be paid within thirty (30) days after notice to make payment from the County, which notice shall be given no earlier than ninety (90) days prior to the first advertising for bid(s) related to the selected Transportation Projects.

If payment has not been made previously, on or before the approval by the County of the first Final Development Plan, Developer\* shall post an irrevocable letter of credit acceptable to County, to secure the full amount of the payment which shall be subject to being reduced to cash at such time as payments are required to be made for the State Road 70 project(s) as set forth above. Such letter of credit shall be from a federally insured bank or saving and loan association within one hundred (100) miles of Bradenton, Florida. The amount of the irrevocable letter of credit shall not have the effect of establishing the payment amount as being equal to the then existing impact fees due under Manatee County Ordinance 86-09. Revisions in the impact fee schedule set forth in said Ordinance shall apply to impact fees due herein, unless the impact fees are paid in cash pursuant to a Fee Agreement prior to any such revisions becoming effective.

Manatee County shall rely upon payments made and shall make financial, construction, and other commitments once payments are made by the Developer\*. Prior to any payment made under this section, the Developer\* shall enter into a written agreement with Manatee County, in a form acceptable to Manatee County, which shall provide that the Developer\* understands, and agrees that, provided said payments are used as set forth in the written agreement, such payments made shall be at Developer's risk and shall not be refundable regardless of the enforceability of any other provision contained herein. In the event that the Developer\* has posted a Letter of Credit, and no payment has been paid pursuant to this section, and if the Developer\* is legally prohibited from utilizing the mitigation option set forth in subparagraph G.(3).b.2. herein, then Manatee County shall release said irrevocable Letter of Credit. The County may withhold any development orders which may be issued in accordance with this subsection until said agreement has been executed by the Developer\*, approved by the Board of County Commissioners, and recorded in the Public Records of Manatee County.

Any payments provided by the Developer\* to the County shall receive credits toward transportation component impact fees subsequently due Manatee County if such credits are allowed under Manatee County Ordinance 86-09, as it may be amended from time to time. Such payments shall not prevent Manatee County from revising or increasing the impact fees due from the Developer\* to which applicable advance sums shall be applied, unless the impact fees have been paid pursuant to a fee agreement pursuant to Manatee County Ordinance 86-09.

Section 3. All other provisions of Manatee County Ordinance No. Z-88-64 shall remain in full force and effect. In the event there is an inconsistency between the terms of this Ordinance and the Ordinance referred to above, the terms of this Ordinance shall control.

Section 4. AMENDMENT OF OFFICIAL ZONING ATLAS. The official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by amending Condition G.(8) of Manatee County Ordinance No. Z-88-64 for the property described in Section 5, herein. Presently zoned PDR/WP-E/ST (Planned Development Residential/Watershed Protection-Evers/Special Treatment Overlay District), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning, Permitting and Inspections Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 5. LEGAL DESCRIPTION.

A PARCEL OF LAND LYING IN SECTIONS 19, 30 AND 31, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE S.E. CORNER OF SAID SECTION 30; THENCE N 89°49'07" W, ALONG THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 3164.97 FEET; THENCE S 01°07'22" W, AND PARALLEL WITH THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 1532.73 FEET; THENCE N 89°49'07" W, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 1438.64 FEET TO THE WEST LINE OF SAID SECTION 31; THENCE N 01°07'22" E, A DISTANCE OF 1532.73 FEET TO THE S.W. CORNER OF SAID SECTION 30; THENCE N 00°15'29" E, A DISTANCE OF 2698.36 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 30; THENCE N 01°11'02" E, ALONG THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 1050 FEET, MORE OR LESS, TO THE SOUTHERLY ORDINARY HIGH WATER LINE OF THE BRADEN RIVER; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG SAID ORDINARY HIGH WATER LINE, A DISTANCE OF 8400 FEET, MORE OR LESS, TO THE EAST LINE OF AFORESAID SECTION 30; THENCE S 00°13'20" W, A DISTANCE OF 4894 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 612 ACRES, MORE OR LESS. *R.M.*

Section 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 26th day of March, 1992.

OF MANATEE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS

BY: *Kathy A. Suel*  
Chairman

ATTEST: R. B. SHORE  
Clerk of the Circuit Court

*[Handwritten signature]*

*[Circular official seal]*

STATE OF FLORIDA COUNTY OF MANATEE

I hereby certify that the foregoing is a true copy of ORDINANCE NO 2864(A) adopted by the Board of County Commissioners of said County on the 26<sup>th</sup> day of March, 1992, this 1<sup>st</sup> day of April, 1992 in Bradenton, Florida.

R. B. Shore  
Clerk of Circuit Court  
By Susan D. Shore D.C.

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FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

DIVISION OF ELECTIONS

Room 2002, The Capitol, Tallahassee, Florida 32399-0250  
(904) 488-8427

April 6, 1992

Honorable R. B. Shore  
Clerk of the Circuit Court  
Manatee County Courthouse  
Post Office Box 1000  
Bradenton, Florida 34206

Attention: Susan French, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of March 31, 1992 and certified copy of Manatee County Ordinance Number Z88-64(R), which was filed in this office on April 6, 1992.

The duplicate copy showing the filing date is being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

Enclosure (1)

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