



WHEREAS, the Master Development Order, as amended, granted rights applicable to all future development increments and the Increment I and II Development Orders, as amended, established additional development rights; and

WHEREAS, on May 27, 1992, Atlantic Gulf Communities Corporation ("AGC" or the "applicant"), f/k/a General Development Corporation, submitted an Application for Incremental Development Approval ("AIDA") for Increment III of Murdock Center to the BCC, Southwest Florida Regional Planning Council ("SWFRPC") and Florida Department of Community Affairs ("DCA") in accordance with Section 380.06, F.S.; and

WHEREAS, AGC is an owner and a developer of Increment III of the Murdock Center DRI with authority to file the AIDA and to obtain a Development Order for Increment III of Murdock Center; and

WHEREAS, Increment III of Murdock Center is a mixed-use project consisting of two (2) non-contiguous parcels containing approximately 76 acres as more specifically described in Exhibits A and H attached; and

WHEREAS, the applicant proposes that the Increment III multi-use development consist of the land uses at the maximum square footages, dwelling units, bed numbers, acreages and parking spaces set forth on Exhibit B attached; and

WHEREAS, on November 17, 1992, AGC and DCA entered into a Preliminary Development Agreement ("PDA") (attached as Exhibit C), pursuant to Sections 380.032(3) and 380.06(8), F.S., for a portion of Increment III, authorizing AGC or its successors and assigns to develop up to 185,000 gross square feet of retail commercial use with 875 parking spaces on 19.2 acres prior to issuance of a final Development Order for Increment III; and

WHEREAS, construction of the development authorized pursuant to the PDA has commenced and such development has received all required regulatory permits for construction; and

WHEREAS, on March 2, 1988, the Southwest Florida Water Management District issued a Master Storage of Surface Waters (MSSW) conceptual permit (#491338) for the Murdock Watershed, which includes Increment III; and

WHEREAS, on November 18, 1992, AGC contributed \$22,395.08 to the Fish and Wildlife Habitat Trust Fund, Southwest Florida, for mitigation for impacts, which were not regionally significant, of Increment III development on gopher tortoises and their habitat, and on November 18, 1992, the Florida Game and Fresh Water Fish Commission issued a permit (#CHA-1) for taking of gopher tortoises and their burrows within Increment III; and

WHEREAS, the BCC, as the governing body of the local government with jurisdiction, is authorized and empowered to consider the AIDA for Increment III; and

WHEREAS, all applicable public notice requirements of Section 380.06, F.S., and of Charlotte County, including the Charlotte County Zoning Regulations have been satisfied, and notice has been given to the DCA and SWFRPC; and

WHEREAS, the review of Increment III has been conducted in accordance and compliance with Chapter 380, F.S., and the Master Development Order for the Murdock Center DRI; and

WHEREAS, on July 26, 1993, the Charlotte County Planning and Zoning Board, which serves as the County's Local Planning Agency, held a duly noticed public hearing on the

Increment III AIDA; received relevant evidence, including the SWFRPC DRI Assessment for Murdock Center Increment III; and recommended approval of Increment III; and

WHEREAS, on August 17, August 31, September 7, and October 12, 1993, the BCC held duly noticed public hearing on the Increment III AIDA, and reviewed and considered relevant evidence, including the SWFRPC assessment, the recommendations of the Charlotte County Local Planning Agency and County staff, and other documents and public comments; and

WHEREAS, the public was offered the opportunity to participate in the hearings described above.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Charlotte County, Florida, that Increment III of the Murdock Center DRI is hereby APPROVED, subject to the following provisions:

Section 1. Findings of Fact. The BCC makes the following findings of fact:

1.1 The factual content of the WHEREAS clauses set forth above is approved and incorporated by reference.

1.2 The real property that is subject to this Development Order is legally described as set forth in Exhibit A attached and incorporated by reference.

1.3 The applicant delivered to Charlotte County, SWFRPC and DCA the AIDA for Increment III of the Murdock Center DRI and also has submitted two (2) sufficiency responses dated August 3, 1992, and October 26, 1992, and a letter from Florida Transportation Engineering, Inc., dated March 4, 1993, which the applicant certifies have been delivered to those parties.

1.4 Increment III is not located in an area of critical state concern designated pursuant to Section 380.05, F.S.

1.5 A comprehensive review of the impacts generated by Increment III has been conducted by Charlotte County, SWFRPC and the DCA.

1.6 Increment III is proposed to be developed with the land uses at the maximum square footages, dwelling units, bed numbers, acreages and parking spaces set forth on Exhibit B hereto. The Conceptual Master Development Plan for Increment III is attached as Exhibit D.

1.7 Increment III consists of a single five (5)-year phase commencing on the effective date of this Development Order.

1.8 The authorized agent of the applicant is Kimball D. Woodbury, Vice President, Planning and Project Management, Atlantic Gulf Communities Corporation, 2601 South Bayshore Drive, Miami, Florida 33133-5461.

1.9 The authorized agent of the County, and the person to whom notices shall be delivered for the County, is the Director of Community Development, Charlotte County Administration Building, 18500 Murdock Circle, Port Charlotte, FL 33948.

**Section 2. Conclusions of Law.** The BCC adopts the following conclusions of law:

2.1 The proposed development is consistent with the State Comprehensive Plan.

2.2 The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted state land development plan applicable to the area.

2.3 The proposed development is consistent with the Charlotte County Comprehensive Plan adopted pursuant to Chapter 163, F.S., and with Charlotte County local land development regulations.

2.4 The proposed development is in all material aspects consistent with the report and recommendations of the SWFRPC, submitted pursuant to Chapter 380.06(12), F.S.

2.5 On balance, the proposed development will have a favorable impact on the environment and natural and historical resources and on the economy of the region; will efficiently use water, sewer, solid waste disposal, and other necessary public facilities and public transportation facilities and will meet the other criteria of Section 380.06(12), F.S.

2.6 This Development Order constitutes final DRI approval for Murdock Center Increment III of the development set forth on Exhibit B and depicted on Exhibit D attached.

2.7 These proceedings have been duly conducted pursuant to all applicable laws and regulations, including but not limited to Chapter 380, F.S.

2.8 AGC has complied with all conditions of the Master Development Order required to precede approval of an incremental development order.

Section 3. Conditions: The AIDA for Increment III of the Murdock Center DRI is APPROVED, subject to the following conditions.

3.1 Incorporation of AIDA. The AIDA for Increment III is incorporated into this Development Order by reference in accordance with the following provisions:

a. The AIDA for Increment III shall consist of the AIDA dated May 27, 1992; two (2) sufficiency responses dated August 3, 1992, and October 26, 1992; and a letter from Florida Transportation Engineering, Inc. dated March 4, 1993.

b. Increment III shall be developed in accordance with the AIDA and conditions and commitments therein as described above, consistent with the following rules of construction:

i. In the event of conflict between the provisions of this Development Order and the AIDA, the provisions of this Development Order shall control.

ii. In the event of conflict between portions of the AIDA, the most recent communication shall control. In the absence of any such conflict, AIDA responses shall be cumulative.

iii. Any information, commitments or impact mitigation provisions in the AIDA that are inconsistent with the conditions of this Development Order and its attached exhibits are superseded by the conditions of the Development Order.

iv. If applicant commitments are not carried out as indicated, the applicant must file for a substantial deviation determination.

c. Increment III shall be developed in accordance with the applicable conditions of the Master Development Order as set forth in the AIDA.

3.2 Applicant. Wherever the term "applicant" or "AGC" is used in the AIDA or this Development Order within a commitment or condition of development that must be satisfied, the term shall be deemed to include any successors to or assigns of AGC or any management entity succeeding to AGC's rights or obligations under this Development Order. This Development Order shall run with the land and be binding upon AGC's successors and assigns. Satisfaction of a Development Order condition by a successor or assign to AGC shall be deemed satisfaction by AGC.

3.3 Project Description. Increment III shall consist of the land uses set forth on Composite Exhibit B attached, including the equivalent development in accordance with the equivalency matrix attached as part of Composite Exhibit B for the Flexible Land Use Zone

uses, and the land uses depicted on Exhibit D attached, the Conceptual Master Development Plan for Increment III (Map H). At the time of selection of a land-use trade-off under the equivalency matrix for the Flexible Land Use Zone, the applicant shall notify the Department of Community Affairs, Charlotte County and Southwest Florida Regional Planning Council of said selection and shall provide those agencies with cumulative land use totals and remaining allowable quantities. So long as the trade-off is consistent with the criteria in the matrix, the Charlotte County Comprehensive Plan Future Land Use Map designation, and the local Zoning Code, no additional review or approvals shall be required. The design standards for Increment III contained in Exhibit E attached are incorporated by reference. The project shall consist of a single five (5)-year phase.

#### 3.4 Vegetation and Wildlife/Wetlands.

- a. The applicant shall relocate or preserve in place at least 10 percent of the on-site population of coontie and prickly pear cactus.
- b. Listed plant species shall be incorporated into landscape plans, and at least 10 percent of the cabbage palms containing listed epiphytes shall be relocated to landscaped areas within or outside the Increment III boundary as approved by Charlotte County.
- c. A preservation and/or relocation plan for listed plants shall be prepared and submitted to Charlotte County for review by the Development Review Committee (DRC).
- d. Development shall comply with the Charlotte County Landscape and Tree Ordinances.



e. Oaks shall be preserved or relocated into clusters within buffer areas and within landscaped areas where feasible in Increment III and included as part of landscape features to enhance the project's appearance.

### 3.5 Wastewater Management/Water Supply

a. The applicant shall pursue alternative methods for obtaining non-potable water. These methods may include, but should not be limited to, reclaimed stormwater, reclaimed water from a regional resource, a combination of the two, or any comprehensive approach that will eliminate the need for onsite withdrawals.

b. For the purposes of potable water conservation, Murdock Center Increment III shall utilize high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices. Such devices shall include toilets which meet Southwest Florida Water Management District requirements and the Southern and Charlotte County Building Codes.

c. For the purposes of non-potable and/or reclaimed water conservation, Murdock Center Increment III shall utilize xeriscape principles in all landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable.

d. In order to facilitate concurrency requirements, building permits for any portion of Murdock Increment III shall not be issued until such time as the developer, or developers, of such portion can demonstrate that adequate potable water and wastewater treatment capacities exist to serve such portion of the development.

e. If required by the District, Murdock Center Increment III shall require a Southwest Florida Water Management District Water Use Permit for any withdrawals from groundwater, project lakes, and/or other surface water bodies for the purposes of irrigation or potable use, and for any dewatering associated with the construction of project lakes, and/or road or building foundations.

f. If required by the District, Murdock Center Increment III shall require Southwest Florida Water Management District well construction permits for construction of any wells on the project site.

g. The project shall obtain potable water, and wastewater treatment, from Charlotte County Utilities if Charlotte County Utilities determines that it has sufficient capacity to serve the project. Should Charlotte County Utilities determine that it does not have sufficient capacity, the applicant shall either construct interim potable water and wastewater treatment facilities, or shall postpone development until such time as Charlotte County Utilities' service capacity is available to the project. Any interim facilities constructed in accordance with the approved Capital Facilities Plan by the applicant shall be constructed to Charlotte County Utility and Southwest Florida Water Management District standards, and shall be dismantled, at the applicant's expense, upon connection to the County facilities. Ownership, operation and maintenance responsibility of all on-site water and sewer facilities shall be at the sole discretion of Charlotte County Utilities. Whether potable water and wastewater facilities are provided onsite or offsite, the applicant shall demonstrate to Charlotte County that adequate potable water and wastewater treatment capacity is available at the time of final site plan submittal to the County.

h. As the Murdock Center Increment III development may be required, at some future date, to utilize treated effluent for irrigation, the applicant shall ensure that onsite lakes and the stormwater management systems are adequately buffered from possible effluent contamination.

i. The applicant shall provide assurance that hazardous commercial and medical effluents, if generated by the project, will be treated separately from domestic wastewater and handled in accordance with any applicable federal or state criteria, including those of Florida Department of Environmental Regulation and Florida Department of Health and Rehabilitative Services. The applicant shall further insure, to the satisfaction of the Florida Department of Environmental Regulation and Charlotte County Utilities, that waste introduced into the wastewater collection system shall be limited to domestic wastewater as defined by Rule 17-600.200(25), Florida Administrative Code, as amended from time to time.

j. Septic tanks shall not be allowed, except for construction or sales offices, due to the possibility of hazardous wastewater generation by the commercial/office and institutional portions of the project.

k. All construction plans, technical specifications, and proposed plats, if applicable, for the proposed water distribution and wastewater systems, and any possible onsite treatment facilities, shall be reviewed and approved by Charlotte County Utilities prior to commencement of construction.

l. All potable water facilities, including the possible onsite/offsite potable water treatment system, shall be properly sized to supply average and peak day domestic

demand, in addition to fire flow demand, at a rate approved by the appropriate Fire Control District servicing the project area.

m. The lowest quality water available on technically and economically feasible basis shall be utilized for all non-potable water uses.

n. If development occurs within Increment III which requires pretreatment of wastewater prior to disposal into the centralized collection system, the entities responsible for these uses will comply with all state and local regulations relating to pre-treatment requirements.

o. The applicant, or the developer of any particular development parcel, will be responsible for constructing the internal wastewater collection system and internal water supply facilities that will connect to the Charlotte County Utilities system.

p. All gallons per day assessed for purposes of computing connection/capacity fees shall be determined utilizing Charlotte County Utilities' Main Extension Policy as approved by the Charlotte County Board of County Commissioners.

q. Development risks, in terms of sufficient water and sewer capacity, shall be borne by the applicant or its successors or assigns.

r. All required permits and any other regulatory approvals shall be obtained by the applicant or its successors or assigns.

s. No capacity, express or implied, shall be stated or assumed until such time as a utility agreement is fully executed and appropriate connections fees paid.

t. The policies and procedures relative to rendering water and sewer service shall be as promulgated by Charlotte County Utilities, as approved by the Charlotte County Board of County Commissioners.

### 3.6 Water Quality/Soils/Stormwater Management

a. During construction activities within Murdock Center Increment III, the 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.

b. No commercial extraction of minerals from Increment III shall occur; provided, however, that materials excavated for lakes may be utilized as fill materials elsewhere where permitted.

c. If excavation occurs, the AIDA applicant shall determine the concentration of the naturally occurring radioactive series in the cores taken from the proposed excavation for lakes and/or fill materials. The results of these core samples shall be made known to the Charlotte County monitoring official identified in this Development Order.

d. Stormwater management design shall meet the requirements of all Charlotte County regulations in effect at the time of construction plan approval.

e. If required by regulatory agencies with jurisdiction, Increment III development will require permits for construction and operation of the surface water management systems, and for any dewatering activities associated with the construction of lakes, roads, or building foundations.

f. Increment III shall meet requirements for the monitoring of surface and groundwater in accordance with permits issued by the Southwest Florida Water Management District.

g. Water control structures shall be installed as early in the construction process as practicable so as to prevent any over-drainage or flooding of preserved wetlands.

h. Any shoreline banks created along onsite stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in native emergent and submergent vegetation or shall be constructed in accordance with permits issued by the Southwest Florida Water Management District. The applicant shall ensure, by supplemental replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at minimum the area between ordinary high water and ordinary low water) for the duration of the project, if not in conflict with applicable permit conditions.

i. The Murdock Increment III DRI shall establish deed restrictions or covenants which require land owners within the development to comply with all requirements of the approved water management systems permitted for the Murdock Increment III DRI.

j. If required by the Southwest Florida Water Management District, the applicant shall conduct annual inspections of the surface water management systems and lakes within Increment III so as to ensure that these systems are being properly maintained in keeping with the approved surface water management plan, and that the systems are capable of accomplishing the level of stormwater storage and treatment for which they were designed and intended.

k. Provisions for the drainage of offsite areas and out-parcels that presently drain through the project site must be provided at the time of permit application.

l. All project construction shall take place away from proposed buffers, lakes and swale systems, so as not to affect the intended function of the surface water management system.

m. The applicant shall confirm, to the satisfaction of Charlotte County and Southwest Florida Water Management District staffs, that the proposed project control elevations and overall designs will preserve adjacent wetlands, including the maintenance of natural hydroperiods, and that, if applicable to any onsite development, the County and District preservation/mitigation criteria will be met.

n. In areas adjacent to developed parcels the applicant shall provide (1) at least one-half inch of dry pre-treatment (retention or detention) or (2) an equivalent alternative, as determined by the appropriate regulatory agencies, in order to provide reasonable assurance that hazardous materials will not enter the surface water management system.

o. The operation of the Murdock Increment III surface water management systems is dependent on the Pellam, Auburn and Courtland Waterways for outlets. Therefore, the Murdock Watershed MSSW permit (#491338) previously issued by the Southwest Florida Water Management District for area including Increment III has required a system designed in accordance with existing Southwest Florida Water Management District design parameters for systems discharging to these waterways.

p. The applicant shall participate in any on-going or future efforts by Charlotte County to establish a county-wide surface water management system. Wherever feasible, the applicant shall utilize regulatory, land use planning and educational approaches, rather than purely structural solutions to surface water management problems.

q. Best management practices for monitoring and maintenance of the surface water management systems shall be implemented by the applicant in accordance with Charlotte County and Southwest Florida Water Management District guidelines.

r. All internal surface water management systems shall be set aside as private drainage easements, common areas, preserves, or identified as specific tracts on the recorded final plat.

s. If any changes in water quality monitoring locations, parameters, and/or frequency are suggested by either Charlotte County, the Florida Department of Environmental Regulation, the Southwest Florida Water Management District, other agencies, or the applicant, such changes shall be coordinated with the appropriate local, regional and state agencies.

t. The applicant shall confirm, to the satisfaction of water management permitting agencies within jurisdiction, that construction and maintenance of the proposed water management systems will not impact habitats of any state or federally listed plant and/or animal species occurring onsite, or that such impacts will be mitigated to the benefit of onsite populations of those species.

u. The developer of each parcel within Increment III shall be responsible for providing assurance for an appropriate stormwater management operation and maintenance entity at the time of construction approval.

v. The developer of each parcel within Increment III will be responsible for control of stormwater runoff from within that parcel.



w. The applicant shall cooperate with the County to establish water monitoring stations, if required as part of a County-wide plan. Furthermore, the applicant shall cooperate with the County to take appropriate measures, should a water quality problem arise.

3.7 Solid, Hazardous and Medical Wastes.

a. The site developer shall prepare and submit a hazardous waste management plan for approval by the Charlotte County Development Review Committee, if hazardous waste or medical waste are handled within Increment III. The plan shall address the following:

- 1) types of materials handled;
- 2) licensed transporters that will transport the materials; and
- 3) an emergency plan in case of spill.

b. The waste management plan shall include provision for an emergency contingency plan for the nursing homes or adult facilities. The plan shall include following:

1. Escape and chemical spill procedures.
2. Means for reporting spills, fires and other emergencies.
3. Training of personnel regarding accidental chemical splashes, or use of protective clothing and equipment.
4. Means for detection of leaks.

c. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, should file hazardous materials reporting applications in accordance with Sections 302, 303, 304, or 311-312. Applications must be updated annually by each reporting facility.

d. Facilities qualifying under SARA Title III should prepare a plan for the evacuation of employees.

e. Any business located within the Murdock Center Increment III which generates hazardous or infectious waste shall be responsible for the temporary storage, siting and proper disposal of waste generated by such businesses. However, there shall be no siting of hazardous waste storage facilities contrary to the Charlotte County Zoning Regulations.

f. The applicant shall incorporate the solid waste demands of the project into the county solid waste management program and explore the possibilities of extending the life of the landfill by reducing the solid waste volume with practices such as composting, trash compaction, and mechanical shredding.

e. Loading, off-loading and storage areas for regulated substances shall be curbed and provided with impervious bases, free of cracks and gaps, to fully contain spills and leaks.

f. Storage of hazardous waste or infectious waste outside of buildings within Increment III shall be prohibited.

g. If medical waste is generated, it shall be collected and transported by a licensed carrier.

h. The developer of the nursing facility shall comply with all local, state and federal laws regulating the handling of infectious waste.

i. Biohazardous waste shall be placed in approved containers prior to transporting.

j. If restaurants are developed within this Increment, they will comply with all applicable local, state and federal regulations regarding the handling of grease from inceptors. It will be the responsibility of the restaurant owner or operator to select a licensed transporter.

k. In instances where the above Development Order conditions are inconsistent with applicable federal or state solid, hazardous or medical waste regulations or permit conditions, these regulations and conditions shall control and any inconsistent Development Order conditions above shall be superseded. All of the above Development Order conditions which are not inconsistent with or which are unaffected by relevant approved permit conditions shall remain in force.

### 3.8 Transportation.

a. For purposes of this section of the Development Order, the applicant's total proportional share for roadway improvements required to mitigate the traffic impacts of Increment III (prior to gas tax and license credits), as shown in attached Exhibit F, has been calculated for each road segment and intersection based on the following formula:

$$P.S. = T.C.I.P. \times \% \text{ Project Traffic}$$

Where:

P.S. is the Murdock Increment III applicant's proportional share prior to gas tax and license credits for each improvement identified in the Exhibit F attached.

T.C.I.P. is the total cost of each improvement shown in Exhibit F attached.

% of Project Traffic is the percentage of total traffic on a particular road link which has been identified as being attributable to Increment III, and as shown in Exhibit F.

b. The Transportation Capital Facilities Plan (Exhibit G attached) addresses the provision of public transportation facilities deemed necessary to mitigate the impacts of the Increment III development, as identified below and illustrated on the Increment III, Impacted Roads and Intersections Map. (Exhibit I attached).

Regional Road Segments

US 41

- Paulson Drive to SR 776 6 lane

Toledo Blade Boulevard

- Piatti Lane to Lakeview Blvd. 4 lane

Local Road Segments

Forest Nelson Boulevard

- US 41 to Peachland Blvd. 4 lane

Peachland Boulevard

- Toledo Blade Blvd. to Atwater St. 4 lane

Regional Intersections

US 41/Murdock Circle

US 41/Toledo Blade Boulevard

US 41/Forest Nelson Boulevard

US 41/Midway Boulevard

US 41/Harbor Boulevard

SR 776/Collingswood Boulevard

SR 776/Toledo Blade Boulevard

Toledo Blade Boulevard/Pellam Boulevard

Local Intersections

Toledo Blade Boulevard/Collingswood Boulevard

Specific intersection improvements for the regional and local intersections requiring mitigation have been included in the proportionate share calculations within the road segment construction cost.

c. To determine the existing and projected levels of service on regional facilities and the need for improvements in a timely manner, the applicant shall submit pursuant to Murdock Center Master Development Order Section 4.2(f)(1), an annual monitoring report to Charlotte County, Florida Department of Transportation, DCA and SWFRPC for review and approval. The first monitoring report shall be submitted on or before the anniversary of the effective date of this Development Order. Reports shall be submitted annually until buildout of Increment III.

At a minimum, the report shall contain peak season, p.m. peak hour trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed above in Section 3.8b and a calculation of the peak season, p.m. peak hour level of service at these intersections and on the road segments indicated above in Section 3.8b. The levels of service shall be calculated according to current standards of the Florida

Department of Transportation. The report shall also provide a projection of the levels of service for the roadways and intersections listed in Section 3.8b for the next year, and the level of project impact. Also, the annual monitoring report shall indicate the status of those road improvements from the County's Capital Improvement Program and the FDOT Five Year Work Program that were assumed to be committed for the transportation analysis included in the AIDA.

d. The applicant's proportional share of off-site regionally significant roadway and intersection improvements associated with Increment III traffic, is shown in Exhibit F attached.

e. If, during development of Increment III, any improvement to a regionally significant road or intersection identified in the approved Capital Facilities Plan (Exhibit G attached) as a requirement for Increment III is not constructed in accordance with the approved Capital Facilities Plan, and that construction is not the responsibility of the applicant, construction within Increment III shall stop on December 31, 1998. However, if the applicant is responsible for the construction of the improvement, construction within Increment III shall immediately cease. In addition, if any such improvement that is not the responsibility of the applicant is not constructed in accordance with the approved Capital Facilities Plan by December 31, 1998, then, construction within any new Increment, beyond Increment III, approved to carry out the Murdock Center DRI development described in the Master Development Order, shall also cease on December 31, 1998. The applicant is specifically authorized to propose modifications to this Development Order pursuant to Section 380.06(19), F.S., to revise this last

restriction based on changes in applicable adopted local levels of service that may affect the road improvements necessary to mitigate the impacts of Increment III.

f. The applicant's proportional share of off-site, locally significant roadway and intersection improvements associated with Increment III traffic, is shown in Exhibit F attached.

g. If, during development of Increment III, any improvement to locally significant road or intersection identified in the approved Capital Facilities Plan (Exhibit G attached) as a requirement for Increment III is not constructed in accordance with the approved Capital Facilities Plan, and that construction is not the responsibility of the applicant, construction within Increment III shall stop on December 31, 1998. However, if the applicant is responsible for the construction of the improvement, construction within Increment III shall immediately cease. In addition, if any such improvement that is not the responsibility of the applicant is not constructed in accordance with the approved Capital Facilities Plan by December 31, 1998, then, construction within any new Increment, beyond Increment III, approved to carry out the Murdock Center DRI development described in the Master Development Order, shall also cease on December 31, 1998. The applicant is specifically authorized to propose modifications to this Development Order pursuant to Section 380.06(19), F.S., to revise this last restriction based on changes in applicable adopted local levels of service that may affect the road improvements necessary to mitigate the impacts of Increment III.

h. The applicant's proportional share of specific improvement costs shown in Exhibit F attached, was calculated consistently with the methodology outlined in the Murdock Center Traffic Report, dated February, 1987, as agreed to by Charlotte County. Based on this

procedure, the applicant's total proportional share for all roadway impacts in Increment III is \$937,232. Total mitigation required under this Development Order for mitigation of traffic impacts pursuant to Chapter 380, F.S., and the Master Development Order shall not exceed that amount. Provided, however, that development within Increment III shall also be subject to the Charlotte County Impact Fee Ordinance (Ordinance 86-28, as amended by Ordinances 87-42, 89-85, and 93-22) as amended from time to time, in accordance with other Development Order provisions including conditions 3.8n and 3.19.

i. To implement payment of the applicant's total proportional share amount set forth above, Charlotte County and the applicant agree that the applicant will fully discharge its responsibility for payment of proportional shares of specific improvement costs, consistent with transportation conditions 4, 6, 15, 16 and 20 of the Master Development Order, by the following mitigation actions described below.

j. The applicant shall pay for the following specific roadway improvement, to be constructed by the applicant or other entities approved by Charlotte County, as shown in Exhibit F attached: U.S. 41 - design and construct two additional lanes for a total of six lanes from S.R. 776 to Paulson Drive. The construction of this improvement shall commence no later than November 1, 1995, or when required pursuant to the annual monitoring report as required in Section 3.8 c. and the Capital Facilities Plan (Exhibit G), whichever occurs first. Provided, however, that this construction commencement deadline shall be extended for any period of time during which this Development Order may be on appeal and stayed pursuant to Section 380.07, F.S.



k. The presently estimated cost of construction for the U.S. 41 improvement to be paid for by the applicant is \$603,167. Final actual construction costs may be greater or lesser.

l. In addition to the U.S. 41 improvement, an additional \$281,138.73 for the roads portion of impact fees has already been paid to Charlotte County for the PDA development that is part of Increment III. The amount of \$275,358.76 will qualify toward the applicant's proportionate share requirement as shown in Exhibit K.

m. Prior to any building permit being issued for Increment III for development beyond that approved in the PDA, the applicant shall enter into an escrow agreement with Charlotte County to place in escrow the amount equal to the difference between (1) the total Increment III proportional share calculation set forth above (\$937,232), and (2) the sum of the committed PDA proportionate share credit amount (\$275,358.76) and the value of right-of-way ~~(\$126,569.29)~~ <sup>\$ 127,631.86</sup> to be conveyed by the applicant to Charlotte County for improvement to Toledo Blade Boulevard as such value is determined pursuant to condition 3.8o. below. This resulting amount shall be placed in escrow and expeditiously applied (1) first, by the applicant or other entities approved by Charlotte County under Condition 3.8 j. above for the construction of the U.S. 41 road improvement described above and (2) second, to the extent of funds remaining after the U.S. 41 improvement, by Charlotte County toward the improvement of roads set forth on Table 1.3 in Exhibit G or any other road agreed upon by Charlotte County, the DCA, SWFRPC and the applicant. In addition, a sum equivalent to the impact fees paid by the developer of the PDA parcel shall be expeditiously applied by Charlotte County toward the improvements other than to U.S. 41 set forth on Table 1.3 of Exhibit G. In the event of any

payment by the applicant in excess of the total proportional share for Increment III set forth above, the applicant shall be credited or reimbursed as provided in Condition 3.8 n. below.

n. As provided in Condition 3.8 m. above, the applicant shall be eligible for credits from Charlotte County from road impact fee receipts or other sources of revenue approved by the Board of County Commissioners for any costs paid under this Development Order in excess of its total proportional share set forth above. Credits shall be based upon the Charlotte County Impact Fee Ordinance (Ordinance 86-28 as amended by Ordinances 87-42, 89-85 and 93-22) and in accordance with Section 380.06(16), F.S. The applicant shall have the right to assign all or any part of its credits to any tract, lot or parcel or to any developer, purchaser or lessee within the area located north of the Peace River and east of the Myakka River. The applicant shall notify the County in writing of any assignment so made. Prior to any such assignment, the County shall approve a procedure for such assignments.

o. Prior to submitting an application for preliminary site plan approval for any development beyond that approved in the PDA, the applicant, if requested by the County based on need demonstrated for a four-lane improvement, shall enter into an agreement for the timely transfer of the ownership of up to 60 feet of right-of-way adjacent to Toledo Blade Boulevard and fronting on the south side of Parcels 1 and 2 of the DRI. The value of such right-of-way for purposes of determining the dollar amount to be placed in escrow pursuant to Condition 3.8m. above shall be \$126,569.29, or \$40,339.43 times the approximately 3.1329 acres to be conveyed to the County as established in Exhibit J attached.

p. The applicant or his successor shall be fully responsible for site-related roadway and intersection improvements required within Murdock Center Increment III. The

applicant shall be required to pay the full cost for any site-related intersection improvements (including signalization, turn lanes and acceleration or deceleration lanes) found to be necessary by Charlotte County or the Florida Department of Transportation (FDOT) for the project's access intersections. The applicant will not receive impact fee credits for these improvements.

q. Consistent with rights granted in the Murdock Center DRI Master Development Order and notwithstanding any other provision of this Development Order concerning the application of local regulations to Increment III, compliance with the transportation-related provisions of this Development Order shall satisfy any road or traffic concurrency requirements of the Charlotte County Comprehensive Plan, Charlotte County land development regulations adopted pursuant to Section 163.3202(2), F.S. (1991), and the Charlotte County concurrency management system, as they presently exist or may be amended in the future.

r. Should any proposed change in the development mix of Increment III cause the number of vehicle trips generated by the development to exceed that which was projected in the AIDA, on a daily or p.m. peak hour basis, the project should be subject to the substantial deviation provisions of Section 380.06(19), F.S. (1993).

### 3.9 Air Quality.

a. Trucks and other such vehicles used in site clearing should be covered or wet application should be used to prevent the escape of dust and airborne particles.

b. As required by the Murdock Center DRI Master Development Order, during construction operations, road grading, land clearing, any developer shall employ suitable

dust control measures to control airborne dust particles in accordance with applicable Florida Department of Environmental Regulation requirements.

c. The applicant will comply with all other Florida Department of Environmental Regulation requirements for air quality.

3.10 Energy.

a. 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.

b. The developer of such areas shall provide bicycle racks or storage facilities in recreation, commercial and multi-family residential areas.

c. The developers of each parcel within Increment III 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.

d. Any developer within Increment III shall use energy-efficient features in window design (e.g., tinting and exterior shading).

e. Any developer within Increment III shall use operable windows where appropriate in saving energy.

f. Any developer within Increment III shall install energy efficient appliances and equipment.

g. Deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts, (e.g., building orientation and solar water heating systems) are prohibited.

h. Any developer within Increment III shall minimize coverage by asphalt, concrete, rock and similar substances in streets, parking lots, and other areas to extent possible to reduce local air temperatures and reflected light and heat.

i. Any developer within Increment III 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.

j. Any developer within Increment III shall use water closets meeting Southwest Florida Water Management District requirements and the Southern and Charlotte County Building Codes.

k. Any developer within Increment III 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.

l. Any developer within Increment III shall plant native, or other drought-resistant shade trees to provide reasonable shade for all recreation areas, street, and parking areas, and shall utilize existing trees to the greatest extent possible. Acceptable plant species shall be prescribed in the appropriate design standards.

m. Placement of trees shall be oriented so as to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

n. Any developer within Increment III 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.

o. Any developer within Increment III shall provide for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical, when natural shading cannot be used effectively.

p. Any developer within Increment III shall provide for the inclusion of porch/patio areas in residential units, wherever practical.

q. Energy conservation measures (both those stated 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 referenced in Exhibit E attached.

r. This section shall be implemented where appropriate in saving energy, and when the conditions contained herein do not conflict with the applicable design standards. In the event of conflict between these conditions and applicable building codes, the building codes will control.

### 3.11 Historical and Archaeological Sites.

a. 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.

### 3.12 Education.

a. The applicant will continue to cooperate with the Charlotte County School Board regarding the location, timing, and costs of future schools as may be needed over the twenty (20) year buildout period set forth in the Master Development Order.

3.13 Fire Protection.

a. Fire protection should be provided according to existing standards or fire flow criteria promulgated by Charlotte County or recommended guidelines developed by the National Fire Protection Association.

3.14 Police Protection.

a. To assure the project does not dilute the delivery of service during the site and development/construction plan approval process, the applicant should meet with the Office of the Sheriff to ensure that security features are incorporated within the project design.

b. The applicant will honor the Sheriff's Department request submitted during consideration of the AIDA through generation of ad valorem tax revenues and impact fees.

3.15 Local Monitoring.

a. The County Administrator or his authorized designee shall be responsible for ensuring compliance with this Development Order.

b. Data necessary for monitoring shall be generated by building permits, certificates of occupancy, approval of site plans, the annual report and on-site observations.

c. Enforcement of the terms of this Development Order shall be through such means as are authorized and envisioned by Chapter 380, F.S., and through Charlotte County development regulations, including building permits, and project review by the County Development Review Committee. All development permits issued within Increment III shall comply with applicable provisions of this Development Order.

3.16 Compliance Dates.

a. Physical development of Increment III has commenced pursuant to the November 17, 1992, PDA between AGC and the DCA. Therefore, no further deadline for commencing physical development is necessary.

b. Increment III consists of a single five (5)-year phase. The phase end and Increment III buildout date is December 31, 1998.

c. Increment III shall terminate and this Development Order expire in 2005.

d. The local government agrees that, until 2005, Increment III of the Murdock Center DRI shall not be subject to downzoning, unit density reduction or intensity reduction as a result of any local government action, including any action pursuant to Chapter 163, F.S., unless the local government can demonstrate that substantial changes in the conditions underlying the approval of this Development Order have occurred or the Development Order was based on substantially inaccurate information provided by the applicant or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

3.17 Annual Report.

By each annual anniversary date for the Murdock Center Increment III Development Order, the applicant shall provide an Annual Report as required in Sections 380.06(15)(c)4.,(18), F.S., and Rule 9J-2.025(7), Florida Administrative Code. Requirements for the content and dissemination of this report shall be as follows:



a. Dissemination: The Annual Report, on Form RPM-BSP-ANNUAL REPORT 1, shall be sent to the following agencies: Charlotte County Planning Department or any successor thereto; SWFRPC; DCA; Florida Department of Transportation; and all affected permit agencies.

b. Content: The applicant shall include the following information related to Increment III in the Annual Report:

i. Changes in the plan of development or in the representations contained in the AIDA or in the phasing for the reporting year and for the next year, including any trade-off elections permitted by equivalency matrix included in Composite Exhibit B;

ii. A summary comparison of development activity proposed and actually conducted for the year;

iii. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;

iv. Identification and intended use of lands purchased, leased or optioned by the applicant adjacent to the Increment III site since the Development Order was issued;

v. A specific assessment of the applicant's and the local government's compliance with each condition of approval contained in the Development Order and the commitments which are contained in the AIDA;

vi. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

vii. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Increment III Development Order was issued;

viii. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each within Increment III;

ix. A statement that all persons have been sent copies of the Annual Report in conformance with Sections 380.06(15) and (18), F.S.;

x. A copy of any recorded notice of the adoption of the Development Order or a subsequent modification of the Development Order that was recorded by the applicant pursuant to Section 380.06(15)(f), F.S.

3.18 Substantial Deviations.

Further review pursuant to Chapter 380 may be required if a substantial deviation, as defined in Section 380.06(19), F.S. (1992 Supp.), occurs. The applicant shall comply with that section concerning substantial and non-substantial deviations or development order amendments. The applicant shall be given due notice of and an opportunity to be heard at any hearing to determine whether or not a proposed change to the development is a substantial deviation.

3.19 Impact Fees; Credits.

a. In addition to the proportional share payment for road impacts required under condition 3.8, development within Increment III shall be subject to the impact fees imposed under the Charlotte County Impact Fee Ordinance (Ordinance 86-28, as amended by Ordinances 87-42, 89-85 and 93-22) as amended from time to time, in accordance with the credit

provisions of conditions 3.19b and 3.19c. Provided, however, that any impact feepayer within the Increment III DRI shall have the option of submitting an independent impact fee analysis in accordance with and subject to the above ordinance as it may be amended from time to time. In addition, future development within Increment III shall be subject to any new type of impact fee imposed by Charlotte County by County-wide local ordinance adopted after the effective date of this Development Order.

b. In compliance with Section 380.06(16)(a), F.S., Charlotte County shall credit any Development Order exaction, payment, proportionate share contribution or fee required by this Development Order for any contribution of lands or funds for land acquisition, construction or expansion of a public facility, or portion thereof, toward any impact fee or any other exaction or fee however designated imposed by local ordinances for the same need. For road impact fees, feepayers within Increment III shall receive a share of credits for the \$937,232.00 to be paid as the proportional share for road impacts under Condition 3.8 and the applicant shall receive credit for any excess proportional share payment under Condition 3.8n. Any such share of credits shall be calculated in accordance with the table in Exhibit K attached and incorporated by reference.

c. If Charlotte County imposes or increases an impact fee or exaction by local ordinance after this Development Order becomes effective, the applicant may petition Charlotte County, and Charlotte County shall modify, the affected provisions of this Development Order to give the applicant credit for any contribution of lands or funds for land acquisition, construction or expansion of a public facility, or portion thereof, required by this Development Order toward an impact fee or exaction for the same need.

d. The local government and the applicant may enter into a capital contribution front-ending agreement to reimburse the applicant for voluntary contributions in excess of its proportionate fair share.

3.20 Legal Status of Approved DRI Development.

For the purposes of construing Section 163.3167(8), F.S. (1991), and applying Section 163.3202(2), F.S. (1991), the development rights applicable to all future incremental development granted in the Master Development Order, as amended, and the development rights obtained in the Increment I and II Development Orders, as amended, shall be entitled to the protection of Section 163.3167(8) F.S. (1991). Thus, nothing in the Charlotte County Comprehensive Plan adopted pursuant to Chapter 163 or in any Charlotte County land development regulations adopted in furtherance of Chapter 163, specifically including Section 163.3202(2)(a)-(h), F.S., shall limit or modify the rights obtained in the Master Development Order and Increment I and II Development Orders, all as amended. To the extent not inconsistent with (a) this paragraph, (b) other provisions of this Development Order including transportation-related conditions, (c) Chapters 380 and 163, F.S., and (d) other statutory and common law vested rights, Increment III of Murdock Center shall be subject to all other applicable Charlotte County codes, ordinances and regulations; provided, however, that Increment III development shall be entitled to the protection of Section 163.3167(8), F.S. (1991), against the application of new or amended provisions of the Charlotte County Comprehensive Plan or local land development regulations described in Section 163.3202(2)(a)-(h), F.S., that are adopted subsequent to the adoption of this Development Order.

3.21 Provision of Infrastructure.

Nothing in this Development Order shall preclude or exempt the applicant from establishing or participating in any duly established municipal or local taxing or service unit, dependent or independent special district, or Community Development District established pursuant to Chapter 190, F.S., for the purpose of providing infrastructure or services. This Development Order approves the construction or funding of any impact-related mitigation or project required under this Development Order by a Community Development District or other taxing unit. The applicant shall ensure that any Community Development District that may be established and carry out development as defined in Section 380.04, F.S., is bound by the terms of this Development Order as a successor or assign.

3.22 Recordation:

Notice of the adoption of this Development Order or any subsequent modification of this Development Order, in accordance with Section 28.222, F.S., shall be recorded by the applicant with the Clerk of the Circuit Court for Charlotte County, Florida, at the applicant's expense within thirty (30) days of the effective date of this Development Order or any subsequent modification of this Development Order in compliance with Section 380.06(15)(f), F.S. The recording of this notice shall not constitute a lien, cloud or encumbrance on Increment III, or actual or constructive notice of any such lien, cloud or encumbrance.

Section 4. Rendition. Within 10 days of the date of its adoption, a copy of this Resolution certified as complete and accurate with all pertinent attachments shall be forwarded by certified mail, return receipt requested, by the Clerk's office to the applicant; Southwest Florida Regional Planning Council, 4980 Bayline Drive, North Fort Myers, Florida 33918-3455;

and to the Department of Community Affairs, Division of Resource Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or part of this Incremental Development Order is, for any reason, held or declared to be invalid, inoperative or void, the remaining portion, if any, of this order shall remain valid and continue in full force and effect. Nothing in the foregoing shall override the effect of an appeal pursuant to Section 380.07(2), F.S.

Section 6: Resolution as Development Order. This Resolution, and its accompanying exhibits and references, shall be deemed the Incremental Development Order for Increment III of the Murdock Center DRI.

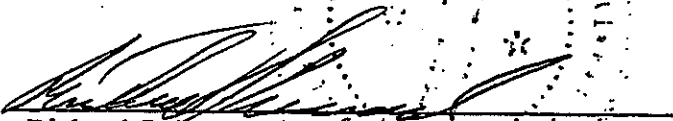
Section 7. Effective Date. The effective date of this Incremental Development Order shall be the date of its transmittal to all necessary parties, as set forth in Rule 9J-2.025(5), Florida Administrative Code. Any timely appeal of this Incremental Development Order, pursuant to Section 380.07, F.S., shall, during the pendency of such appeal, stay the effective date of this Incremental Development Order.

Section 8. Consent to Provisions of Incremental Development Order. Atlantic Gulf Communities, by signing this document in the space hereinafter provided, signifies its consent to the provisions of this Incremental Development Order.

PASSED AND DULY ADOPTED this 12<sup>th</sup> day of October, 1993.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

BY:

  
Richard J. Leonard  
Chairman

ATTEST:


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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By:

  
Deputy Clerk

By:

  
Matthew G. Minter  
County Attorney

The applicant and property owner, hereby approve and assent to all of the terms, conditions, and provisions of the above and foregoing Incremental Development Order, and acknowledge that the same are binding upon the applicant, the property owner, and their successors and assigns.

ATLANTIC GULF COMMUNITIES CORPORATION

By: Kimball D Woodbury

As Its VICE-PRESIDENT

Witnesses to Atlantic Gulf Communities Corporation:

Harry Herner

Name: Harry Herner

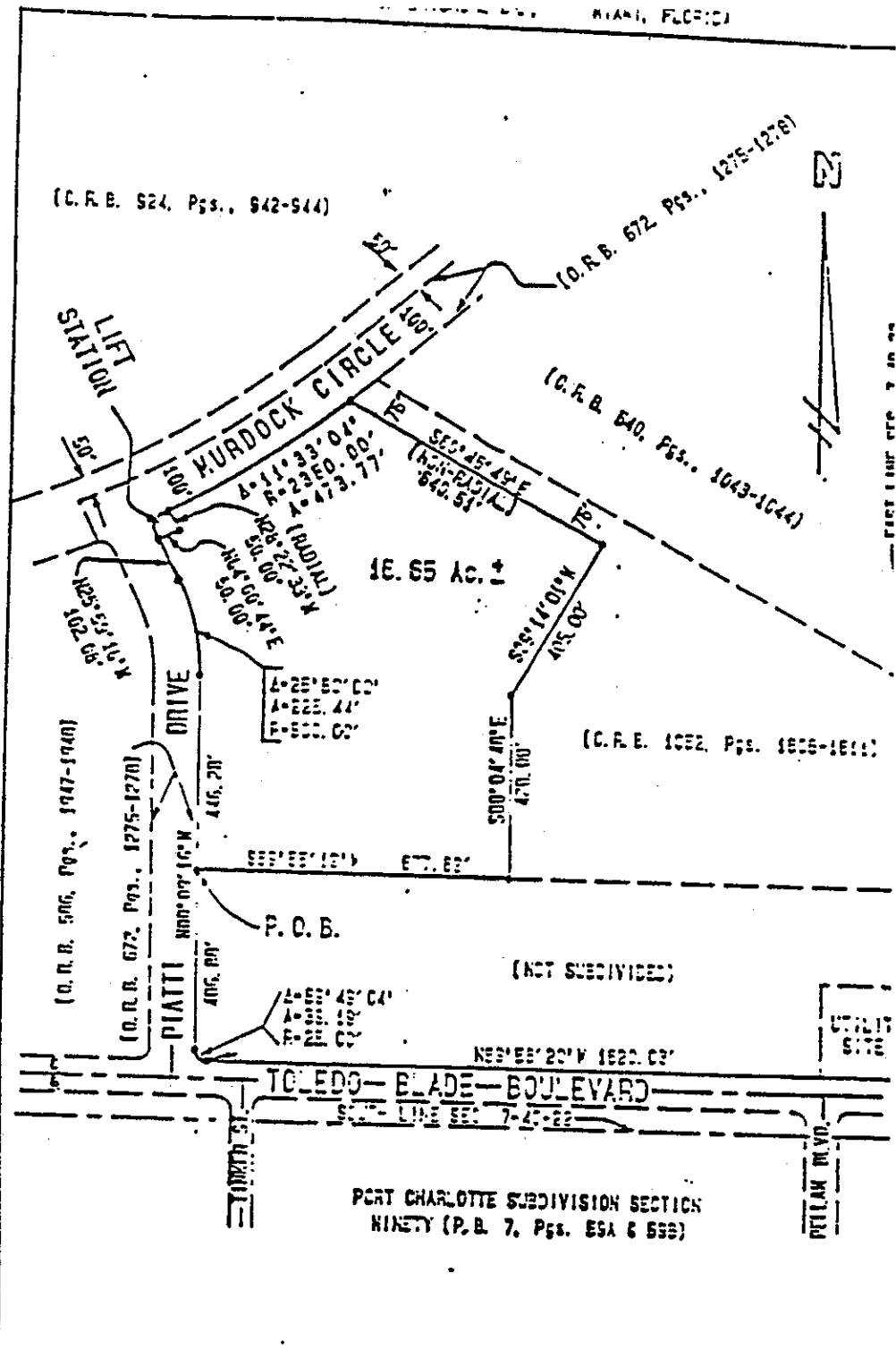
Luis A. Rodriguez Walling

Name: Luis A. Rodriguez Walling



## TABLE OF EXHIBITS

Exhibit A	Legal Description, Increment III of Murdock Center
Exhibit B	Revised Table 10-1A-1 Project Description
Exhibit C	Preliminary Development Agreement between Atlantic Gulf Communities Corporation and State of Florida, Department of Community Affairs, for Murdock Center Increment III, dated November 17, 1992
Exhibit D	Increment III, Conceptual Master Development Plan
Exhibit E	Increment III Design Standards
Exhibit F	Increment III Proportional Share Calculation
Exhibit G	Transportation Capital Facilities Plan
Exhibit H	Applicant Information and Development Summary
Exhibit I	Increment III, Impacted Roads and Intersections Map
Exhibit J	Valuation of Toledo Blade Right-of-Way
Exhibit K	Road Impact Fee Credit Allocation



This sketch is not a survey.  
 Valid unless indicated by surveyor's seal.  
 Bearing based on East line of Section 7-45-22, S89°04'45"E.

DATE	BY	REVISED	REASON
5/2/52	N.F.		CO. NAME CHANGED
STANLEY B. SHALITA			
PROFESSIONAL LAND SURVEYOR NO. 8765			
STATE OF FLORIDA			
DATE	APPROVED BY	DATE	FILE NO.
5-2-52		FEB. 1952	11-300

SKETCH TO ACCOMPANY LEGAL-DE  
 A PORTION OF SECTION  
 TOWNSHIP 40 S., RANGE 22  
 CHARLOTTE COUNTY, FLORIDA

EXHIBIT A

LEGAL DESCRIPTION:

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

COMMENCING at the intersection of the East line of said Section 7 with 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 55A and 55B of the Public Records of Charlotte County, Florida; thence N89°58'20"W, along said North Right-of-Way line, a distance of 1620.03 feet to a point of curvature of a circular curve to the right having a radius of 25.00 feet and a central angle of 88°49'04", said point being also a point on the Public Right-of-Way (now known as PIATTI DRIVE) as shown, described and dedicated in Official Records Book 672, Pages 1275 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 38.16 feet to a point of tangency; thence continue along said Public Right-of-Way the following courses and distances: N00°08'16"W a distance of 408.88 feet to the Point of Beginning; thence continue N00°08'16"W a distance of 446.28 feet to a point of curvature of a circular curve to the left having a radius of 500.00 feet and a central angle of 25°50'00"; thence northwesterly along the arc of said curve a distance of 225.44 feet to a point of tangency; thence N25°58'16"W, a distance of 102.05 feet; thence departing from said Public Right-of-Way, N64°00'44"E a distance of 50.00 feet; thence N25°22'33"W, radial to the next course for a distance of 50.00 feet to a point on a Public Right-of-Way (now known as MURDOCK CIRCLE as recorded in said Official Records Book 672 at Pages 1275 through 1278) and a point on the arc of a circular curve to the left having a radius of 2350.00 feet; thence northeasterly along the arc of said curve through a central angle of 11°38'04", a distance of 473.77 feet; thence departing from said Public Right-of-Way S50°45'48"E, non-radial to the last described course and parallel with and 75.00 feet southerly of, as measured at right angles to, the southwesterly line of the lands described in Official Records Book 540, Pages 1043 and 1044 of the Public Records of Charlotte County, Florida, a distance of 640.51 feet; thence S25°14'01"W a distance of 405.00 feet; thence S00°04'45"E a distance of 420.00 feet (the last mentioned three courses also being coincident with the westerly line of the lands described in Official Records Book 1052, Pages 1605 through 1611 of the Public Records of Charlotte County, Florida); thence S88°55'12"W a distance of 677.82 feet to the Point of Beginning.

Said lands situate, lying and being in Charlotte County, Florida and containing 16.65 acres, more or less.

The above subject to any easements and/or Rights-of-Way of Record.



LEGAL DESCRIPTION:

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

COMMENCING at the intersection of the East line of said Section 7 with 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 56A and 56B of the Public Records of Charlotte County, Florida; thence N89°58'20"W along said North Right-of-Way line, a distance of 278.01 feet to the Point of Beginning; thence continue N89°58'20"W, along said North Right-of-Way, a distance of 1341.03 feet to a point of curvature of a circular curve to the right having a radius of 25.00 feet and a central angle of 89°48'04", said point being also a point on the East line of a Public Right-of-Way (now known as PIATTI DRIVE) as shown, described and dedicated in Official Records Book 672, Pages 1275 through 1276 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 38.18 feet to a point of tangency; thence continue N00°08'18"W, along the East Right-of-Way line of said PIATTI DRIVE, a distance of 406.65 feet; thence N89°55'12"E, along the southerly line, and its westerly prolongation, of the lands described in Official Records Book 1052, Pages 1608 through 1611 of the Public Records of Charlotte County, Florida, a distance of 1575.51 feet to a point 70.00 feet West of the East line of said Section 7; thence S00°04'45"E, parallel with and 70.00 feet West of, as measured at right angles to, the East line of said Section 7, a distance of 225.77 feet; thence N89°58'20"W for 208.00 feet; thence S00°04'45"E for 208.00 feet to the Point of Beginning.

Reserving a canal maintenance easement over the East 20.00 feet of the above described parcel.

Said lands situate, lying and being in Charlotte County, Florida and containing 14.65 acres, more or less.

The above subject to any other easements, and/or Rights-of-Way of Record.



LEGAL DESCRIPTION

A portion of Section 7, Township 40 South, Range 22 East, Charlotte County, Florida, being more particularly described as follows:

COMMENCING at the intersection of the West line of said Section 7 with the Southerly Right-of-Way line of State Road No. 776 as described in Official Records Book 25 at Pages 524 through 530 of the Public Records of Charlotte County, Florida; thence N69°01'33"E for 53.85 feet to the POINT OF BEGINNING; thence continue N69°01'33"E a distance of 794.19 feet (the last mentioned two courses being coincident with the Southerly Right-of-Way line of said State Road No. 776) to a point of curvature of a circular curve to the right having a radius of 25.00 feet and a central angle of 111°04'32"; thence Easterly, Southeasterly and Southerly along the arc of said curve for a distance of 45.47 feet to a point of tangency; thence S00°05'05"W a distance of 211.64 feet to a point of curvature of a circular curve to the left having a radius of 1050.00 feet and a central angle of 37°44'16"; thence Southeasterly along the arc of said curve a distance of 891.88 feet (the last mentioned two courses being coincident with the Westerly Right-of-Way line of MURDOCK CIRCLE as described in Official Records Book 593 at Pages 121 through 123 of the Public Records of Charlotte County, Florida); thence S45°53'55"W, parallel with and 100.00 feet Northwesterly of, as measured at right angles to, the Northwesterly line of the lands described in Official Records Book 552 at Pages 1182 through 1195 of the Public Records of Charlotte County, Florida, a distance of 305.75 feet; thence N83°53'55"W a distance of 765.65 feet to a point 50.00 feet East of the West line of said Section 7; thence N00°05'05"E, parallel with and 50.00 feet East of, as measured at right angles to, the West line of said Section 7, for a distance of 803.85 feet; to the POINT OF BEGINNING.

Said lands situate, lying and being in Charlotte County, Florida and containing 15.50 acres, more or less.

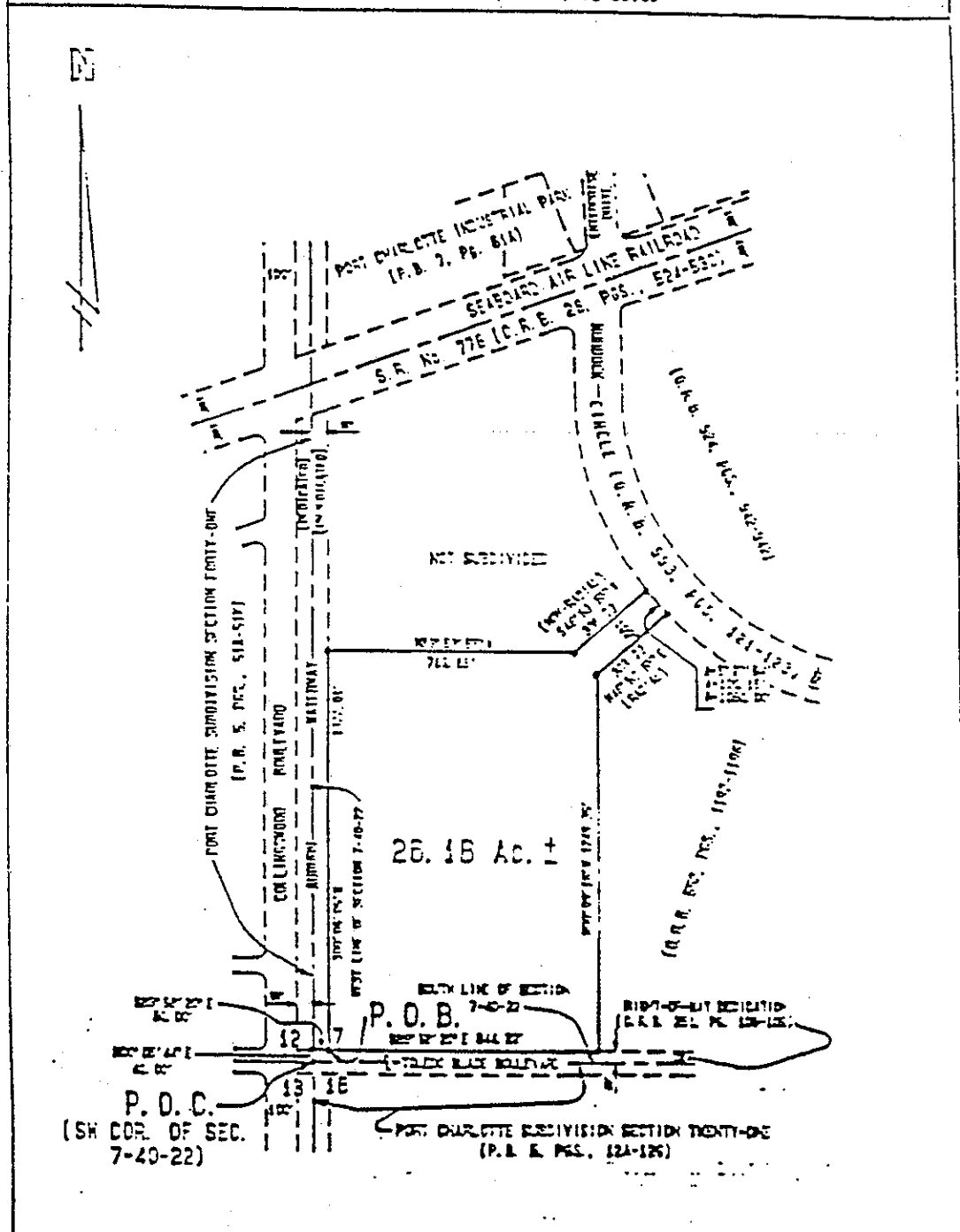
The above subject to easement and/or Right-of-Way of record.

OR BOOK 1305 PAGE 1434

# ATLANTIC GULF COMMUNITIES

2201 S. BAYSHORE DR., MIAMI, FL 33133

OR BOOK 1305 PAGE 1435



This sketch is not a survey.  
 Made unless indicated by the surveyor's seal.  
 Bearing based on best line of Section 7-40-22 (P.B. & P.S. 811-810)

Sheet 2 of 2

DATE	BY	REVISION
5/2/50	AF	EG NAME CHANGED
STANLEY B. SHALITA		
REGISTERED LAND SURVEYOR NO. 1276		
STATE OF FLORIDA		
R. S. S.	APR: 50	DATE: 5/2/50
R. S. S.		DATE: 5/2/50

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
 A PORTION OF SECTION 7,  
 TOWNSHIP 40 S., RANGE 22 E.,  
 CHARLOTTE COUNTY  
 FLORIDA

10/2/50



LEGAL DESCRIPTION

A portion of Section 7, Township 40 South, Range 22 East, Charlotte County, Florida, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 7; thence N00°05'44"E, along the West line of said Section 7, a distance of 40.00 feet to the northerly Right-of-Way line of TOLEDO BLADE BOULEVARD as described in Official Records Book 251 at Pages 106 through 109 of the Public Records of Charlotte County, Florida; thence S89°55'20"E, along the North Right-of-Way line of said TOLEDO BLADE BOULEVARD, for a distance of 50.00 feet to the Point of Beginning; thence continue S89°55'20"E, along the last described course, a distance of 644.22 feet to the westerly line of the lands described in Official Records Book 552 at Pages 1152 through 1155 of the Public Records of Charlotte County, Florida; thence N00°05'15"W for a distance of 1249.35 feet; thence N45°53'55"E, radial to the next described curve, a distance of 303.23 feet to a point on the arc of the next described curve to the right (the last mentioned two courses also being coincident with the westerly line of the said lands described in Official Records Book 552 at Pages 1152 through 1155), said point on the arc also being on the southerly Right-of-Way line of MURDOCK CIRCLE as described in Official Records Book 553 at Pages 121 through 123 of the Public Records of Charlotte County, Florida, said circular curve to the right having a radius of 1050.00 feet; thence northwesterly along the said southerly Right-of-Way line of MURDOCK CIRCLE and along the arc of said curve having a central angle of 05°27'54" for a distance of 100.15 feet; thence S45°53'55"W, parallel with and 100.00 feet northwesterly of, as measured at right angles to, the second to last described course, for a distance of 308.73 feet (non-radial to the last described curve); thence N89°53'55"W for a distance of 769.65 feet to a point 50.00 feet East of, as measured at right angles to, the West line of said Section 7; thence S00°05'05"W, parallel with and 50.00 feet East of, as measured at right angles to, the West line of said Section 7, for a distance of 1322.01 feet to the Point of Beginning.

Said lands situate, lying and being in Charlotte County, Florida, and containing 26.16 acres, more or less.

The above subject to any additional easements and/or Rights-of-Way of record.

**EXHIBIT B  
REVISED  
TABLE 10-1A-A  
PROJECT DESCRIPTION**

Land Use	Maximum Density	Acres	Parking Spaces?
Parcel 1 Land Uses			
CZ-1-Commercial Zone 1 (N/GD/O)	170,000 S.F.	17.0	
Commercial	60,000 S.F.	6.0	300
Office	110,000 S.F.	11.0	550
FLUZ - Flexible Land Use Zone <sup>1</sup>		14.0	
MF-12-Multi-Family (10-12 DU/AC)	168 D.U.'s		250
ACLF/NHIF - Adult Congregate Living Facility	192 D.U.'s		60
Nursing Home Facility - 1	65 Beds		20
INST. - Institutional	112,000 S.F.		250
<b>SUB-TOTAL</b>		<b>31.0</b>	
Parcel 2 Land Uses			
CZ-1 - Commercial Zone 1 (N/GD/O)	185,000 S.F.	18.5	925
Commercial	185,000 S.F.	18.5	0
Office	0 S.F.	0.0	
FLUZ - Flexible Land Use Zone <sup>1</sup>		26.5	
MF-12 - Multi-Family (10-12 DU/AC)	318 D.U.'s		110
ACLF/NHIF - Adult Congregate Living Facility	363 D.U.'s		30
Nursing Home Facility - 1	120 Beds		475
INST. - Institutional	212,000 S.F.		
<b>SUB-TOTAL</b>		<b>45.0</b>	
<b>TOTAL</b>		<b>76.0</b>	

**NOTES:**

1. The maximum density for the three land uses in FLUZ are based on a single use. Any combination of uses must apply to conversion table (Table 10-1A-2) to determine the maximum density of multiple uses.
2. Parking spaces is based on Charlotte County Parking Standards.
3. Open space will include 18.37 acres of non-impermeable areas located throughout the developed areas excluding surface retention.

Flexible Land Use Zone (FLUZ)  
Equivalency Matrix

The maximum amount of development permitted in the FLUZ areas shall not exceed 102.48 and 187.62 P.M. Peak Hour Trips in Parcels 1 and 2, respectively. The following conversion rates included in ADA Table 10-1A-2 attached shall apply or Multifamily: .61/unit and .59/unit for Parcels 1 and 2, respectively; Nursing Home Facility (NHF): .17/bed; Adult Congregate Living Facility (ACLF): .28/unit and Institutional: .67/1000 sf. The FLUZ areas could be developed as a single use not exceeding the total units for each use indicated in Composite Exhibit B or a combination of uses. For example, 100 multifamily units and 61,910 square feet of Institutional in Parcel 1 would equal the maximum development permitted: 102.48 P.M. Peak Hour Trips ((100 x .61/unit) and (61,910 of .67/1,000 sf) = 102.48).

In addition, potable water consumption and wastewater generation cannot exceed 29,000 gpd and 56,000 gpd in Parcels 1 and 2, respectively, based on 10 gpd/100 sf of office; 155 gpd/multifamily unit; 100 gpd/bed for Nursing Home and ACLF, where ACLF units are calculated at 1.2 beds per unit; and 30 gpd plus 10 gpd/100 sf for Institutional.

Flexible:

TABLE 10-1A-2  
 CONVERSION TABLE FOR  
 FLEXIBLE LAND USE ZONES  
 BASED ON PM PEAK HOUR TRAFFIC

LAND USE		UNITS/SF	PEAK HOUR RATE	PEAK HOUR TRIPS
PARCEL 1				
MF-12	(220)	168 Units	.61/Unit	102.48
ACLF/NHF				64.81
ACLF	(250)	192 Units	.28/Unit	53.76
NHF	(252)	65 Beds	.17/Bed	11.05
INSTITUTIONAL		112,000 SF	.67/1,000 SF	75.04
PARCEL 2				
MF-12	(220)	318 Units	.59/Unit	187.62
ACLF/NHF				122.04
ACLF	(250)	363 Units	.28/Unit	101.64
NHF	(252)	120 Beds	.17/Bed	20.40
INSTITUTIONAL	(530)	212,000 SF	.67/1,000 SF	142.04

Notes: Parcel 1 Maximum Peak Hour Trips 102.48 in FLUZ.  
 Parcel 2 Maximum Peak Hour Trips 187.62 in FLUZ.

Preliminary Development Agreement

For

Murdock Center Increment III

THIS AGREEMENT is entered into between Atlantic Gulf Communities Corporation ("Atlantic Gulf") ("Owner/Developer") and the State of Florida, Department of Community Affairs ("Department"), subject to all other governmental approvals and solely at the risk of the Owner/Developer.

WHEREAS, the Department is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes (1991), which includes provisions relating to developments of regional impact ("DRIs"); and

WHEREAS, the Department is authorized to enter into preliminary development agreements pursuant to Subsections 380.032(3) and 380.06(8), Florida Statutes (1991), and Rule 9J-2.0185, Florida Administrative Code; and

WHEREAS, the Owner/Developer represents and states that:

A. The Owner/Developer is a Delaware corporation, which owns in fee simple absolute approximately 76 acres located in Charlotte County, Florida, more particularly depicted and legally described in Composite Exhibit A to this Agreement, and no other person or legal entity has any interest in said land; and

B. The Owner/Developer proposes to develop Increment III ("Increment III Project") of Murdock Center on the property described in Composite Exhibit A. The Increment III Project is proposed to include commercial and office uses, multi-family residential, adult congregate living and nursing home facilities, and institutional uses; and

C. The Increment III Project is part of the Murdock Center Master Incremental DRI (as depicted on Exhibit B hereto) approved March 3, 1987, in accordance with Chapter 380.06(21), Florida Statutes (1991). Increments I and II have previously been approved pursuant to Chapter 380, Florida Statutes; and

D. An Application for Incremental Development Approval ("AIDA") for the Increment III Project was submitted on May 26, 1992, and is pending before the Southwest Florida Regional Planning Council; and

E. The Owner/Developer proposes to develop a portion of the Increment III Project ("preliminary development") prior to issuance of a final DRI development order for the Increment III Project; and

F. The Owner has a fee simple interest in certain lands within five (5) miles of the Project, which are the subject of a separate agreement between Atlantic Gulf and the Department; and

G. The preliminary development pursuant to Subsection 380.06(8), Florida Statutes, to be authorized by this Agreement is limited to lands which are suitable for development; and

H. The public infrastructure will accommodate the uses planned for the preliminary development authorized by this Agreement, when such development will utilize public infrastructure; and

I. The proposed preliminary development is not likely to cause material adverse impacts to regional resources or existing or planned facilities.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, it is hereby understood and agreed:

1. The Owner/Developer asserts and warrants that all the representations and statements concerning the Increment III Project made to the Department and contained in this Agreement are true, accurate, and correct. Based upon said representations and statements, the Department concludes that this Agreement is in the best interest of the State, is necessary and beneficial to the Department in its role as the State agency with the responsibility for the administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and intent of Chapter 380, Florida Statutes, including Section 380.06(8), Florida Statutes.
2. The Increment III Project is a development of regional impact ("DRI") subject to review pursuant to Section 380.06(2), Florida Statutes. The Owner/Developer has already complied with the pre-application conference requirements of Section 380.06(7), Florida Statutes

(1991), for the Increment III Project. The Owner/Developer also has already filed an Application for Incremental Development Approval ("AIDA") for the Increment III Project, which includes all of the land legally described and depicted in Composite Exhibit A. The AIDA shall assess all the impacts associated with the entire development of the Increment III Project, including the preliminary development authorized by this Agreement.

3. Time is of the essence. Failure to diligently proceed in good faith to obtain a final development order for the Increment III Project shall constitute a breach of this Agreement. In the event of such a breach, the Owner/Developer shall immediately cease all development of the Increment III Project, including the preliminary development authorized by this Agreement.
4. The Owner/Developer or its successors and assigns may undertake the development of 185,000 gross square feet of retail commercial use with 875 parking spaces on 19.2 acres (including 0.7 acre of access drive) on the land within the Increment III Project described and depicted on Composite Exhibit C, after the date of execution of this Agreement and prior to issuance of a final development order for the Project. No other development as defined by Subsection 380.04, Florida Statutes, unless authorized by an amendment to this Agreement or otherwise



under Section 380.032, Florida Statutes, shall occur until such time as a final development order is approved for the Increment III Project. In the event of a breach of this paragraph, the Owner/Developer shall immediately cease all development of the Increment III Project, including the preliminary development authorized by this agreement. The preliminary development authorized by this paragraph shall be subject to the terms and conditions of the final development order.

5. The preliminary development authorized by this Agreement is equal to or less than 80% of any applicable numerical guideline or standard and contained in Section 380.0651, Florida Statutes, and Chapter 28-24, Florida Administrative Code.
6. The Owner/Developer shall not claim vested rights, or assert equitable estoppel, arising from this Agreement or any expenditures or actions taken in reliance on this Agreement to continue with the total proposed development beyond the preliminary development. This Agreement shall not entitle the Owner/Developer to a final DRI development order approving the total proposed development nor to particular conditions in a final development order, nor does this Agreement entitle the Owner/Developer to any other necessary approvals or permits from any other authority or in any other jurisdiction prior to the preliminary development being

- undertaken, such as zoning and land use approvals, building permits, or state regulatory agency permits.
7. In the event of a breach with this Agreement or failure to comply with any conditions of this Agreement, or if this Agreement is based upon materially inaccurate information, the Department may terminate this Agreement or file suit to enforce this Agreement as provided in Sections 380.06 and 380.11, Florida Statutes, including a suit to enjoin all development within the Increment III Project.
  8. Nothing in this Agreement shall constitute a waiver by any party of the right to appeal any development order pursuant to Section 380.07, Florida Statutes.
  9. The restrictions and conditions of the final development order issued pursuant to Chapter 380, Florida Statutes, shall supersede the restrictions and conditions upon development set forth in this Agreement.
  10. This Agreement affects the rights and obligations of the parties under Chapter 380, Florida Statutes. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in issuance of any other permits or approvals which might be authorized by this Agreement. This Agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that

the regional agency determines should be included in the regional agency's report on the AIDA.

11. The terms and conditions of this Agreement shall insure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. The Owner/Developer shall ensure and provide that any successor in interest in and to any lands or parcels affected by this Agreement is bound by the terms of this Agreement. The Owner/Developer shall record Notice of this Agreement which complies with Section 380.06(8)(1)10., Florida Statutes, in the Official Records of Charlotte County, Florida, and shall provide the Department with a copy of the recorded Notice including Book and Page number within four (4) weeks of the date of execution of this Agreement.
12. The date of execution of this Agreement shall be the date that the last party signs and acknowledges this Agreement.

[Signature]  
Witness

[Signature]  
Witness

ATLANTIC GULF COMMUNITIES CORPORATION

OWNER/DEVELOPER

By: [Signature]

Kimball D. Woodbury  
Atlantic Gulf Communities Corporation  
2601 South Bayshore Drive  
Miami, FL 33133

STATE OF FLORIDA  
COUNTY OF DADE

<sup>28th</sup> The foregoing instrument was acknowledged before me this day of October, 1992, by Kimball D. Woodbury of Atlantic Gulf Communities, a Delaware corporation, on behalf of the corporation. He/she is personally known to me or has produced [Signature] as identification and ~~did~~ (did not) take an oath.

[Signature]  
Notary Public  
My Commission expires: May 15, 1993

OR BOOK 1305 PAGE 1447

Approved as to form  
and legal sufficiency:

DEPARTMENT OF COMMUNITY AFFAIRS

Victor G. Spiers  
Attorney,  
Department of Community  
Affairs

By: Charles Patterson  
2740 Centerview Drive  
Tallahassee, Florida  
32399

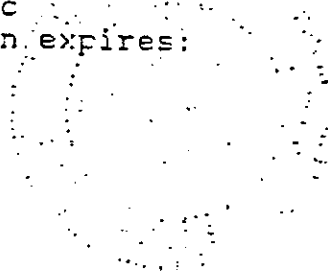
STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this  
17<sup>th</sup> day of November, 1992, by Charles Patterson,  
Director of the Department of Community Affairs, an  
agency of the State of Florida, who is personally known to me and  
who did not take an oath, on behalf of the Department.

[Signature]  
Witness

[Signature]  
Witness

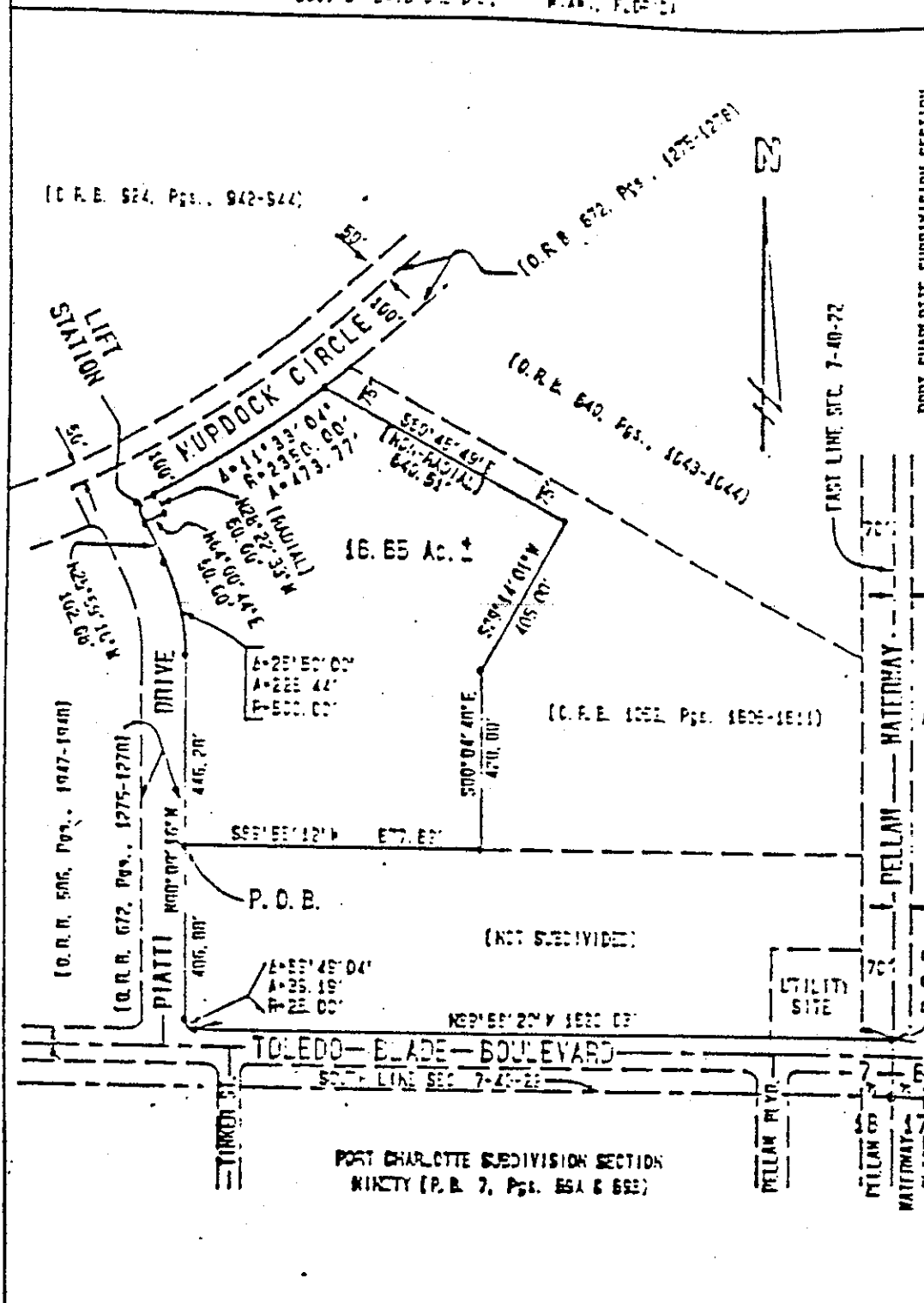
[Signature]  
Notary Public  
My Commission expires:



OR BOOK 1305 PAGE 1448

Agreement-Murdock2

OR BOOK 1305 PAGE 1449



This sketch is not a survey.  
 Void unless ordered by surveyor's seal.  
 Bearing based on East Line of Section 7-40-22, 800' 00\"/>

DATE	BY	REVISION
5/2/82	INF	CG NAME CHANGED
STANLEY B. SHALITA		
PROFESSIONAL LAND SURVEYOR NO. 8785		
STATE OF FLORIDA		
PLAT NO.	BOOK NO.	PAGE NO.
PLAT 45		

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
 A PORTION OF SECTION 7,  
 TOWNSHIP 40 S., RANGE 22 E.,  
 CHARLOTTE COUNTY, FLORIDA.

PAGE 1 OF 50

Composite Exhibit A

LEGAL DESCRIPTION:

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

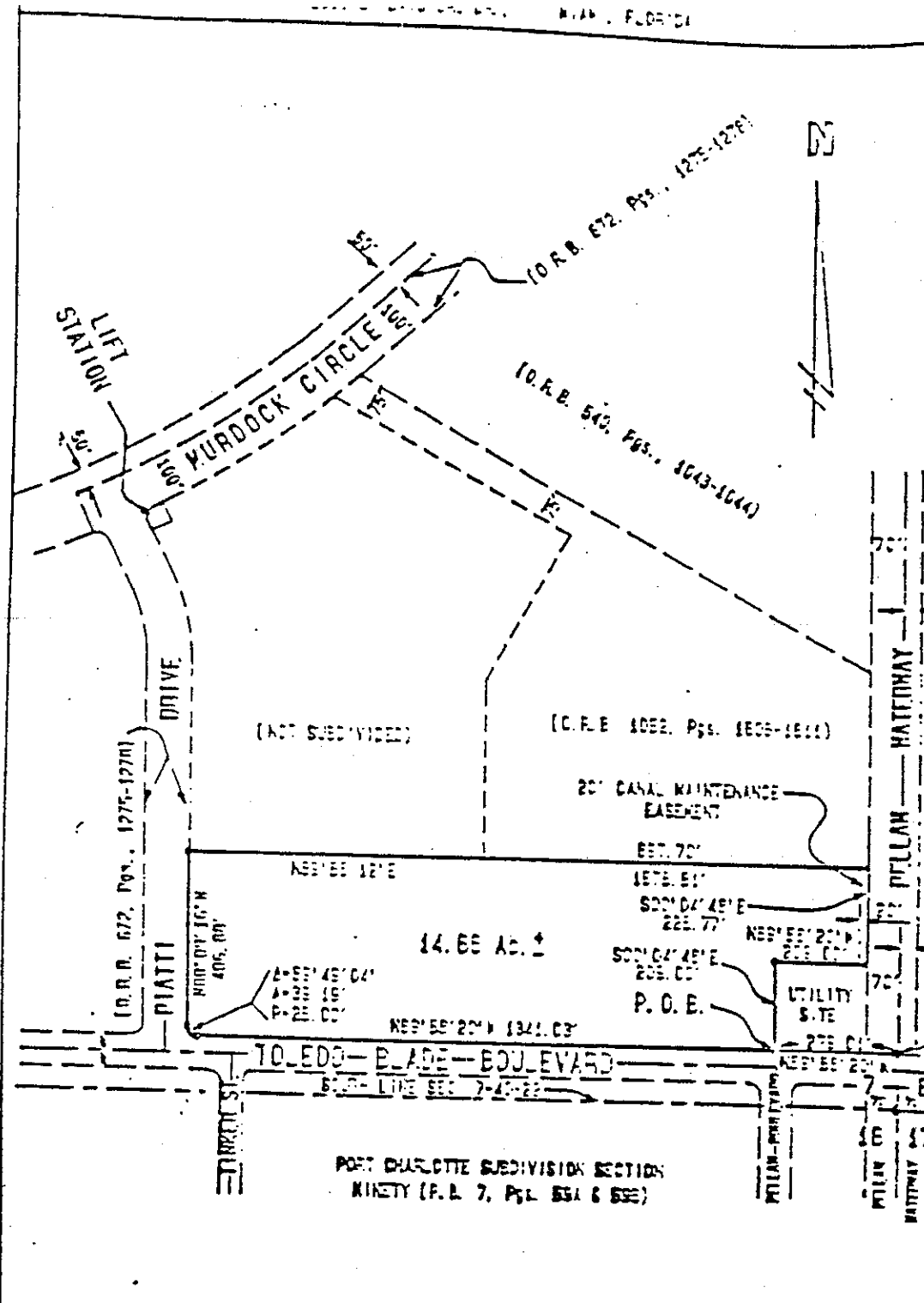
COMMENCING at the intersection of the East line of said Section 7 with the North Right-of-Way line of TOLEDO BLADE BOULEVARD, according to the plat of PORT CHARLOTTE SUBDIVISION SECTION NINETY, recorded in Plat Book 7, Pages 58A and 58B of the Public Records of Charlotte County, Florida; thence N88°58'20"W, along said North Right-of-Way line, a distance of 1620.03 feet to a point of curvature of a circular curve to the right having a radius of 25.00 feet and a central angle of 88°48'04", said point being also a point on the Public Right-of-Way (now known as PLATTI DRIVE) as shown, described and dedicated in Official Records Book 672, Pages 1275 through 127E 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 39.18 feet to a point of tangency; thence continue along said Public Right-of-Way the following courses and distances: N00°08'16"W a distance of 408.88 feet to the Point of Beginning; thence continue N00°08'16"W a distance of 448.28 feet to a point of curvature of a circular curve to the left having a radius of 800.00 feet and a central angle of 28°50'00"; thence northwesterly along the arc of said curve a distance of 225.44 feet to a point of tangency; thence N25°58'18"W, a distance of 102.08 feet; thence departing from said Public Right-of-Way, N64°00'44"E a distance of 80.00 feet; thence N28°22'33"W, radial to the next course for a distance of 80.00 feet to a point on a Public Right-of-Way (now known as MURDOCK CIRCLE as recorded in said Official Records Book 672 at Pages 1275 through 127E) and a point on the arc of a circular curve to the left having a radius of 2350.00 feet; thence northeasterly along the arc of said curve through a central angle of 11°33'04", a distance of 473.77 feet; thence departing from said Public Right-of-Way S50°45'49"E, non-radial to the last described course and parallel with and 75.00 feet southerly of, as measured at right angles to, the southwesterly line of the lands described in Official Records Book 640, Pages 1043 and 1044 of the Public Records of Charlotte County, Florida, a distance of 640.51 feet; thence E29°14'01"W a distance of 405.00 feet; thence S00°04'48"E a distance of 420.00 feet (the last mentioned three courses also being coincident with the westerly line of the lands described in Official Records Book 1052, Pages 1608 through 1611 of the Public Records of Charlotte County, Florida); thence E88°55'12"W a distance of 677.82 feet to the Point of Beginning.

Said lands situate, lying and being in Charlotte County, Florida and containing 16.65 acres, more or less.

The above subject to any easements and/or Rights-of-Way of Record.

OR BOOK 1305 PAGE 1451





This sketch is not a survey.  
 Void unless endorsed by surveyor's seal.  
 Bearing based on East line of Section 7-40-22, Township 40 S.

DATE	BY	REVISION
5/2/75	STB	CC NAME CHANGED
STANLEY B. SCALITA		
REGISTERED LAND SURVEYOR NO. 8785		
DATE	BY	REVISION
5/2/75	STB	CC NAME CHANGED

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
 A PORTION OF SECTION 7,  
 TOWNSHIP 40 S., RANGE 22 E.,  
 CHARLOTTE COUNTY, FLORIDA.

LEGAL DESCRIPTION:

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

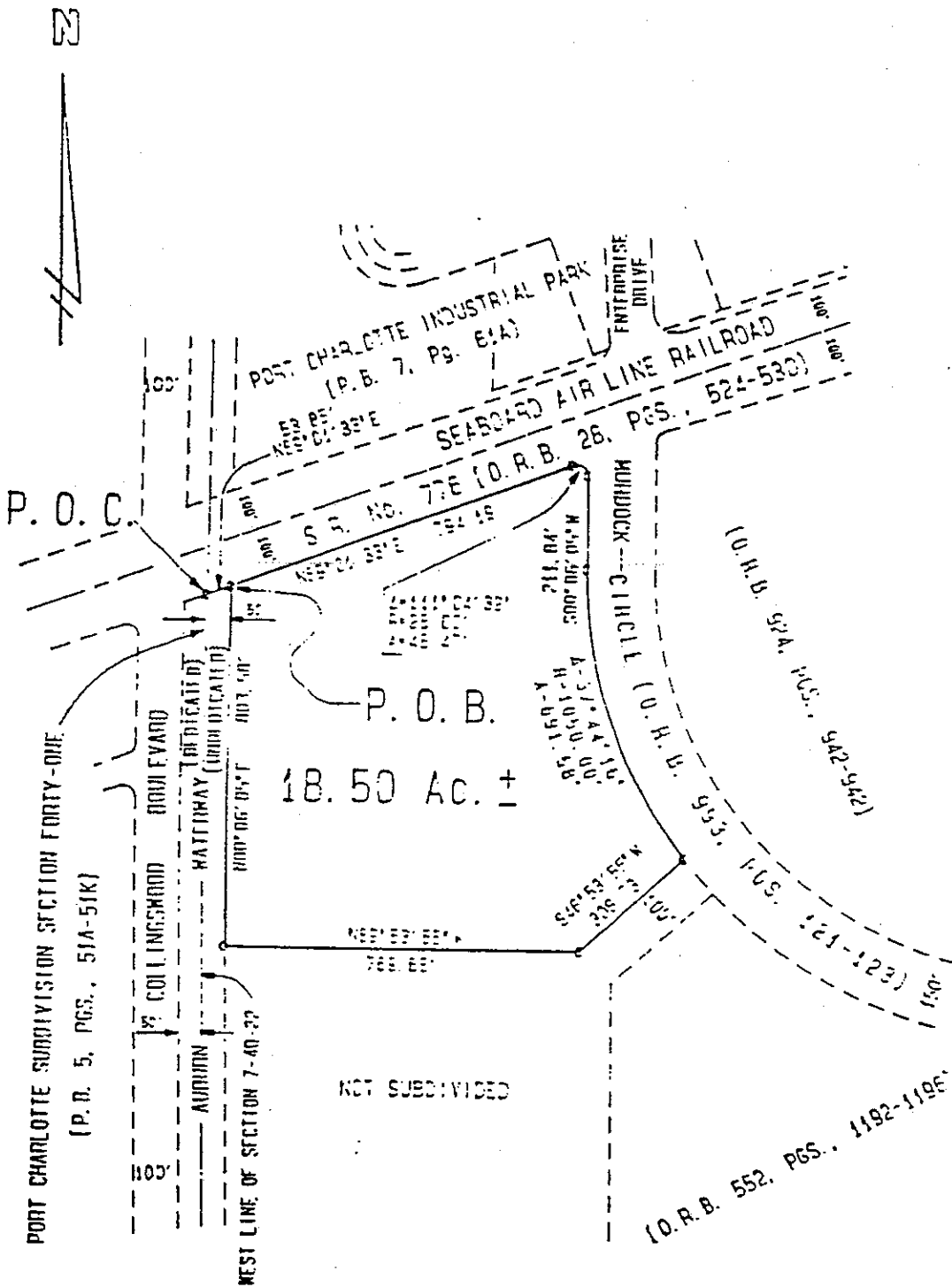
COMMENCING at the intersection of the East line of said Section 7 with the North Right-of-Way line of TOLEDO ELADE BOULEVARD, according to the plat of PORT CHARLOTTE SUBDIVISION SECTION NINETY, recorded in Plat Book 7, Pages 65A and 65B of the Public Records of Charlotte County, Florida; thence N89°58'20"W along said North Right-of-Way line, a distance of 278.01 feet to the Point of Beginning; thence continue N89°58'20"W, along said North Right-of-Way, a distance of 1341.03 feet to a point of curvature of a circular curve to the right having a radius of 25.00 feet and a central angle of 89°49'04", said point being also a point on the East line of a Public Right-of-Way (now known as PIATTI DRIVE) as shown, described and dedicated in Official Records Book 672, Pages 1275 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 39.18 feet to a point of tangency; thence continue N00°09'16"W, along the East Right-of-Way line of said PIATTI DRIVE, a distance of 405.85 feet; thence N89°55'12"E, along the southerly line, and its westerly prolongation, of the lands described in Official Records Book 1052, Pages 1606 through 1611 of the Public Records of Charlotte County, Florida, a distance of 1578.51 feet to a point 70.00 feet West of the East line of said Section 7; thence S00°04'45"E, parallel with and 70.00 feet West of, as measured at right angles to, the East line of said Section 7, a distance of 225.77 feet; thence N89°58'20"W for 208.00 feet; thence S00°04'45"E for 208.00 feet to the Point of Beginning.

Reserving a canal maintenance easement over the East 20.00 feet of the above described parcel.

Said lands situate, lying and being in Charlotte County, Florida and containing 14.65 acres, more or less.

The above subject to any other easements, and/or Rights-of-Way of Record.

OR BOOK 1305 PAGE 1453



This sketch is not a survey.  
 Void unless embossed by surveyor's seal.  
 Bearing based on West line of Section 7-40-22 (P.B. 5, Pgs. 51A-51K)

Sheet 2 of 2

DATE	R.	D.	REVISIONS
7-11-9	NF	ISEE	ENLARGED TO 18.50 ACRES
STANLEY B. SHALITA PROFESSIONAL LAND SURVEYOR NO. 2785 STATE OF FLORIDA			
BY	F.F.	APPROVED BY	DATE
BY	S.B.E.		JUL 11 1955

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
 A PORTION OF SECTION 7,  
 TOWNSHIP 40 S., RANGE 22 E.,  
 CHARLOTTE COUNTY  
 FLORIDA

LEGAL DESCRIPTION

A portion of Section 7, Township 40 South, Range 22 East, Charlotte County, Florida, being more particularly described as follows:

COMMENCING at the intersection of the West line of said Section 7 with the Southerly Right-of-Way line of State Road No. 776 as described in Official Records Book 28 at Pages 524 through 530 of the Public Records of Charlotte County, Florida; thence N69°01'33"E for 53.85 feet to the POINT OF BEGINNING; thence continue N69°01'33"E a distance of 794.19 feet (the last mentioned two courses being coincident with the Southerly Right-of-Way line of said State Road No. 776) to a point of curvature of a circular curve to the right having a radius of 25.00 feet and a central angle of 111°04'32"; thence Easterly, Southeasterly and Southerly along the arc of said curve for a distance of 46.47 feet to a point of tangency; thence S00°08'05"W a distance of 211.84 feet to a point of curvature of a circular curve to the left having a radius of 1050.00 feet and a central angle of 37°44'16"; thence Southeasterly along the arc of said curve a distance of 691.58 feet (the last mentioned two courses being coincident with the Westerly Right-of-Way line of MURDOCK CIRCLE as described in Official Records Book 993 at Pages 121 through 123 of the Public Records of Charlotte County, Florida); thence S46°53'55"W, parallel with and 100.00 feet Northwesterly of, as measured at right angles to, the Northwesterly line of the lands described in Official Records Book 552 at Pages 1191 through 1195 of the Public Records of Charlotte County, Florida, a distance of 305.73 feet; thence N89°53'58"W a distance of 769.65 feet to a point 50.00 feet East of the West line of said Section 7; thence N00°08'05"E, parallel with and 50.00 feet East of, as measured at right angles to, the West line of said Section 7, for a distance of 803.85 feet; to the POINT OF BEGINNING.

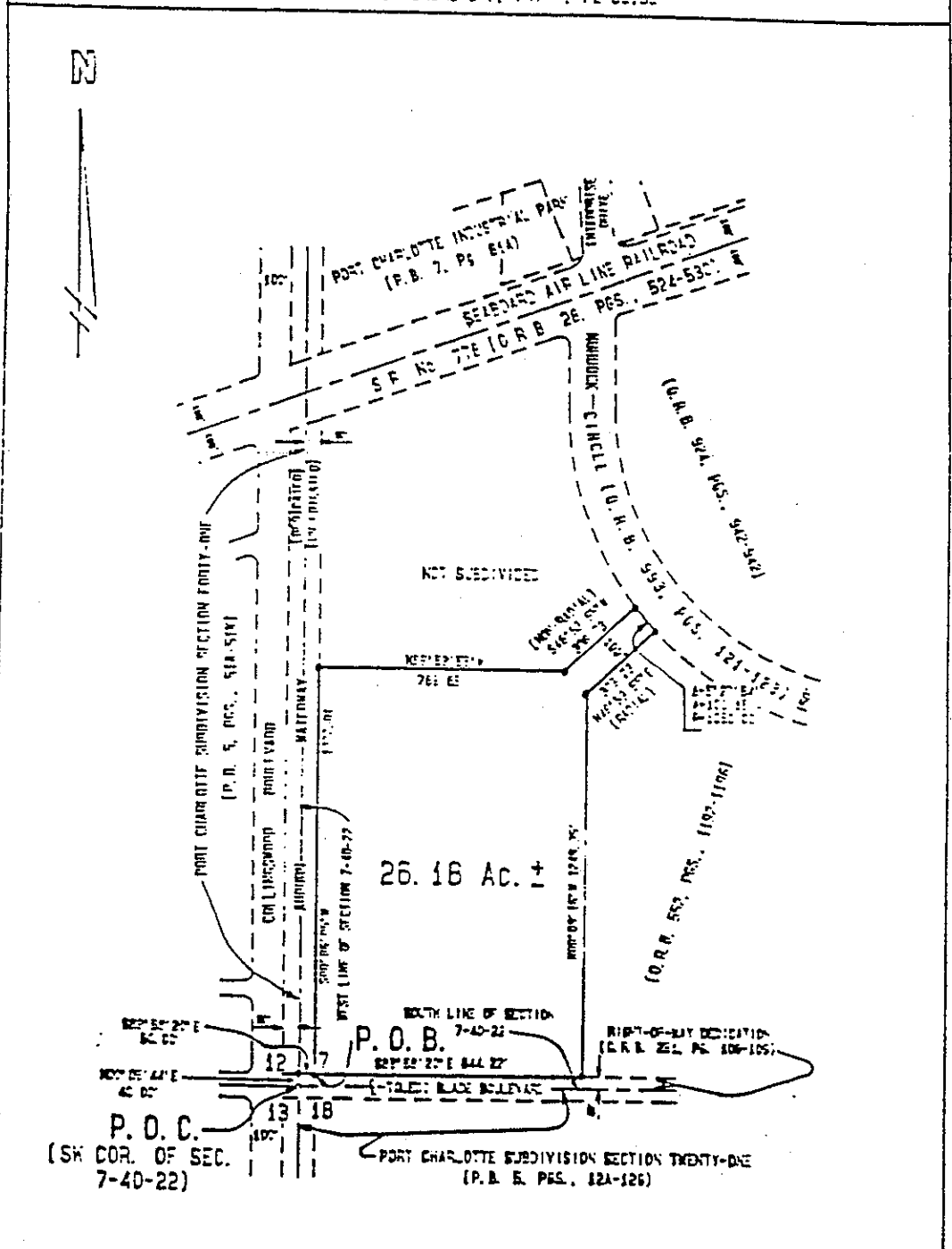
Said lands situate, lying and being in Charlotte County, Florida and containing 19.51 acres, more or less.

The above subject to easement and/or Right-of-Way of record.

OR BOOK 1305 PAGE 1455

# ATLANTIC GULF COMMUNITIES

2601 S BAYSHORE DR., MIAMI, FL 33133



This sketch is not a survey.  
 Void unless enclosed by surveyor's seal.  
 Bearing based on West line of Section 7-40-22 (P.B. 5, Pgs. 51A-51K)

SHEET 2 of 2

DATE	P.	D.	REVISED REASONS
5/2	52	NP	1 CC NAME CHANGED
STANLEY B. SHALITA			
PROFESSIONAL LAND SURVEYOR NO. 2781			
STATE OF FLORIDA			
BY	APPROVED	DATE	FILE NO.
DR. S.E.S.		APR 22, 1952	100-100

SKETCH TO ACCOMPANY LEGAL DESCRIPTION:  
 A PORTION OF SECTION 7,  
 TOWNSHIP 40 S., RANGE 22 E.,  
 CHARLOTTE COUNTY  
 FLORIDA

LEGAL DESCRIPTION

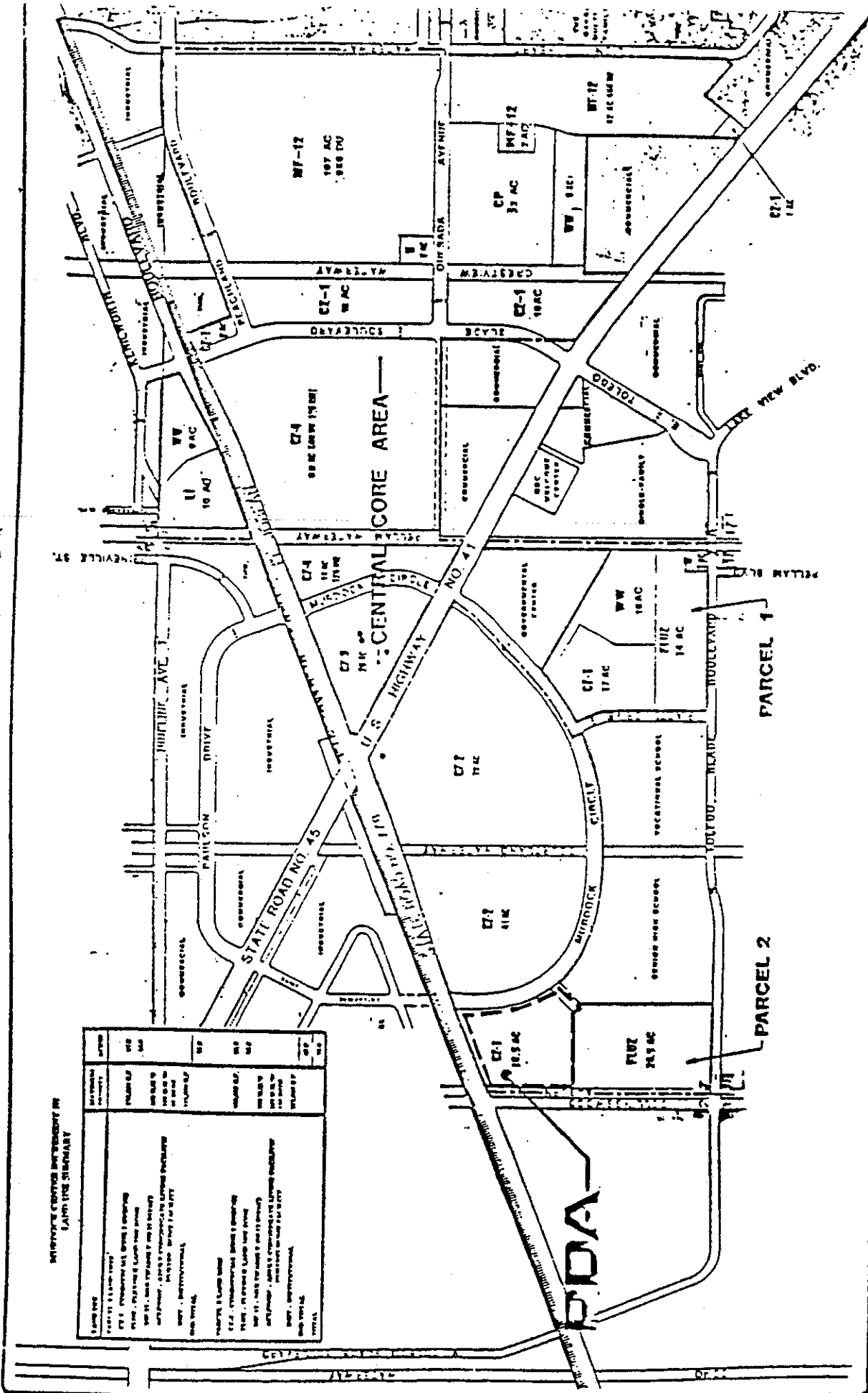
A portion of Section 7, Township 40 South, Range 22 East, Charlotte County, Florida, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 7; thence N00°05'44"E, along the West line of said Section 7, a distance of 40.00 feet to the northerly Right-of-Way line of TOLEDO BLADE BOULEVARD as described in Official Records Book 251 at Pages 106 through 109 of the Public Records of Charlotte County, Florida; thence S89°56'20"E, along the North Right-of-Way line of said TOLEDO BLADE BOULEVARD, for a distance of 50.00 feet to the Point of Beginning; thence continue S89°56'20"E, along the last described course, a distance of 644.22 feet to the westerly line of the lands described in Official Records Book 552 at Pages 1192 through 1196 of the Public Records of Charlotte County, Florida; thence N00°05'16"W for a distance of 1249.35 feet; thence N45°53'55"E, radial to the next described curve, a distance of 303.23 feet to a point on the arc of the next described curve to the right (the last mentioned two courses also being coincident with the westerly line of the said lands described in Official Records Book 552 at Pages 1192 through 1196), said point on the arc also being on the southerly Right-of-Way line of MURDOCK CIRCLE as described in Official Records Book 988 at Pages 121 through 123 of the Public Records of Charlotte County, Florida, said circular curve to the right having a radius of 1050.00 feet; thence northwesterly along the said southerly Right-of-Way line of MURDOCK CIRCLE and along the arc of said curve having a central angle of 05°27'54" for a distance of 100.15 feet; thence S45°53'55"W, parallel with and 100.00 feet northwesterly of, as measured at right angles to, the second to last described course, for a distance of 305.73 feet (non-radial to the last described curve); thence N55°53'55"W for a distance of 769.65 feet to a point 50.00 feet East of, as measured at right angles to, the West line of said Section 7; thence S00°05'05"W, parallel with and 50.00 feet East of, as measured at right angles to, the West line of said Section 7, for a distance of 1322.01 feet to the Point of Beginning.

Said lands situate, lying and being in Charlotte County, Florida, and containing 26.16 acres, more or less.

The above subject to any additional easements and/or Rights-of-Way of record.

# PDA MAP H



**MURDOCK CENTER INCREMENT III LAND USE SYMBOLS**

Symbol	Description
(Solid black)	State Road No. 45
(Dashed line)	U.S. Highway No. 41
(Dotted line)	Local Street
(Diagonal lines)	Waterway
(Stippled)	Public Use
(Cross-hatched)	Industrial
(Horizontal lines)	Commercial
(Vertical lines)	Residential
(Wavy lines)	Recreation
(Concentric circles)	Community Center
(Starburst)	Public Building
(Triangle)	Public Use
(Square)	Public Use
(Circle)	Public Use
(Hexagon)	Public Use
(Octagon)	Public Use
(Star)	Public Use
(Diamond)	Public Use
(Rhombus)	Public Use
(Parallelogram)	Public Use
(Trapezoid)	Public Use
(Kite)	Public Use
(Arrowhead)	Public Use
(Spearhead)	Public Use
(Pentagon)	Public Use
(Hexagon)	Public Use
(Heptagon)	Public Use
(Octagon)	Public Use
(Nonagon)	Public Use
(Decagon)	Public Use
(Undecagon)	Public Use
(Dodecagon)	Public Use
(Triangle)	Public Use
(Square)	Public Use
(Pentagon)	Public Use
(Hexagon)	Public Use
(Heptagon)	Public Use
(Octagon)	Public Use
(Nonagon)	Public Use
(Decagon)	Public Use
(Undecagon)	Public Use
(Dodecagon)	Public Use

**MURDOCK CENTER** ATLAS CITY  
**AIDA: INCREMENT III** JULY 1992  
**CONCEPTUAL MASTER DEVELOPMENT PLAN**

MAP **H**

1. ALL DISTRICTS AND ZONING DISTRICTS  
 2. ALL DISTRICTS AND ZONING DISTRICTS  
 3. ALL DISTRICTS AND ZONING DISTRICTS  
 4. ALL DISTRICTS AND ZONING DISTRICTS

— PDA BOUNDARY

Exhibit B

**LEGAL DESCRIPTION: 18.50 Acre Parcel**

A portion of Section 7, Township 40 South, Range 22 East, Charlotte County, Florida, being more particularly described as follows:

**COMMENCING** at the intersection of the West line of said Section 7 with the Southerly Right-of-Way line of State Road No. 776 as described in Official Records Book 28 at Pages 524 through 530 of the Public Records of Charlotte County, Florida; thence N69°01'33"E for 53.85 feet to the **POINT OF BEGINNING**; thence continue N69°01'33"E a distance of 794.19 feet (the last mentioned two courses being coincident with the Southerly Right-of-Way line of said State Road No. 776) to a point of curvature of a circular curve to the right having a radius of 25.00 feet and a central angle of 111°04'32"; thence Easterly, Southeasterly and Southerly along the arc of said curve for a distance of 48.47 feet to a point of tangency; thence S00°06'05"W a distance of 211.84 feet to a point of curvature of a circular curve to the left having a radius of 1050.00 feet and a central angle of 37°44'16"; thence Southeasterly along the arc of said curve a distance of 691.58 feet (the last mentioned two courses being coincident with the Westerly Right-of-Way line of MURDOCK CIRCLE as described in Official Records Book 993 at Pages 121 through 123 of the Public Records of Charlotte County, Florida); thence S46°53'55"W, non-radial to the last described curve and parallel with and 100.00 feet Northwesterly of, as measured at right angles to, the Northwesterly line of the lands described in Official Records Book 552 at Pages 1192 through 1196 of the Public Records of Charlotte County, Florida, a distance of 308.73 feet; thence N89°53'55"W a distance of 769.65 feet to a point 50.00 feet East of the West line of said Section 7; thence N00°06'05"E, parallel with and 50.00 feet East of, as measured at right angles to, the West line of said Section 7, a distance of 893.58 feet to the **POINT OF BEGINNING**, containing 18.50 acres, more or less.

**TOGETHER WITH (ACCESS EASEMENT)**

A 100.00 feet wide Ingress and Egress easement for the above described parcel over the following described contiguous lands:

**COMMENCING** at the intersection of the West line of said Section 7 with the Southerly Right-of-Way line of State Road No. 776 as described in Official Records Book 28 at Pages 524 through 530 of the Public Records of Charlotte County, Florida; thence N69°01'33"E for 53.85 feet; thence continue N69°01'33"E a distance of 794.19 feet (the last mentioned two courses being coincident with the Southerly Right-of-Way line of said State Road No. 776) to a point of curvature of a circular curve to the right having a radius of 25.00 feet and a central angle of 111°04'32"; thence Easterly, Southeasterly and Southerly along the arc of said curve for a distance of 48.47 feet to a point of tangency; thence S00°06'05"W a distance of 211.84 feet to a point of curvature of a circular curve to the left having a radius of 1050.00 feet and a central angle of 37°44'16"; thence Southeasterly along the arc of said curve a distance of 691.58 feet to the **POINT OF BEGINNING** (the last mentioned two courses being coincident with the Westerly Right-of-Way line of MURDOCK CIRCLE as described in Official Records Book 993 at Pages 121 through 123 of the Public Records of Charlotte County, Florida); thence



S46°53'55"W, non-radial to the last described curve and parallel with and 100.00 feet  
Northwesterly of, as measured at right angles to, the Northwesterly line of the lands described  
in Official Records Book 552 at Pages 1192 through 1196 of the Public Records of Charlotte  
County, Florida, a distance of 308.73 feet; thence S43°31'12"E for a distance 100.00 feet to  
the lands described in said Official Records Book 552 at Pages 1192 through 1196; thence  
N46°53'55"E radial to the following described course and along the Northwesterly line of the  
lands described in said Official Records Book 552 at Pages 1192 through 1196 for a distance of  
303.23 feet to a point on the arc of a circular curve to the right having a radius of 1050.00 feet  
and a central angle of 05°27'54"; thence Northwesterly along the arc of said curve a distance  
of 100.15 feet to the POINT OF BEGINNING, containing 0.70 acres, more or less.

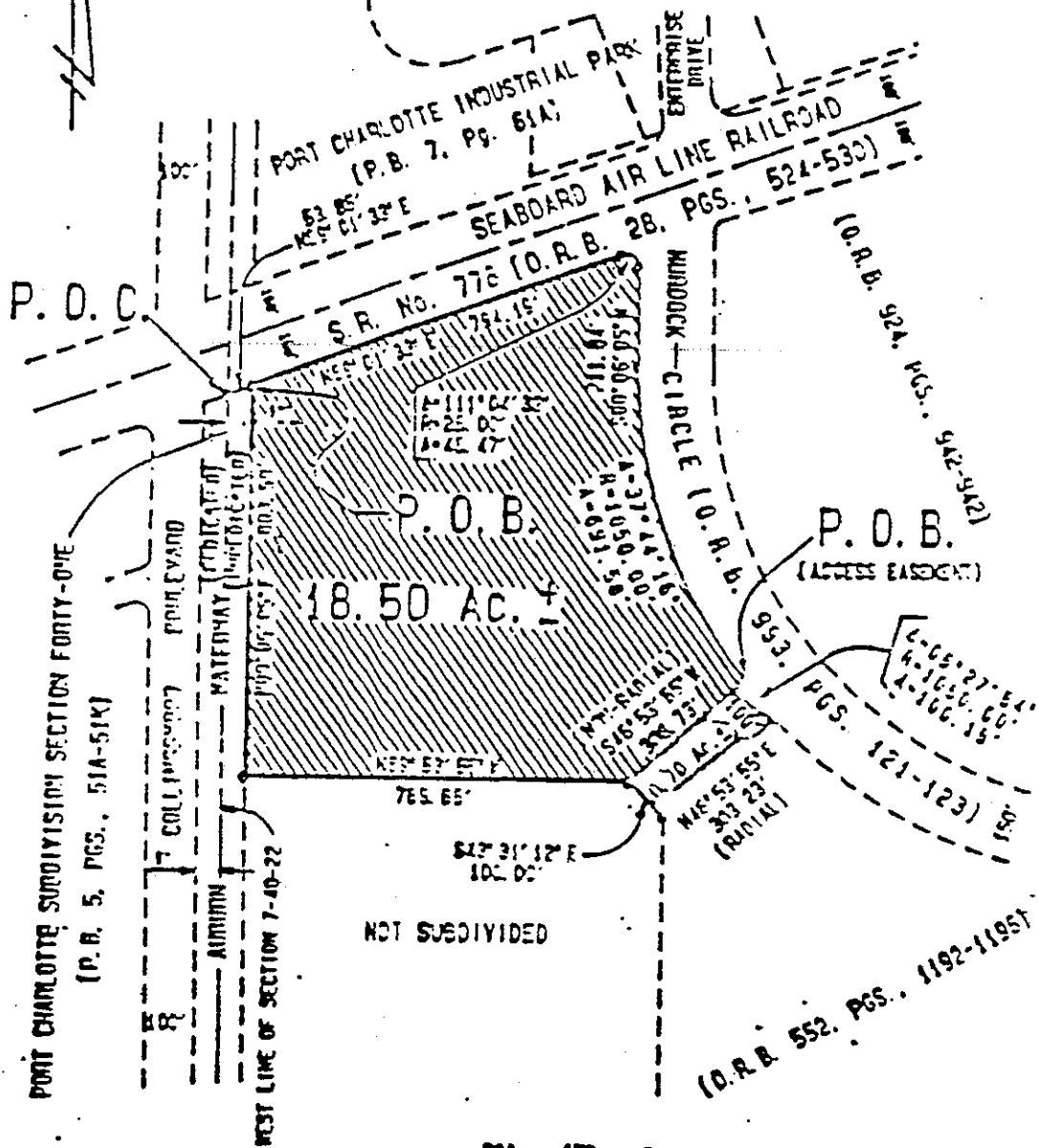
Said lands situate, lying and being in Charlotte County, Florida.

The above subject to any easements and/or Rights-of-Way of record.

ABBREVIATIONS

P.E. = Plat Book P.O. = Page  
O.R.E. = Official Records Book  
P.O.C. = Point of Commencement  
P.O.B. = Point of Beginning  
Ac.± = Acres, more or less

N



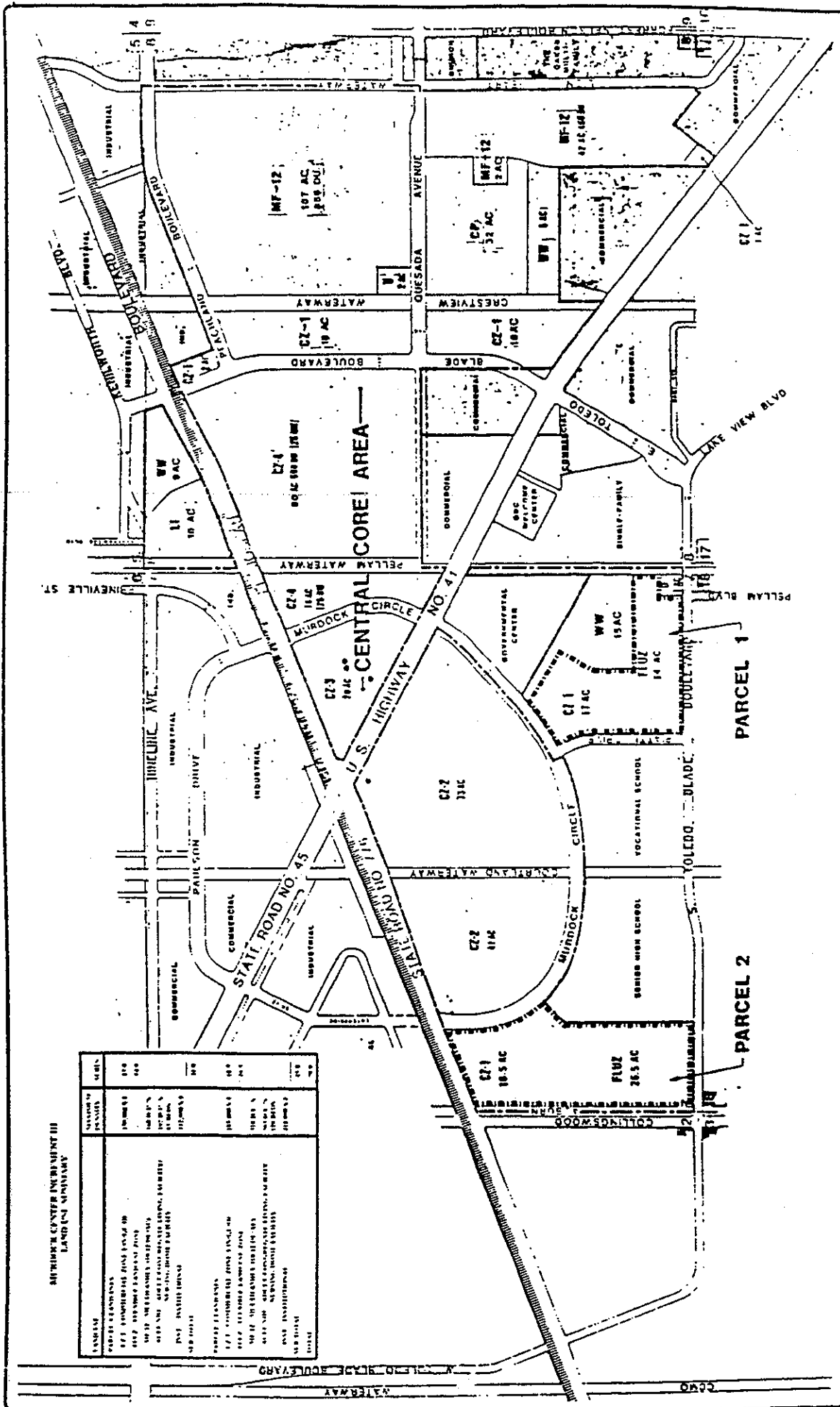
Scale in Feet

This plat is to act as survey.  
This plat is subject to survey's map.  
Survey map of West Line of Section 7-40-22 (P.B. 5, Pgs. 51A-51K)

Sheet 3 of 3

BY	D.	C.	ETC
DATE	BY	ALL	DATE
STANLEY B. SHALITA			
PROFESSIONAL LAND SURVEYOR IN FLORIDA			
P.L.P.	DATE	DATE	DATE
P.S.E.	DATE	DATE	DATE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
A PORTION OF SECTION 7,  
TOWNSHIP 40 S., RANGE 22 E.,  
CHARLOTTE COUNTY  
FLORIDA



MURDOCK CENTER INCREMENT III  
LAND USE ZONING

LAND USE ZONING	MINIMUM LOT AREA (SQ. FT.)	MINIMUM LOT WIDTH (FT.)	MINIMUM FRONT SETBACK (FT.)	MINIMUM SIDE SETBACK (FT.)	MINIMUM REAR SETBACK (FT.)	MINIMUM BUILDING HEIGHT (FT.)	MINIMUM BUILDING FOOTPRINT COVERAGE (%)	MINIMUM OPEN SPACE COVERAGE (%)
INDUSTRIAL	100,000	100	100	100	100	100	100	100
COMMERCIAL	50,000	50	50	50	50	50	50	50
RESIDENTIAL	20,000	20	20	20	20	20	20	20
VOCATIONAL SCHOOL	10,000	10	10	10	10	10	10	10

MAP  
**H**

- 1 000 FEET INDICATES PROPERTY BOUNDARIES
- 2 100 FEET INDICATES CURB LINE
- 3 50 FEET INDICATES SIDEWALK BOUNDARY
- 4 25 FEET INDICATES DRIVEWAY BOUNDARY
- 5 10 FEET INDICATES DRIVEWAY BOUNDARY
- 6 5 FEET INDICATES DRIVEWAY BOUNDARY
- 7 2.5 FEET INDICATES DRIVEWAY BOUNDARY

- 1 100 FEET INDICATES CURB LINE
- 2 50 FEET INDICATES SIDEWALK BOUNDARY
- 3 25 FEET INDICATES DRIVEWAY BOUNDARY
- 4 10 FEET INDICATES DRIVEWAY BOUNDARY
- 5 5 FEET INDICATES DRIVEWAY BOUNDARY
- 6 2.5 FEET INDICATES DRIVEWAY BOUNDARY

# MURDOCK CENTER AIDA: INCREMENT III CONCEPTUAL MASTER DEVELOPMENT PLAN



Exhibit D

EX E

# MURDOCK INCREMENT III OWNER DESIGN GUIDELINES

RECEIVED AND APPROVED BY:

*[Signature]* 11/17/92  
Atlantic Gulf Communities

APPROVED BY/DATE:

*[Signature]* 10/20/92  
John Fennett, Community Development Director

*[Signature]* 10/26/92  
Thomas H. Wilcox, Director of Public Works

*[Signature]* 10.20.92  
Max Forgey, Planning Director

*[Signature]* 11/20/92 w/ corrections noted  
Jim Ruzcas, Zoning Director

## INTRODUCTION:

This Handbook is intended to serve as Design Guidelines for Murdock Center Increment III owned by ATLANTIC GULF COMMUNITIES CORPORATION ("Atlantic Gulf"). It contains the necessary information to guide the Owner through the preparation of design, construction plans, and specifications to meet the design requirements of said areas and the pertinent governing authorities. This Handbook is prepared specifically for this project and it is suggested that it be reviewed thoroughly and plans be prepared accordingly since plan review will be based on its contents. All plans are reviewed exclusively by the Charlotte County Development Review Committee meeting as the Design Standard Review Board.

TABLE OF CONTENTS

INTRODUCTION

PROJECT MAP

CHAPTER

- 1 TITLE AND SCOPE
  - Title
  - Purpose
  - Scope
  - Maintenance of Buildings and Property
- 2 PROCESS
  - Process for New Construction
  - Process for Remodeling
  - Preliminary Plan Submittal Requirements
  - Final Plan~~s~~ Submittal Requirements *OK*
- 3 CONCEPT
  - New Design
  - Remodeling
  - Concept
- 4 SITE
  - Zoning
  - Setbacks
  - Parking
  - Site Conditions
  - Service Drives and Service Areas
  - Lighting
  - ~~Lighting~~ *OK*
  - Signage
  - Landscaping
- 5 BUILDING
  - Introduction
  - Exterior Walls

TITLE AND SCOPE

101 TITLE

101.1 This compilation of guidelines shall be known as The Owner Design Guidelines, hereinafter referred to as "Guidelines" for the Murdock Center Increment III commercial, office, residential and institutional areas and will be referred to hereinafter as the "Areas".

102 PURPOSE

102.1 The purpose of these guidelines is to provide certain minimum standards, provisions and requirements for appropriate and acceptable design and minimum required criteria for tenants implementing new construction or rehabilitation within the Areas.

102.2 The suggestions, recommendations, and requirements expressed in these guidelines hinge upon final approval of plans by the Charlotte County Development Review Committee, hereinafter referred to as "DRC".

103 SCOPE

103.1 New buildings and structures hereafter erected within the Areas shall conform to the requirements of these guidelines.

103.2 Additions, alterations, repairs and changes of use in all buildings and structures shall conform to the requirements of these guidelines.

104 MAINTENANCE OF BUILDINGS AND PROPERTY

104.1 Buildings:  
All buildings and/or structures and all parts thereof shall be maintained during their lifetime in a safe condition and as per the local requirements of the Southern Standard Building Code, latest edition.

PROCESS

201 PROCESS FOR NEW CONSTRUCTION

- 201.1 Owner shall examine the enclosed material for items required for review on submitted plans and specifications.
- 201.2 Submit Preliminary Plans to DRC in accordance with Charlotte County procedures.
- 201.3 After receipt of preliminary plan approval, prepare and submit complete plans and specifications to DRC for final approval. (Refer to 203 and 204.)
- 201.4 After receipt of final plan approval the owner or a designated representative will proceed in accordance with paragraph 201.6 (below).
- 201.5 Any revisions to the plans and specifications will be sent to the DRC for approval in accordance with the above outlined procedure. Should deviations from approved final plans become apparent during or after construction, without having been approved previously, these shall be subject to removal at Owner's expense.
- 201.6 The Owner may start construction proceedings upon final approval of the Site Plans by the DRC, and receipt of the required permits from Charlotte County and other such agencies having jurisdiction.

202 PROCESS FOR REMODELING

- 202.1 Owners with intentions to remodel the exterior facade of a building or structure or portion of such must prepare and submit to the DRC the remodeling plans reflecting changes to be made on all phases of work for DRC review and approval if such work requires DRC approval in accordance with Charlotte County Regulations.
- 202.2 All local building codes, approvals and required permits will fully apply to any remodeling work.

203 PRELIMINARY PLAN SUBMITTAL REQUIREMENTS



- 203.1 The Preliminary Plans must include but not be limited to the following:
- A. Site Plan
    - 1. Setbacks, building location/footprint
    - 2. Access/circulation
    - 3. Parking and preliminary site engineering design (drainage, water and sewer)
    - 4. Site lighting
    - 5. Landscaping
    - 6. Materials
    - 7. Signage
    - 8. Buffering between conflicting Land Uses and Z
  - B. General
    - 1. All plans and elevations with major dimensions
    - 2. Sections if necessary to explain the design.

- 203.2 The final plans must include but not be limited to the following:
- A. Information contained in Section 3-9-5.1 of the Zoning Ordinance.
  - B. Any requirements contained in this document (Murdock Increment III Owner Design Guidelines).

301 NEW DESIGN

- 301.1 All new design will strive to achieve a pedestrian scale type atmosphere and character.
- 301.2 Storefronts shall promote interaction between the building and the passerby. Solid bare walls confronting the pedestrian do not offer an inviting image unless they are punctuated with storefront displays, seating, landscaping, or some other device that promotes the kind of interaction that is inviting or "friendly" to the pedestrian.

302 REMODELING

- 302.1 All remodeling of future buildings will adapt to the new design guidelines specified in Section 301.

303 CONCEPT

303.1

The overriding concept is the total unification of the Area through the continuity of design in residential-type forms with warm materials and colors, extensive landscaping for shade and spaces, plazas, and the attention to detail in promoting and maintaining this concept.

SITE

400 ZONING

400.1 Compliance with Zoning Ordinances in effect at time of DRC submittal will be required.

401 SETBACKS

In accordance with Charlotte County Code.

402 PARKING

In accordance with Charlotte County Code.

403 SITE CONDITIONS

Owner/Developer subject to Charlotte County code and existing easements.

404 SERVICE DRIVES AND SERVICE AREAS

All service drives will have adequate circulation and turning radius as required by Charlotte County codes. Service areas will have effective visual buffers from public areas. Trash and garbage dumpsters shall be located within service areas and buffered from public view.

405 LIGHTING

A parking lot lighting plan with lighted areas indicated shall be submitted for final Development Review Committee approval. All lighting shall be directed away from residential areas and streets to the extent possible.

406 SIGNAGE

Signage shall be subject to all applicable county codes and other requirements, including the Charlotte County Zoning Code, Section 3-9-95 as amended, except as otherwise noted herein:

1. There shall be no signs painted on the exterior surface of any building (except those on windows and doors).
2. Where more than one Primary Class A or Secondary Class A sign is allowed, it shall be required that the signs be located on separate street or building fronts. It is not the intent to allow an accumulation of signs on a single street frontage or building front.
3. The sizes of signs permitted shall be as allowed in Section 3-9-95 of the Charlotte County Zoning Code except that Primary Class A signs shall not be allowed to exceed 300 square feet.
4. In the interest of public safety, Primary Class A signs, constructed as ground signs, are required to display the street number of the property on all faces of the sign, with numbers not less than 6 inches in height.
5. All signs prohibited by Charlotte County Zoning Code Section 3-9-95 shall also be prohibited.

409 LANDSCAPING

In accordance with Charlotte County Code.

**BUILDING**

500 INTRODUCTION

500.1

The following design guidelines pertain to specific items of a building or structure that give the character and the overall impression of the building and which must be consistent and be maintained for the design continuity of all the buildings within the Murdock Center DRI Increment III.

502 EXTERIOR WALLS

502.1 The following requirements apply to all exterior walls for all buildings or structures. All elements of all elevations shall complete a total and continuous design.

502.2 All materials must be in compliance with the Southern Standard Building Code.

502.3 Natural Materials

Exterior wall finishes will be compatible in color, texture, and composition. Some of the recommended finishes are the following:

- A. Brick
- B. Natural Stone
- C. Split Block
- D. Painted Stucco
- E. Finished Block
- F. Tile

MURDOCK CENTER DRI  
IDENTIFIED SEGMENTS AND INTERSECTIONS FOR IMPROVEMENTS

INCREMENT III PROPORTIONATE SHARE CALCULATION

SEGMENT	LENGTH (MILES)	ADD'L LANE	NEW LANE MILES	TOTAL COST	PROJECT TRAFFIC	SHARED COST
TOLEDO BLADE BLVD PIATTI LANE TO PELLAM BLVD PELLAM BLVD TO LAKEVIEW BLVD	0.3125 0.2500	2 2	0.63 0.60	\$785,833 \$628,666	2.47% 1.05%	\$19,410 \$6,601
S.R. 776 (EL JOBEAN RD) COLLINGSWOOD TO TOLEDO BLADE TOLEDO BLADE TO FLAMINGO BLVD FLAMINGO BLVD TO BISCAYNE DR BISCAYNE DR TO CORNELIUS BLVD CORNELIUS TO RIVERWOOD RIVERWOOD RD TO MYAKKA RIVER	0.4350 0.6310 1.2500 0.5625 0.4250 2.0125	2 2 2 2 2 2	0.67 1.26 2.50 1.18 0.85 4.03	\$1,093,879 \$1,586,753 \$3,143,330 \$1,414,499 \$1,068,732 \$5,060,761	13.17% 11.06% 6.65% 4.41% 2.24% 2.19%	\$144,064 \$175,495 \$209,031 \$62,379 \$23,940 \$110,831
U.S. 41 PAULSON DR TO S.R. 776	0.2300	2	N/A	\$603,167	8.91%	\$59,774
FOREST NELSON BLVD U.S. 41 TO QUESADA AVE QUESADA AVE TO PEACHLAND BLVD	0.7500 0.5625	2 2	1.50 1.13	\$1,885,998 \$1,414,499	2.23% 0.80%	\$42,058 \$11,316
PEACHLAND BOULEVARD TOLEDO BLADE TO FOREST NELSON FOREST NELSON TO ATWATER ST ATWATER ST TO HARBOR BLVD	0.6250 0.5000 1.1875	2 2 2	1.25 1.00 2.98	\$1,571,665 \$1,257,332 \$2,986,154	1.25% 1.83% 0.00%	\$19,646 \$23,009 \$0
<b>LINK TOTAL</b>						<b>\$907,554</b>

INTERSECTION	IMPROVEMENT DESCRIPTION	TOTAL COST	PROJECT TRAFFIC	SHARED COST
MURDOCK CIR & U.S. 41	ADD RIGHT TURN LANE EASTBOUND	\$63,173	8.40%	\$5,307
S.R. 776 & TOLEDO BLADE BLVD	SIGNALIZE INTERSECTION	\$60,000	18.30%	\$10,980
S.R. 776 & COLLINGSWOOD BLVD	SIGNALIZE INTERSECTION	\$60,000	15.20%	\$9,120
U.S. 41 & TOLEDO BLADE BLVD (SOUTH)	ADD RIGHT TURN LANE EASTBOUND AND WESTBOUND	\$82,132	5.20%	\$4,271
<b>INTERSECTION TOTAL</b>				<b>\$29,678</b>
<b>PROPORTIONATE SHARE TOTAL</b>				<b>\$37,232</b>

B:\MURDOCK\PROP\INC3.WK1

## CAPITAL FACILITIES PLAN 1993 - 1998

### MURDOCK CENTER INCREMENT III

#### INTRODUCTION

The Murdock Center Increment III Capital Facilities Plan has been prepared to meet the requirements of General Condition No. 17, Exhibit 2, of the Master Development Order (MDO) for Murdock Center. The entire text of this Condition is included in Appendix A. The basic elements of the plan must address the provision of the following public facilities and services deemed necessary to serve and mitigate the impacts of the development during the third phase or five-year period, whichever is the lesser time frame. The identified services to be addressed for Increment III are:

1. Transportation
2. Fire Protection and Emergency Medical Service
3. Police Protection
4. Solid Waste
5. Bicycle and Pedestrian Paths

For each of the above capital facilities improvement area, the plan will address each of 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.
- H. A general procedure of costs and funds accounting to address any discrepancies between improvement estimates and actual costs.

EXHIBIT G

The following sections set forth the functional aspects of the required plan. In each area, plan requirements are related to existing plans, studies, and stated needs of the agencies providing the required services or improvements. Previous Capital Facilities Plans approved include Murdock Center Increment I and II approved June 14, 1988 and November 10, 1987, respectively. This Murdock Center Increment III Plan has been prepared according to the same format, and is consistent with the requirements of Element G., above (Consistency with Other Plans Prepared Pursuant to This Condition).

The MDO requires that this plan provide for the third phase or five year period, whichever is less. The applicant has designed a plan which would provide for the capital facilities needs of Increment III from 1993 through 1998.

For the purpose of this Capital Facilities Plan, the following rules of construction shall apply: All Tables referred to shall be inclusive within the Capital Facilities Plan, and may be subject to revision in future Capital Facilities Plans. Exhibits referred to shall be by their number (eg., Table 1.5 - Proportional Share Tables) contained as part of the Incremental Development Order for Murdock Center Increment III. Appendices referred to shall be inclusive within the Capital Facilities Plan, and be designated by a letter type (eg., Appendix A).

## 1. TRANSPORTATION

### A. Needed Facilities or Capital Improvements

Based on the information presented in the Application for Master Development Approval (AMDA) and the MDO, a series of regionally and locally significant roadways will be impacted over the twenty year buildout of Murdock Center (1986 - 2005). The proposed 2005 Charlotte County Roadway Network for the Murdock Center area is identified in MDO Exhibit A. The significant regional and local roadways impacted by Murdock Center development are identified in MDO Exhibits B and C respectively. The improvement needs addressed in this plan are intended to be compatible with the identified network and to serve as a guide for implementation of improvements as the various elements of Murdock Center are constructed.

In the AIDA for Increment III, a number of roadway and intersection improvements were identified based on estimates of transportation impacts anticipated as a result of the proposed Increment III, growth in background traffic, and other Increments of Murdock Center. In accordance with Condition 20 of the Murdock Center Master Development Order, improvements in this Plan have been identified based on the level of service

policies' of the agencies having jurisdiction over the impacted roadways. These level of service standards are presented in Table 1.1.

The regional and local transportation improvements deemed necessary to mitigate the traffic impacts of Increment III development are outlined in Table 1.2.

B. Timing for Construction or Acquisition

The schedule and timing of improvements identified in and in accordance with Table 1.2 are recommended only if all development assumed to be in place actually occurs in Increment III development through 1998. For purposes of this Plan, it is essential to establish appropriate procedures to insure that necessary improvements, hereinafter referred to as "required" improvements, are completed concurrent with approved development. For purposes of determining whether development may be required to cease under the Increment III Development Order, the road improvement to U.S. 41 shall commence construction within the time frame as specified in Section 3.8j. of the Increment III Development Order, and the remaining improvements listed in Table 1.2. shall be constructed no later than the time, as determined based on annual monitoring reports required in the Increment III Development Order, when development traffic exceeds five (5) percent of level of service "C" for the peak season, p.m. peak hour and the level of service on the affected road is below the applicable level of service for that road on Table 1.1.

Required Improvements

The improvements identified in this sub-section include all improvements necessary to mitigate the total transportation impacts of Increment III through buildout. These required improvements are listed in Table 1.2.

C. Cost Estimates

The total estimated costs of Required Improvements are listed in Table 1.3. These estimates are based on the cost factors provided in the Proportionate Share Analysis included in Exhibit F (Table 1.5 to this Plan) within the Increment III Development Order.



D. Funding Responsibilities and Crediting Procedures

1. Funding Responsibilities

The Increment III AIDA applicant or its successors shall be responsible to fully fund and construct, subject to credit provisions if applicable, those specific required improvements identified as being the applicant's responsibility in the Increment III Development Order. Those improvements consist of an additional two lanes on U.S. 41 from Paulson Drive to S.R. 776. The applicant or its successors shall also be responsible for payment of the total proportional shares for road impacts established in that Development Order. Charlotte County or its designee shall be responsible to fund, either through County resources identified in this Plan, or other sources such as impact fees, development exactions or state or federal matching funds which may be available, all other identified required improvements shown on Table 1.2 and identified in the Increment III Development Order needed to maintain the level of service standards as set forth in sub-section A., above. These responsibilities shall be implemented to the extent practicable through the Increment III Development Order, Charlotte County's capital improvements programming, and Charlotte County's budgeting process and other means, as appropriate.

E. Funding Sources and Limitations

The funding sources available to implement this Capital Facilities Plan include revenues generated from the following sources:

Local Sources

- Development Exactions (Proportionate Share)
- Ad Valorem Property Taxes
- Personal Property Taxes
- Lease Taxes
- User Charges and Fees
- Miscellaneous Taxes (fines, forfeitures, permits, licenses, etc.)
- Charlotte County Impact Fees

Optional Local Sources

- Existing County Gas Tax
- Optional 5th and 6th cent gas tax
- Tourist Development Tax

## State Sources

- Sales Tax
- Revenue sharing trust fund
- Motor fuel tax
- Mobile home, vehicle and motor boat licensing

Anticipated revenues generated as a direct result of completion of Increment III are listed in Table 1.4.

## F. Implementation Methods

As recommended in the MDO, the applicant's responsibilities under this Plan will be implemented to the extent possible through Incremental Development Order Conditions. The County's responsibilities for improvements to the regional and local roads identified in MDO Exhibits A & B should be implemented to the extent possible through commitment of revenues generated by Murdock Center development. For improvements beyond the limits of the network defined in the MDO, the County should commit other available revenues to complete improvements necessary to meet the County's desired level of service standards.

Alternatives available for the financing of improvements include but are not limited to:

- Revenue bond financing supported by existing local option gas taxes

- Special taxing districts

- Tax increment financing districts

- Florida DOT or federal aid primary funding.

Based on the revenue sources outlined in E. above, and to the extent of revenues attributable to Increment III, the County should first identify those sources from which revenues will be designated to establish a separate trust fund to be used for implementation of this Capital Facilities Plan. The list of improvements should then be prioritized on the basis of projected need as follows to the extent not inconsistent with the County's capital improvement program:

Priority I - Improvements required to address public safety and welfare.

Priority II - Improvements needed to meet County commitments in any incremental development order or to correct existing service level deficiencies.

Priority III - Improvements needed to mitigate future service level deficiencies as additional increments of Murdock Center are approved.

Priority IV - Improvements which would enhance capacity or provide relief to existing facilities through the construction of alternative routes.

G. Consistency With Capital Facilities Plans for Other Increments

This plan submitted for Murdock Center Increment III is consistent with capital facilities plans previously submitted for other Increments.

H. Cost and Funds Accounting Procedures

Prior to the issuance of building permits for Increment III development beyond that authorized by a Preliminary Development Agreement between the applicant and the Florida Department of Community Affairs, the applicant shall enter into an escrow agreement with Charlotte County, either to pay, or provide appropriate financial assurance acceptable to Charlotte County for payment of the appropriate proportional shares for those transportation improvements necessitated to mitigate the impact of Increment III development, as outlined in B. above.

For purposes of this section Charlotte County shall utilize the cost estimating procedures set forth in Table 1.5, proportional share tables for Increment III.

TABLE 1.1

Level of Service Standards for  
Use in Murdock Center Increment III  
Capital Facilities Plan

1. Regional Roadways Under the Jurisdiction of the Florida Department of Transportation:
  - \* Peak Hour - LOS D peak season, p.m. peak hour (Urbanized Area)
  - \* Peak Hour - LOS C peak season, p.m. peak hour (Rural Area)
2. Local Roads under the Jurisdiction of Charlotte County:
  - \* Daily - LOS C average annual daily traffic
  - \* Peak Hour - LOS D peak season, p.m. peak hour (Murdock Center Traffic Report)
3. Florida Department of Community Affairs:
  - \* Peak Hour - LOS D average day (DCA Rule 9J-2.0255)
4. SWFRPC:
  - \* Daily - LOS C average annual daily traffic

TABLE 1.2

Required Roadway Improvements

1. U.S. 41 - Construct 2 lanes (for a total of 6 lanes) from Paulson Drive to S.R. 776
2. Toledo Blade Boulevard - Construct 2 lanes (for a total of 4 lanes) from Piatti Lane to Lakeview Boulevard
3. Forest Nelson Boulevard - Construct 2 lanes (for a total of 4 lanes) from U.S. 41 to Peachland Boulevard
4. Peachland Boulevard - Construct 2 lanes (for a total of 4 lanes) from Toledo Blade Boulevard to Atwater Street.

TABLE 1.3  
Estimated Costs of Required Improvements

Roadway	Segment	Estimated Costs
U.S. 41	- Paulson Drive to S.R. 776 (6L)	\$ 603,167.00
Toledo Blade Boulevard	- Piatti Lane to Lakeview (4L)	\$ 1,414,499.00
Forest Nelson Boulevard	- U.S. 41 to Peachland Boulevard (4L)	\$ 3,300,497.00
Peachland Boulevard	- Toledo Blade Boulevard to Harbor Boulevard (4L)	\$ 5,815,161.00
TOTAL:		----- \$11,133,324.00

TABLE 1.4  
Estimated Revenues to Charlotte County from Increment III  
(\$1,000.00)

YEAR	AD VALOREM	PROP. SHARE	SALES TAX	GAS TAX	TOTAL
1993	392.20		250.00	25.00	667.20
1994	531.60		555.00	31.80	1118.40
1995	666.50		555.00	37.20	1258.70
1996	806.00		555.00	43.40	1404.40
1997	940.80		555.00	49.40	1545.20
TOTAL	3337.10	937.23	2470.00	186.80	6931.13

2. FIRE PROTECTION

A. Needed Facilities or Capital Improvements

As a result of review of the AIDA for Increment III, the Charlotte County Fire-Rescue Emergency Services Department has indicated that it has sufficient facilities and manpower to serve Increment III.

B.-H. Not Applicable.

3. POLICE PROTECTION

A. Needed Facilities or Capital Improvements

Based on the May 15, 1992, letter from the Charlotte County Sheriff's Office, no needed facilities or capital improvements were identified. Stated personnel needs will be addressed through ad valorem taxes and impact fees.

B.-H. Not Applicable.

4. SOLID WASTE

A. Needed Facilities or Capital Improvements.

Based on a March 10, 1992, letter, Charlotte County has indicated no need for additional capital facilities.

B.-H. Not Applicable.

5. BICYCLE AND PEDESTRIAN PATHS

A. Needed Facilities or Capital Improvements.

As depicted on Map J-I of the Increment III AIDA, the applicant has already implemented a substantial portion of the Bicycle/Pedestrian Circulation Plan and completed the portion of that plan that directly serves Increment III.

B.-H. Not Applicable.

EXHIBIT H

APPLICANT INFORMATION AND DEVELOPMENT SUMMARY

APPLICANT INFORMATION

Project Name: MURDOCK CENTER INCREMENT III

Applicant: Mr. Kim Woodbury, Vice President  
Atlantic Gulf Communities Corporation  
2601 S. Bayshore Drive  
Miami, Florida 33133-5461

Date on which DRI-AIDA Received: May 27, 1992

Date on which DRI-AIDA Elected  
not to Supply Further information. December 2, 1992

Date on which local Public Hearing  
Notice was received: February 18, 1993

County Public Hearing Date: August 17, August 31, September 7,  
and October 12, 1993

Type of Development: Multi-Use

Location of Development: Charlotte County

DRI Thresholds: Commercial - 400,000 Gross  
Square Feet/40 acres/2,500  
Parking Spaces, Office - 300,000  
Gross Square Feet/30 Acres,  
Residential - 1,000 Dwelling  
Unites, Hospital - 600 Beds,

DEVELOPMENT SUMMARY (Upon Completion):

Total Commercial/Office Area: 355,000 Gross Square Feet

Total Potential Institutional Area  
(Nursing Home or ACLF): 324,000 Gross Square Feet/185 Beds/555 Units

Total Potential Residential: 486 Units

Total Acres: 76.0 Acres

Water Management System:	4.28 Acres
Open Space (1):	18.37 Acres
Estimated Average Daily Potable Water Demand*:	111,000 Gallons Per Day
Estimated Average Daily Non-Potable Water Demand *:	83,000 Gallons Per Day
Estimated Average Daily Wastewater Generation*:	111,000 Gallons Per Day
Estimated Solid Waste Generation*:	9.233 Tons Per Day
Potential Estimated Medical Waste Generation*:	0.003 Ton Per Day
Major Roads Impacted:	SR 776, US 41 and Toledo Blade Boulevard
Project Construction Period:	5 Years 1993 to 1998 in One Phase

\*At Buildout

Note (1) Non-impervious areas within developed parcels excluding surface retention - Table 19-C-1 page 19-5 of AIDA.



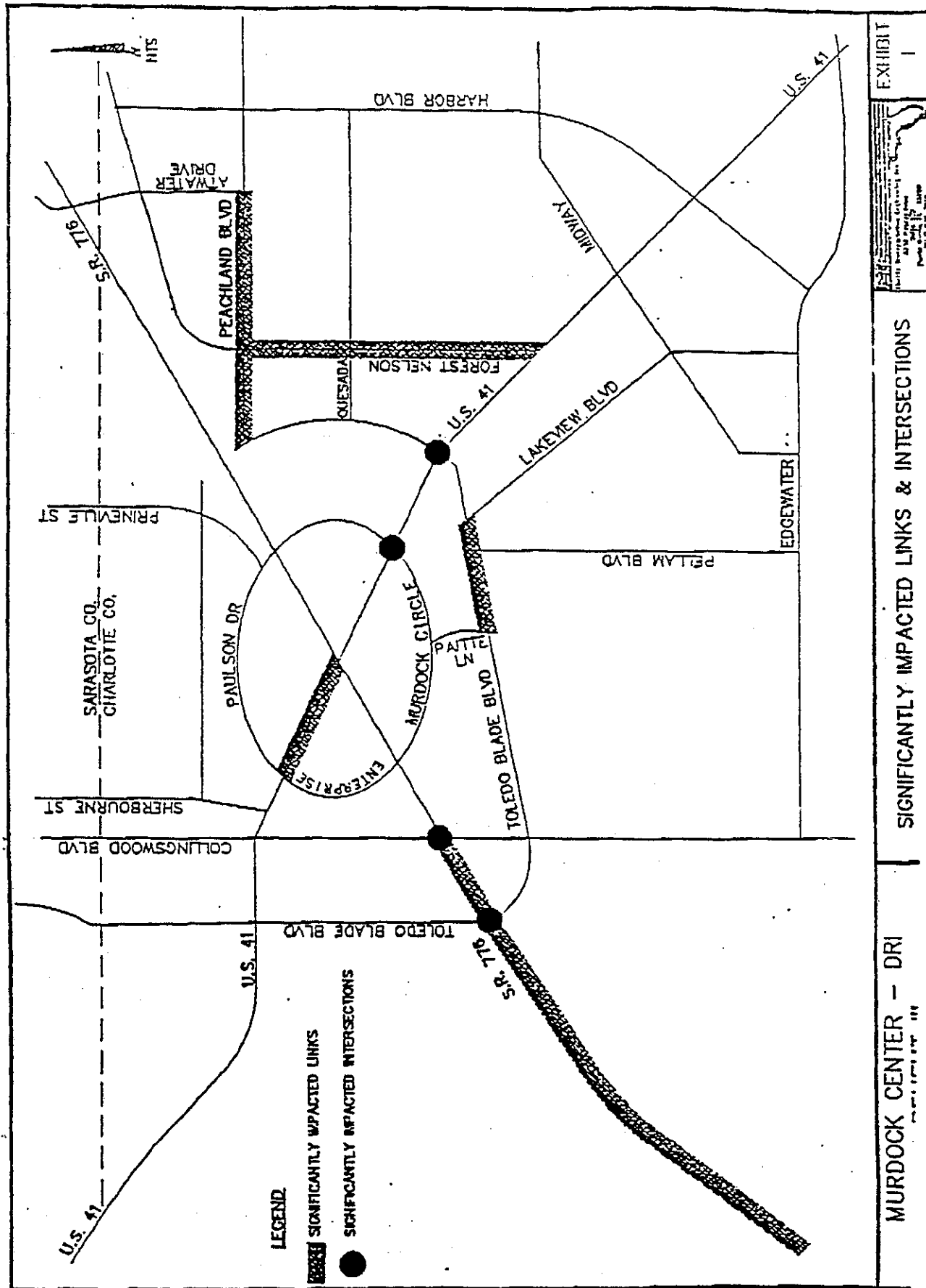


EXHIBIT I

Florida Department of Transportation  
 Planning and Engineering Division  
 1350 Park Street, N.E.  
 Tallahassee, Florida 32310  
 Phone: 904/437-2800  
 Fax: 904/437-2801

SIGNIFICANTLY IMPACTED LINKS & INTERSECTIONS

MURDOCK CENTER - DRI

Exhibit I

EXHIBIT J

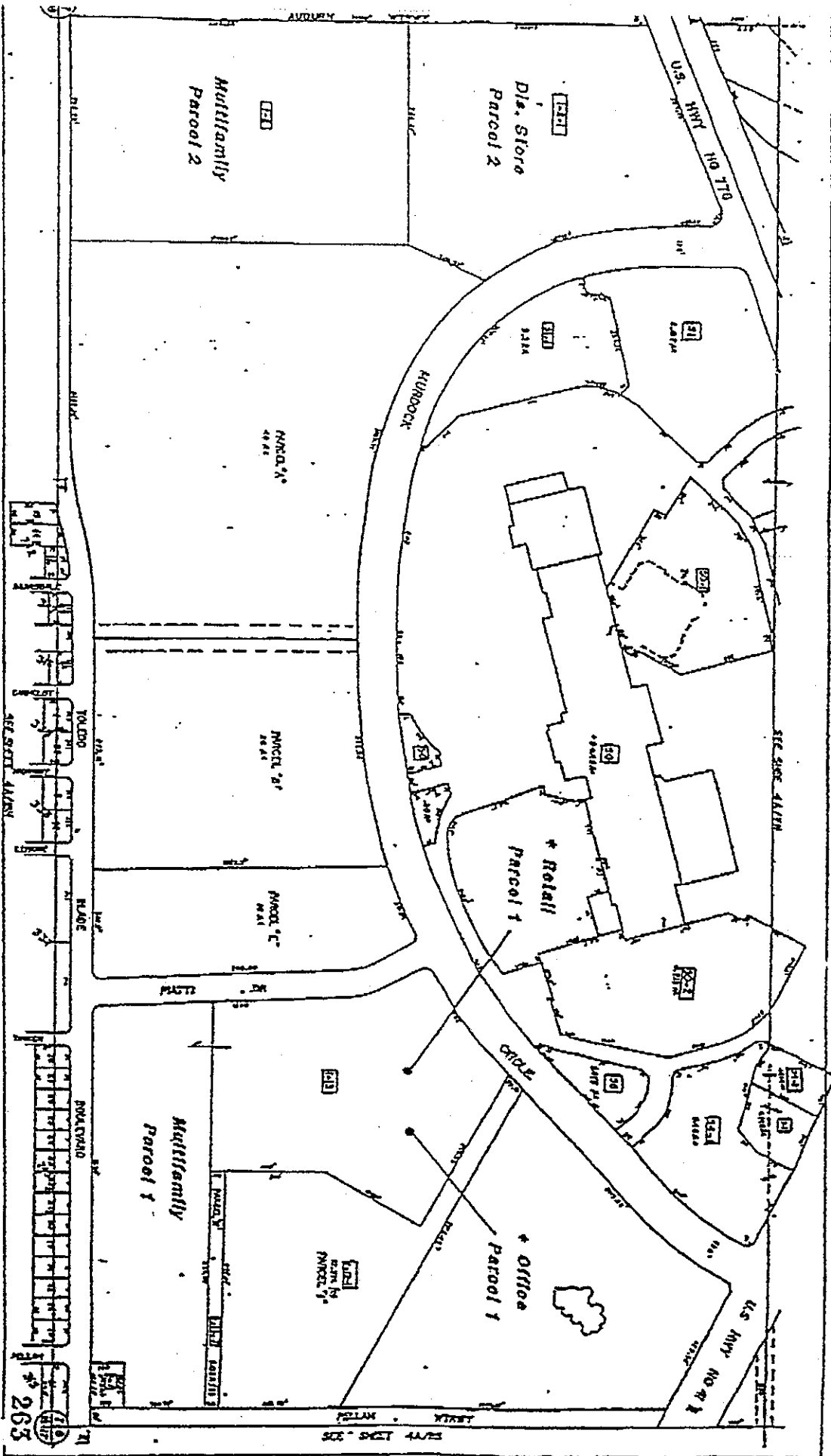
VALUATION OF TOLEDO BLADE BOULEVARD

1. Impact Fee Ordinance, as modified, effective July 1, 1993, has determined the cost per lane mile of roadway to be \$1,004,320.
2. Impact Fee Ordinance has determined that 17.04% of the above referenced cost is related to right-of-way.
3. Assume that a 35 foot right-of-way width is necessary to accommodate a lane mile of road.
4. Right-of-way cost per lane mile =  $\$1,004,320 \times .1704$  or \$171,136.12.
5. The amount of right-of-way in a lane mile = 5280 feet x 35 feet or 184,800 square feet or 4.2424 acres or \$40,339.43 per acre.
6. The cost of right-of-way per acre that is contemplated by the Impact Fee Ordinance:  $\$171,136.12 \div 4.2424$  acres or \$40,339.43 per acre.
7. Agreed upon value of Toledo Blade right-of-way =  $\$40,339.43 \times 3.1329$  acres or \$126,569.29.

**EXHIBIT K  
MURDOCK INCREMENT III  
DISTRIBUTION OF PROPORTIONATE  
SHARE**

<u>Land Use</u>	<u>Parcel</u>	<u>Acres</u>	<u>Total New PM Peak TRIPS</u>	<u>Share of Total</u>	<u>Share of Proportionate Share</u>	<u>Proportionate Share Per Acre</u>
Multifamily	1	14.0	103	8.93%	\$83,694.82	5,978.20
Retail	1	6.0	356	30.85%	\$289,136.08	48,189.35
Office	1	11.0	169	14.64%	\$137,210.76	12,473.71
Multifamily	2	26.5	187	16.20%	\$151,831.58	5,729.49
Dis. Store	2	18.5	339	29.38%	\$275,358.76	14,884.26
<b>Total</b>		<b>76.0</b>	<b>1,154</b>	<b>100.00%</b>	<b>\$937,232.00</b>	

Exhibit K 1



\* The exact location of the 6 acre Retail and the 17 acre Office parcels will be determined at the time of site plan approval.

