Resolution No. 06-189

DEVELOPMENT ORDER RESOLUTION

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY GRANTING DEVELOPMENT OF REGIONAL IMPACT APPROVAL TO RIDA/CHAMPIONSGATE PURSUANT TO CHAPTER 380.06, FLORIDA STATUTES THROUGH THE DATE OF THIS RESOLUTION

POLK COUNTY DEVELOPMENT ORDER, RIDA/CHAMPIONSGATE

WHEREAS, it is the intent of the State of Florida, as expressed in Chapter 380, Florida Statutes, to protect the natural resources and environment of the State, facilitate orderly and well-planned development, protect the health, welfare, safety and quality of life of the residents of the State; and, the Development of Regional Impact review program has been established by the State of Florida in recognition that certain development projects which, because of their character, magnitude or location, will have a substantial effect on the health, safety or welfare of the citizens of more than one county; and

WHEREAS, the State of Florida has established land and water management policies to guide and coordinate local decisions relating to growth and development, and has determined that such policies should, to the maximum possible extent, be implemented by local governments through existing processes for the guidance of growth and development, and has also determined that all the existing rights of private property shall be preserved in accord with the Constitutions of the State of Florida and the United States; and

WHEREAS, on July 27, 1998, the Osceola County Board of County Commissioners approved that certain Osceola County Development Order, RIDA/Championsgate (the "First Osceola Development Order"), and on April 22, 2002 approved that certain Amendment to the Osceola County Development Order, RIDA/Championsgate, (the "Second Osceola Development Order"), and on September 23, 2002 approved that certain Third Amended and Restated Osceola County Development Order, RIDA/Championsgate, (the "Third Osceola Development Order") and on March 15, 2004 approved that certain Fourth Amended and Restated Osceola County Development Order, RIDA/Championsgate (the "Fourth Osceola Development Order"), and on September 21, 2005 approved that certain Fifth Amended and Restated Osceola County Development Order, RIDA/Championsgate (the "Fifth Osceola Development Order") (the First, Second, Third, Fourth and Fifth Osceola Development Orders together constitute the "Current Osceola Development Order"); and

WHEREAS, RIDA Associates Limited Partnership, a Florida limited partnership (hereinafter sometimes referred to as "RALP," or the "Developer"), has filed a Notification of a Proposed Change (the "NOPC") with the Osceola County Board of County Commissioners to a previously approved Development of Regional Impact ("DRI") for the Project; and

WHEREAS, pursuant to the NOPC filed in Osceola County, the Developer wishes to (i) utilize the approved conversion matrix applicable to land uses to convert uses among the approved program, and (ii) add additional land to the Championsgate DRI and apply the existing approved land use entitlements to the additional land while not increasing any approved land use entitlements in any manner; and

WHEREAS, the additional land to be added to the Championsgate DRI is located in Polk County, rather than Osceola County and is more particularly described on **Attachment "A"** attached hereto and made a part hereof (the "Polk County Parcels"); and

WHEREAS, the location of the additional land in Polk County also requires the review of the Central Florida Regional Planning Council applicable to the Polk County Parcels, in addition to the East Central Florida Regional Planning Council applicable to the Osceola County portion of the DRI; and the Southwest Florida Water Management District applicable to the Polk County Parcels, in addition to the South Florida Water Management District applicable to the Osceola County portion of the DRI; and

WHEREAS, as a result of the new land's location in Polk County, the Championsgate Development Order is to be further amended and restated so as to provide continuing but separate provisions pursuant to a Sixth Amended and Restated Osceola County Development Order, RIDA/Championsgate, and a new Polk County Development Order.

WHEREAS, the Developer has requested that Polk County issue its Development Order and Osceola County change and further amend the Current Osceola Development Order as allowed by law as a non-substantial change to the DRI; and

WHEREAS, the NOPC has been submitted to the East Central Florida Regional Planning Council, the Bureau of State Planning, Department of Community Affairs, and to Osceola County in accordance with the requirements of Chapter 380, Florida Statutes; and

WHEREAS, the NOPC and this Polk County Development Order, RIDA/Championsgate have also been submitted to the Central Florida Regional Planning Council, the Bureau of State Planning, Department of Community Affairs, and to Polk County in accordance with the requirements of Chapter 380, Florida Statutes; and

WHEREAS, this Polk County Development Order, RIDA/Championsgate is intended to include the conditions applicable to and govern the development of the Polk County Parcels; and

NOW THEREFORE, THIS POLK COUNTY DEVELOPMENT ORDER, RIDA/CHAMPIONSGATE IS RENDERED AND ENTERED PURSUANT TO THE REQUIREMENTS OF SECTION 380.06, FLORIDA STATUTES; AND IS HEREBY ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA THAT THIS POLK COUNTY DEVELOPMENT ORDER, RIDA/CHAMPIONSGATE IS APPROVED PURSUANT TO SECTION 380.06, FLORIDA STATUTES, SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

I. FINDINGS OF FACT

1. Owner/Developer/Authorized Agent: **Rida Associates Limited Partnership**
4669 Southwest Freeway, Suite. 400
Houston, Texas 77027

Contact: Ira Mitzner

2. Developer has filed an Application for Development Approval pursuant to Chapter 380.06, Florida Statutes for a Development of Regional Impact. The Polk County portion of the Championsgate project described on **Attachment "A"** attached hereto and by this reference incorporated in this Development Order shall hereinafter be referred to as the "Polk County Parcels" or the "Property".

3. The Developer as the Owner has the authority to file the Application for Development Approval (ADA) and obtain a Development Order with respect to the Property, in accordance with Section 380.06, Florida Statutes.

4. The Property does not lie within an Area of Critical State Concern.

5. The application has been reviewed by and recommendations have been received from the Central Florida Regional Planning Council ("CFRPC").

6. All public hearings as required by Section 380.06, Florida Statutes, have been duly noticed and held.

7. The development permitted by this Development Order does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan. This Development Order does not relieve the Applicant from complying with all other applicable State Laws.

8. The proposed development permitted by this Development Order is consistent with the Polk County Comprehensive Plan, Polk County Land Development Code and other Polk County land development regulations.

9. This Development Order for the proposed Polk County Parcel of the Rida/ChampionsGate DRI Development of Regional Impact is consistent with the report and recommendations of the CFRPC.

10. The development of the Polk County Parcel consists of the land uses, acreages and criteria set forth below, and on Map H attached hereto as **Attachment "B"** and made a part hereof.

USE	UNITS
Office	160,000 sq. ft.
Retail	70,000 sq. Ft.
Hotel	400 rooms
Residential	593 dwelling units

USE	ACRES
Residential	16.6
Employment Center	101.8
Stormwater/Uplands	2.2
Wetlands/Lakes/Wet Prairies	45.6
Roads	4.5

Notes Applicable to Map H:

1 Parcels 1 and 2 may be used for residential uses consistent with the RL-4X Land Use.

2 Parcels 3 and 4 may be used for resort and corporate housing; extended stay lodging facilities; support retail; restaurant and service uses; convention facilities and support recreational facilities. Resort and corporate housing will be limited to 67 acres unless units are incorporated in vertical mixed use buildings. Allowable acres for extended stay lodging facilities are not limited.

3 Parcel 5 may be used for office uses; flex space buildings; research and development establishments that resemble office buildings; and retail sales and services that accommodate typical office functions.

4 Parcels 6 and 7 may be used for retail sales and service uses and restaurants that include indoor sit-down service.

5 Extended stay lodging facilities include hotels, condo hotels, fractional ownership units, short term rentals, business-owned units, assisted living facilities, retirement units and vacation homes.

6 The sizes and shape of development parcels are conceptual. Final parcel configurations may vary based on subsequent approvals by Polk County and subject to limitations specified in this Development Order.

7 Parcels 3-7 are in the ECX (Employment Center) Land Use. As such, flexibility is allowed to move uses from parcel to parcel subject to review and approvals by Polk County.

8 Development program may be converted from one use to another using the Conversion Matrix contained in this Development Order.

II. CONCLUSIONS OF LAW

1. The Board's review of the proposed Application has been conducted pursuant to and complied with the provisions of Chapter 380, Florida Statutes.

2. The Application as submitted, complies with the requirements of Section 380.06, Florida Statutes, and Chapter 22-F, Florida Administrative Code.

3. The proposed development, together with conditions of approval, is consistent with the report and recommendation of the Central Florida Regional Planning Council.

4. The development as proposed in the Application is consistent with the Polk County Comprehensive Plan and local land development regulations.

5. All development activities described in the Application, together with these conditions of approval, shall be subject to the terms of this development order and shall not be subject to future development of regional impact review pursuant to Section 380.06, Florida Statutes, unless the Board determines that any proposed changes to the development constitute a substantial deviation pursuant to Section 380.06(17), Florida Statutes.

6. The rights and obligations set forth in this Development Order shall inure to the benefit of and be binding upon the Applicant, any subsequent property owners affected by this Order and their successors, assigns and grantees.

7. The provisions of this Development Order shall not be construed as a waiver or exception of any rule, regulation, or ordinance of Polk County and, therefore, any further review and approval required by Polk County shall be subject to all such applicable rules, regulations or ordinances in effect at the time of review.

8. The Polk County Growth Management Director shall be the local official responsible for assuring compliance with this Development Order.

III. CONDITIONS OF APPROVAL

1. The Polk County Parcel shall be developed in accordance with the information, data, plans and commitments contained in the Polk County Rida/ChampionsGate DRI Application for Development Approval (ADA) and supplemental information incorporated herein by reference, unless otherwise provided by the conditions of this Development Order. The Development Order shall prevail over any conflicting information, data, plan, or commitments. For the purposes of this condition, the ADA shall consist of the ADA dated January 19, 2006, including the legal description attached as Exhibit 1.

2. The Polk County Parcel shall consist of no more than the specifically described development set forth on the land use table above and the Master Development Plan (MAP "H") attached hereto as **Attachment "B"** and incorporated herein by reference.

3. If vertical construction of development of the Polk County Parcels in an amount equivalent to five percent of its total 13,797 average daily trips (690 trips) is not commenced within five years of the effective date of this Development Order, then the Development Order shall expire.

Natural And Historical Resource Conditions

4. Project construction personnel shall be notified, through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the project manager. In the event of discovery of artifacts of historical or archaeological significance during project construction, the Developer shall stop construction at the site of discovery and notify Polk County and the Division of Historic Resources of the Florida Department of State. From the date of notification, construction shall be suspended within a 100 foot radius of the site of discovery for a period of up to 120 days to allow evaluation of the site.

5. Except as otherwise allowable by this Development Order or any applicable permit consistent with this Development Order, site development related activities shall not result in the harming, pursuit or harassment of wildlife species classified as endangered, threatened or a species of special concern by either the state or federal government in contravention of applicable state or federal laws. Should such species be determined to be residing on, or be otherwise significantly dependent upon the project site, the Developer shall immediately notify Polk County, the Florida Fish and Wildlife Conservation Commission ("FFWCC"), and the United States Fish and Wildlife Service, and to the extent required by laws and regulations, the Developer shall cease all activities which might negatively affect that individual or population. The Developer shall provide proper protection, to the satisfaction of all agencies with jurisdiction. "Harming" and "harassment" as used in this recommendation shall be defined in the same manner as "harm" and harass" respectively are defined in 50 CFR Section 17.3.

6. Proposed activities which would destroy or degrade the function of jurisdictional wetlands shall not be allowed except where such activities are not contrary to the public interest and there is no practical alternative which reduces or avoids impacts to jurisdictional wetlands. Unavoidable losses of viable wetlands shall be mitigated through the demonstrably successful restoration of wetlands, creation of wetlands or (where no other alternative is feasible) preservation of wetlands whose functional values are at least comparable to those wetlands lost. Wetlands mitigation should occur within the same watershed as the proposed impact. To ensure that there is no net loss of wetland functional values within the watershed where the loss is to occur, mitigation of all wetland impacts shall be accomplished within the Reedy Creek or Davenport Creek Swamp basins unless it can be demonstrated to the satisfaction of the SWFWMD and Polk County that an alternative location is suitable. Creation of new wetlands as mitigation shall avoid impacts to ecologically valuable uplands including, but not limited to, bird nesting colonies, migratory wildlife corridors and rare or endangered ecosystems.

7. In order to protect surface water quality and quantity and to provide habitat for semi-aquatic or water-dependent terrestrial wildlife, buffer areas of native vegetation shall be maintained landward of the SWFWMD jurisdictional wetland line for all wetlands of five acres or more in area that are to be preserved. These buffers shall be an average of 50 feet, minimum 25 feet in width except where a different width is determined through the

scientific evaluation of site-specific conditions by SWFWMD. This evaluation will consider the existing soils, vegetation, topography, hydrology, water quality, wildlife diversity and the resource protection status of the wetland and other receiving waters, and be determined at the time of permitting review by the SWFWMD to adequately protect the water quality, vegetation and habitat values of the wetlands. All designated buffers shall be delineated with temporary construction fencing or similar barriers prior to any adjacent land alteration to allow these areas to be maintained or established with native vegetation. Such areas shall have their developmental uses restricted by conservation easement that is conveyed to the SWFWMD, Polk County or any other organization dedicated to conservation and acceptable to the CFRPC and Polk County based on reasonable standards. Draft easements shall be delivered to SWFWMD prior to initiating construction and executed in a time frame required by SWFWMD on a parcel that contains or is adjacent to preserved wetlands.

8. No activity shall be allowed within wetland buffer zones unless the proposed activity can be shown to not pose a significant adverse threat to water quality, water quantity or wildlife habitat for wetland dependent species, or where it can be demonstrated that the activity is clearly in the public interest. Activities clearly in the public interest are maintenance or enhancement activities which are part of a mitigation plan approved by the appropriate local, regional and/or state governmental permitting agencies.

9. To minimize dependence on groundwater irrigation and to promote retention of wildlife habitat, Florida Friendly principles of landscaping using native or non-native, non-evasive vegetation and irrigation programs that are in balance with landscape demands (see Florida Friendly plant guide published by SWFWMD) shall be utilized as much as practicable in common areas and other appropriate areas. Ecologically viable portions of natural upland plant communities shall be preserved and maintained in their original state to the greatest extent practicable in common areas and other appropriate areas.

10. Detention ponds of more than five acres in surface area that are constructed by the developer shall be constructed with slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The applicant shall ensure, by replanting if necessary, that at least 80 percent cover by native 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.

11. The Developer shall demonstrate to the satisfaction of Polk County that the entity(ies) that is proposed to assume responsibility for the project surface water management system will have defined duties and responsibilities regarding the operation and maintenance of the surface water management system. These responsibilities shall include sufficient legal authority and power to establish the mandatory collection of fees or assessments, or both from all property owners or users for financing the operation, replacement and maintenance of all components of the Project's surface water management system.

12. On site lakes/retention - detention areas shall be located so as to maintain or enhance the potential for recharge to the shallow and Floridan aquifers in the uplands area.

Utility Services

13. Water, sewer, and reclaimed water services for the parcels in Polk County shall be provided by Polk County. The design details for these services shall be determined during the site/construction plan (Level 2) development review process. To meet the demands for this project, the Developer is required to:

    1. Donate ¼ acre of property (square or rectangle in shape to meet utility requirements), at no cost to Polk County; to be located at the southwest corner of Championsgate Boulevard and the Osceola/Polk County line, adjacent to the Right-of-Way and the County line;

    2. Provide a 20-foot non-exclusive easement dedicated to the specific use of Polk County Utilities (PCU), outside of the Championsgate Boulevard Right-of-Way on both sides of the Right-of-Way from County Road 54 to the Osceola/Polk County line;

    3. Provide a 20-foot non-exclusive easement dedicated to the specific use of PCU along County Road 54, outside of the Right-of-Way, for all the parcels that are adjacent to the road; and

    4. Construct the necessary utility main lines running from the aforementioned ¼ acre site to the CR 54/Championsgate Boulevard intersection (water, sewer, reclaimed), in accordance with the appropriate sections of the Polk County Comprehensive Plan, Polk County Land Development Code and Utility Ordinance, as needed, to connect the proposed Championsgate Project with the appropriate line connections on County Road 54. If such lines are not needed to serve the Championsgate Project, the Developer shall not be required to install such lines. Polk County shall install all lines necessary along CR 54 to reach the point of connection for the Championsgate Project at the CR 54/Championsgate Boulevard intersection, along with utility sleeves to be coordinated between the County and Developer.

The donation of the ¼ acre property and easements shall occur within 15 calendar days from the expiration of the 45-day appeal period of this Development Order .

As noted above, the first and preferred option is that all specified utility services, including water, shall be provided by Polk County. In the event Polk County is not able to provide water services to the proposed project in a timely manner, but is approved by all applicable jurisdictions to provide water service to the project through Tohopekaliga Water Authority (TWA), as a second option, Polk County will agree to participate in an interlocal agreement with TWA to establish an interconnect with TWA at the Osceola/Polk County line for provision of such water services. Polk County's duty in this regard is one merely of cooperation with TWA in TWA's effort along with the Developer to obtain the regulatory approvals for the interdistrict transfer of water on a temporary basis to this development, which will be separate and distinct from Polk County's existing agreement with TWA and the South and Southwest Water Management Districts and the water provided therein by the agreement. To the extent an interconnect and main are required to serve the Championsgate Project, the Developer shall be required to construct and incur all expenses for such interconnect on the ¼ acre parcel and any related water mains along Championsgate Boulevard that are required to

connect to the water lines at the intersection of Championsgate Boulevard and CR 54. The interconnect shall meet the appropriate requirements of the Polk County Comprehensive Plan, Polk County Land Development Code and Utility Ordinance and shall be consistent with the Interlocal Agreement. Once the interconnect and associated lines are complete and acceptable to Polk County, the ownership of such interconnect and associated lines shall be transferred to Polk County, at no cost to the County. Should this event occur, Polk County shall purchase such services from TWA as part of the Interlocal Agreement and then shall invoice these services to the proposed project accordingly.

As a third option for Developer to obtain water service, in the event Polk County is not able to provide water service to the proposed project in a timely manner as contemplated above, and also is unable to enter into an interlocal agreement with TWA to provide water service as contemplated above, with such agreement approved and permitted by all applicable jurisdictions, then only in such event, as another alternative, water service to the Polk County Parcel shall be provided by TWA pursuant to the existing agreements between TWA, as the successor in interest to the City of Kissimmee and the Developer, pursuant to that certain Agreement for Water and Sewer Line Extension and Provision of Potable Water Supply and Sanitary Sewage Treatment and Disposal dated June 9, 1998 and recorded September 29, 2003 in Official Records Book 2349, Page 31, of the Public Records of Osceola County, Florida (the "Existing Championsgate Agreement"). Said Existing Championsgate Agreement provides for the allocation and reservation of water and wastewater capacity for the Championsgate DRI and the existing approved land use entitlements in accordance with its terms. Said allocation and reservation shall simply be considered a transfer of existing water capacity previously allocated to the Championsgate DRI pursuant to the Existing Championsgate Agreement with the City of Kissimmee and TWA in connection with the transfer of existing approved entitlements under the Championsgate DRI from the Osceola County portion to the Polk County Parcels. This Development Order shall constitute Polk County's agreement for TWA to enter Polk County's service area for the limited purpose set forth herein, with the understanding that water service to the Polk County Parcels shall be converted and provided by Polk County at such time as Polk County is able to provide such service. The Developer and TWA shall be responsible for obtaining all regulatory approvals for the interdistrict transfer of water on a temporary basis to this development, which shall be separate and distinct from Polk County's existing agreement with TWA and the South and Southwest Water Management Districts and the water provided therein by the agreement. Polk County's duty in this regard is merely one of cooperation with the Developer and TWA in obtaining the regulatory approvals.

Finally, in the event that no interlocal agreement is entered into with TWA by Polk County, and if water service is not provided by TWA under the Existing Championsgate Agreement, the Developer may also pursue the fourth option of providing its own water from wells on the property.

Any interim potable water service arrangements, other than that where Polk County Utilities directly provides this service, are deemed to be interim measures that will be ceased and abandoned once Polk County Utilities has the ability to commit potable water supply service to the development. At such time as Polk County Utilities is able to provide the permanent potable water service to the development, the developer will be required to pay the current meter installation charges, current connection fees and other costs of converting the development from the interim source to Polk County Utilities.

Upon providing written notice to the developer or his assigns of access to Polk County Utilities potable water service, the transfer of the water services will be completed within 90 calendar days.

Should Polk County Utilities have need to install the potable water, wastewater or reclaim pipelines in advance of the developer's schedule, Polk County Utilities may proceed with the installation of the pipeline(s) as deemed necessary. Any such work shall be installed in the mutually agreed upon right-of-way and easements.

To the extent service is provided by TWA, no impact fees applicable to such service will be charged by Polk County. Nothing set forth in this Condition 13 shall act to negate or nullify any applicable water quality standards and/or permitting requirements of any applicable jurisdictions.

To meet the non-potable water use demands of the project, the development shall use, in order of priority:

a. All reclaimed water made available to the site by Polk County, up to the entire non-potable water demand;

b. treated stormwater; and

c. non-potable quality groundwater;

unless prohibited by the Florida Department of Environmental Protection or the Southwest Florida Water Management District or other jurisdictional regulatory agency. If lower quality water is not available to meet the irrigation needs of the site, then potable water may be used for those portions of the site having a deficient source so long as the use of potable water otherwise complies with all applicable government restrictions.

Transportation Conditions

14. Polk County agrees to construct, at no cost to the Developer or TWA, the following transportation improvements:

a. Polk County agrees to construct a median opening on Championsgate Boulevard as shown on **Attachment "F"**; and

b. Polk County agrees to construct six (6) twenty-four (24) foot wide driveway aprons and two (2) one hundred (100) foot wide driveway aprons, as shown on **Attachment "F"**; and

c. Polk County agrees to construct five (5) foot wide sidewalks to match existing sidewalks on the Northern end of the project; and

d. Polk County agrees to install mainline irrigation pipes in the median for irrigation purposes which pipes and irrigation system shall be maintained by the Developer; and

e. Polk County agrees to install St. Augustine sod in the median, which sod shall be maintained by The Developer; and

f. Polk County shall allow the construction and continued maintenance by the Developer and/or the Championsgate Property Owners' Association, Inc., of an overhead entrance monument and landscaping similar to the existing monument and landscaping located on County Road 532, provided that the plans are submitted for review and approved by the appropriate county departments and that they are in accordance with the State of Florida Department of Transportation's *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*.

g. Polk County agrees to install within the Championsgate Boulevard roadway improvements at least three utility/irrigation sleeves in locations to be mutually agreed upon with the Developer.

15. In return for Polk County's construction, at its own cost, of the Champion's Gate Improvements, the Developer shall:

a. Deed, fee simple at no cost to the County, and/or use its best efforts to ensure that TWA deed to Polk County, in fee simple, right-of-way needed for the western portion of Championsgate Boulevard, more particularly described in **Attachment "D"**, no later than 15 calendar days from the expiration of the 45 day appeal period of this Development Order.

b. Enter into a landscape agreement with Polk County which landscape agreement shall provide, at a minimum, that the Developer shall maintain the sod and irrigation lines to be installed within the median by the County, and shall provide water for said lines.

c. Enter into a hold harmless/indemnification agreement with Polk County whereby the Developer will agree to hold Polk County harmless for, and shall indemnify Polk County against, any claims or liability for the overhead entrance monument described above in 14.f and whereby the Developer shall assume all responsibility for the care, maintenance and repair of said overhead entrance monument.

d. Subordinate its interests, as necessary, in the TWA lands to be deeded to Polk County which lands are fully described in **Attachment "E"**.

e. Use its best efforts to ensure that TWA Deed to Polk County, in fee simple, right-of-way needed for a turn lane for the northeastern portion of the intersection improvement at Ronald Reagan Parkway (County Road 54) at Championsgate Boulevard and the eastern portion of Championsgate Boulevard, more particularly described in **Attachment "E"**, no later than 15 days from the expiration of the 45 day appeal period of the approval of this Development Order.

f. If the Mutual Cooperation Agreement entered into on February 28, 2005 between RIDA Associates Limited Partnership (RALP), ChampionsGate Golf Limited Liability Company, U.S. Home Corporation (US Home), and Tohopekaliga Water Authority (TWA) becomes Null and Void then ChampionGate Golf Limited Liability Company and RALP shall deed, fee simple at no cost to the County, and/or use its best efforts to ensure that TWA deed to Polk County the 120 feet of right-of-way on the north side of CR 54 as identified in the Mutual Cooperation Agreement for the Westside Boulevard Connection. Polk County will protect and

buffer the existing golf course consistent with the standards of the Mutual Cooperation Agreement. Furthermore, the right-of-way shall be narrowed from 120 feet to 100 feet, in width, from a point no less than 200 feet north of the Polk-Osceola County line to a point no less than 200 feet south of the Polk-Osceola County line.

g. The Development shall have as many access points along Ronald Reagan Parkway (CR54) as allowed by the Polk County Land Development Code provided the median cuts currently planned for the corridor remain the same.

16. The on-site bicycle facilities shall be connected into any external bicycle facilities existing at the time of construction within one mile provided County right-of-way is available. Construction standards shall conform to latest state/local jurisdictional's criteria. Improvements to County Road 532/ChampionsGate Boulevard from CR 54 to the east side of the I-4 interchange shall incorporate bicycle and pedestrian facilities, which will be constructed when improvements are needed.

17. The Developer shall cooperate with any County supported efforts to continue roadways from or through the Polk County Parcel with other roadway facilities that are hereafter endorsed by the County. The Developer shall cooperate with the County in regard to these roadways that do not materially and adversely impact the project. If a facility is identified that should be extended into Osceola County, or if an Osceola County roadway facility should be extended into the Polk County Parcel, the developer shall cooperate with Polk County, subject to the endorsement by Osceola County.

18. For purposes of the transportation conditions, the total RIDA/Championsgate DRI (parcels located in both Polk and Osceola County) shall be divided into the following traffic phases based on reaching any of the following: the daily trip level, the external daily trip level, the peak hour trip level or the external peak hour trip level (see table to follow).

Phase/ Termination Date	Daily Trips	Daily Trips Cumulative	Daily External	Daily External Cumulative*	Peak Hour Trips	Peak Hour Trips Cumulative	External Peak Hour Trips*	External Peak Trips Cumulative*
Phase 1A 12/30/06	7,515	7,515	6,870	6,870	512	512	452	452
Phase 1B 12/30/09	19,129	26,644	16,624	23,494	1,594	2,046	1,334	1,786
Phase 2A 12/30/11	14,551	41,195	9,473	32,967	1,253	3,299	837	2,623
Phase 2B 12/30/15	24,909	66,104	27,977	60,944	1,725	5,024	1,814	4,437

*Includes passer-by and diverted trip ends but not internal captured trip ends.

The vehicle trips in the previous table are applicable to both the Polk County and Osceola County portions of the Championsgate DRI; 52,307 average daily trips are allocated to

the Osceola County development program and 13,797 trips are allocated to the development program for the Polk County Parcel.

19. No additional monitoring and modeling shall be required in connection with the development program associated with the Polk County Parcel until 12/30/2011 as set forth herein. Provided however, Developer shall provide to Polk County and the CFRPC copies of the monitoring and modeling studies contemplated and required under the terms of the Current Osceola Development Order at the same time such studies are conducted in connection with Developer's proceeding to an additional phase of development under the Current Osceola Development Order.

    Transportation Monitoring and Modeling studies as required by Condition 31, Condition 34 and Condition 42 of the Current Osceola Development Order were completed and approved in connection with the adoption of the Third Osceola Development Order. The study established the ability for development within Champions Gate to proceed to Phase 2A, i.e., up to 41,195 cumulative daily trips (the "Permitted Trips") without necessitating new road improvements, mitigation or further monitoring and modeling studies. The 41,195 Permitted Trips shall no longer be allocated to only the Champions Gate development program in Osceola County, but instead shall now be allocated between the Developer's approved development programs in both Osceola County and Polk County, and may be utilized at the discretion of the Developer among parcels in either or both counties up to the total number of Permitted Trips without any further requirement of monitoring, modeling or mitigation. The Developer shall keep a record of the total number of trips utilized and remaining available on an ongoing basis, and shall provide such information to both counties regarding use and allocation and tracking of the cumulative total of utilized and available trips up to the number of the Permitted Trips in the Developer's applications related to development approvals, annual reports and other appropriate documents, as required. Osceola County and Polk County shall then coordinate the allocation and use and tracking of the cumulative total of the Permitted Trips between the two counties on an ongoing and on an annual basis. It is understood and acknowledged that the Developer shall be entitled to utilize the 41,195 Permitted Trips at Developer's discretion in one or both counties without any further monitoring, modeling or mitigation required until 12/30/2011. Prior to such date, a methodology meeting shall occur involving Polk County, Osceola County, FDOT, ECFRPC and the CFRPC to establish a methodology for the new annual monitoring and modeling. Such monitoring and modeling shall consider the same record keeping, tracking, and coordination provisions between the Developer and both counties.

Land Use Matrix

20. The Developer may increase or decrease the amount of a particular land use with the approved development program by using the Conversion Table attached as **Attachment "C"**, which is based upon peak hour directional equivalents. However, should changes in the development program occur as a result of using Exhibit 4, the sum total of the changes cannot exceed the substantial deviation criteria identified in Chapter 380.06 (19), F.S., including Subparagraphs 380.06 (19)(b) 1-14, F.S., unless the Development Order is amended to accommodate such a change pursuant to Chapter 380.06(19), F.S.

At no time in the future shall the matrix be applied to land designated as golf course, open space, conservation, preservation or for uses other than intensive development, so that recharge potential to the shallow and Floridan aquifers are adequately protected. Any time the conversion table is used, DCA, the CFRPC, the ECFRPC, and the County must be provided 30 days advance notice. The use of the conversion table will be reported and Project impacts documented in the Annual Report. The applicant will be responsible for submittal of a revised Planned Use Development application to reflect changes occurring from implementation of the matrix. Finally, should the development order be amended for any reason, the development program shall be updated to reflect any changes made from use of the matrix.

Period of Effectiveness

21. This Development Order shall take effect on the date provided below. The Development Order shall remain in effect for a period of twenty (20) years from the Effective Date as set forth below. The effectiveness of this Development Order may be extended upon a showing by the Developer that the completed portions and remaining portions of the development comply with the conditions of this Development Order and the provisions of Chapter 380.06, Florida Statutes.

Annual Report Requirements

22. The Developer will submit an Annual Report on or before the anniversary date of the execution of this Development Order each calendar year during the build out of the development plan. Said Annual Report will be submitted to Osceola County, Polk County, the ECFRPC, the CFRPC, DCA, FDEP, FDOT, SFWMD, SWFWMD and any other affected permit agencies. The report shall include the information required under the conditions of approval and the information enumerated below and in the format specified in Form #BLWM-07-85 of DCA. The reports to Polk County shall also include a statement that all persons/agencies listed above have been sent copies of the Annual Report. In accordance with Chapter 380.06(18); Florida Statutes, failure to timely file an Annual Report may result in the temporary suspension of this Development Order. The Annual Report shall address the following:

a. Changes in the plan of development or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;

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

c. Undeveloped tracts of land that have been sold to a separate entity or developer;

d. Identification and intended use of lands purchased, leased or optioned by the Developer adjacent to the Development site indicated in the Application for Development Approval, since this Development Order was issued;

e. An assessment of the Project's and local government's compliance with conditions of approval contained in this Development Order and the commitments which are herein contained;

f. Any applications for development approval or requests for a substantial deviation determination filed during the reporting year, or to be filed during the next year, relating to the Project;

g. An indication of a change, if any, in local government jurisdiction for any portion of the Project since the Development Order was issued;

h. A list of significant local, state and federal permits which have been obtained or which are pending by agency.

i. A statement that all person/entities have been sent copies of the Annual Report in conformance with subsections 380.06(15) and (18), Florida Statutes.

j. A copy of any notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the Applicant pursuant to subsection 380.06(15)(f), Florida Statutes.

k. The final Annual Report shall include a statement indicating that all development authorized by the Development Order has been completed and all conditions of approval have been satisfied.

An annual accounting of all parcel site plans and Certificates of Occupancy approved by Polk County. The format of this system shall include the annual submittal of a map of the Polk County portion of the Rida/ChampionsGate DRI development at the same scale as the maps submitted with the original ADA. Graphically depicted on the map shall be the boundaries of all parcel site plans approved by Polk County.

Monitoring Mechanism

23. Compliance with terms and conditions of this Development Order shall be monitored through the provisions of the established review and approval process for developments pursuant to Polk County development monitoring procedures. The Polk County Planning Director, or his authorized designee, shall be the official responsible for monitoring compliance by the Developer with this Development Order.

Restrictions on Down Zoning

24. This Development of Regional Impact will not be subject to down zoning, unit density reduction or intensity reduction for a period of fifteen (15) years from the Effective Date of this Development Order unless it is demonstrated that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Polk County to be essential to the public health, safety or welfare.

Modifications to the Development Order

25. The Applicant shall submit, simultaneously, to Polk County, the CFRPC and DCA any requests for approval of a proposed change to this Development Order.

This submission shall be in a format established by the DCA and shall include as a minimum the precise language which is proposed for deletion or addition to the Development Order and a statement summarizing all previous changes that have been made to the Development Order.

Certified copies of this Development Order shall be transmitted by certified mail to DCA, the CFRPC, Polk County, the Applicant and any and all owners of land governed by this Development Order.

Effective Date

26. The provisions of this Development Order shall be binding and take effect upon the later of:

    a. the date upon which the period within which an appeal can be filed to the rendering of the Development Order; or

    b. after an appeal has been filed and resolved the last date upon which any further or subsequent appeals may be taken to the resolution thereof.

Rendition

27. Within ten (10) days of the adoption of this Development Order, Polk County shall render a copy of this Development Order with all attachments, certified as complete and accurate, by certified mail, return receipt requested, to the Florida Department of Community Affairs, Bureau of Local Planning; CFRPC; and the Applicant.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY THIS 20th DAY OF December, 2006.

BOARD OF COUNTY COMMISSIONERS
OF POLK COUNTY, FLORIDA

By: _____
Chairman/Vice-Chairman

ATTEST:
POLK COUNTY CLERK OF THE BOARD

By: Freda L. Wade
Clerk/Deputy Clerk of the Board

Reviewed as to form and legal sufficiency

_____
County Attorney's Office Date

STATE OF FLORIDA
COUNTY OF POLK,

I HEREBY CERTIFY that on the 10th day of January, ~~2006,~~ 2009 before me personally appeared Bob English and Freda Wade, respectively as Chairman and Clerk of the Board of County Commissioners of Polk County, Florida and acknowledged that they executed the foregoing.

WITNESS my signature and official seal at Bartow, Polk County, Florida, the day and year last aforesaid.

By: _____

(SEAL)

Notary Public, State of Florida

My Commission Expires:

SHARON F. AHEARN
Notary Public, State of Florida
My comm. expires Nov. 24, 20[illegible]

CHAMPIONSGATE DRI DEVELOPMENT ORDER ATTACHMENTS

List of Attachments

Attachment "A"	Legal Description of ADA Property
Attachment "A-1"	RIDA Property Legal Description
Attachment "A-2"	TOHO Property Legal Description
Attachment "B"	Amended Master Plan - Map "H"
Attachment "C"	Equivalency Matrix for Land Use & Trip Exchange Rates
Attachment "D"	RIDA Property To Be Conveyed
Attachment "D-1"	RIDA Property Site Sketch
Attachment "E"	TOHO Property To Be Conveyed
Attachment "E-1"	TOHO Property Site Sketch
Attachment "F"	Championsgate Boulevard Improvements
Attachment "G"	Westside Boulevard Right-of-Way

Attachment "A"

CHAMPIONSGATE (POLK COUNTY)
LEGAL DESCRIPTION OF ADA BOUNDARY

PARCEL ID NUMBER: 272604-000000-031010 - E ½ of NW ¼ N OF INT 4 LESS AD DL R/W FOR 1-4 AS DESC IN OR 483 4-2206.

AND

PARCEL ID NUMBER: 272604-000000-033000 - NW ¼ OF NW ¼ AND THAT PART OF SW ¼ OF NW ¼ LYING NLY OF SR 5 4 AND SR 400 LESS MAINT R/W & LESS ADDL R/W FOR I-4 AS DESC IN OR 4834-2206.

AND

PARCEL ID NUMBER: 272605-000000-031010 - NE ¼ OF NW ¼ N OF RD LESS W 42 0 FT & LESS R/W FOR CR 54.

AND

PARCEL ID NUMBER: 272605-000000-011030 - BEG NE COR OF SEC E ALONG N LINE OF SEC 4 20.15 FT TO PT ON WLY R/W OF CHAMPIONSGATE BLVD ACCESS EASEMENT SWLY ALONG CURVE 416.13 FT S 11 DEG 33 MIN 47 SEC W ALONG WLY R/W EASEMENT 996.04 FT TO INTERSECTION WITH NLY R/W CR 54 N 77 DEG 46 MIN 57 SEC W ALONG SAID R/W 367.52 FT N 11 DEG 33 MIN 47 SEC E 555.27 FT N 31 DEG 02 MIN 44 SEC W 76.37 FT N 82 DEG 07 MIN 45 SEC W 197.31 FT N 645.93 FT TO N LINE OF SEC E ALONG SAID LINE 801.34 FT TO POB LESS RD R/W.

AND

PARCEL ID NUMBER: 272605-000000-011010 - N ½ OF NE ¼ & SE ¼ OF NE ¼ N OF DEAN CLAY RD LESS HY R/W & LESS MAINT R/W ON E SIDE & LESS BEG NE COR OF SEC E ALONG N LINE OF SEC 4 20.15 FT TO PT ON WLY R/W OF CHAMPIONSGATE BLVD ACCESS EASEMENT 996.04 FT TO INTERSECTION WITH NLY R/W CR 54 N 77 DEG 46 MIN 47 SEC W ALONG SAID R/W 367.52 FT N 11 DEG 33 MIN 47 SEC 555.27 FT N 31 DEG 02 MIN 44 SEC W 76.37 FT N 82 DEG 07 MIN 45 SEC W 197.31 FT N 645.93 FT TO N LINE OF SEC E ALONG SAID LINE 801.34 FT TO POB LESS RD R/W.

RIDA PROPERTY LEGAL DESCRIPTION

A portion of Sections 4 and 5, Township 26 South, Range 27 East, Polk County Florida; being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 5, also being the Northwest corner of said Section 4, for a POINT OF BEGINNING; thence run North 89° 34' 08" East along the North line of said Section 4, a distance of 20.15 feet to a point on the westerly right-of-way of Championsgate Boulevard, an access and utilities easement as recorded in Official Records Book 4232, Page 1704, of the public Records of Polk County, Florida; said point being a non-tangent curve concave easterly, having a radius of 1550.00 feet, a chord bearing of South 19° 15' 14" West, and a chord distance of 414.88 feet; thence run southerly along the arc of said curve and said right-of-way through a central angle of 15° 22' 56", a distance of 416.13 feet to the point of tangency; thence continue along said westerly right-of-way South 11° 33' 47" West, a distance of 996.04 feet to the intersection of the said westerly right-of-way of Championsgate Boulevard and the northerly right-of-way of County Road No. 54; thence run North 77° 46' 57" West, along said right-of-way, a distance of 367.52 feet; thence leaving said right-of-way run North 11° 33' 47" East, a distance of 555.27 feet; thence North 31° 02' 44" West, a distance of 76.37 feet; thence North 82° 07' 45" West, a distance of 197.31 feet; thence North 00° 14' 14" West, a distance of 645.93 feet to the north line of the Northeast One-Quarter of the aforesaid Section 5; thence North 89° 37' 32" East, along said line a distance of 801.34 feet to the POINT OF BEGINNING.

Attachment "A-2"

TOHO PROPERTY LEGAL DESCRIPTION

Begin at the Northwest corner of Section 4, Township 26 South, Range 27 East, Polk County, Florida; thence North 89° 34' 08" East, 2618.60 feet; thence South 18° 40' 04" West, 233.42 feet to a point on the arc of a non-tangent curve (radial line thru said point bears North 49° 19' 43" West); thence southwesterly along the arc of said curve, being concave to the Northwest, having a radius of 11309.16 feet, a delta of 8° 37' 55", an arc distance of 1703.79 feet; thence South 49° 50' 36" West, 531.22 feet; thence North 57° 48' 23" West, 94.21 feet to a point on the arc of a non-tangent curve (radial line through said point bears South 32° 37' 31" West); thence northwesterly and westerly along the arc of said curve, being concave to the South, having a radius of 1195.92 feet, a delta of 20° 23' 03", an arc distance of 425.47 feet; thence North 77° 46' 57" West, 1454.86 feet; to a point on the arc of a non-tangent curve (radial line thru said point bears North 12° 13' 29" East); thence westerly along the arc of said curve, being concave to the North, having a radius of 11409.12 feet, a delta of 5° 14' 32", an arc distance of 1043.86 feet; thence North 72° 32' 15" West, 622.05 feet to a point on the arc of a non-tangent curve (radial line thru said point bears South 17° 28' 29" West); thence westerly along the arc of said curve, being concave to the South, having a radius of 2914.79 feet, a delta of 1° 55' 50", an arc distance of 98.21 feet; thence North 00° 02' 40" East, 729.04 feet; thence South 89° 37' 32" West, 905.51 feet; thence South 00° 24' 29" East, 606.34 feet; thence North 86° 49' 40" West, 524.33 feet; thence North 00° 12' 16" West, 573.90 feet; thence South 89° 37' 32" West, 100.00 feet; thence South 00° 12' 16" East, 567.71 feet; thence North 86° 49' 40" West, 481.74 feet to a point on the arc of a non-tangent curve (radial line thru said point bears South 03° 01' 26" West); thence westerly along the arc of said curve, being concave to the South, having a radius of 2914.79 feet, a delta of 12° 42' 48", an arc distance of 646.76 feet; thence North 00° 21' 40" West, 571.21 feet; thence South 89° 37' 32" West, 5307.64 feet to the Northwest corner of Section 4 and the Point of Beginning.

LESS AND EXCEPT:

The following lands described in that certain Special Warranty Deed dated August 22, 2002, in favor of Rida Associates Limited Partnership, a Delaware corporation, and recorded on September 12, 2002, in Official Record Book 5111 at Page 1456 of the Public Records of Polk County, Florida, to-wit:

A portion of Sections 4 and 5, Township 26 South, Range 27 East, Polk County Florida; being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 5, also being the Northwest corner of said Section 4, for a POINT OF BEGINNING; thence run North 89° 34' 08" East along the North line of said Section 4, a distance of 20.15 feet to a point on the westerly right-of-way of Championsgate Boulevard, an access and utilities easement as recorded in Official Records Book 4232, Page 1704, of the public Records of Polk County, Florida; said point being a non-tangent curve concave easterly, having a radius of 1550.00 feet, a chord bearing of South 19° 15' 14" West, and a chord distance of 414.88 feet; thence run southerly along the arc of said curve and said right-of-way through a central angle of 15° 22' 56", a distance of 416.13 feet to the point of tangency; thence continue along said westerly right-of-way South 11° 33' 47" West, a distance of

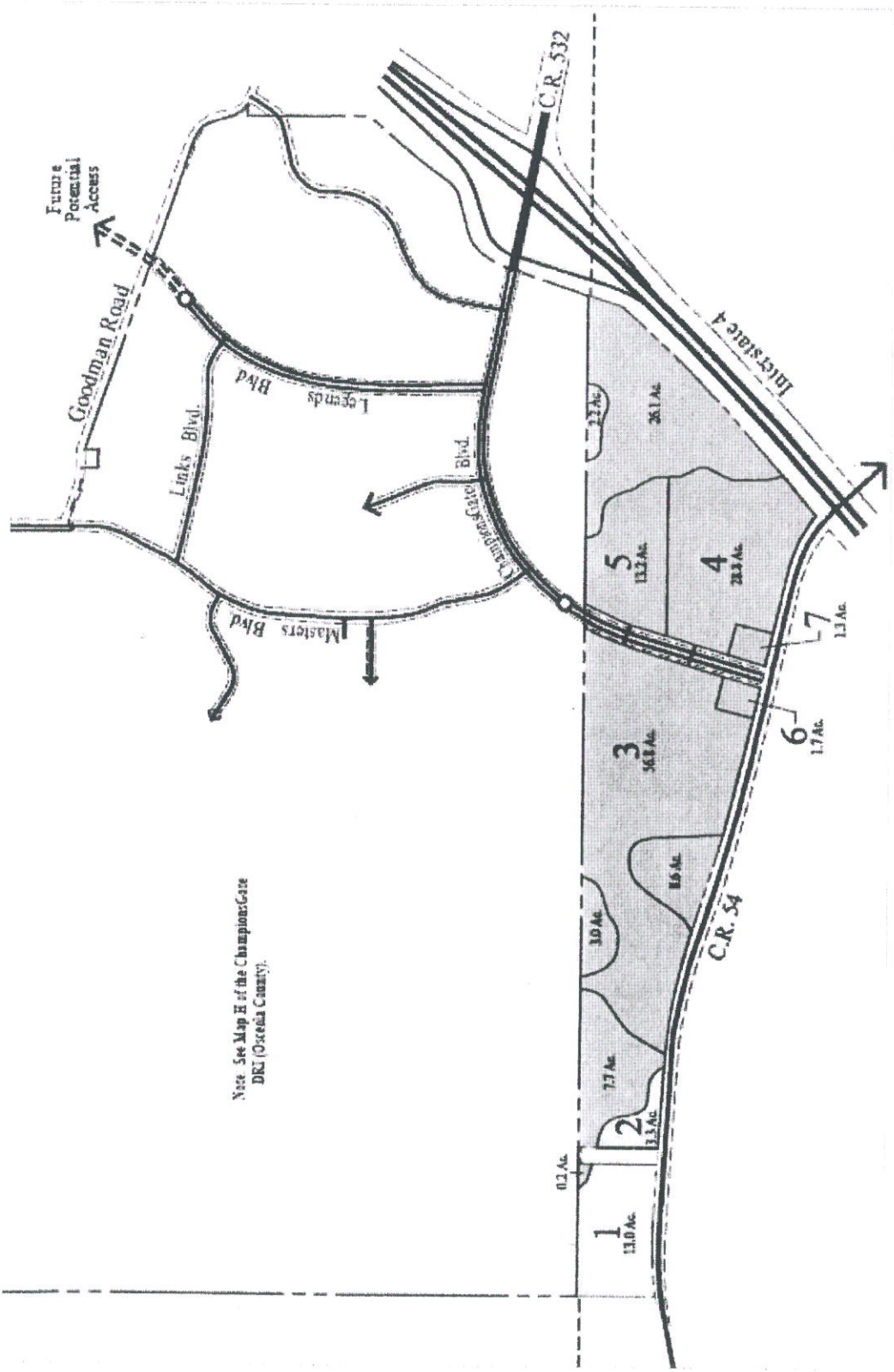
996.04 feet to the intersection of the said westerly right-of-way of Championsgate Boulevard and the northerly right-of-way of County Road No. 54; thence run North 77° 46' 57" West, along said right-of-way, a distance of 367.52 feet; thence leaving said right-of-way run North 11° 33' 47" East, a distance of 555.27 feet; thence North 31° 02' 44" West, a distance of 76.37 feet; thence North 82° 07' 45" West, a distance of 197.31 feet; thence North 00° 14' 14" West, a distance of 645.93 feet to the north line of the Northeast One-Quarter of the aforesaid Section 5; thence North 89° 37' 32" East, along said line a distance of 801.34 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT:

The following lands described in that certain Order of Taking dated October 23, 2001, filed in that certain proceeding styled *State of Florida, Department of Transportation, Petitioner v. City of Kissimmee, et al., Respondents, in the Circuit Court of the Tenth Judicial Circuit, in and for Polk County, Florida, Case No.: GCG-01-2866, Section: 8, Parcel No. 106*, and recorded in Official Record Book 4834 at Page 2206 of the Public Records of Polk County, Florida,, to-wit:

A parcel of land being a portion of the Northwest 1/4 of Section 4, Township 26 South, Range 27 East, Polk County, Florida, being described as follows:

Commence at the Northeast corner of the Northwest 1/4 of said Section 4; thence along the north line of said Section S89°33'46"W, a distance of 11.670 meters (38.29 feet) to an intersection with the northwesterly Limited Access right-of-way line of State Road 400 (I-4) per Section 16320-2402 and the POINT OF BEGINNING; thence along said existing northwesterly right-of-way line the following three (3) courses: (1) S18°17'00"W, a distance of 71.849 meters (235.72 feet) to the beginning of a curve concave to the northwest; (2) along the arc of said curve to the right in a southwesterly direction having a radius of 3447.039 meters (11,309.16 feet), an arc length of 557.770 meters (1,829.95 feet), a central angle of 09°16'16" and a chord bearing of S45°22'44"W to the end of said curve; (3) S50°00'52"W, a distance of 123.299 meters (404.52 feet) to the end of said courses and to a point on the existing northeasterly right-of-way line of County Road 54 (Loughman Road) per Section 1673-150; thence N57°26'30"W, 28.422 meters (93.25 feet) along said existing northeasterly right-of-way line of County Road 54 and to the beginning of a curve concave to the southwest; thence continue along said existing northeasterly right-of-way line of County Road 54 the arc of said curve to the left having a radius of 364.517 meters (1,195.92 feet), an arc length of 7.540 meters (24.74 feet), a central angle of 01°11'07" and a chord bearing of N58°02'03"W to the end of said curve; thence N50°00'52"E, a distance of 14.469 meters (47.47 feet); thence N62°56'50"E, a distance of 69.712 meters (228.71 feet); thence N50°00'52"E, a distance of 51.748 meters (169.78 feet) to the beginning of a curve concave to the northwest; thence along the arc of said curve to the left in a northeasterly direction having a radius of 3428.359 meters (11,247.87 feet), an arc length of 568.519 meters (1,865.22 feet), a central angle of 09°30'05" and a chord bearing of N45°15'50"E to the end of said curve and the beginning of a curve concave to the northwest; thence along the arc of said curve to the left in a northeasterly direction having a radius of 335.000 meters (1,099.08 feet), an arc length of 48.887 meters (160.39 feet), a central angle of 80°21'40" and a chord bearing of N21°18'54"E to the end of said curve and to the north line of said Section 4; thence along said north line, N89°33'46"E, a distance of 9.972 meters (32.72 feet) to the POINT OF BEGINNING.



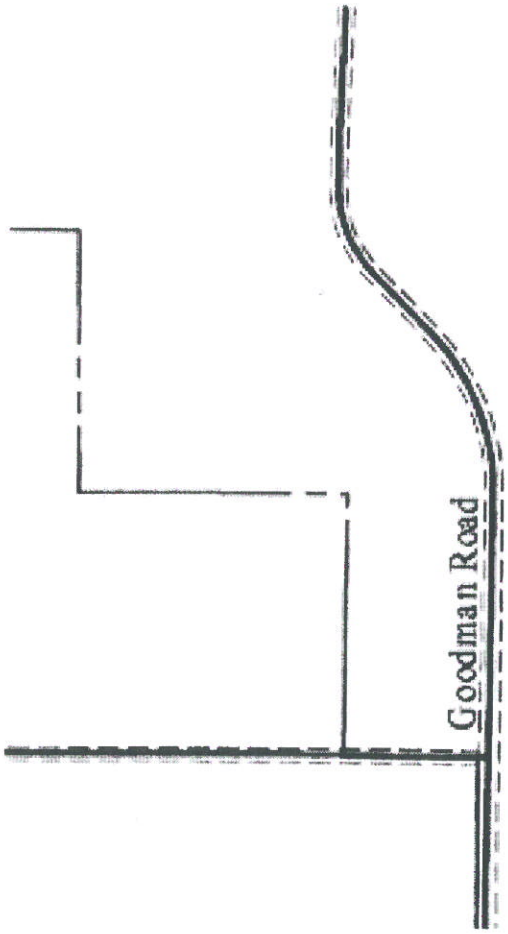
SITE PLAN (Map H)

ChampionsGate/Polk County

Development Program	
USE	UNITS
Office	160,000 sf
Residential	593 du
Retail	70,000 sf
Hotel	400 rooms

Hotel includes extended stay lodging facilities

	USE	PARCELS	ACRES
	Residential	1 & 2	16.6
	Employment Center	3–7	101.8
	Wetlands/Lakes/ Wet Prairies	–	45.6
	Stormwater/Uplands	–	2.2
	Roads	–	4.5
Total			170.7



NOTES:

1. Parcels 1 and 2 may be used for residential uses consistent with the RL-1X Land Use.
2. Parcels 3 and 4 may be used for resort and corporate housing; extended stay lodging facilities; support retail, restaurant and service uses; convention facilities and support recreational facilities. Resort and corporate housing will be limited to 67 acres unless units are incorporated in vertical mixed-use buildings. Allowable acres for extended stay lodging facilities are not limited.
3. Parcel 5 may be used for office uses; flex space buildings; research and development establishments that resemble office buildings; and retail sales and services that accommodate typical office functions.
4. Parcels 6 and 7 may be used for retail sales and service uses and restaurants that include indoor, sit-down service.
5. Extended stay lodging facilities include hotels, condo hotels, fractional ownership units, short term rentals, business-owned units, assisted living facilities, retirement units and vacation homes.
6. The size and shape of development parcels are conceptual. Final parcels configurations may vary based on subsequent approvals by Polk County and subject to limitations specified in the Development Order.
7. Parcels 3–7 are in the within the ECX (Employment Center) Land Use. As such, flexibility is allowed to move uses from parcel to parcel subject to review and approvals by Polk County.
8. Development program may be converted from one use to another using the Conversion Matrix contained in the Development Order.

Legend to Map H

Exhibit C

Equivalency Matrix

FROM \ TO	Retail (0-49 KSF)	Retail (50-99 KSF)	Retail (100-199 KSF)	Retail (200-299 KSF)	Fast Food Rest. (KSF)	High T/O Rest. (KSF)	Quality Rest. (KSF)	Movie Theater	Medical Office	Office (0-49 KSF)	Office (50-99 KSF)	Office (100-199 KSF)	Office (200-299 KSF)
Retail (0-49 KSF)	1.00 KSF	1.46 KSF	1.84 KSF	2.19 KSF	0.29 KSF	0.92 KSF	1.35 KSF	130.80 Seats	2.71 KSF	4.71 KSF	4.99 KSF	5.11 KSF	7.00 KSF
(50-99 KSF)	0.69 KSF	1.00 KSF	1.27 KSF	1.50 KSF	0.20 KSF	0.63 KSF	0.92 KSF	89.20 Seats	1.86 KSF	3.23 KSF	3.16 KSF	4.19 KSF	4.91 KSF
(100-199 KSF)	0.54 KSF	0.79 KSF	1.00 KSF	1.19 KSF	0.16 KSF	0.50 KSF	0.73 KSF	54.70 Seats	1.47 KSF	2.56 KSF	2.52 KSF	3.32 KSF	3.80 KSF
(200-299 KSF)	0.46 KSF	0.66 KSF	0.84 KSF	1.00 KSF	0.13 KSF	0.42 KSF	0.61 KSF	46.00 Seats	1.24 KSF	2.15 KSF	2.12 KSF	2.79 KSF	3.19 KSF
Fast Food Rest.	3.44 KSF	5.01 KSF	6.33 KSF	7.53 KSF	1.00 KSF	3.17 KSF	4.62 KSF	345.40 Seats	9.31 KSF	16.18 KSF	16.94 KSF	20.99 KSF	24.06 KSF
High T/O Rest.	1.08 KSF	1.58 KSF	2.00 KSF	2.37 KSF	0.32 KSF	1.00 KSF	1.46 KSF	109.00 Seats	2.94 KSF	5.10 KSF	5.01 KSF	5.62 KSF	7.59 KSF
Quality Rest.	0.74 KSF	1.08 KSF	1.37 KSF	1.63 KSF	0.22 KSF	0.69 KSF	1.00 KSF	74.90 Seats	2.01 KSF	3.50 KSF	3.45 KSF	4.54 KSF	5.20 KSF
Movie Theater (Seats)	0.01 KSF	0.01 KSF	0.02 KSF	0.02 KSF	0.00 KSF	0.01 KSF	0.01 KSF	1.00 Seats	0.03 KSF	0.05 KSF	0.05 KSF	0.06 KSF	0.07 KSF
Medical Office (KSF)	0.37 KSF	0.54 KSF	0.68 KSF	0.81 KSF	0.11 KSF	0.34 KSF	0.50 KSF	37.00 Seats	1.00 KSF	1.74 KSF	1.71 KSF	2.25 KSF	2.59 KSF
Office (0-49 KSF)	0.21 KSF	0.31 KSF	0.38 KSF	0.47 KSF	0.06 KSF	0.20 KSF	0.29 KSF	21.40 Seats	0.58 KSF	1.00 KSF	0.99 KSF	1.30 KSF	1.49 KSF
(50-99 KSF)	0.22 KSF	0.31 KSF	0.40 KSF	0.47 KSF	0.06 KSF	0.20 KSF	0.29 KSF	21.70 Seats	0.58 KSF	1.01 KSF	1.00 KSF	1.32 KSF	1.51 KSF
(100-199 KSF)	0.16 KSF	0.24 KSF	0.32 KSF	0.36 KSF	0.05 KSF	0.15 KSF	0.22 KSF	16.50 Seats	0.44 KSF	0.77 KSF	0.76 KSF	1.00 KSF	1.15 KSF
(200-299 KSF)	0.14 KSF	0.21 KSF	0.26 KSF	0.31 KSF	0.04 KSF	0.13 KSF	0.19 KSF	14.40 Seats	0.38 KSF	0.67 KSF	0.66 KSF	0.87 KSF	1.00 KSF

Land Use	PM Peak-Hour Rate
Retail (0-49 KSF)	10.08
(50-99 KSF)	6.92
(100-199 KSF)	5.47
(200-299 KSF)	4.6
Fast Food Rest. (KS	34.64
High T/O Rest. (KSF	10.92
Quality Rest.	7.49
Movie Theater (Seat	0.1
Medical Office (KSF	3.72
Office (0-49 KSF)	2.14
(50-99 KSF)	2.17
(100-199 KSF)	1.68
(200-299 KSF)	1.44

Source: Glatting Jackson Kercher Anglin Lopez Rinehart, Inc.
ITE Trip Generation Report, 7th Edition, 2003

Equivalency Matrix for Land Use & Trip Exchange Rates

Attachment "C"

Attachment "D"

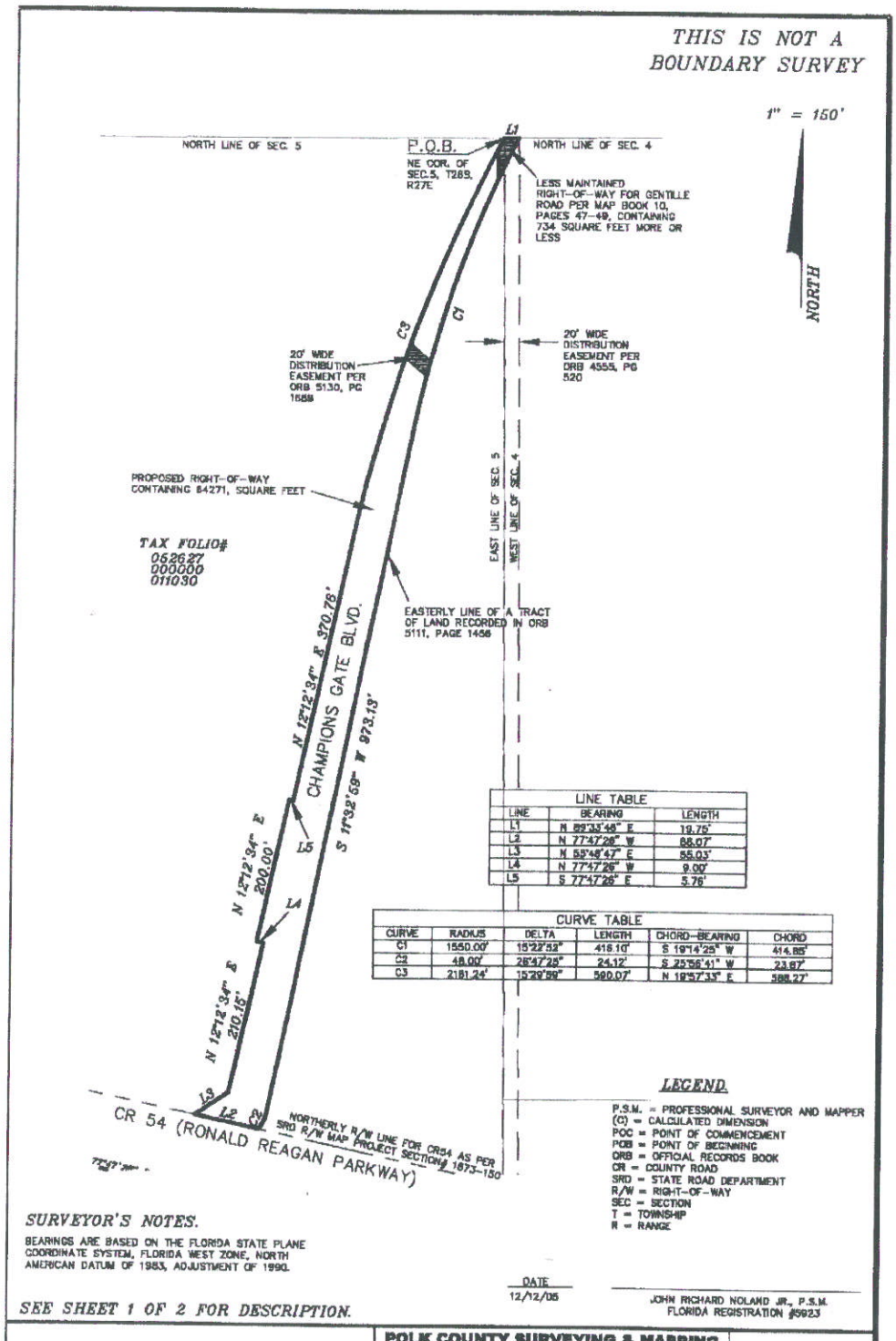
RIDA PROPERTY TO BE CONVEYED

A PARCEL OF LAND BEING A PORTION OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5111, PAGE 1456, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LYING IN SECTIONS 4 AND 5, TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE NORTH 89°33'46" EAST, ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 19.75 FEET TO THE EAST LINE OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 5111, PAGE 1456, OF SAID PUBLIC RECORDS, BEING ON A NON-TANGENT CURVE CONCAVED EASTERLY HAVING A RADIUS OF 1,550.00 FEET, A CENTRAL ANGLE OF 15°22'52", A CHORD DISTANCE OF 414.85 FEET, AND A CHORD BEARING OF SOUTH 19°14'25" WEST;, THENCE SOUTHWESTERLY ALONG SAID CURVE, AND SAID EAST LINE 416.10 FEET; THENCE SOUTH 11°32'59" WEST, ALONG SAID EAST LINE 973.13 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVED NORTHWESTERLY HAVING A RADIUS OF 48.00 FEET, A CENTRAL ANGLE OF 28°47'25", A CHORD DISTANCE OF 23.87 FEET, AND A CHORD BEARING OF SOUTH 25°56'41" WEST; THENCE SOUTHWESTERLY, ALONG SAID CURVE, AND SAID EAST LINE 24.12 FEET TO NORTHERLY RIGHT-OF-WAY LINE FOR COUNTY ROAD 54, AS SHOWN ON THE STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP PROJECT SECTION NUMBER 1673-150; THENCE NORTH 77°47'26" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 88.07 FEET; THENCE NORTH 55°48'47" EAST, 55.03 FEET; THENCE NORTH 12°12'34" EAST, 210.15 FEET; THENCE NORTH 77°47'26" WEST, 9.00 FEET; THENCE NORTH 12°12'34" EAST, 200.00 FEET; THENCE SOUTH 77°47'26" EAST, 5.76 FEET; THENCE NORTH 12°12'34" EAST, 370.76 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVED EASTERLY HAVING A RADIUS OF 2,181.24 FEET, A CENTRAL ANGLE OF 15°29'59", A CHORD DISTANCE OF 588.27 FEET, AND A CHORD BEARING OF NORTH 19°57'33" EAST; THENCE NORTHEASTERLY, ALONG SAID CURVE, 590.07 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT MAINTAINED RIGHT-OF-WAY FOR GENTILLE ROAD SHOWN ON MAP BOOK 10, PAGES 47-49, OF SAID PUBLIC RECORDS.

RIDA PROPERTY SITE SKETCH



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 89°33'48" E	19.75'
L2	N 77°47'26" W	88.07'
L3	N 53°48'47" E	55.03'
L4	N 77°47'26" W	9.00'
L5	S 77°47'26" E	5.76'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD-BEARING	CHORD
C1	1550.00'	15°22'53"	416.10'	S 19°14'25" W	414.85'
C2	48.00'	28°47'28"	24.12'	S 25°56'41" W	23.87'
C3	2181.24'	15°29'59"	590.07'	N 19°57'33" E	588.27'

Attachment "E"

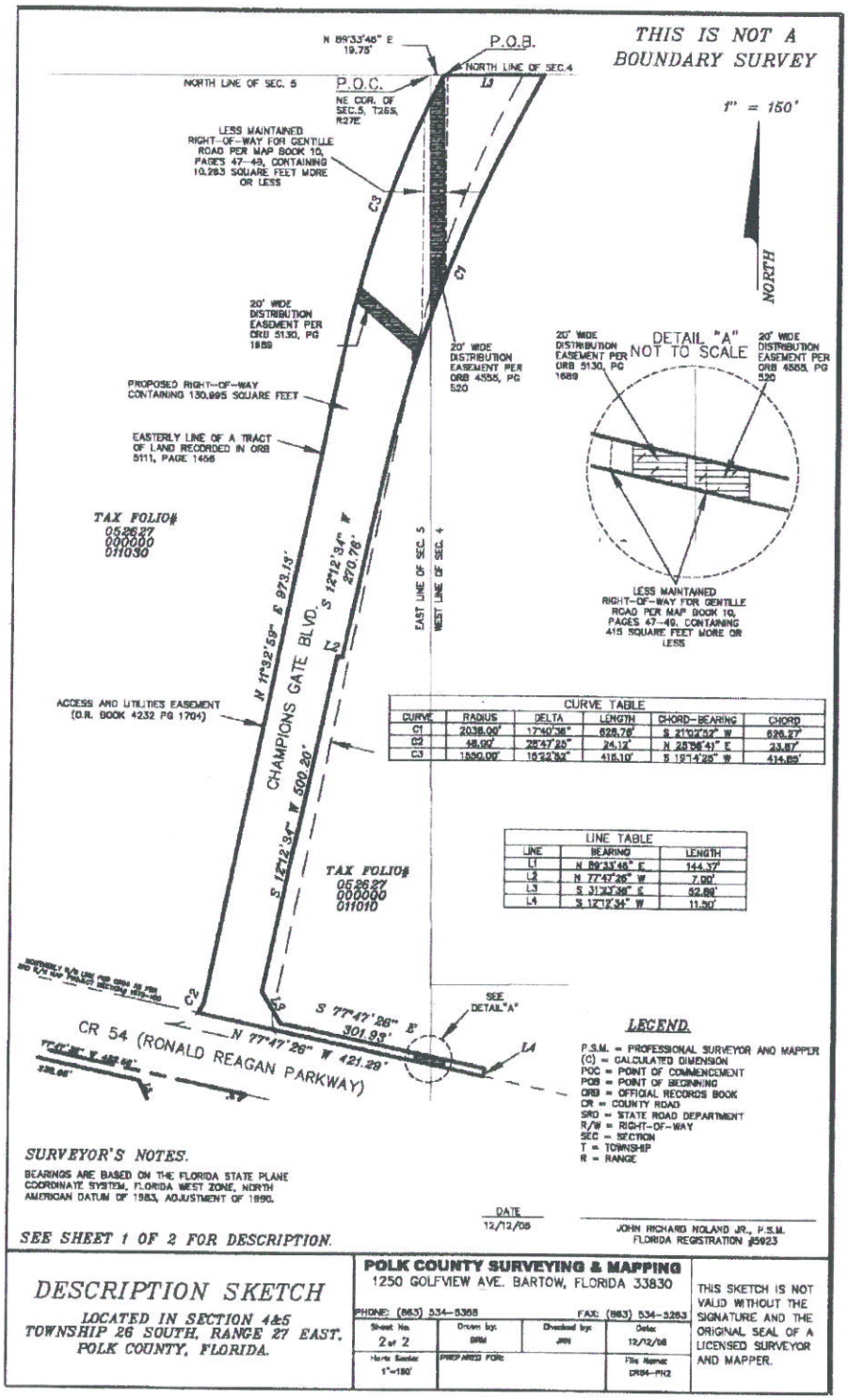
TOHO PROPERTY TO BE CONVEYED

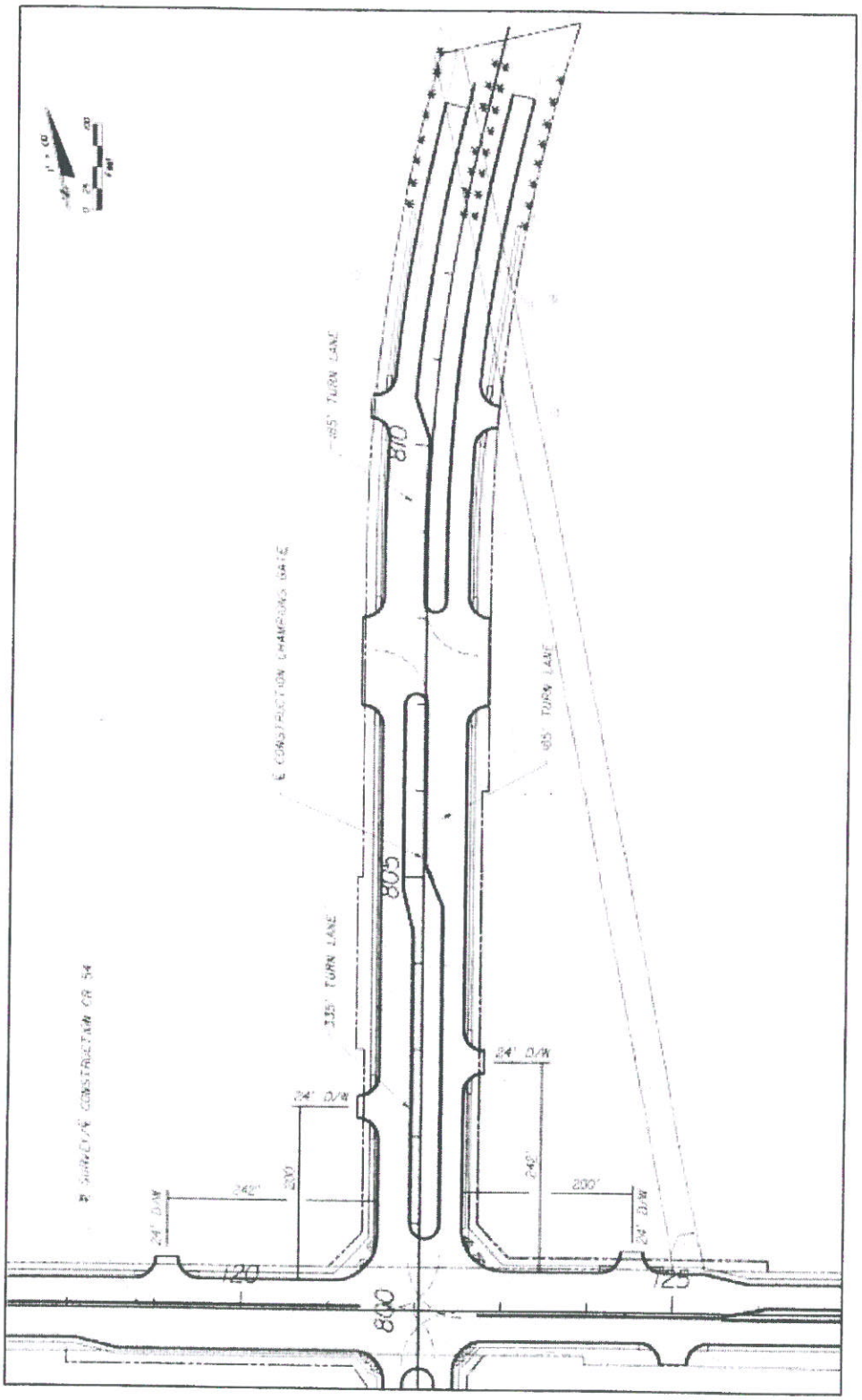
A PARCEL OF LAND BEING A PORTION OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5984, PAGE 450, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LYING IN SECTIONS 4 AND 5, TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE NORTH 89°33'46" EAST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 4, A DISTANCE OF 19.75 FEET TO THE EAST LINE OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 5111, PAGE 1456 OF SAID PUBLIC RECORDS, AND THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 89°33'46" EAST ALONG SAID NORTH LINE, 144.37 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVED EASTERLY HAVING A RADIUS OF 2,038.00 FEET, A CENTRAL ANGLE OF 17°40'36", A CHORD DISTANCE OF 626.27 FEET, AND A CHORD BEARING OF SOUTH 21°02'52" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE 628.76 FEET; THENCE SOUTH 12°12'34" WEST, 270.76 FEET; THENCE NORTH 77°47'26" WEST, 7.00 FEET; THENCE SOUTH 12°12'34" WEST, 500.20 FEET; THENCE SOUTH 31°23'38" EAST, 52.89 FEET; THENCE SOUTH 77°47'26" EAST, 301.93 FEET; THENCE SOUTH 12°12'34" WEST, 11.50 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 54 AS SHOWN ON THE STATE ROAD RIGHT-OF-WAY MAP PROJECT SECTION NUMBER 1673-150; THENCE NORTH 77°47'26" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 421.29 FEET TO THE EAST LINE OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 5111, PAGE 1456 OF SAID PUBLIC RECORDS, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVED NORTHWESTERLY HAVING A RADIUS OF 48.00 FEET, A CENTRAL ANGLE OF 28°47'25", A CHORD DISTANCE OF 23.87 FEET, AND A CHORD BEARING OF NORTH 25°56'41" EAST;, THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID EAST LINE 24.12 FEET; THENCE NORTH 11°32'59" EAST ALONG SAID EAST LINE, 973.13 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVED EASTERLY HAVING A RADIUS OF 1,550.00 FEET, A CENTRAL ANGLE OF 15°22'52", A CHORD DISTANCE OF 414.85 FEET, AND A CHORD BEARING OF NORTH 19°14'25" EAST; THENCE NORTHERLY, ALONG SAID CURVE AND SAID EAST LINE, 416.10 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT MAINTAINED RIGHT-OF-WAY FOR GENTILLE ROAD SHOWN ON MAP BOOK 10, PAGES 47-49, OF SAID PUBLIC RECORDS.

TOHO PROPERTY SITE SKETCH





CHAMPIONSGATE BOULEVARD IMPROVEMENTS

Westside Boulevard Right-of-Way