

TAB 10

POINT PAPER
City of Palmetto – DRI #236 Rivera Dunes
Notice of Proposed Change (NOPC)

GENERAL LOCATION

Southwest corner of U.S. 41 and Haben Boulevard, north of the Manatee River.

INFRASTRUCTURE IMPACTS

The developer of Riviera Dunes wishes to have the option of constructing Offices and a Quality Restaurant in lieu of the previously approved uses identified in the Land Use Exchange Matrix for the DRI. If opted, these future development plans will be accompanied by a proposed reduction of other infrastructure equivalent uses. For example, should the developer decide to construct the Offices and Quality Restaurant as proposed, an equivalent number of residential units or retail space cannot be built. There shall be no increase in traffic or other infrastructure needs for the newly proposed uses.

SUMMARY AND STAFF RECOMMENDATIONS

Background Summary

On December 20, 1999 the Palmetto City Council adopted Ordinance No. 665, constituting a Development Order for Riviera Dunes Resorts, Inc. This Development Order authorized construction of a 202.25 acres mixed use project. Upon a February 13, 2005 buildout, Riviera Dunes would contain: two hundred and fifty (250) single-family and three hundred and sixty-seven (367) multifamily residential units; one hundred forty-one thousand and five hundred (141,500) square feet of “Specialty” retail; a three thousand-five hundred (3,500) square feet convenience market; a one hundred twenty-five (125) room hotel; a fifteen thousand (15,000) square feet family golf center; and four hundred (400) wet slips.

The Development Order has been amended a total of four times, the most recent was adopted on October 17, 2005 (Ordinance No. 05-871). The amendments have formally authorized: identified hurricane mitigation measures; revisions to the land use equivalency matrix; modified required transportation improvements; increased the maximum number of residential units available under provisions of the Equivalency Matrix to eight hundred and fifty-seven (857); relocation of land uses on select parcels; and extended the project build-out and Development Order expiration dates to February 12, 2010. Ordinance No. 05-871 amended the Development Order as follows:

- Recognize Office as a specifically approved use within the Land Use Equivalency Matrix;

- Increase the maximum amount of residential development by an additional one hundred and five (105) units [to eight hundred and fifty-seven (857) total];
- Formally change the name of the Master Developer from W.C. Riviera Partners, L.C. to Riviera Dunes Development Partners, LLC; and
- Add one point two-nine (1.29) acres of property to the DRI parcel.

Current NOPC Modification Requests

The applicant has requested the Land Use Equivalency Matrix be modified to allow maximums of 75,000 sq. ft. of Office and 12,000 sq. ft. of Quality Restaurant within the project through conversion of other previously approved project uses.

TBRPC recommended to the City of Palmetto that the proposal is presumed to create a Substantial Deviation. However, it is the opinion of TBRPC and City of Palmetto staff that no unmitigated regional impacts would result from the requested modification. [F.S. 380.06(19)(e)3].

Staff Recommendation

Staff does not know at this time what elements of the project will be reduced to accommodate the increase in Office and Quality Restaurant uses. We presume these uses will be established on the vacant parcels adjacent to US 41. These parcels were previously approved for a residential use. At that time, staff had concerns about the compatibility of residential units close to a busy roadway. In addition, some residents of Riviera Dunes expressed the need for additional retail and restaurants. A mixed use project that includes offices that will have employees to support the restaurants and shops is recognized as an improvement to the project from staff's perspective. As such, staff recommends **APPROVAL** of the Notice of Proposed Change to allow the above referenced changes.

PLANNING AND ZONING BOARD RECOMMENDATION

The Planning and Zoning Board recommended **APPROVAL** of the NOPC at the December 10, 2007 meeting.

CITY COMMISSION

The City Commission shall **APPROVE**, **APPROVE WITH CONDITIONS**, or **DENY** the NOPC.

**ORDINANCE NO. 08-956
DRI #236 RIVIERA DUNES**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA,
AMENDING ORDINANCE NO. 665 AND RENDERING A
DEVELOPMENT ORDER PURSUANT TO SECTION 380.06,
FLORIDA STATUTES, FOR RIVIERA DUNES, A
DEVELOPMENT OF REGIONAL IMPACT, DRI #236;
PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND
OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on August 27, 2007 Riviera Dunes Development Partners, LLC, hereinafter referred to as "Developer", filed a Notice of Proposed Change ("NOPC") with the City of Palmetto pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the City Commission of the City of Palmetto as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, has the authority to consider and approve an amended Development Order for the Development; and

WHEREAS, The Planning and Zoning Board of the City of Palmetto, as the City of Palmetto's local planning agency, has reviewed the NOPC and the report of the Tampa Bay Regional Planning Council ("TBRPC"), held public hearings on October 8, 2007 and has filed a recommendation with the City Commission; and

WHEREAS, the City Commission has received and considered the comments of the Planning and Zoning Board and the TBRPC; and

WHEREAS, the City Commission on January 22, 2008 held a duly noticed public hearing on the NOPC, and has solicited, received and considered all testimony, reports, comments, evidence and recommendations, from interested citizens, City agencies and the Developer.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
OF THE CITY OF PALMETTO IN A REGULAR MEETING ASSEMBLED THIS
THE 22nd DAY OF JANUARY 2008 AS FOLLOWS:**

Section 1. Findings of Fact. The City Commission hereby makes the following findings of fact:

- A. All of the recitals are adopted as findings of fact.
- B. The Developer has received City approval and has commenced development in accordance with Ordinance No. 665.

- C. The owner of the not yet developed or sold property and the Development is Riviera Dunes Development Partners, LLC.
- D. The authorized agent for the Developer is C. Timothy Vining.
- E. The real property which is the subject of this Development Order is legally described on Exhibit "A" to this Ordinance.

Section 2. **Conclusions of Law.** Based upon the previous findings of fact and the following Conditions of Development Approval, the City Commission concluded that:

- A. The Development is consistent with the local land development regulations and is consistent with the State Comprehensive Plan, the TBRPC's Final Report on the Development and the City of Palmetto Comprehensive Pan.
- B. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth below.

Section 3. **Amendments to Ordinance.**

DEVELOPMENT COMPONENTS

Table 1 Development Area and Uses. *Revise Table as set forth on Exhibit "B" attached hereto and made a part hereof.*

Land Use Exchange Matrix. *Increase the maximum amount of Office Space development by an additional 65,000 square feet (to a maximum of 75,000 square feet). Increase the maximum amount of Quality Restaurant development by an additional 7,000 square feet (to a maximum of 12,000 square feet). Revise Table as set forth on Exhibit "B" attached hereto and made a part hereof.*

Section 4. It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court or competent jurisdiction to be void, unconstitutional or unenforceable, then such provisions or portions shall be deemed null and void, but all remaining provisions and portions of this Ordinance shall remain in full forces and effect.

Section 5. Ordinance No. 665, except as amended herein, shall remain in full force and effect.

Section 6. This Ordinance shall become effective in accordance with Section 14 of the City Charter, provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order until the resolution of said appeal.

APPROVED AND ADOPTED, in open session with a quorum present and voting this 22nd day of January, 2008.

First Reading	January 7, 2008
Publication	January 11, 2008
Second Reading and Public Hearing	January 22, 2008

CITY OF PALMETTO, FLORIDA
BY AND THROUGH ITS CITY
COMMISSION OF THE CITY OF
PALMETTO

BY: _____
LAWRENCE E. BUSTLE, JR. MAYOR

ATTEST: CITY CLERK

BY: _____
James R. Freeman, City Clerk

Exhibit "A"

I. PARCEL A

BEGIN AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN S 00°33'40" W ALONG THE WEST LINE OF SECTION 24, 574.82 FEET; THENCE S 40°33'36" E, 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301/S.R. 55; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, N 00°00'25" E, 1117.61 FEET TO ITS INTERSECTION WITH A LINE BEARING S 89°27'02" E FROM THE POB; THENCE N 00°02'04" E, 656.58 FEET; THENCE N 10°59'44" W, 7.30 FEET; THENCE N 10°50'28" W, 196.50 FEET; THENCE N 00°02'33" E, 300.00 FEET; THENCE N 59°59'28" W, 131.41 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 7th STREET; THENCE N 89°27'14" W ALONG SAID SOUTHERLY RIGHT-OF-WAY OF 7th STREET, 299.99 FEET; THENCE S 00°32' 20" W, 1220.94 FEET TO THE POINT OF BEGINNING.

LESS:

COMMENCE AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE "CIVIC CENTER PARCEL") SAID POINT BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF US HIGHWAY 301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD; THENCE S 89°58'43" W, 130.26 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF AFORMENTIONED U.S. HIGHWAY 301/41 FOR A POINT OF BEGINNING; THENCE S 89°59'19" W, 125.00 FEET; THENCE N 00°02'04" E PARALLEL TO THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 301 217.92 FEET; THENCE N 65°59'14" W, 366.00 FEET TO THE WEST LINE OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST; THENCE S 00°32'20" W ALONG SAID WESTERLY LINE OF SECTION 13, 404.58 FEET TO THE SOUTHWEST CORNER OF SECTION 13 (ALSO BEING THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST); THENCE S 00°33'40" W ALONG THE WESTERLY LINE OF SECTION 24 574.82 FEET; THENCE S 40°33'36" E 720.33 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE AFORMENTIONED U.S. HIGHWAY 301/41; THENCE N 00°00'25" E, 1117.61 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO A POINT BEING S 89°-27-02 E, 493.00 FEET FROM THE NORTHWEST CORNER OF SECTION 24-34S-17E; THENCE N 00°02'04" E ALONG THE WESTERLY RIGHT-OF-WAY OF U.S.HIGHWAY 301/41, 42.27 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY FLORIDA,

II. PARCEL 'B' (BEING NORTH OF HABEN BOULEVARD):

BEGIN AT THE NORTHEAST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (THE "CIVIC CENTER" PARCEL); THENCE RUN S 00°10'42" W, ALONG THE EAST LINE OF THE ABOVE REFERENCED "CIVIC CENTER" PARCEL, 463.37 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED IN ORB 1144, PAGES 1425-1429 OF THE PRMCF (THE "HABEN BOULEVARD EXTENSION"); THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES: N 76°04'37" E, 80.36 FEET TO A POINT OF CURVATURE; THENCE 556.13 FEET ALONG THE ARC A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2190.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°47'50" E, 600.00 FEET TO A POINT OF CURVATURE; THENCE 339.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 942.00 FEET AND A CENTRAL ANGLE OF 20°37'20", TO A POINT OF REVERSE CURVATURE; THENCE 298.05 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 858.00 FEET AND A CENTRAL ANGLE OF 19°52'13", TO A POINT OF COMPOUND CURVATURE; THENCE 46.17 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 75°34'57". THENCE N 00°28'54" E, 100.73 FEET, THENCE LEAVING SAID RIGHT-OF-WAY, RUN N 89°29'11" W, 1258.00 FEET; THENCE N 00°00'16" W, 363.50 FEET, THENCE N 89°23'50" W, 629.23 FEET TO THE POB.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA

Exhibit "A"

III. PARCEL C

COMMENCE AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°27'02" E, 493.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF WAY OF U.S. HIGHWAY 301/S.R.55; THENCE RUN S 00°00'25" W, 1117.81 FEET ALONG SAID RIGHT-OF-WAY; THENCE S 40°33'36" E, 199.80 FEET FOR A POINT OF BEGINNING; THENCE N 00°01'28" E, 1287.87 FEET; THENCE N 00°03'41" E, 43.82 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1054, PAGES 1788-1796 (SAID SOUTHWEST CORNER BEING THE POB OF SAID PARCEL), THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD THE FOLLOWING COURSES N 89°59'19" E 100.00 FEET; THENCE 168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 878.45 FEET AND A CENTRAL ANGLE OF 10°59'58"; THENCE S 79°01'33" E, 123.57 FEET; THENCE 593.41 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 67°59'59"; THENCE N 33°03'07" E, 248.55 FEET; THENCE 368.85 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 960.00 FEET AND A CENTRAL ANGLE OF 22°00'07"; THENCE 187.59 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 480.00 FEET AND A CENTRAL ANGLE OF 20°52'28"; THENCE S 13°20'16" E, 1.99 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN ORB 1144, PAGES 1425-1429 OF THE PUBLIC RECORDS OF MANTEE COUNTY, FLORIDA, (THE "HABEN BOULEVARD EXTENSION" PARCEL); THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID HABEN BOULEVARD EXTENSION THE FOLLOWING COURSES; THENCE N 75°55'53" E, 101.94 FEET THENCE 536.70 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 2106.95 FEET AND A CENTRAL ANGLE OF 14°35'42"; THENCE S 89°30'28" E, 800.00 FEET; THENCE 308.39 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 858.00 FEET AND A CENTRAL ANGLE OF 20°35'38", TO A POINT OF REVERSE CURVATURE, THENCE 341.49 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 492.00 FEET AND A CENTRAL ANGLE OF 20°48'15"; THENCE N 89°39'34" E, 106.37 FEET; THENCE N 00°20'26" E, 208.80 FEET TO THE END OF SAID HABEN BOULEVARD EXTENSION PARCEL; THENCE S 89°29'11" E ALONG THE SOUTHERLY BOUNDARY OF THAT PARCEL DESCRIBED IN ORB 370 PAGE 303 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, 433.84 FEET; THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARIES OF THAT PARCEL DESCRIBED AS "PARCEL 1" IN ORB 1435 PAGE 8874 (ALSO IN ORB 1180 PAGE 537) THE FOLLOWING TWO COURSES; S 00°23'51" W, 234.00 FEET; THENCE S 89°21'41" E, 154.00 FEET; THENCE S 00°00'53" W, 734.60 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13 SAID POINT BEING 66 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13; THENCE N 89°21'48" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, 599.46 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13; THENCE N 15°09'23" W, 225.00 FEET; THENCE S 00°38'10" W ALONG THE EAST LINE OF U.S. GOVERNMENT LOT 3, 1354.95 FEET; THENCE S 76°20'28" W, 2500.08 FEET; THENCE N 15°09'23" W, 225.00 FEET; THENCE N 64°04'34" W 891.58 FEET; THENCE N 40°33'36" W, 143.46 FEET TO THE POINT OF BEGINNING.

LESS:

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED **Exhibit 'A'**
IN ORB 1054, PAGES 1782-1796 OF THE PUBLIC RECORDS OF MANATEE
COUNTY, FLORIDA (THE CIVIC CENTER 'PAPCEL), SAID POINT BEGINNING,
BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY
301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD;
THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD
THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY
168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE
HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD
BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID
SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04
FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF
U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY
RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41" E, 43.82 FEET TO THE POINT OF
BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP
34 SOUTH' RANGE 17 EAST, MANATEE COUNTY, FLORIDA

IV. PARCEL C-1

BEING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED
IN ORB 1054, PAGES 1788-1796 OF THE PUBLIC RECORDS OF MANATEE
COUNTY, FLORIDA (THE CIVIC CENTER 'PAPCEL), SAID POINT BEGINNING,
BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY
301/41 (S.R. 55) AND THE SOUTHERLY RIGHT-OF-WAY OF HABEN BOULEVARD;
THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD
THE FOLLOWING COURSES; N 89°59'19" E, 100.00 FEET; THENCE SOUTHEASTERLY
168.63 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE
HAVING A RADIUS OF 878.45 FEET, A CENTRAL ANGLE OF 10°59'56", AND A CHORD
BEARING OF S 84°28'06" E; THENCE S 79°01'33" E, 109.37 FEET; THENCE LEAVING SAID
SOUTHERLY RIGHT-OF-WAY LINE OF HABEN BOULEVARD, RUN S 00°13'04" E, 315.04
FEET; THENCE S 89°46'56" W, 375.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF
U.S. HIGHWAY 301/41 (S.R.55); THENCE N 00°01'28" E ALONG SAID EASTERLY
RIGHT-OF-WAY, 306.18 FEET; THENCE N 00°03'41" E, 43.82 FEET TO THE POINT OF
BEGINNING.

THE ABOVE DESCRIBED PARCEL BEING AND LYING IN SECTIONS 13 & 24, TOWNSHIP
34 SOUTH' RANGE 17 EAST, MANATEE COUNTY, FLORIDA,

V. PARCEL D

TOGETHER WITH NON-EXCLUSIVE EASEMENTS SET FORTH IN TRUSTEE'S DEED BY
AND BETWEEN BARNETT BANK OF MANATEE COUNTY, NA, AS TRUSTEE, AND MANATEE
COUNTY CIVIC CENTER AUTHORITY, RECORDED IN OFFICIAL RECORD BOOK 1054, PAGE 1788,
AND SET FORTH IN RIGHT-OF-WAY RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN
MANATEE GATEWAY NO.1, A JOINT VENTURE, AND BARNETT BANK OF MANATEE COUNTY AS
TRUSTEE, AND THE MANATEE COUNTY CIVIC CENTER AUTHORITY RECORDED IN OFFICIAL
RECORD BOOK 1054, PAGE 1801. ALL OF THE PUBLIC RECORDS OF MANATEE COUNTY,
FLORIDA, FOR THE PURPOSES OF INGRESS, EGRESS, DRAINAGE, AND UTILITIES, PEDISTRIAN
WALKWAYS, AND OVERHEAD ARCHITECTURAL CONNECTION, OVER, UNDER, AND ACROSS
THE LANDS DESCRIBED IN SAID INSTRUMENTS.

VI. PARCEL E

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR A PERIOD OF 25 YEARS FROM
SEPTEMBER 12 1991, WAS SET FORTH IN SOVEREIGN SUBMERGED LANDS EASEMENT
GRANTED BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF
THE STATE OF FLORIDA IN FAVOR OF MANATEE GATEWAY I, A JOINT VENTURE, A FLORIDA
GENERAL PARTERSHIP, AND RECORDED IN OFFICIAL RECORD BOOK 1376, PAGE 1557, OF THE
PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR THE PURPOSE OF AN ACCESS
CHANNEL AND FLUSHING CHANNEL OVER, UNDER, AND ACROSS THE SOVEREIGN LANDS
DESCRIBED IN SAID INSTRUMENT

Exhibit A

VII.

DESCRIPTION: A PARCEL OF LAND IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHERLY OF THE EASTERNMOST CORNERS OF TRACT "E" OF THE NORTHSORE AT RIVIERA DUNES PHASE 1-A, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 22, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND RUN N.00°04'33"E.. ALONG THE EASTERNMOST BOUNDARY OF SAID TRACT "E", FOR A DISTANCE OF 562.78 FEET TO THE NORTHEAST CORNER OF SAID TRACT "E"; THENCE N.89°55'28"W., ALONG THE NORTH BOUNDARY OF SAID TRACT "E" FOR A DISTANCE OF 15.00 FEET TO THE EAST RIGHT OF WAY OF HABEN BOULEVARD; THENCE N.00°04'33"E., ALONG THE SAID EAST RIGHT OF WAY, FOR A DISTANCE OF 208.46 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY, S.89°44'49"E. FOR A DISTANCE OF 432.50 FEET TO THE INTERSECTION WITH THAT CERTAIN BOUNDARY AGREEMENT LINE RECORDED IN O.R. BOOK 1750, PAGE 6361 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID BOUNDARY AGREEMENT LINE THE FOLLOWING THREE (3) COURSES; S.02°11'59"W., A DISTANCE OF 2.91 FEET; S.00°07'25"E. FOR A DISTANCE OF 231.00 FEET; THENCE S.89°35'00"E. FOR A DISTANCE OF 154.18 FEET; THENCE LEAVING SAID BOUNDARY AGREEMENT LINE, N.00°14'17"W., FOR A DISTANCE OF 35.73 FEET TO AN IRON ROD AND PLASTIC CAP STAMPED LB5594; THENCE S.89°14'22"E., FOR A DISTANCE OF 93.99 FEET TO A IRON ROD AND PLASTIC CAP STAMPED LB6432; THENCE N.03°57'30"E., FOR A DISTANCE OF 97.80 FEET; THENCE N.05°31'10"E., FOR A DISTANCE OF 100.32 FEET; THENCE N.89°26'41"W., FOR A DISTANCE OF 264.29 FEET TO THE POINT OF BEGINNING.

Exhibit "B"

Riviera Dunes DRI
Land Use Equivalency Matrix

From ↓	To →	Specialty Retail	Hotel	Senior Living	Assisted Living Facility	Quality Restaurant	Multi-Family	Office
Specialty Retail	1,000 sf gla =		3.2 rooms			235 sf gla	2.6 du	1,738 gsf
Hotel	1 room =	312 sf gla					0.8 du	
Senior Living	1 bed =						0.37 du	
Assisted Living Facility	1 bed =						0.23 du	
Quality Restaurant	1,000 sf gla =	4,260 sf gla						
Multi-Family	1 du =	385 sf gla	1.2 rooms	2.7 beds	4.3 beds			
Office	1,000 gsf =	575 sf gla						

	Minimum	Maximum
Specialty Retail	20,000 S. F.	96,000 S. F.
Multi-Family	737 Units	857 Units
Office	-0-	10,000 S.F.
Hotel	-0-	200 Rooms
Quality Restaurant	-0-	5,000 S. F.

Tindale-Oliver and Associates, Inc.

Equivalency Matrix 07-21-05a.xls

7000
ONE

