



CITY COMMISSION (CC) **General Application**

Cover: Deadline, Notes, and Fees
Page 1: Applicant Information Sheet, Required Documentation & Mail Notice Requirements
Page 2: Sign Notification Requirements & Affidavit

DEADLINE: City Commission submittal deadlines are set by the City Clerk and vary by type of application. Contact project planner to determine deadline prior to submittal of complete application.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

<input type="checkbox"/>	Planned Unit Development (PUD)	\$ 2,640.00
<input type="checkbox"/>	Site Plan Level IV	\$ 950.00
<input type="checkbox"/>	Site Plan Level II in DRAC/SRAC-SA (Downtown Regional Activity Center / South Regional Activity Center-South Andrews)	\$ 1,920.00
<input type="checkbox"/>	Plat / Plat Note Amendment	\$ 540.00 (includes \$90 Final-DRC Fee)
<input type="checkbox"/>	Easement Vacation	\$ 560.00 (includes \$90 Final-DRC Fee)
<input type="checkbox"/>	ROW Vacation	\$ 830.00 (includes \$100 Final-DRC Fee)
<input type="checkbox"/>	Rezoning (In addition to above site plan fee)	\$ 910.00 (includes \$110 Final-DRC Fee)
<input type="checkbox"/>	Appeal and/or DeNovo Hearing	\$ 1,180.00
<input type="checkbox"/>	Site Plan Deferral	\$ 490.00
<input checked="" type="checkbox"/>	City Commission Request for Review	\$ 800.00

Page 1: City Commission Submittal Requirements

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

NOTE: To be filled out by Department

Case Number	
Date of complete submittal	

NOTE: To be filled out by Applicant

Property Owner's Name	Riverwalk Center I Joint Venture	
Applicant / Agent's Name	Stiles Corporation	
Development / Project Name	TBD	
Development / Project Address	<u>Existing:</u> Parking Lot	<u>New:</u> 200 E. Las Olas Way
Current Land Use Designation	Regional Activity Center	
Proposed Land Use Designation	Regional Activity Center	
Current Zoning Designation	RAC-CC	
Proposed Zoning Designation	RAC-CC	

The following number of Plans:

- One (1) original signed-off set, signed and sealed at 24" x 36"
- Two (2) copy sets at 11" x 17"
- One (1) electronic version* of complete application and plans in PDF format to include only the following:
 - Cover page And NOPC Application for New River Center I FQD.
 - Survey
 - Site plan with data table
 - Ground floor plan
 - Parking garage plan
 - Typical floor plan for multi-level structure
 - Roof plan
 - Building elevations
 - Landscape plan
 - Project renderings i.e. context plan, street-level perspectives, oblique perspectives, shadow study, etc.
 - Important details i.e. wall, fence, lighting, etc.

*All electronic files provided should include the name followed by case number "Cover Page Case no.pdf"

MAIL NOTIFICATION NOT APPLICABLE.

Mail notice is required for City Commission hearing of a Rezoning of Less than Ten Acres and of an Appeal of ROW Vacation. Notice shall be in the form provided by the Department and mailed on the date the application is accepted by the Department. The names and addresses of homeowner associations shall be those on file with the City Clerk. Rezoning of Less Than Ten Acres hearing notice must be mailed within 30 days of the hearing and Appeal of ROW Vacation hearing notice within 10 days of hearing.

- **REQUIREMENT:** Mail notice of development proposal shall be provided to real property owners within 300 feet of applicant's property, as listed in the most recent ad valorem tax records of Broward County.
- **TAX MAP:** Applicant shall provide a tax map of all property within the required notification radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
- **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owners notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required notification radius. The list shall also include all homeowners associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
- **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required notification radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. Indicate the following as the return address on all envelopes: City of Fort Lauderdale, Urban Design & Planning, 700 NW 19th Avenue, Fort Lauderdale, FL 33311.
- **DISTRIBUTION:** The City of Fort Lauderdale, Urban Design & Planning Division will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

Page 2: Sign Notification Requirements and Affidavit

SIGN NOTICE NOT APPLICABLE.

Applicant must **POST SIGNS** for all City Commission hearings of development applications according to Sec. 47-27.4.

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time and place shall be stated on the sign or changed as applicable.
- The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
- The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
- If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
- If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
- Development applications for more than one (1) contiguous development site shall be required to have sign notice by posting one (1) sign in each geographic direction, (north, south, east and west) on the public right-of-way at the perimeter of the area under consideration.
- If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
- The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
- The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

AFFIDAVIT OF POSTING SIGNS NOT APPLICABLE.

STATE OF FLORIDA
BROWARD COUNTY

RE: _____ CITY COMMISSION CASE NO. _____

APPLICANT: _____

PROPERTY: _____

PUBLIC HEARING DATE: _____

BEFORE ME, the undersigned authority, personally appeared _____, who upon being duly sworn and cautioned, under oath deposes and says:

1. Affiant is the Applicant in the above cited City of Fort Lauderdale **Board or Commission Case**.
2. The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief before the **Board or Commission**.
3. That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least **fifteen (15)** days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
4. Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the **Board or Commission**. **Should the application be continued, deferred or re-heard, the sign shall be amended to reflect the new dates.**
5. Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Planning **five (5)** calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
6. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties therefore.

Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this ____ day of _____, 20__.

(SEAL)

NOTARY PUBLIC
MY COMMISSION EXPIRES:

NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.3.i of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit. _____ (initial here)

Initials of applicant (or representative) receiving sign as per 47-27.2(3)(A-J)

January 30, 2015

VIA FEDERAL EXPRESS

Mr. James Murley
South Florida Regional Planning Council
3440 Hollywood Boulevard, Suite 140
Hollywood, Florida

Re: New River Center Florida Quality Development ("FQD") – Notice of Proposed Change

Dear Mr. Murley

Enclosed please find a Notice of Proposed Change ("NOPC") for the New river Center FQD. The sole purpose of this NOPC is to remove Parcel C from the FQD.

I have also enclosed a filing fee in the amount of \$2,500.00. I am forwarding copies of this submittal to the individuals listed below.

Though we have discussed this NOPC, please do not hesitate to contact me should you have any questions.

Thank you for your time and consideration.

Best Regards.



Stiles Corporation
Dennis F. O'Shea
General Counsel

cc: James Stansbury –Florida Department of Economic Opportunity (via FED EX)
Aaron Dunlop, esq. – Florida Department of Economic Opportunity (via FED EX)
Todd Okolichany –City of Ft. Lauderdale (via FED EX)

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF COMMUNITY PLANNING & DEVELOPMENT
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
FLORIDA QUALITY DEVELOPMENT (FQD)
SUBSECTION 380.061, FLORIDA STATUTES**

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Dennis F. O'Shea, the undersigned owner/authorized representative of Riverwalk Center I Joint Venture (developer) of Parcel C of the New River Center Florida Quality Development, hereby give notice of a proposed change to a previously approved Florida Quality Development in accordance with Subsection 380.061, Florida Statutes. In support thereof, I submit the following information concerning the New River Center Florida Quality Development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Ft. Lauderdale,
(local government)

to the South Florida Regional Planning Council, and to the Bureau of Community
Planning, Department of Economic Opportunity.

1/30/15

Date



Signature

PLEASE NOTE: ALL RESPONSES ARE HIGHLIGHTED BELOW

2. Applicant (name, address, phone). Riverwalk Center I Joint Venture; Address: Tribune Real Estate Holdings, LLC., 435 N. Michigan Ave., 6th Floor; Attn: Rita DeBoer; Chicago, IL 60611
3. Authorized Agent (name, address, phone). Stiles Corporation, 301 East Las Olas Blvd., Ft. Lauderdale, Fl., 33301; Contact: Dennis F. O'Shea, General Counsel, 954 627 9345.
4. Location (City, County, Township/Range/Section) of approved DRI and proposed change. Ft. Lauderdale, Broward County, Township 50 South, Range 42 East, Section 10.
5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval. The proposed change is merely the removal of a specific portion of land (Parcel "C") of the New River Center Plat contained within the originally approved FQD. The New River Center Plat contains all of the land that was subject to the New River Center FQD. The build out date to develop Parcel C was terminated as of December 31, 2003, pursuant to the Fourth Amendment to Development Order for the FQD and said Fourth Amendment also made the determination that the FQD project, "does not include Parcel C as referenced in Paragraph 1 as referenced in Paragraph 1 of this Fourth Amendment." The Fourth Amendment to the FQD is attached for ease in reference as Exhibit 1.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Parcel C of the FQD was never vertically developed and presently only serves as a surface parking lot. The New River Center Plat is attached as Exhibit 2 and Parcel C has been highlighted for ease in reference. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change. Please see attached Substantial Deviation Chart responses.
7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Please see attached Exhibit 3. Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? No, but Broward County and Ft. Lauderdale are now designated as a Dense Urban Areas exempt from DRI review and there is also a Regional

Activity Center in Place that encompasses the Property. If so, has the annexing local government adopted a new DRI development order for the project?

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map. Within the original FQD site, on October 16, 2000 One Las Olas Ltd. Purchased Parcel A and portion of Partial D, from Smith Property Holdings Las Olas Tower L.L.C. On March 14, 2002, East Las Olas, Ltd, and 100 East Las Olas Ltd purchased the remaining portion of Parcel A from Riverwalk Group, LLC. On December 18, 2014, PRII SR 200 East Las Olas Venture , LLC bought Parcel B from Lauderdale River, Inc., a Texas Corporation.
9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes. Yes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES , this NOPC does not constitute a Substantial Deviation.

NO

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? **No.** If so, indicate the proposed new buildout or phasing dates.
11. Will the proposed change require an amendment to the local government comprehensive plan? **No.**

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 73-40.025, Florida Administrative Code:

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions. **The New River Center Plat (Exhibit 2) with the depicted removal of Parcel C from the FQD best portrays the proposed change.**
13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

The proposed language for this non substantial deviation would be:

NOW, THEREFORE, BE IT ORDERED BY THE BUREAU OF COMMUNITY PLANNING, DEPARTMENT OF ECONOMIC OPPORTUNITY THAT THE MAY 5, 1989 NEW RIVER CENTER AMENDED AND RESTATED DEVELOPMENT ORDER IS HERBY AMENDED AS FOLLOWS:

1. **General Provision III of the Development Order is hereby amended as follows. The fifth sentence shall now read:**
2. **The right to develop subject to the terms, general provisions and conditions of this Development shall terminate on December 31, 2008, unless otherwise extended in accordance with the provisions of Paragraph III.H.4 herein. Parcel C of the New River Center FQD is removed from said FQD and is no longer subject to the terms and conditions contained therein.**

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change; **No longer applicable given removal of Parcel C from the FQD.**
- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development; **Please see**

attached Exhibit 4.

- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable; Not applicable.
- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development; Not applicable.
- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; Not applicable, and
- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 73C-40.025 (7), F.A.C. Not applicable.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation NOT APPLICABLE	# Parking Spaces			
	# Spectators			
	# Seats			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Airports NOT APPLICABLE	Runway (length)			
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	Airport Acreage, including drainage, ROW, easements, etc.			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Airports (cont.)	# External Vehicle Trips			
	D.O. Conditions			
	ADA representations			
Hospitals NOT APPLICABLE	# Beds			
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. conditions			
	ADA representations			
Industrial NOT APPLICABLE	Acreage, including drainage, ROW, easements, etc.			
	# Parking spaces			
	Building (gross square feet)			
	# Employees			
	chemical storage (barrels and pounds)			
	Site locational changes			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Industrial (cont.)	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Mining Operations NOT APPLICABLE	Acreage mined (year)			
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Office NO CHANGE	Acreage, including drainage, ROW, easements, etc.			
	Building (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Office (cont.)	ADA representations			
Petroleum/Chemical Storage NOT APPLICABLE	Storage Capacity (barrels and/or pounds)			
	Distance to Navigable Waters (feet)			
	Site locations changes			
	Facility Acreage, including drainage, ROW, easements, ect.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Ports (Marinas) NOT APPLICABLE	# Boats, wet storage			
	# Boats, dry storage			
	Dredge and fill (cu. yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
ADA representations				

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Residential NOT APPLICABLE	# Dwelling units			
	Type of dwelling units			
	# of lots			
	Acreage, including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
Wholesale, Retail, Service NO CHANGE	Acreage, including drainage, ROW, easements, etc.			
	Floor Space (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Hotel/Motel NOT APPLICABLE	# Rental Units			
	Floor space (gross square feet)			
	# Parking Places			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
R.V. Park NOT APPLICABLE	Acreage, including drainage, ROW, easements, etc.			
	# Parking Spaces			
	Buildings (gross square feet)			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Open Space (All natural and vegetated non-impervious surfaces) NOT APPLICABLE	Acreage			
	Site locational changes			
	Type of open space			
	D.O. Conditions			
	ADA representations			
Preservation, Buffer or Special Protection Areas Preservation (cont.) NOT APPLICABLE	Acreage			
	Site locational changes			
	Development of site proposed			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

Exhibit 1

Prepared by:
Roger Wilburn
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Return to:
Donald R. Hall
Gunster, Yoakley & Stewart, P.A.
500 E. Broward Blvd., Ste. 1400
Fort Lauderdale, FL 33394

FOURTH AMENDMENT

TO THE DEVELOPMENT ORDER

FOR THE NEW RIVER CENTER FLORIDA QUALITY DEVELOPMENT

DESIGNATED UNDER SECTION 380.061, FLORIDA STATUTES,

AND

RULE 9J-28, FLORIDA ADMINISTRATIVE CODE

DCA File No. ADA-11-88-063

THIS IS NOT AN
OFFICIAL COPY

ISSUED BY

THE DEPARTMENT OF COMMUNITY AFFAIRS

14

V. DEVELOPMENT ORDER AMENDMENTS

This Part V shall specify and contain any and all approved changes or amendments to this Development Order from the original Application and Development Order issued by the Department of Community Affairs on May 5, 1989, and recorded in the official records of Broward County. It is the purpose and intent of the Reviewing Entities that this Development Order shall continue in full force and effect all terms, general provisions, and conditions of the Development Order, except as that Development Order has been specifically altered by the changes and amendments identified in this Part V. Any future changes or amendments to the original Development Order as approved and incorporated in this Development Order shall be specified below sequentially and identified in this Part V by the dates of their approval and incorporation in new Development Orders issued by the Department.

D. FOURTH AMENDMENT TO THE NEW RIVER CENTER FLORIDA QUALITY DEVELOPMENT ORDER

WHEREAS, on May 5, 1989, a Development Order was issued by the Department of Community Affairs designating New River Center as a Florida Quality Development under Section 380.061, Florida Statutes, and recorded in the Official Records of Broward County at OR 6486, pages 314 - 364; and

WHEREAS, on September 29, 2004, the Department received from the Developer a Notice of Proposed Change requiring an amendment to the New River Center Development Order; and

WHEREAS, on January 26, 2005, the Florida Department of Transportation notified the Department that the change to New River Center Development Order would not have a significant impact on traffic; and

WHEREAS, on January 27, 2005, the South Florida Regional Planning Council notified the Department that staff review had identified no significant regional issues and the Council had no objection to the proposed changes; and

WHEREAS, on February 1, 2006, the Department received notice that the City Commission of the City of Fort Lauderdale had approved by Resolution No. 05-147 the issuance by the Department of the proposed amended Development Order for the New River Center Florida Quality Development; and

WHEREAS, the Department has reviewed the proposed change, as well as all related testimony and evidence submitted by the Developer, the Reviewing Entities, and other commenting agencies; and

WHEREAS, the Department has found that the proposed change does not constitute a substantial change pursuant to Rule 9J-28.024(c), Florida Administrative Code.

NOW, THEREFORE, BE IT ORDERED BY THE DEPARTMENT OF COMMUNITY AFFAIRS THAT THE MAY 5, 1989, NEW RIVER CENTER AMENDED AND RESTATED DEVELOPMENT ORDER IS HEREBY AMENDED AS FOLLOWS:

1. General Provision III.F of the Development Order is hereby amended as follows. The fifth sentence shall now read:

The right to develop subject to the terms, general provisions and conditions of this Development Order shall terminate on December 31, 2008, except Parcel C of the New River Center plat as recorded in Plat Book 151, Page 15, of the public records of Broward County, Florida, which build-out date terminated on December 31, 2003 as provided in the First Amendment to Development Order, unless otherwise extended in accordance with the provisions of Paragraph III.H.4 herein.

2. Condition IV.B of the Development Order is hereby amended as follows:

B. DESCRIPTION OF DEVELOPMENT

The Development is hereby authorized to contain and the Applicant is authorized to develop the property located in the City of Fort Lauderdale (Exhibits A and B) as follows:

Phase I: 295,000 square feet of office use; 13,000 square feet of retail use.

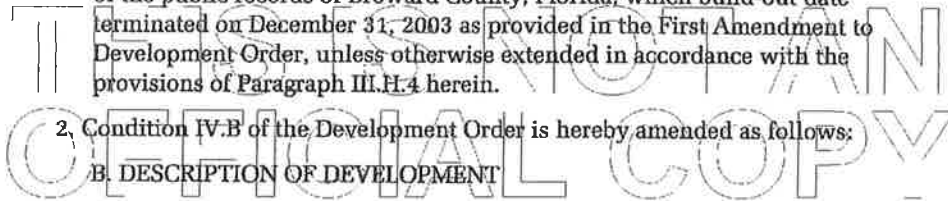
Phase I is generally defined as the land area located in the northeast quadrant of the site that is bounded by East Las Olas Boulevard to the north and S.E. 3rd Avenue to the east. This phase was constructed pursuant to the development agreement issued by the Department on September 1, 1988.

Phase II: 1. A hotel with up to 400 hotel rooms

2. Up to 22,000 square feet of retail use

3. Up to 650,000 square feet of office

4. Up to 375 residential units may be developed on the property provided that, if residential units are developed on the property, the hotel rooms and/or office on the property shall be reduced in accordance with the switch-out rates provided in Exhibit 5, attached hereto and incorporated herein. Whenever residential use is introduced, the note on the face of the New River Plat shall be amended to reflect the addition of residential units and the



commensurate reduction in office and/or hotel rooms to accommodate the switch-out.

Development of Phase II is contingent upon the fulfillment of the conditions identified in Part IV of the Development Order. Build-out of the project shall be completed by December 31, 2008, which project does not include Parcel C as referenced in Paragraph 1 of this Fourth Amendment.

3. The Developer shall record this Fourth Amendment to the New River Center Florida Quality Development Order within the public records of Broward County within 30 days of issuance.

DEPARTMENT OF COMMUNITY AFFAIRS

Date: 4/18/06

By: K. Valerie Hubbard

Valerie J. Hubbard, Director
Division of Community Planning

THIS IS NOT AN OFFICIAL COPY

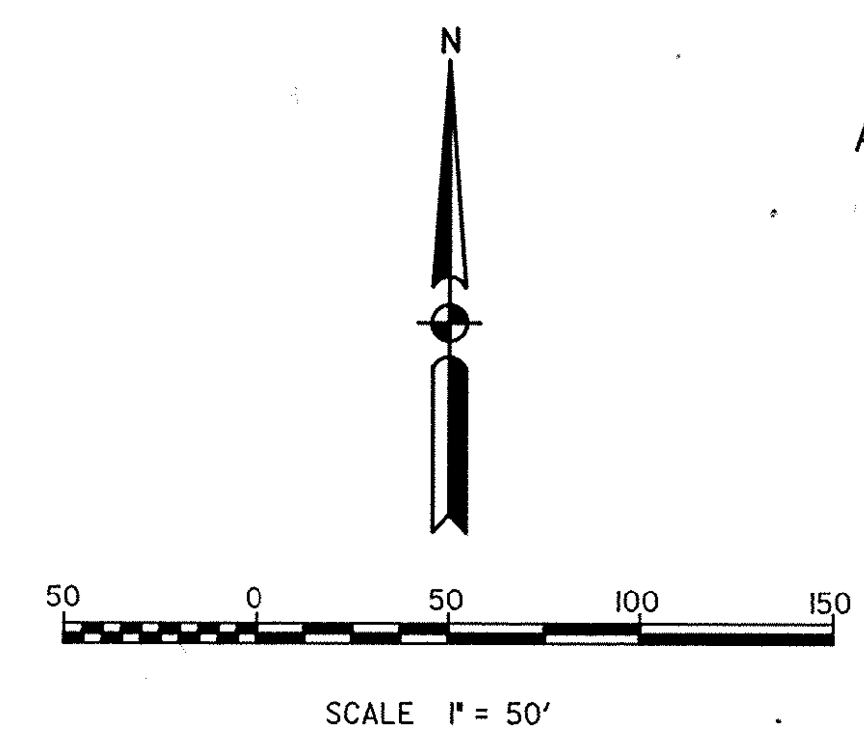
FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.

Paula P. Ford 4/18/06
Paula P. Ford Date
Agency Clerk

NEW RIVER CENTER

A PORTION OF THE N.E. 1/4 OF SECTION 10, TOWNSHIP 50 SOUTH, RANGE 42 EAST
A REPLAT OF A PORTION OF BLOCK 30, 'TOWN OF FORT LAUDERDALE' PLAT BOOK 'B', PAGE 40, DADE COUNTY RECORDS
CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

PREPARED BY:
KEITH AND SCHNARS, P.A.
ENGINEERS - PLANNERS - SURVEYORS
6500 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33309
(305) 776-1616
FEBRUARY, 1990



LEGEND

- B. M. = BENCHMARK
- B. C. R. = BROWARD COUNTY RECORDS
- C. = CENTERLINE
- Δ = CENTRAL ANGLE
- D. C. R. = DADE COUNTY RECORDS
- D. B. = DEED BOOK
- D. E. = DRAINAGE EASEMENT
- (E.) = EASTING
- ELEV. = ELEVATION
- FR & L. = FLORIDA POWER AND LIGHT
- L. = ARC LENGTH
- N.T.S. = NOT TO SCALE
- = OFFSET
- O.R.B. = OFFICIAL RECORD BOOK
- P.R.M. = PERMANENT REFERENCE MONUMENT
- P.B. = PLAT BOOK
- P.L.S. = PROFESSIONAL LAND SURVEYOR
- R. = RADIUS
- R/W = RIGHT-OF-WAY
- U.E. = UTILITY EASEMENT

AREA TABULATION

PARCEL 'A'	78,936 SQ.FT.	1.812 AC. ±
PARCEL 'B'	60,825 SQ.FT.	1.396 AC. ±
PARCEL 'C'	61,297 SQ.FT.	1.407 AC. ±
PARCEL 'D'	43,038 SQ.FT.	0.988 AC. ±
PARCEL 'E'	32,918 SQ.FT.	0.756 AC. ±
DED. R/W	16,105 SQ.FT.	0.370 AC. ±
TOTAL	293,119 SQ.FT.	6.729 AC. ±

SURVEY NOTES

1. ⊙ INDICATES SET PERMANENT REFERENCE MONUMENT.
2. SURVEY DATA IN FIELD BOOKS 606 AND 537.
3. BEARINGS SHOWN HEREON ARE ASSUMED AND THE NORTH PLAT LIMITS IS ASSUMED TO BEAR S 90° 00' 00" E.
4. --- INDICATES NON-VEHICULAR ACCESS LINE.
5. BENCHMARK ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 AND WERE ESTABLISHED FROM BENCHMARKS SUPPLIED BY U.S.C.&G.S. BRASS DISC IN CONC. STAMPED "212 G, ELEV=7.30", LOCATED AT NE CORNER OF S.W. 2nd AVE & S.W. 2nd ST., 16.6' W. OF W. RAIL OF F.E.C.R.R.

RESTRICTIONS

THIS PLAT IS RESTRICTED TO A 400 ROOM HOTEL; 35,000 SQUARE FEET OF COMMERCIAL AND 1,045,000 SQUARE FEET OF OFFICE. THIS NOTE IS REQUIRED BY CHAPTER 5, ARTICLE IX, BROWARD COUNTY CODE OF ORDINANCES, AND MAY BE AMENDED BY APPROVAL OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS.

THE NOTATION AND ANY AMENDMENTS THERETO ARE SOLELY INDICATING THE APPROVED DEVELOPMENT LEVEL FOR PROPERTY LOCATED WITHIN THE PLAT AND DO NOT OPERATE AS A RESTRICTION IN FAVOR OF ANY PROPERTY OWNER INCLUDING AN OWNER OR OWNERS OF PROPERTY WITHIN THIS PLAT WHO TOOK TITLE TO THE PROPERTY WITH REFERENCE TO THIS PLAT.

NOTICE

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SURVEY NOTES, CONT.

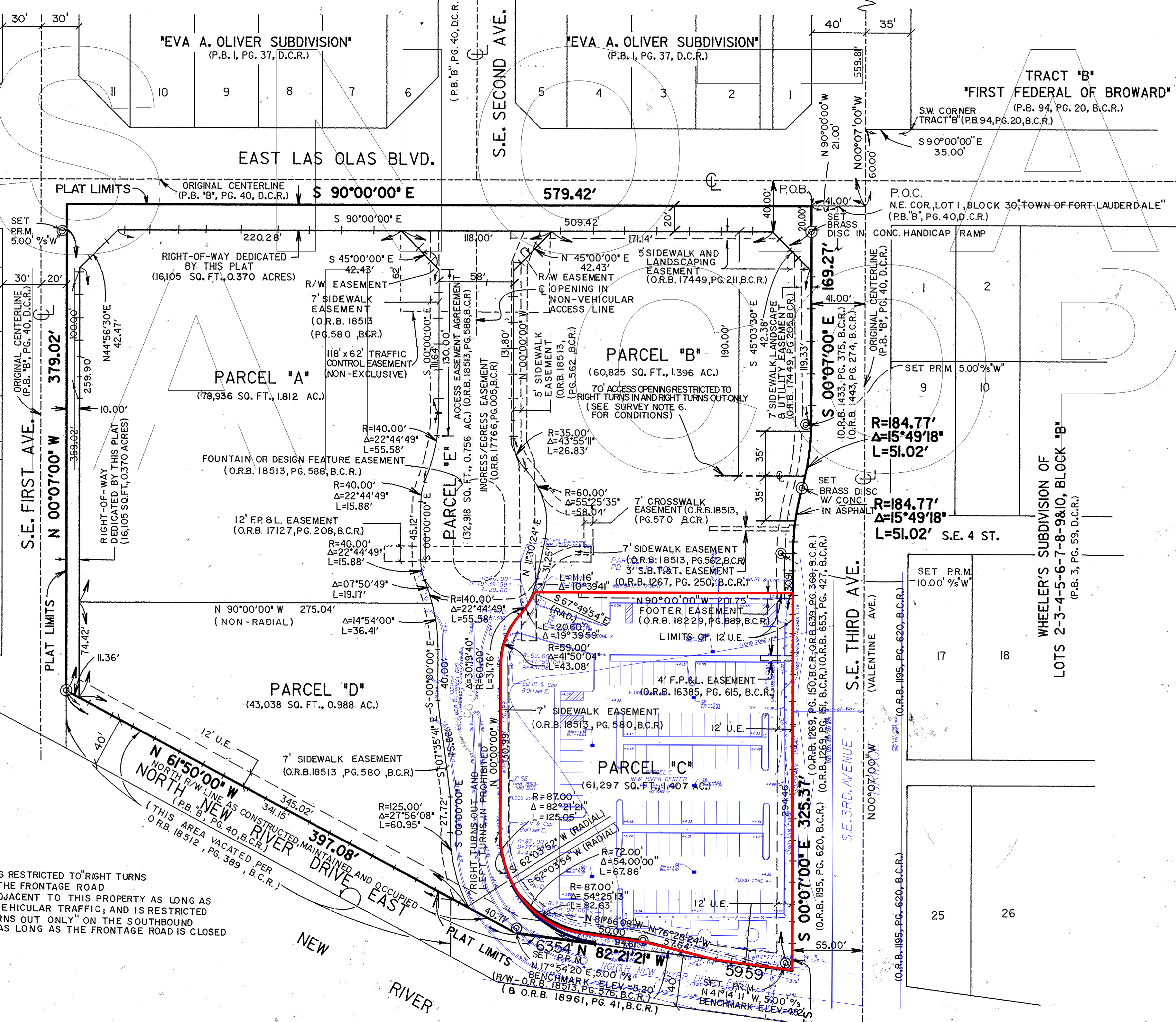
6. THE 70' OPENING ON S.E. THIRD AVE. IS RESTRICTED TO "RIGHT TURNS IN AND RIGHT TURNS OUT ONLY" ON THE FRONTAGE ROAD LOCATED WEST OF THE BRIDGE AND ADJACENT TO THIS PROPERTY AS LONG AS THE FRONTAGE ROAD IS OPEN TO VEHICULAR TRAFFIC; AND IS RESTRICTED TO "RIGHT TURNS IN AND RIGHT TURNS OUT ONLY" ON THE SOUTHBOUND THROUGH LANE OF S.E. THIRD AVE. AS LONG AS THE FRONTAGE ROAD IS CLOSED TO VEHICULAR TRAFFIC.

'BISHOP'S SUBDIVISION'
(P.B. 1, PG. 101, D.C.R.)

'EVA A. OLIVER SUBDIVISION'
(P.B. 1, PG. 37, D.C.R.)

'EVA A. OLIVER SUBDIVISION'
(P.B. 1, PG. 37, D.C.R.)

TRACT 'B'
'FIRST FEDERAL OF BROWARD'
(P.B. 94, PG. 20, B.C.R.)



N.E. CORNER
SEC. 10-50-42

EXHIBIT 3

Date submitted to SFRPC	Project type	Nature of modification
9/1/1993	NOPC	10 year extention
3/7/1996	NOPC	Phases consolidated; 300 residential units added with conversion matrix for hotel use
8/18/1997	NOPC	Increased dwelling units to 375
9/29/2004	NOPC	Extended build out dated and reduced office space by 100,000 sq. ft.
2/22/2005	3 YR EXT	3 year extention

Exhibit 4

Legal Description:

PARCEL C ACCORDING TO THE PLAT OF NEW RIVER CENTER AS RECORDED IN PLAT BOOK 151 PAGE 15 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 1.407 ACRES MORE OR LESS.

LEGAL DESCRIPTION

PARCEL C ACCORDING TO THE PLAT OF NEW RIVER CENTER AS RECORDED IN PLAT BOOK 150 PAGE 15 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 1.407 ACRES MORE OR LESS.

SURVEY NOTES

Elevations shown are prefixed with a plus sign and refer to North American Vertical Datum of 1988. (NAVD)

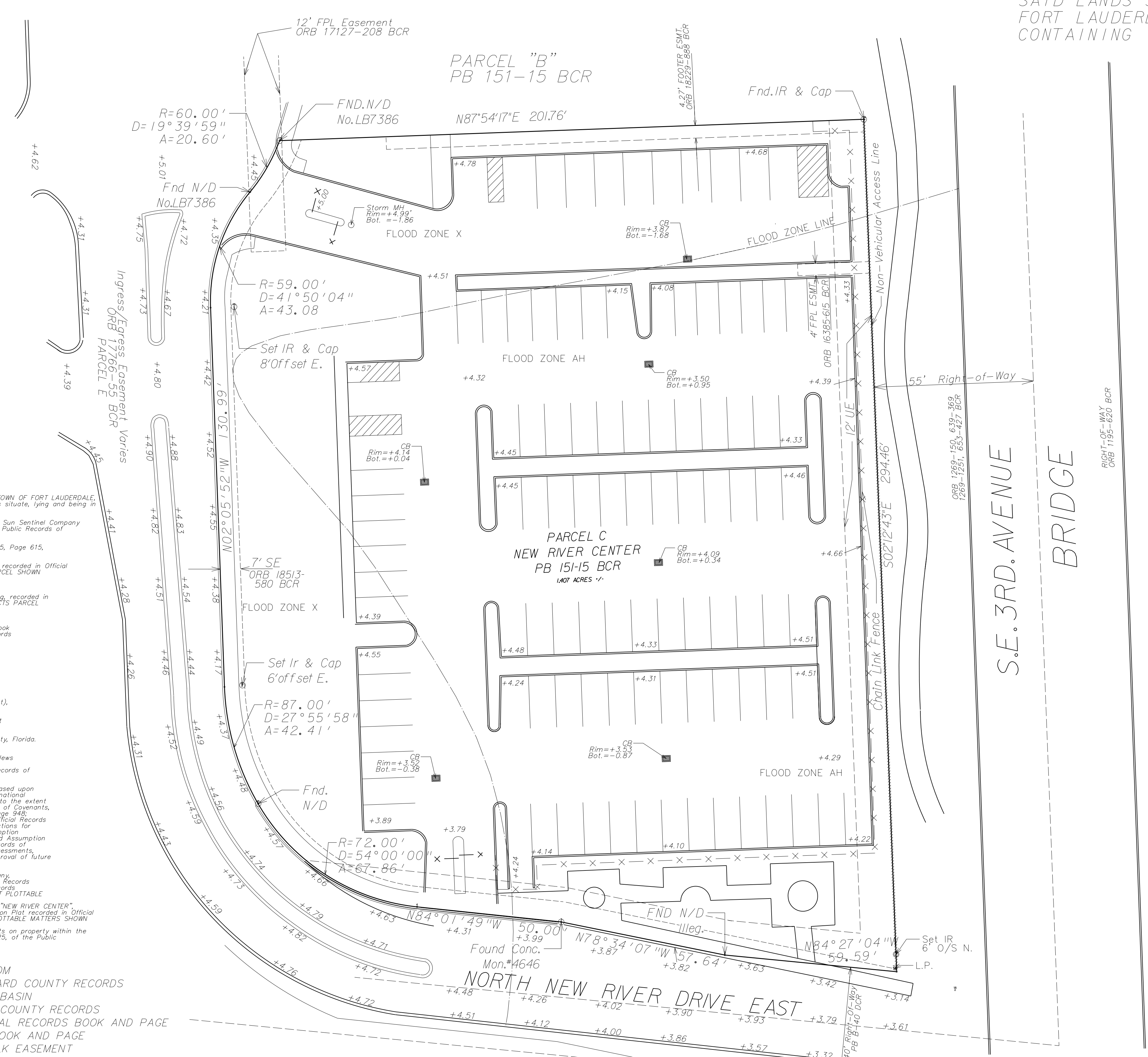
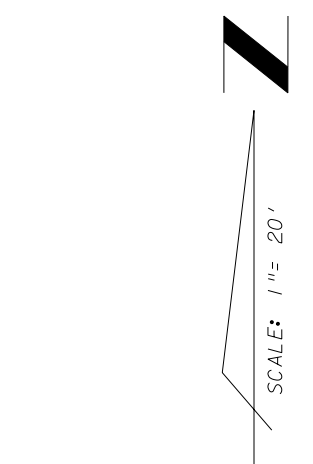
The National Flood Insurance Program has determined the hereon described lands to be situated in Flood Zone AH & X as shown on Map Panel No. 1201100557H Base flood elevation = +5' NAVD (AH) and No Base Flood Elevation (X) Map effective date 8-18-14

The lands shown hereon were abstracted per Chicago Title Insurance Company Commitment for Title Insurance Order No. 5027109 Effective date 12-27-14 @ 11:00 PM

Reference Bench Mark: National Geodetic Survey No. AD2489 Elev. = +3.26 NAVD

Bearings indicated hereon are based on an Assumed Meridian

Description as indicated hereon furnished by Client. This survey is prepared for the sole and exclusive use of the parties as Surveyed for and as Certified to and shall not be relied upon by any other entity or individual.



SCHEDULE B SECTION 11 TITLE EXCEPTIONS
CHICAGO TITLE INSURANCE COMPANY COMMITMENT
ORDER NO. 5027109 EFFECTIVE DATE OCTOBER 27, 2014
AT 11.00PM

6. Restrictions, covenants, conditions, easements and other matters contained on the Plat of TOWN OF FORT LAUDERDALE, as recorded in Plat Book E, Page 40, of the Public Records of Broward County, Florida, said lands situate, lying and being in Broward County, Florida. PLOTTABLE MATTERS SHOWN (REFLECTED IN PB 150-15 BCR)
7. Terms and conditions of that certain Agreement Setting Forth DRI Requirements for News & Sun Sentinel Company Property in Fort Lauderdale, Florida, recorded in Official Records Book 15827, Page 428, of the Public Records of Broward County, Florida. AFFECTS PARCEL, NON PLOTTABLE
8. Easement in favor of Florida Power & Light Company recorded in Official Records Book 16385, Page 615, of the Public Records of Broward County, Florida. AFFECTS PARCEL SHOWN
9. Terms and conditions of that certain Grant of Easement to Florida Power & Light Company recorded in Official Records Book 17127, Page 208, of the Public Records of Broward County, Florida. AFFECTS PARCEL SHOWN
10. THIS ITEM INTENTIONALLY DELETED.
11. Terms and conditions of that certain Grant of Easement #1708 for Sidewalk and Landscaping, recorded in Official Records Book 17445, Page 211, of the Public Records of Broward County, Florida. AFFECTS PARCEL. PARCEL SIDEWALK LIES OUTSIDE SUBJECT PARCEL LIMITS
12. Footer Easement in favor of Riverwalk Center I Joint Venture recorded in Official Records Book 18180, Page 58, and re-recorded in Official Records Book 18229, Page 888, of the Public Records of Broward County, Florida. AFFECTS PARCEL SHOWN
13. THIS ITEM INTENTIONALLY DELETED.
14. Terms and conditions of that certain Development Order for Designation of the New River Center in the City of Ft. Lauderdale as a Florida Quality Development under Section 180.061, Florida Statutes, recorded in Official Records Book 16486, Page 314, as affected/modified by Declaration of Rights and Responsibilities recorded in Official Records Book 19243, Page 401, First Amendment recorded in Official Records Book 21600, Page 837, Notice of Adoption of an Amendment to Development Order for the New River Center Florida Quality Development in the City of Fort Lauderdale (Second Amendment), recorded in Official Records Book 25523, Page 165, Allocation Agreement recorded in Official Records Book 26652, Page 516, Third Amendment recorded in Official Records Book 27223, Page 156, Allocation Agreement recorded in Official Records Book 28474, Page 583, Assignment and Assumption of Rights Pursuant to Allocation Agreement recorded in Official Records Book 29893, Page 67, and Assignment and Assumption of Rights Pursuant to Allocation Agreement recorded in Official Records Book 30948, Page 1792, all of the Public Records of Broward County, Florida. AFFECTS PARCEL, NOT PLOTTABLE
15. Terms and conditions of that certain Agreement by and between Broward County and the News and Sun-Sentinel Company, Phasing the Installation of Required Road Improvements Relating to the New River Center Plat, recorded in Official Records Book 19294, Page 701, of the Public Records of Broward County, Florida. AFFECTS PARCEL, NOT PLOTTABLE
16. Covenants, conditions and restrictions (but omitting any covenants or restrictions, if any, based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law) as set forth in the Declaration of Covenants, Conditions and Restrictions for NEW RIVER CENTER, recorded in Official Records Book 20033, Page 948, as amended by Amendment to Declaration and Assignment of Developer's Rights recorded in Official Records Book 26652, Page 491; Second Amendment to Declaration of Covenants, Conditions and Restrictions for NEW RIVER CENTER, recorded in Official Records Book 28474, Page 535; Assignment and Assumption of Developer's Rights recorded in Official Records Book 29893, Page 58, and by Assignment and Assumption of Developer's Rights recorded in Official Records Book 30948, Page 1802, all of the Public Records of Broward County, Florida. NOTE: Said Declaration includes provisions for private charges or assessments, liens for liquidated damages, and/or right of first refusal, right of first option and/or prior approval of future purchasers/owners. AFFECTS PARCEL, NOT PLOTTABLE
17. Deed Restrictions contained in that certain Special Warranty Deed from Sun-Sentinel Company, I/A/O Gore Newspapers Company, Grantor, to Las Olas No. 2, Inc., Grantee, recorded in Official Records Book 23501, Page 515, as amended by Amendment to Deed Restriction recorded in Official Records Book 26595, Page 877, of the Public Records of Broward County, Florida. AFFECTS PARCEL, NOT PLOTTABLE
18. Restrictions, covenants, conditions, easements and other matters contained on the Plat of "NEW RIVER CENTER", as recorded in Plat Book 151, Page 15, as affected by Agreement for Amendment of Notation on Plat recorded in Official Records Book 28272, Page 373, of the Public Records of Broward County, Florida. AFFECTS PLOTTABLE MATTERS SHOWN
19. City of Fort Lauderdale Resolution No. 12-241, relating to the levying of special assessments on property within the Downtown and South Regional Activity Center, recorded in Official Records Book 49431, Page 825, of the Public Records of Broward County, Florida. AFFECTS PARCEL, NOT PLOTTABLE

BOT.=BOTTOM
BCR=BROWARD COUNTY RECORDS
CB=CATCH BASIN
DCR=DADE COUNTY RECORDS
ORB=OFFICIAL RECORDS BOOK AND PAGE
PB=PLAT BOOK AND PAGE
SE=SIDEWALK EASEMENT

SURVEY ABBREVIATIONS

- | | | | |
|----------------------------------|---------------------------|-------------------------------|----------------------------|
| A = ARC DISTANCE | C.L.F.= CHAIN LINK FENCE | GAR. = GARAGE | (R) = RADIAL LINE TO CURVE |
| A/C = AIR CONDITION UNIT | D = DELTA (CENTRAL ANGLE) | I R = IRON ROD | RES. = RESIDENCE |
| ASPH.= ASPHALT | DE = DRAINAGE EASEMENT | N/D = NAIL & DISC | R/W = RIGHT OF WAY |
| BLDG.= BUILDING | E.O.W.= EDGE OF WATER | o = REBAR SET #LB2995 | STY = STORY |
| B.M. = BENCH MARK | F.BDS.= FORM BOARDS | o = REBAR FND. # | S/W = SIDEWALK |
| C.B.S.= CONCRETE BLOCK STRUCTURE | FND. = FOUND | P.O.B.= POINT OF BEGINNING | T.O.B. = TOP OF BANK |
| CONC.= CONCRETE | FH = FIRE HYDRANT | P.O.C.= POINT OF COMMENCEMENT | U.E. = UTILITY EASEMENT |
| C/L = CENTERLINE | F.L.E.L.= FLOOR ELEVATION | R = RADIUS | W.M. = WATER METER |

BY:
MARK D. STURGIS
PROFESSIONAL SURVEYOR AND MAPPER NO. 4829
STATE OF FLORIDA

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

BOUNDARY SURVEY OF
PARCEL C
NEW RIVER CENTER
PLAT BOOK 150 PAGE 15
CITY OF FT. LAUDERDALE,
BROWARD COUNTY, FLORIDA

WINNINGHAM & FRADLEY, INC.
ENGINEERS - PLANNERS - SURVEYORS
www.winfrad.com EB-0002995 LB-0002999
111 N.E. 4th STREET, OAKLAND PARK, FL 33334 954-771-7445 FAX 954-771-7100

DRWN: MDS	DATE:	BY:
CHECKED: MDS	DATE:	
1 Parking TOPO	12-11-14	PROFESSIONAL SURVEYOR AND MAPPER
No.	REVISIONS	No. DATE
		STATE OF FLORIDA
		PLOT FILE CREATED: 12/11/2014 02:46 AM
		PROJECT NUMBER: W14047

Invoice Date	Invoice Number	G/L Account	Description	Invoice Amount
02/12/15	1-14027	24.200	General Application	\$ 800.00
Check Total				NTX \$1,500.00

THIS CHECK IS VOID WITHOUT A PURPLE & BLUE BORDER AND BACKGROUND PLUS A KNIGHT & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

Stiles Corporation - Permit Account
 301 East Las Olas Blvd
 Ft. Lauderdale, FL 33301

Bank of America
 401 East Las Olas Blvd.
 Ft. Lauderdale, FL 33301

63-4
 630

6992

NOT TO EXCEED

One Thousand Five Hundred Dollars

DATE February 12, 2015

PAY EIGHT HUNDRED DOLLARS & ZERO CENTS.

Dollars \$ 800.00

TO THE ORDER OF City of Fort Lauderdale



MEMO: 1-14027/24.200

⑈0000006992⑈ ⑆063000047⑆ 3871417113⑈



GunsterYoakley
ATTORNEYS AT LAW

Our File Number: 28539.00001
Writer's Direct Dial Number: (954) 468-1391
Writer's E-Mail Address: hdavis@gunster.com

CAD, BD, DD, JS
Original
SF 11/10
OCT 17 2007

October 16, 2007

New River
Center
Biennial
Report

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eric Silva, AICP
Planner
City of Fort Lauderdale
700 N.W. 19th Avenue
Fort Lauderdale, FL 33311

Re: **New River Center - Florida Quality Development Biennial Report**

Dear Mr. Silva:

Please find enclosed the New River Center Biennial Report for the period dated June 2, 2004 to October 9, 2007. Please replace the Biennial Report previously delivered to you which had a reporting period of June 2, 2004 to June 2, 2007 with this updated report. This Report evidences the full payment and satisfaction of the Infrastructure Improvement Fee.

Please do not hesitate to contact me at 954-468-1391 if you have any questions.

Sincerely,

Heidi Davis Knapik

HDK/mh
Enclosure
cc w/encl:

- Mr. Robert Dennis (Certified Mail/RRR)
- ~~Ms. Jo Sesodia~~ (Certified Mail/RRR)
- Mr. David Danovitz (Certified Mail/RRR)
- Mr. Chon Wong (Certified Mail/RRR)
- Marcy Kammerman, Esq.
- Mr. Michael Dumala

FTL 331989.1

FLORIDA QUALITY DEVELOPMENT BIENNIAL REPORT

Reporting Period: June 2, 2004 to October 9, 2007

Development: New River Center – Florida Quality Development

Location: City of Fort Lauderdale, Broward County, Florida

Developer: Name: East Las Olas, Ltd., a Florida limited partnership,
and 100 East Las Olas Ltd., a Florida limited
partnership c/o Tarragon Corporation
Address: 5900 North Andrews Avenue, Suite 500, Fort
Lauderdale, Florida 33309

1. **Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.**

On May 16, 2006, the Fourth Amendment to the Development Order was recorded. The Fourth Amendment extended the buildout date and termination date of the Development Order until December 31, 2008, and provided for submittal of biennial reports instead of annual reports. The Notice of Proposed Change (NOPC) to extend the buildout date did not result in a substantial deviation determination, as the Developer agreed to reduce the amount of office square footage entitled within the FQD by 100,000 square feet. The Florida Department of Transportation stated that the buildout date (NOPC) would not have a significant impact on traffic. Parcel C of the New River Center Plat, as recorded in Plat Book 151, Page 15, of the public records of Broward County, which build-out date terminated on December 31, 2003, was not granted the buildout date extension per the Fourth Amendment to the Development Order. On October 16, 1997, the Third Amendment to the Development Order ("Third Amendment") was approved permitting the development of up to 375 residential units with the FQD. A plat note was also approved and recorded. The Third Amendment and plat note permitted an increase of the number of residential units from 300 to 375 if either the hotel rooms and/or office square footage were reduced pursuant to a corresponding switch-out rate.

2. **Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new Development of Regional Impact development order for the project? Provide a copy of the order adopted by the annexing local government.**

There has been no change in the local government jurisdiction during the Reporting Period. Local government jurisdiction remains with the City of Fort Lauderdale.

3. **Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.**

On November 7, 2000, the site plan for the Las Olas River House, a residential condominium, with ancillary retail uses to be developed on Parcel A and a portion of Parcel D, was approved by the Fort Lauderdale City Commission. Las Olas River House, with 284 residential units, has been constructed and a Certificate of Occupancy has been issued.

4. **Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.**

The New River Center FQD is comprised of four (4) parcels: A, B, C and D. Phase I, which has been completed, is developed on Parcel B with 308,000 gross square feet of office including ancillary retail use.

Phase II, which is all of the remaining land (Parcels A, C and D) is approved for the following uses: 750,000 square feet of office including ancillary retail, 400 hotel rooms including ancillary retail and up to 375 residential units including ancillary retail (provided that hotel rooms or office square footage is reduced in accordance with switch-out rates). The 4th Amendment to the Development Order reduced the amount of office square footage by 100,000 for a total of 650,000 square feet which remains.

Parcel A and a portion of Parcel D consists of a 284 residential unit condominium with ancillary retail and service uses.

No development has commenced on Parcel C.

5. **Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps which show the tracts involved.**

No parcels of land within the FQD have been sold within the Reporting Period. On October 16, 2000, One Las Olas, Ltd. purchased Parcel A and a portion of Parcel D, totaling 1.920 acres, from Smith Property Holdings Las Olas Tower L.L.C.

On March 14, 2002, East Las Olas, Ltd. and 100 East Las Olas, Ltd. purchased the remaining portion of Parcel A from Riverwalk Group, LLC.

Parcel C continues to be owned by Riverwalk Center I Joint Venture.

6. **Describe any lands purchased or optioned adjacent to the original Development of Regional Impact site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.**

To the best of East Las Olas, Ltd.'s knowledge no lands adjacent to the original FQD were purchased or optioned.

7. **List any substantial local, state, and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.**

There have been interior and exterior improvement and utility permits applied for and obtained during this reporting period.

8. **Provide a list specifying each development order condition and each developer commitment as contained in the ADA and state how and when each condition or commitment has been complied with during the annual reporting period:**

To the best of East Las Olas, Ltd.'s knowledge, all of the conditions and/or commitments contained in the Development Order or Application for Development Approval have been satisfied. On March 26, 2003, One Las Olas, Ltd. made an additional payment to the Infrastructure Improvement Fee in the amount of \$75,000.00, for the years 2000, 2001 and 2002. On November 7, 2003 One Las Olas, Ltd. paid \$25,000.00, and on December 15, 2004, One Las Olas, Ltd. made another payment in the amount of \$25,000.00. According to City of Fort Lauderdale records, the Infrastructure Improvement Fee has been paid in full. Please see attached as Exhibit "A" receipt dated 10/8/07 in the amount of \$87,714.00 from the City of Fort Lauderdale, which satisfies the previous outstanding balance.

9. **Provide any information that is specifically required by the development order to be included in the annual report.**

None.

10. **Provide a statement certifying that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), F.S.**

The undersigned hereby certifies that a copy of the biennial report for the Reporting Period of June 2, 2004 through June 2, 2007, has been sent via United States Certified Mail, Return Receipt Requested, to the following:

1. **ROBERT DENNIS**
Florida Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard, Third Floor
Tallahassee, Florida 32399-2100
2. **JO SESODIA**
South Florida Regional Planning Council
3440 Hollywood Boulevard, Suite 140
Hollywood, Florida 33021

City of Fort Lauderdale

100 North Andrews Avenue

Fort Lauderdale, Florida 33301-1098

Miscellaneous Receipt

Received From: Mr. Michael Damato
Taragon Corp

Date: 10/28/01

Check One: Cash Check/MO. #

Description: (limit: 45 characters)	SubObject/ Subsidiary	Cash Code	Amount
Payor Name: <u>CITY OF FORT LAUDERDALE</u>			<u>8,774.00</u>
For:			
Payor Name:			
For:			
Payor Name:			
For:			
Sub Total:			
6% Florida State Sales Tax	FD00	219-450009	3100
Total Receipt			

Received By: Arnold Torrence
Form H-1000, Rev 8/02
White/Treasury - Canary/Customer - Pink/File Copy

Department/Division: Finance/Tras
Phone Extension: 3148

EXHIBIT "A"

3. **DAVID DANOVIKZ**
Broward County Department of Planning and Environmental Protection
Government Center Annex
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
4. **ERIC SILVA**
City of Fort Lauderdale
700 N.W. 19th Avenue
Fort Lauderdale, FL 33311
5. **CHON WONG**
Florida Department of Transportation
District IV
3400 West Commercial Boulevard
Fort Lauderdale, FL 33309-3421

Submitted By:

GUNSTER, YOAKLEY & STEWART, P.A.

By: 

Name:

Heidi Davis Knapik
Agent for East Las Olas, Ltd.

Dated: October 9, 2007

FTL 318080.3

F

 CITY OF FORT LAUDERDALE
DRC COMMENT REPORT

Division: Airport

Member: Alex Erskine
954-828-4966
aerskine@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las Office and Hotel

Case No.: 76-R-07

DRC Date: July 10, 2007

Comments:

- 1) A Notice of Proposed Construction or Alteration form (7460-1) must be filed with the FAA and a determination of no hazard to air navigation issued since the proposed building exceeds 200 feet. An airspace study number must be assigned to the project before requesting any preliminary sign offs. The FAA must issue a determination of no hazard to air navigation letter prior to requesting final sign off.
- 2) A second Notice of Proposed Construction or Alteration must be filed for the construction crane or equipment that will exceed the height of the building.
- 3) Please refer to the web site listed below for information regarding how to file electronically or hard copy <https://oeaaa.faa.gov/oeaaaEXT/portal.isp> The two notices should be filed with the FAA as soon as possible since it typically takes at least 60 days for the FAA to issue a determination.
- 4) The FAA may require an accurate detailed survey of the proposed structure.

 CITY OF FORT LAUDERDALE
DRC COMMENT REPORT

Division: Engineering

Member: Herbert Stanley
954-828-5048
hstanley@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las Office and Hotel Case No.: 76-R-07

DRC Date: July 10, 2007

Comments:

1. This site plan review and application will require an approved (authorized) traffic impact analysis. The applicant must submit a \$4,000 deposit to fund the City's review of the analysis. Once this deposit is collected, the applicant's consultant can coordinate a methodology meeting to discuss the parameters and subjective content of the analysis.
2. The design of this site plan indicates building over existing easements. These easements need to be vacated as per section 47-24.7 of the City of Fort Lauderdale code.
3. Any project, public or private, within the city limits that may potentially disturb 1.0 acre of land is required to have an erosion and runoff control plan approved by the City prior to beginning work.
4. The owner shall comply with the minimum standards for the State of Florida Notice of Intent (FAC 62-621.300(4)(b) per the Florida Department of Environmental Protection (FDEP) and the National Pollution Discharge Elimination System (NPDES) criteria. Notice is required for sites of one (1) acre or larger with the potential for discharges to surface waters of the State or separate municipal storm sewer systems. This code also applies to sites less than one (1) acre if they are developed as part of an overall development exceeding one (1) acre in area. Additional information on this subject can be found by visiting the state's website at www.dep.state.fl.us/water/stormwater.
5. The engineer and/or architect shall prepare an erosion and sediment control plan prior to site plan approval. Staff will review this plan for the drainage impacts to surrounding rights of way, stormwater facilities, and neighboring water bodies.
6. The property survey shall be abstracted for easements and other matters of title. All easements and other matters of title affecting the property shall be shown on a survey dated no later than 90 days prior to the date of submittal. The abstract of title shall be no older than 90 days and shall be referenced on the survey and supplied prior to requesting final DRC authorization.
7. Indicate all easements of record on the site plan.
8. Pursuant to Ordinance C-05-21 the developer shall pay for water and wastewater capital expansion fees at the rates identified in the ordinance for additional equivalent residential connections developed over and above any existing flows for this site (within twelve (12) months of application for a building permit). This fee is to be paid prior to issuance of the building permit.
9. Any dewatering does require a review by Broward County Environmental Protection Dept. (EPD). A permit is required only if the site is within 1/4 mile of a known contamination site. The EPD contact is David Vanlandingham (dvanlandingham@broward.org or 954/519-1478). He prefers to be notified via email for the quickest response. You can view their standard operation procedures for dewatering at http://www.broward.org/pprd/cs_dewatering.htm.

 **CITY OF FORT LAUDERDALE**
DRC COMMENT REPORT

Division: Building

Member: John Heller
954-828-5255
jheller@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las Office and Hotel

Case No.: 76-R-07

DRC Date: July 10, 2007

Comments:

1. Provide construction debris mitigation letter. Copy of letter available on Fort Lauderdale's web site at building service's page under forms & applications.
2. Additional mitigations plan required if distance from the building to the lot lines is less than 50% of the height of the building. Pedestrian barriers and covered walkways as required per FBC 3306. Plan for protection of adjoining properties from falling debris, stucco mix, etc required.
3. Building in compliance with City of Fort Lauderdale flood ordinance. Finished floor above base flood elevation. Parking elevator cabs, and equipment in compliance with FEMA guidelines. BFE is 7' FFE is 6'

 **CITY OF FORT LAUDERDALE**
DRC COMMENT REPORT

10. The SFWMD requires a dewatering permit as well for activities that discharge offsite. Any planned activity that is going to require dewatering does need to be reviewed by SFWMD. In many cases, this could involve a short email to them that describes the activity. If no permit is required, they will let us know. The SFWMD contact person is Steve Memberg (smemberg@sfwmd.gov).
11. The engineer shall apply for and obtain a general or surface water management license from the Broward County Department of Environmental Protection (BCDPEP). Route certified calculations report with Paving & Drainage plans to engineering reviewer when requesting final DRC authorization.
12. The applicant is advised at this time to verify the means for the demolishing of the existing structures on this property, so that appropriate timely notice and coordination can be executed with the City, Public Services, and the utility companies to control the impacts from the demolition.
13. The proposed site plan does not meet the minimum requirements for loading zone(s) (section 47-20.2 Fort Lauderdale code). Please review the requirements and revise the site plan accordingly.
14. Provide on the site plan a fire truck and garbage truck turning radii for City review. Indicate how these vehicles will circulate within the property.
15. Provide a minimum 7' sidewalk as per City of Fort Lauderdale standard.
16. Please provide the following signed and sealed drawings for engineering review:
 - Paving, Grading, and Drainage Plan
 - Paving, Grading, Drainage Details, and Typical Sections
 - Water and Sewer Plan
 - Water and Sewer Details
 - Signing & Marking Plan
 - General Notes and Specifications Plan
17. Please provide drainage calculations to support the site plan and engineering drawings. The calculations should depict how the minimum road crown, the perimeter berm, and the finish floor elevation are met. Include all of the flood maps, control wet season water table, rainfall events, ground storage, and flood routing to justify the design.
18. The on site drainage system shall be designed to maintain a 25 year stormwater event on site with zero discharge.
19. Please provide cross section cuts and typical sections on all property lines. Indicate as to how the proposed grades will tie into the existing grades. Provide all of the slope data and dimensions for review.
20. Show how the proposed roof drains are to tie into the on site storm water drainage system.
21. Provide Type "F" curbing and drainage improvements on the edge of pavement in the right of way for staff review.
22. Section 47-25.2 of the City's Code of Ordinances requires the developer to adequately design for, but not necessarily only water, sewer, drainage, traffic, schools, and parks. The engineer shall assess the existing water, sewer, drainage, and traffic adequacy and prepare a design for each that utilizes (as is reasonable) any existing water, sewer, drainage, and street infrastructure to adequately serve this project. In the event inadequate infrastructure is available the engineer must necessarily prepare a design that extends/expands the nearest City system for the purpose of serving this development.
23. Show all of the radii for the proposed islands and pavement areas.

24. Include the City of Fort Lauderdale water and sewer details.
25. Provide directional arrows, stop bars, and signs on the pavement-marking plan for staff review.
26. Check closely and show all sight triangles at intersections of drives, alleys, and streets to ensuring safety of pedestrians and drivers.
27. Any valet parking spaces shall be 8'-6" in width and only be authorized with an approved valet parking agreement.
28. Please indicate all ramp slopes, widths of parking and drive aisles, and top and bottom elevations at entry and exit of each ramp for the series of ramps on each floor of the parking garage.
29. Please indicate clear column spacing to ensure that 8'-8" widths are provided for each parking space.
30. Provide all rights of way, easements, and property lines for staff review.
31. Engineering staff will require one (1) to two (2) weeks for review of plans and drainage calculations that were not submitted to the development review committee.
32. Please dimension all required street tree planting widths so that staff can determine if any concerns are warranted over future public sidewalk disruption, or if streets or utilities must be protected with root barriers or additional width requirements.
33. A street and pedestrian lighting plan may be required for adequate safety of motorists and pedestrians for the safe and efficient movement of both traffic and pedestrians. Such a plan would require utilization of the lighting guideline drawings drafted and maintained by the City Engineer's office. Lighting may be required onsite, in the ROW, or both on and off site. It shall be authorized by the Engineering and/or Building (Electrical Staff) Department. Any lighting placed in the ROW shall be powered by an approved lighting circuit from the proposed development or FPL source, and will require an engineering permit. Any new lighting system powered by private source shall require a revocable license agreement with the City and a disconnect which is accessible by public works staff in or very near the right of way.
34. Show all proposed utilities and stormwater drainage on the lighting and landscaping plans for potential conflict with the design.
35. Please indicate any existing and proposed street lighting (poles, junction boxes, disconnects, etc.), water, sewer, and storm water facilities on all landscaping plans so that staff can review for conflicts.
36. An engineering review and permit is required to place, remove, or relocate poles (lighting or electrical) within the City's, County's, or State's rights of way. Relocations or removals shall be evaluated for determination of who they belong to (FPL, City, or other entity), whether they can even be relocated, and an appropriate design plan shall be coordinated with Herbert E Stanley, Project Engineer and the relocation design shall be submitted with the plans for final DRC approval.
37. The owner and contractor are directed not to initiate any work in the public right of way until securing the necessary engineering permits for the work.
38. Please provide Florida Department of Transportation (FDOT) standard indexes for roadway improvements and accessible ramps and routes. Include detectible warning (truncated domes) systems where sidewalks meet vehicular use areas.

 CITY OF FORT LAUDERDALE
DRC COMMENT REPORT

39. All sidewalks shall connect to streets at intersections matching elevations and the engineer or architect shall evaluate drainage routing and ensure impacts on the intersection are appropriately mitigated with systems necessary to avoid standing water.
40. Broward County has an ordinance requiring Transit Oriented Concurrency. The developer is advised to determine the impacts to this development as applicable prior to requesting a building permit. Transit Oriented Concurrency measures will be implemented following submittal of the application for a permit from either the Broward County Land Development Division or the Broward County Environmental Protection Department. An authorizing stamp shall be affixed to plans submitted to City prior to City issuance of a building permit.
41. Please provide a photometric plan in accordance with Section 47-20.14 of the City's Code of Ordinances.
42. Provide an appropriate staging and storage plan. This plan shall indicate proposed fenced areas, material and equipment storage areas, construction parking plan, construction delivery truck routing, crane locations, provide multiple areas for multiple contractors (GC, Foundation, underground, franchise utility contractors), suitable dewatering, pumping, sedimentation and filtering systems for dewatering foundations, and plans for maintaining traffic during the phases to be constructed. Staff will only authorize plans for hearings or final DRC, which appropriately address these parameters.

 **CITY OF FORT LAUDERDALE**
DRC COMMENT REPORT

Division: Fire

Member: Keith Gair
954-828-5242
kgair@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las
Office and Hotel

Case No.: 76-R-07

DRC Date: July 10, 2007

Comments:

1. Provide water flow test.
2. Show mains and hydrants, Hydrant is required within 100 ft of FD connection.
3. Stairs are required to the roof.
4. You have a problem with the stair door blocking egress on floor 13 #2.

 **CITY OF FORT LAUDERDALE**
DRC COMMENT REPORT

Division: Information Technology Services **Member:** Troy Bailey
954-828-5790
tbailey@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las Office and Hotel **Case No.:** 76-R-07

DRC Date: July 10, 2007

Comments:

1. This site plan will impact the City's communications network. As per City Ordinance Number C97-19 Section 47.252(A) (Buildings and structures shall not interfere with the City's communications network. Developments shall be modified to accommodate the needs of the City's communications network, to eliminate any interference a development would create or otherwise accommodate the needs of the City's communications network within the development proposal.

Recommendations:

1. The City recommends that an internal bi-directional amplifier system (BDA), be installed to distribute the radio signal throughout the building. The BDA can be designed and installed by any communications company or firm using the City's provided performance specifications.
2. The City's performance specifications can be obtained from the City's Telecommunications Division @ 954-828-5790 or 5791.

 **CITY OF FORT LAUDERDALE**
DRC COMMENT REPORT

Division: Landscape

Member: Dave Gennaro
954-828-5200
dgennaro@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las Office and Hotel

Case No.: 76-R-07

DRC Date: July 10, 2007

Comments:

1. Show the sight triangles on the Landscape Plan. Trees or palms in the triangle must have at least 8' of wood height.
2. Make sure the tree grades are clearly labeled. Provide a detail.
3. Verify that light standards at least 10' ht. are shown on the Landscape Plan. Shade trees need to be at least 15' from such standards.
4. Shade trees need to be at least 15' from structures.
5. Make sure all utilities that would affect proposed planting (both above and belowground) are shown on the Landscape Plan.
6. Signoff plans to be sealed by the Landscape Architect.


**CITY OF FORT LAUDERDALE
DRC COMMENT REPORT**

Division: Parks and Recreation

Member: Carol Ingold
954-828-5789
cingold@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las Office and Hotel

Case No.: 76-R-07

DRC Date: July 10, 2007

Comments:

On June 20, 2006, the City Commission amended Ordinance C-06-14, Unified Land Development Regulations, Section 47-25, Parks and Open Space and created Section 47-38, requiring changes to the way the **Park Impact Fees** are collected and spent. The revised impact fees will be imposed on each new dwelling unit and hotel/motel room proposed by every project applying for a building permit. These fees will be collected as part of the building permit application process beginning September 28, 2006.

An impact fee calculator and a link to the new ordinance can be found on the Building Department's website http://ci.ftlaud.fl.us/building_services/park_impact_fee_calc.htm

Land Use Type	Fee	Units	Total Fee
Residential Dwelling Unit (single or multifamily)			
Less than 500 sq. ft	\$1,650.00		
501 to 1,000 sq. ft	\$1,875.00		
1,001 to 1,500 sq. ft	\$2,175.00		
1,501 to 2,000 sq. ft	\$2,375.00		
2,001 to 2,500 sq. ft	\$2,525.00		
2,501 to 3,000 sq. ft	\$2,625.00		
3,001 to 3,500 sq. ft	\$2,725.00		
3,501 to 4,000 sq. ft	\$2,825.00		
More than 4,000 sq. ft	\$2,900.00		
Hotel/Motel Room	\$1,250.00	198	\$247,500.00
TOTAL			\$247,500.00

 **CITY OF FORT LAUDERDALE**
DRC COMMENT REPORT

Division: Parking and Fleet Services

Member: Diana Alarcon
854-828-3793
delarcon@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las Office and Hotel

Case No.: 76-R-07

DRC Date: July 10, 2007

Comments:

1. Any removal of meters prior, during or after construction that create lost meter and/or meter citation revenue will require mitigation with the Parking and Fleet Services Department prior to final DRC approval. This includes any meters removed when MOT is requested as well.
2. Contact Director of Parking and Fleet Services, John Hoelzle, at 954-828-3792 for meter mitigation.
3. Contact Karen Van Assche at 954-828-3764 to set up an appointment with Diana Alarcon for plan approval.
4. The City has the right to install meters on ROW.
5. Parking Plans for employee parking is required for all construction projects.

Recommendations:

1. The City of Fort Lauderdale Parking Services Department objects to the removal of on street parking on SE 1st Avenue.

 **CITY OF FORT LAUDERDALE**
DRC COMMENT REPORT

Division: Public Services / Sanitation

Member: John Saavedra
954-828-5452
jsaavedra@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las
Office and Hotel

Case No.: 76-R-07

DRC Date: July 10, 2007

Comments:

1. Comments should be available at the meeting.

 CITY OF FORT LAUDERDALE
DRC COMMENT REPORT

Division: Planning **Member:** Anthony Fajardo
954-828-5984
Afajardo@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las Office and Hotel **Case No.:** 76-R-07

DRC Date: July 10, 2007

Location: 100 E Las Olas Boulevard

Request: Site Plan Level IV / RAC-CC / D-RAC / One hundred Ninety-eight (198) Hotel Rooms, 298,316 sf of Office Space, & 8,322 sf of Retail Space.

Note: Included in these comments are requests for additional information that will further depict and explain the project. This information must be submitted before staff can complete its review of this application. Merely submitting the requested information does not indicate compliance with the City's ULDR. Additional staff comments will be forthcoming after the applicant has provided this additional information.

Comments:

1. The applicant is strongly encouraged to contact all neighborhood associations located within three hundred feet (300)' of the development site, to advise of this proposal (a map and listing of all neighborhood associations are listed on the City's website).
2. This site is subject to a Florida Quality Development (FQD) agreement, the requirements of which may require submittal and approval by the City Commission. Discuss the requirements of this agreement at the DRC meeting.
3. Provide copies of the original FQD and the development order as well as all updates upon re-submittal. In addition, indicate how the proposed development meets the requirements of the current FQD.
4. Discuss the overall design of the proposed development at the DRC meeting. Including, but not limited to liner uses to shield the structured parking and to provide active, occupied space at the upper floors.
5. Provide a narrative of the general scope and description of the proposed project that includes:
 - a. Any Visions and Principles of the Downtown Master Plan that are being met;
 - b. Any Framework Goals of the Downtown Master Plan that are being met;
 - c. A response as to how each Guideline Recommendation is being met (those that are not applicable may be indicated as N/A). If a specific Guideline Recommendation is not met, identify how the intent is met in an alternate way;
 - d. Any other requirements, districts, overlays that may apply to the proposed site; and,
 - e. Provide a point-by-point response to Design Review Team (DRT) comments.
6. Provide a detailed narrative describing the interrelation between the proposed development (subject site) with the Huizenga Park to the west and the River House and the New River adjacent and directly to the south.
7. (If applicable) Provide a point-by-point narrative describing the proposed developments compliance with Sec. 47-25.3, Neighborhood compatibility, of the ULDR. This narrative should include impacts of mass and scale and shadow on neighboring buildings and compliance with any local area plans (i.e. Downtown Maser Plan Design Guidelines)



CITY OF FORT LAUDERDALE
DRC COMMENT REPORT

1. The registration lobby, restrooms, lounge, pool, elevators and stairs should be monitored by CCTV cameras.
2. All hotel rooms should be card access control.
3. Each room should have a viewfinder.
4. All offices should have an intrusion & fire alarm system.
5. Office doors should have a quality locking system.
6. Access to the roof should be secured.
7. The City has experienced an increase in construction sites burglaries the last several years. We are recommending that extra precaution is taken when storing equipment and material at the construction site.
8. Please document with written response.



CITY OF FORT LAUDERDALE
DRC COMMENT REPORT

8. (If applicable) Provide the following graphics and ensure the proposed project is in scale with neighboring buildings and only existing or proposed structures are shown in all renderings. Graphics and renderings must be submitted prior to the project being placed on the PZ Board agenda and must be included with the PZ Board submittal package.
- a. Provide aerial oblique perspectives of the project in context with adjacent properties and surroundings, from opposing views. Show clear and accurate 3-dimensional views in context with the surrounding area indicating building outlines;
 - b. Provide a context plan of the general area indicating the proposed development and outline of all nearby properties with structures outlined, and uses and heights labeled. On the context plan, indicate and dimension all setbacks, drive isles, public sidewalks, crosswalks, and bus stop(s);
 - c. Provide context elevations (north/south and east/west) indicating proposed project and nearby properties, including those across adjacent streets and/or waterways. Dimension the height, length, and width of all structures, setbacks, drive isles, landscaping, etc. in order to ascertain the relationship the proposed development will have on the adjacent residential neighborhood and surrounding properties;
 - d. Provide project cross sections clearly indicating how the proposed development will interact with the surrounding properties;
 - e. Provide pedestrian-level perspective renderings of project as viewed along E Las Olas Boulevard from each direction as well as from across E Las Olas Boulevard looking towards the Huizenga Park;
 - f. Provide detail of ground floor elevations with scale no less than $\frac{1}{4}'' = 1'$. All pertinent details (awnings, windows, etc.) should be dimensioned. Include specifications, and/or photographic examples of proposed materials; and,
 - g. Provide a shadow study indicating shadows at 9 am, 12 pm, and 4 pm for the Winter Solstice (December 22) and Spring Equinox (March 21). Indicate property lines and indicate shadow spillover beyond property lines. Study must be in context and scale with the surrounding area, and should show adjacent lots, streets, neighboring buildings, pools, etc. Indicate if any parks or open space will be impacted.
9. Provide the following narratives upon re-submittal:
- a. Detailed general narrative (on letterhead, with date and author indicated) describing the project and the proposed use(s) that will occur on site. The narrative shall also include, but not be limited to, descriptions of the following: loading activities (including locations, times, and duration), hours of operation, trash disposal, security/gating, number of employees, etc. In addition indicate loading activities (time and duration) for the river house; and,
 - b. Detailed narrative describing how the mechanical equipment will be screened from view. This narrative should address the fifth façade as it relates to neighboring structures.
10. Indicate the project's compliance with the following ULDR sections by providing a point-by-point narrative response, on letterhead, with date and author indicated (Revise the submitted narrative and submit all other narratives to include code language in a point-by-point manner. In addition, clearly indicate how the proposed development meets the individual sections of the ULDR and reference the pages of the submitted plans):
- a. Sec. 47-25.2, Adequacy Requirements; and,
 - b. Sec. 47-13-20, Downtown RAC Review Process and Special Regulations.
11. Provide the following additions to the site plan:
- a. Dimension the distance between the proposed structure and the neighboring structures;
 - b. Dimension the distance between the centerline and the structure;
 - c. Indicate all utilities (both above and below ground) that would affect the proposed planting or landscape plan. Overhead lines (if any) should be placed underground. If the lines cannot be placed underground provide documentation from FP&L indicating such; and,
 - d. Provide location of trash receptacles or dumpsters; discuss location with solid waste and recycling representative.

12. Revise the rooftop plan to include spot elevations of the parapet wall and roof (at various locations) as well as mechanical equipment to verify adequate screening of mechanical equipment. In addition, indicate all mechanical equipment on the site plan and elevations where applicable. Illustrate how equipment will be screened or shielded from view of neighboring properties.
13. Provide the following changes on elevations:
 - a. Clearly indicate all setback and stepback requirements as indicated in Sec. 47-13-20 of the ULDR;
 - b. Indicate the dimension from the right-of-way centerline; and,
 - c. Indicate the dimension from the neighboring structure(s) to the south.
14. Provide the following changes on landscape plans:
 - a. Indicate all required site triangles;
 - b. Clearly label, indicate and dimension all sidewalks and pedestrian paths;
 - c. Provide a copy of the FAU landscape plan and revise the subject site's landscape plan to match; and,
 - d. Provide flood control measurements as necessary to ensure that the finished floor elevation is level with the sidewalk.
15. Contact Adrienne Ehle (954-828-5798), regarding the following pedestrian and bicycle related comments. Note that you will also need to obtain her signature prior to routing plans to Engineering for Pre-PZ and/or Final DRC sign-offs.
 - a. Refer to Sec. 47-25.2.M.6. (Adequacy requirements / Transportation / Pedestrian facilities): Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties;
 - b. Site is located along a Pedestrian Priority Street and is intended to accommodate intensive pedestrian traffic. Clearly indicate on site plan all sidewalks and pedestrian paths;
 - c. Site plan design indicates pedestrian/vehicle conflict areas. Accommodate safe pedestrian access, in particular to/from/within vehicle parking areas and building entrances;
 - d. Minimize pedestrian crosswalk length across VUAs. Reduce entrance/exit drive and loading zone widths to meet only the minimum required widths;
 - e. Accommodate safe pedestrian access along roads/driveways/alleys or other areas where vehicle access exists/is proposed;
 - f. Discuss pedestrian access at southwest corner and continuation along west property line;
 - g. Label all proposed pedestrian access/circulation areas: sidewalks, paths, crosswalks etc. (including width) to/from and within the site;
 - h. Provide clear, unobstructed pedestrian pathways;
 - i. Provide bicycle parking in visible, well-lit areas as close as possible to pedestrian entryways/doors. In addition where possible, locate bicycle parking facilities in an area that is sheltered/covered; and,
 - j. Send email to aehle@fortlauderdale.gov for bicycle parking requirements and to obtain a copy of the Assoc. of Pedestrian and Bicycle Professionals [APBP] Bicycle Parking Guidelines and Broward County End-of-Trip Bicycle Facility Guide.
16. Provide legible photometric plan for entire site. Extend values on photometric plans to all property lines. Show values as pursuant to section 47-25.3.A.3.a and 47-20.14. Indicate lighting poles on site plan and landscape plan, and provide detail. Garage internal lighting fixtures and glare cannot be visible from neighboring properties.
17. The City's Comprehensive Plan and ULDR, in compliance with state concurrency laws, requires developments that may impact mass transit services to be evaluated by the provider of those services. The applicant is advised to meet with Broward County Transit to verify availability of service, or to obtain



CITY OF FORT LAUDERDALE
DRC COMMENT REPORT

information on any needed enhancements to assure service. Contact Spencer Stoleson, Broward County Transit at 954-357-8392, and provide documentation of the result of this consultation.

18. The site is designated Downtown-RAC on the City's Future Land Use Map. The proposed use is permitted in this designation. This is not a determination on consistency with Comprehensive Plan Goals, Objectives and Policies.
19. If a temporary construction/sales trailer is needed for this project, provide the details and location of the trailer on an additional site plan, to avoid additional review in the future.
20. All construction activity must comply with Sec. 24-11, Construction sites. Contact John Heller, Chief Building Inspector, at 828-5255 to obtain his signature on the final DRC plans.
21. Due to the complexity of the proposed project, an additional follow-up coordination meeting may be required to review project changes necessitated by the DRC comments. Prior to routing your plans for Pre-PZ and/or Final DRC sign-off, please schedule a Professional Day Appointment with the project planner (call 954-828-8980) to review project revisions and/or to obtain a signature routing stamp.
22. Verify that copy of plat is the most current recorded plat (including notes and amendments) for the proposed site. Provide documentation from the Broward County Planning Council verifying that the site does not require platting or a plat amendment.
23. As indicated in the Engineering Division's comments, this project is subject to Broward County's Transit Oriented Concurrency, and as such, may qualify for Transit Concurrency Credits as established by Broward County Development Management Division. Please contact the Urban Planning and Redevelopment Department at 954-357-6623 or <http://www.broward.org/development/devreviewsvcs.htm> for more information.
24. Additional comments may be forthcoming at the DRC meeting.
25. Provide a written response to all DRC comments within 180 days or additional DRC review may be require

 **CITY OF FORT LAUDERDALE**
DRC COMMENT REPORT

Division: Recycling

Member: Casey Eckels
954-828-5577
ceckels@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las Office and Hotel

Case No.: 76-R-07

DRC Date: July 10, 2007

Comments:

1. No comments.

 **CITY OF FORT LAUDERDALE**
DRC COMMENT REPORT

Division: WaterWorks 2011

Member: Barbara Howell
954-522-2604 x 41
bhowell@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las
Office and Hotel

Case No.: 76-R-07

DRC Date: July 10, 2007

Comments:

1. There are no *Water Works 2011* projects requiring coordination of improvements in the vicinity of this project.

 **CITY OF FORT LAUDERDALE**
DRC COMMENT REPORT

Division: Zoning

Member: Donald Morris
954-828-5265
dmorris@fortlauderdale.gov

Project Name: 100 East Las Olas, Ltd / 100 East Las Office and Hotel **Case No.:** 76-R-07

DRC Date: July 10, 2007

Comments:

1. Provide a point-by-point narrative regarding how you comply with the following:
 - a. The RAC General design and density standards (47-13.20.B).
 - b. Pedestrian Priority Street- Las Olas Blvd. (47-13.20.H)
 - c. Parking garage design standards (47-20.9).
 - d. Parking garage design standards of the RAC district (47-13.20.C.2).
2. Four Type II loading zoning are required. Loading zoning zones shall comply with 47-20.6.
3. Vehicular stacking shall comply with 47-20.5.C.6.
4. Discuss vehicular access with engineering representative.
5. Parking garage lighting shall comply with 47-20.14.C.
6. Darken property lines.
7. Indicate how rooftop mechanical equipment will be screened from view.
8. Indicate how grade was calculated pursuant to Sec. 47-2.2.G.
9. Proposal shall comply with all ULDR requirements.

89221331

DEVELOPMENT ORDER
FOR DESIGNATION
OF
THE NEW RIVER CENTER
IN THE CITY OF FT. LAUDERDALE
AS A
FLORIDA QUALITY DEVELOPMENT
UNDER
SECTION 380.061, FLORIDA STATUTES

THIS IS NOT AN
OFFICIAL COPY

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ISSUED BY
SECRETARY THOMAS G. PELHAM
DEPARTMENT OF COMMUNITY AFFAIRS
ON
May 5, 1989

Certified as true
and correct copy

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+26
AT

WHEREAS, the Florida Quality Developments Program was established to encourage development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians desire; and

WHEREAS, under the program a development may be designated as a Florida Quality Development if the local government with jurisdiction, the appropriate regional planning council and the state land planning agency (the "Reviewing Entities") concur that a proposed development meets the goals and objectives of the Florida Quality Developments Program and should be designated as a Florida Quality Development; and

WHEREAS, under the provisions of Section 380.061, Florida Statutes, designation shall be in the form of a Development Order issued by the Florida Department of Community Affairs (the "Department") as the state land planning agency; and

WHEREAS, News/Sun-Sentinel Company (the "Applicant") has sought designation as a Florida Quality Development for its development, the New River Center (the "Development"), located within the City of Fort Lauderdale, Florida; and

WHEREAS, The Applicant has met with representatives of the City of Fort Lauderdale, the South Florida Regional Planning Council, the Department and other local, regional, state, and federal agencies, and the Applicant has worked closely with those agencies in addressing agency concerns; and

WHEREAS, the Applicant cooperatively formulated a development plan with those agencies that demonstrates high development standards; addresses the costs to local government for providing services; makes special provisions for the preservation and conservation of natural resources; meets or exceeds the statutory requirements of Section 380.061, Florida Statutes; and ensures a high quality of life standard for those who will live and work in and near the Development; and

WHEREAS, the Applicant formulated a plan that furthers appropriate and relevant goals and objectives of the adopted

State Comprehensive Plan and the State Land Development Plan; and
WHEREAS, based upon that plan, the City of Fort Lauderdale met and approved the designation of New River Center as a Florida Quality Development, subject to the terms, general provisions and conditions of this Development Order; and

WHEREAS based upon that Plan, the South Florida Regional Planning Council met and approved the designation of New River Center as a Florida Quality Development, subject to the terms, general provisions and conditions of this Development Order; and

WHEREAS, the Reviewing Entities have received and considered reports, comments and recommendations from interested citizens and local, regional, state and federal agencies and have concluded that the proposed New River Center development reflected exemplary planning and commitment on the part of the Developer to create a development uniquely suitable to the site, the urban environment and the City within which it is located, and the Development is worthy of designation as a Florida Quality Development.

NOW, THEREFORE, BE IT ORDERED BY THE SECRETARY OF THE DEPARTMENT OF COMMUNITY AFFAIRS:

I. FINDING OF FACT

A. The Applicant submitted to the Reviewing Entities an application for designation of the Development as a Florida Quality Development. Hereinafter, the word "Applicant" shall refer to the News/Sun-Sentinal Company and its successors in interest and assigns. Hereinafter, the word "Application" shall refer to the application for designation as a Florida Quality Development, the Appendices to that document, and all application completeness review information submitted by the Applicant to the Reviewing Entities: said Application being incorporated herein by reference and being on file and available for public inspection at the City of Ft. Lauderdale, Department of Planning and Community Development, 101 North Andrews Avenue, Ft. Lauderdale, Florida 33302; the South Florida Regional Planning

BK F 6496 P 0316

Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021; and the Florida Department of Community Affairs, Division of Resource Planning and Management, 2740 Centerview Drive, Tallahassee, Florida 32399.

B. The real property that is the subject of the Application is comprised of 6.4 acres and is located in the downtown area of the City of Fort Lauderdale and more specifically described in the legal description of the property in Exhibit A attached to this Development Order.

C. A comprehensive review of the impacts projected to be generated by the Development has been conducted by the Reviewing Entities. The Department has solicited comments on the Development and the Application from the South Florida Water Management District, the Florida Department of Environmental Regulation, the Florida Game and Fresh Water Fish Commission, the Florida Department of Natural Resources, the Division of Historical Resources of the Florida Department of State, the Florida Department of Transportation, and Broward County.

D. On April 17, 1989 the South Florida Regional Planning Council met and, based upon the Application, found that the proposed Development is consistent with the South Florida Regional Planning Council's adopted Comprehensive Regional Policy Plan for South Florida, and approved the designation of New River Center as a Florida Quality Development, subject to the terms, general provisions and conditions of this Development Order which incorporate the recommendations of the South Florida Regional Planning Council.

E. On April 18, 1989 the City of Fort Lauderdale met and found that the proposed Development is consistent with the City's Local Government Comprehensive Plan and approved the designation of New River Center as a Florida Quality Development, subject to the terms, general provisions, and conditions of this Development Order which incorporate the terms and conditions of the the City of Fort Lauderdale.

F. On March 13, 1989, the Department found that:

1. The Development is not in an area of critical state

concern;

2. The Development is above 145 percent of the multi-use threshold in Broward County for Developments of Regional Impact, pursuant to s.380.06, Florida Statutes, and is thereby a development of regional impact;

3. The Application meets the requirements of Section 380.061(3), Florida Statutes; and

4. The Application was determined to be complete.

G. Based upon the representations made in the Application and comments received from other agencies and the public, the Department specifically finds:

1. There are no waters of the state and wetlands within the jurisdiction of the Department of Environmental Regulation on the Development property.

2. There are no habitat areas on the Development property that are known to be significant to threatened or endangered species.

3. There are no beaches or primary and secondary dunes on the Development property.

4. There are no known significant archaeological or historical sites on the Development property as determined by the Division of Historical Resources of the Department of State.

5. The Development will not produce or dispose of any substances designated as hazardous or toxic by the U.S. Environmental Protection Agency, the Department of Environmental Regulation or the Department of Agriculture and Consumer Services.

6. The Development will incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Florida Class II waters, Florida Aquatic Preserves or Outstanding Florida Waters.

7. The Development will include open space, recreation areas, energy conservation features and will minimize impermeable surfaces.

8. The Applicant, through the Application and this Development Order, has entered into a binding commitment to

provide for the construction and maintenance of all onsite infrastructure necessary to support the project, and will phase development so that facilities will be operational when needed.

9. The Applicant has entered into a binding commitment with the City of Fort Lauderdale as committed to in the Application, to provide an appropriate fair-share contribution toward offsite impacts which the Development will impose on publicly funded infrastructure and will phase the Development to ensure that transportation facilities, potable water supply, sewage treatment facilities, solid waste disposal and other public facilities and infrastructure will be operational when needed for the project.

10. The Applicant, through the Application and this Development Order, has entered into a binding commitment with the Department to design and construct the Development in a manner which is consistent with the adopted State Comprehensive Plan, the State Land Development Plan, and the adopted City of Fort Lauderdale Local Government Comprehensive Plan. As proposed and as committed to in this Development Order, the Development will contribute to furthering the goals and objectives of the State Comprehensive Plan in the following areas: downtown revitalization, employment, the economy, transportation, land use, hazardous waste, public facilities, water resources, and housing; and will be constructed consistent with the State Land Development Plan.

II. CONCLUSIONS OF LAW

A. Based upon the compliance with the terms, general provisions and conditions of this Development Order, provisions, commitments, and representations of the Application, other information as set forth in Exhibits A, B, C, D, 1, 2, 2A, 2B, 3, 3B, 3C, 3D, 4, and Appendix 1, and as represented in the Findings of Fact, it is concluded that the Development complies with the provisions of Section 380.061, Florida Statutes.

B. Based upon the findings of fact that the Development, as

a development of regional impact and as a designated Florida Quality Development authorized by a Chapter 380, Florida Statutes, development order, it is concluded that the Development is exempt from development of regional impact review, pursuant to Section 380.06, Florida Statutes, subject to the terms, general provisions and conditions of this Development Order.

C. The designation of the Development as a Florida Quality Development under Section 380.061, Florida Statutes, and its authorization to commence development under a Chapter 380 development order does not entitle the Applicant to any other necessary approvals or permits from any other authority or in any other jurisdiction, except as noted in B, above.

III. GENERAL PROVISIONS

A. This Development Order constitutes the Development Order of the Florida Department of Community Affairs, as the state land planning agency, to designate the New River Center as a Florida Quality Development, Pursuant to Paragraph 380.061(5)(d), Florida Statutes, and to thereby authorize development for a development of regional impact through this Chapter 380 development order.

B. The legal description and conceptual master development plan of the Development set forth in Exhibits A and B are hereby incorporated into and by reference made part of this Development Order.

C. It is the intent of the Department, as the governmental agency responsible for issuing the Development Order, to preserve and protect the natural resources located within and around the boundaries of the Development and otherwise ensure that the goals and objectives of the Florida Quality Developments Program are met through the terms of this Development Order. Therefore, in the event any provisions of this Development Order and the Exhibits and Appendix attached hereto are ambiguous, any such provisions shall be construed in a manner consistent with the intent of the Department expressed herein.

D. The definitions contained in Chapter 380, Florida

Statutes, shall govern and apply to this Development Order.

E. This Development Order shall be binding upon the Applicant, its assigns, or successors in interest, including any entity that may assume any of the responsibilities imposed on the Applicant by this Development Order. Reference herein to any governmental agency shall be construed to mean any agency that may in the future be created or designated as a successor in interest to, or that otherwise will possess any of the powers and duties of, the Reviewing Entities with respect to the implementation and administration of the Florida Quality Developments Program and this Development Order shall be binding upon those successors in interest in the same manner as upon the entities approving the Development Order herein.

F. The development authorized by this Development Order has been initiated pursuant to the Development Agreement attached as Appendix 1 and may be further undertaken upon the execution of this Development Order subject to the terms and conditions herein. Physical development of the project shall be substantially commenced within one (1) year of the date of issuance of this FQD Development Order. For purposes of this FQD Development Order, vertical development of the subparcel covered in the Development Agreement between the News/Sun Sentinel and the Department as identified in Appendix 1 or any other vertical construction on site shall satisfy this condition. This date may be extended, with concurrence from the other Reviewing Entities, on the Department's finding of excusable delay, and no adverse impacts resulting from the delay, in any proposed development activity. The right to develop subject to the terms, general provisions and conditions of this Development Order shall terminate on December 31, 1993, unless otherwise extended in accordance with the provisions of Paragraph III.H.4., herein. The termination date of development rights granted by this Development Order shall not affect the continuing obligations of the Applicant hereunder, or the rights and obligations of the applicant pertinent to any development completed hereunder, nor the enforcement authority of the Department, and the Applicant

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shall continue to be bound by the terms, general provisions and conditions of this Development Order.

G. Whenever this Development Order provides for or otherwise necessitates reviews, approvals or determinations of any kind subsequent to its issuance, the right to review and approve or determine shall include the Reviewing Entities and all directly affected governmental agencies, and departments as are or may be designated by the Department, including all governmental agencies and departments set forth under applicable laws and rules. However, this language shall not be construed to apply to obtaining permits required from federal, state, regional or local agencies which would otherwise be required for the activities involved in the Development.

H. Changes to an approved Florida Quality Development.

1. Whenever the Applicant contemplates a change in its Plan of Development it will submit its proposed change to the Reviewing Entities. Within 30 days of receipt of the proposed change, the Reviewing Entities will notify the Applicant in writing whether or not the change is a substantial change and, if the change is determined to be nonsubstantial, whether a modification of the Development Order is needed.

a. If the Reviewing Entities determine that the proposed change is not a substantial change and does not require a modification of the Development Order, the Applicant may proceed with the change, subject to applicable regulatory requirements.

b. If the Reviewing Entities determine that the proposed change is not a substantial change, but requires a modification of the Development Order, the Department shall, subject to the approval of the other Reviewing Entities, modify the Development Order in the manner specified in Part V. of this Development Order within 60 days of the receipt of the proposed change to the Reviewing Entities or shall notify the Applicant in writing that it will not modify the Development Order.

c. If the Reviewing Entities determine that the proposed change is a substantial change, the change shall require

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the review and approval of the Reviewing Entities prior to commencing such development activity. This review and approval shall follow the procedures and timetables used for the designation of a development as a Florida Quality Development as set forth in Section 380.061, Florida Statutes. Following approval of a substantial change by the Reviewing Entities, the Department shall modify the Development Order in the manner specified in Part V. of this Development Order to incorporate that approved substantial change.

d. If any of the Reviewing Entities believe that the Applicant has made or is making an alteration to the Plan of Development which they believe may be a change, they may require the Applicant to submit information on that alteration for review and determination according to the procedures in this Paragraph

H.

2. For the purposes of this Development Order, "substantial change" shall mean either:

a. A proposed change that creates a reasonable likelihood of causing additional regional impacts not previously reviewed by the Reviewing Entities. A proposed change greater than the criteria specified in Paragraph 380.06(19)(b), Florida Statutes, for a substantial deviation shall be presumed to be a substantial change. However, based upon the determination by the Reviewing Entities, the developer may not be required to undergo further FQD review. These criteria shall be applied to proposed modifications to the Plan of Development such as the following: an increase in the square footage of office or retail space or an increase in hotel rooms as set forth in the Plan of Development in this Development Order; a change in timing, location, or type of facilities, services or the commitments or conditions described in Part IV. of this Development Order or committed to in the Application for Designation and completeness responses; or, an increase in the amount of acreage, square footage for office and retail uses, and an increase in hotel rooms provided, however, that such a proposed increase is consistent with the Rules of Flexibility of the Broward County Land Use Plan.

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b. A change involving any of the FQD designation criteria pursuant to the provisions of Subsection 380.061(3), Florida Statutes, as represented in the Application and recited in this Development Order;

c. Any deviation in the carrying out of a condition, commitment, or agreement set forth in the Application or recited in this Development Order which so alters the condition, commitment, or agreement that it can be fairly said to change the intent or result of the condition, commitment, or agreement; or, other similar deviations in the construction of the Development or the alignment of roads which alter significantly the commitments or agreements of the Developer or which represent a significant departure from the plan of development or the conditions of this Development Order.

3. "Substantial change" shall not include proposed alterations that do not affect the plan of development or the conditions or commitments expressed in this Development Order or in the Application. "Substantial change" shall not include such modifications as the following:

- a. Architectural or landscape architectural changes necessitated by the soil, topography, or other onsite conditions;
- b. Reduction in the square feet of approved office use;
- c. Reduction in the number of approved hotel rooms;
- b. Reduction of the total area devoted to commercial uses;
- c. Reduction of the amount of impervious surface area area; or
- d. Reduction in open space due to governmental requirements for transportation improvements.

4. Any proposed change in the date of buildout of the Development shall be evaluated by the Reviewing Entities according to the substantial deviation criteria identified in Paragraph 380.06(19)(c), Florida Statutes, for purposes of determining whether the proposed change constitutes a substantial change.

5. The Department may order the suspension of development activity only for that portion of the FQD project which is proposed for change pending the review of the Reviewing Entities. Development within the previously approved FQD project may continue

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as approved in those portions of the FQD project which are not affected by the proposed change. If the reviewing Entities determine that the proposed change, as it relates to the entire development should be approved, any new conditions in the amendment to the Development Order shall address only those issues raised by the proposed change.

I. The Reviewing Entities will monitor the development to ensure compliance with the terms, general provisions and conditions of this Development Order. The Director of Planning and Community Development of the City of Ft. Lauderdale will monitor the Development through the review of the annual report, building permits, certificates of occupancy, plats, if applicable, or any other relevant and factual information. The Department will monitor the Development through the annual reports, reports from other agencies, on-site inspections or any other relevant and factual information.

J. The Applicant shall file an annual report in accordance with Subsection 380.06(18), Florida Statutes and Rule 9J-2.025(6), Florida Administrative Code. The report shall be submitted on the official Department form for annual reports of developments of regional impact, (Bureau of State Planning Form BLWM-07-85). Annual reports shall be due on the anniversary of the effective date of this Development Order until termination of development activity. Annual reports shall be submitted to the Reviewing Entities. The Department shall review the report for compliance with the terms, general provisions and conditions of this Development Order. Based upon the review of the annual report by the Reviewing Entities, the Department may issue only those further orders and conditions to ensure compliance with the terms, general provisions and conditions of this Development Order. Based upon the review of the annual report by the Reviewing Entities, the Applicant shall be notified of any finding of noncompliance; provided, however, that the receipt and review of the monitoring report by the Department shall not be considered a substitute or a waiver of any terms, general provisions or conditions of the Development Order.

The annual report shall include a statement by the Applicant

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regarding the status of private and publicly funded infrastructure and facilities needed to meet the needs of proposed development for the upcoming year. This statement on infrastructure and facilities shall include, but not be limited to, transportation facilities, potable water supply, solid waste disposal, sewage and waste water treatment, and police and fire protection.

K. The terms, general provisions and conditions of this Development Order shall not be construed or interpreted as a waiver of or exception to a requirement to obtain any permit, approval or authorization from the City of Ft. Lauderdale, its agencies or commissions, or from any regional, state, or federal agency.

L. Upon execution of this Development Order it shall be transmitted within five (5) days by the Bureau of State Planning of the Department of Community Affairs to the City of Ft. Lauderdale, the South Florida Regional Planning Council and the Applicant.

M. Upon the effective date of this Development Order, the Developer shall have the right to use for the Development the certification mark registered with the Secretary of the Florida Department of State for developments designated as Florida Quality Developments under Section 380.061, Florida Statutes. The use of this certification mark shall extend solely to promotional, informational or advertising purposes in order to identify this Development as a development approved and designated under Section 380.061, Florida Statutes. Any future addition, change or extension to this Development shall not have the authorization to use the certification marks without the written consent of the Reviewing Entities.

N. Within thirty (30) days of the issuance of this Development Order, the Applicant shall cause the Development Order to be recorded among the Public Records of Broward County and the City of Ft. Lauderdale and shall not engage in any construction activities or convey any portion of the Development, other than those conveyances required herein, prior to recordation.

O. Through the representations in the Application, the terms and conditions of this Development Order the Applicant has agreed to contribute the Applicant's proportionate fair-share contribution

toward the offsite impacts which the Development will impose on all publicly funded infrastructure and has agreed to phase the Development to ensure that all publicly funded infrastructure, including transportation, potable water supply, solid waste disposal, sewage treatment and other facilities and services will be operational when needed. For the purposes of this Development Order, the term "operational when needed" shall mean the availability of public facilities and services needed to support the development concurrent with the impacts of the development.

Development authorization is conditioned upon the availability of these facilities and services in a manner consistent with Part IV of this Development Order.

P. In the event the Applicant, its successors, grantees, or assigns violates (hereinafter referred to as "Violator") any of the conditions of this Development Order, or otherwise fails to act in substantial compliance with this Development Order, the Department shall stay the effectiveness of this Development Order as to the tract or parcel, or portion of tract or parcel, in which the violative activity or conduct has occurred and shall instruct the City to withhold further permits, approvals and services for development of said tract or parcel, or portion of tract or parcel, upon the filing of a Notice of Violation pursuant to Section 380.11, Florida Statutes, finding that such violative activity has occurred. The Notice of Violation shall be served on the Violator and shall state: 1) the nature of the alleged violative activity, and 2) that unless the violative activity is cured within 15 days of such notice, the Notice will be referred to the Division of Administrative Hearings within 30 days of the date of said notice. The Department, at the Department's sole discretion, may revoke the designation of the parcel in violation as a Florida Quality Development. In the event the designation of a parcel is revoked, the parcel may be required to undergo development-of-regional-impact review pursuant to Section 380.06, Florida Statutes. In the event that the violative activity is not curable within 15 days, the Violator's diligent good faith efforts to cure the violative activity within that period will obviate the need to hold a hearing

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if so found by the Department in its sole discretion and the Development Order shall remain in full force and effect unless the Violator fails to diligently pursue the curative action to completion within a reasonable period of time. For purposes of this section, the words "tract" or "parcel" shall be defined as any area of the New River Center Florida Quality Development, created by deed, plat, or other conveyance.

Q. The Development is subject to the conditions of this Development Order and all other applicable laws, ordinances, or regulations of those governmental entities which have jurisdiction over the Development.

IV. DEVELOPMENT ORDER CONDITIONS

A. APPLICATION

The statements and representations contained in the Application and all completeness responses are hereby incorporated by reference as conditions to this Development Order.

B. DESCRIPTION OF DEVELOPMENT

The Development is hereby authorized to contain and the Applicant is authorized to develop the property located in the City of Ft. Lauderdale (Exhibits A and B) as follows:

Phase I

Office	295,000	square feet
Retail	13,000	square feet

Phase I is generally defined as the land area located in the northeast quadrant of the site that is bounded by East Las Olas Boulevard to the north and S.E. 3rd Avenue to the east. This phase is currently under construction based upon a development agreement issued by the Department on September 1, 1988.

Phase IIA

Retail	5,000	square feet
Hotel	400	rooms

Phase IIA is generally defined as the land located in the

southwest quadrant of the site that is bounded by the New River to the south.

Phase IIB

Office	250,000	square feet
Retail	5,000	square feet

Phase IIB is generally defined as the land located in the southeast quadrant of the site that is bounded by the New River to the south and S.E. 3rd Avenue to the east.

Phase III

Office	500,000	square feet
Retail	12,000	square feet

Phase III is generally defined as the land located in the northwest quadrant of the site that is bounded by East Las Olas Boulevard to the north and S.E. 1st Avenue to the west.

Phasing of the Development is contingent upon the fulfillment of the conditions identified in Part IV of this Development Order and not the specific locational phasing identified above.

C. AFFORDABLE HOUSING

In order to analyze and address the linkage between non-residential land use decisions, the creation of new employment opportunities, the generation of housing needs for new employees, and housing opportunities for employees reasonably accessible to places of employment, the Applicant has committed to contribute towards the funding of a housing linkage study to be conducted by the Florida Atlantic University/Florida International University Joint Center for Environmental and Urban Problems. This study shall examine affordable housing, the appropriateness of linking employment opportunities with the need for affordable housing for very low, low and moderate income households, and the appropriateness of such linkages depending on local and regional demographic conditions and other local and regional factors. The study shall be conducted in the South Florida Regional Planning District, the Northeast Florida Regional Planning District, and the Apalachee Regional Planning District. The Developer has committed to be responsible for funding the general part of the study and the

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particular part of the study taking place in the South Florida Regional Planning District. This funding commitment shall be calculated at seventy-five percent (75%) of the sum of \$55,000, and the Applicant shall enter into a contract to provide such funding within 30 days after the effective date of this development order.

D. HISTORIC PRESERVATION

The Applicant shall notify state archaeological officials at the Division of Historical Resources of the Florida Department of State of construction schedules, and delay construction up to three months in any area where potentially significant historical or archaeological artifacts are uncovered, and permit state and local historical preservation officials to survey and excavate the site.

E. ENERGY CONSERVATION

The Applicant shall incorporate energy conservation measures into the design and operation of the development. At a minimum, the developer shall construct all development so that it is in conformance with the specifications of the State of Florida Energy Efficiency Code for Building Construction (State Energy Code). Within six months of the effective date of the development order, the Applicant shall submit an energy conservation plan. The plan shall consider, where appropriate, but not be limited to:

- a. The use of solar water heaters or waste heat recovery units to preheat water for cooking, drinking, and washing;
- b. Maximum water temperature settings for hot water heaters of 110 degrees Fahrenheit unless otherwise required by health codes;
- c. High efficiency air conditioning systems with a seasonal energy efficiency ratio of greater than or equal to 12.0;
- d. Use of non-electric energy sources for cooking, water heating and space heating, where feasible;
- e. Minimum use of incandescent lighting;
- f. Maximum flexibility of air conditioning systems to cool only occupied areas and the precooling of outside air and heat recovery wheels; and
- g. Design and installation of computerized energy management

systems, suitable for the scale and character of the buildings within the development.

F. TRANSPORTATION CONDITIONS

The Applicant shall:

1. Limit project vehicle access points to the off-site network to the location shown in Exhibit 1 herein.
2. Prior to the issuance of any certificates of occupancy, complete the construction of project access improvements A and B identified in Exhibit 2 herein.
3. Conform to either a. or b. below:
 - a. Prior to the issuance of any certificates of occupancy, enter into a contract with Broward County for providing any combinations of subsidized additional transit services, or additional capital improvements to the transit system that serves the Ft. Lauderdale downtown area. The contract period shall be for five (5) years beginning from the issuance of the first certificate of occupancy. The Applicant's total contribution shall be \$266,189 (1989 dollars). The minimum contribution shall be \$20,000 each year during the five-year period.
 - b. Prior to the issuance of certificates of occupancy for more than 308,000 square feet of office/retail use, contribute \$266,189 (1989 dollars) to Broward County to be used for improvements to the transit system serving the Ft. Lauderdale downtown area.
4. Prior to the issuance of any certificates of occupancy for hotel use, complete 50% of improvement A in the amount of \$313,857 (1989 dollars) identified in Exhibit 3 herein.
5. Prior to the issuance of any certificates of occupancy for office/retail use, complete the construction of improvement B identified in Exhibit 3 herein.
6. Prior to the issuance of certificates of occupancy for more than 308,000 square feet of office/retail use, complete the construction of 50% of improvement A in the amount of \$313,857 (1989 dollars) identified in Exhibit 3 herein.
7. Conform to either a. or b. below as applicable:

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a. At the request of the City, the Applicant shall bond improvement C identified in Exhibit 3 herein prior to the issuance of building permits for more than 308,000 square feet of office/retail use.

b. Prior to the issuance of certificates of occupancy for more than 308,000 square feet of office/retail use, complete the construction of improvement C identified in Exhibit 3 herein.

8. Prior to the issuance of certificates of occupancy for more than 563,000 square feet of office/retail use, complete the construction of improvement D identified in Exhibit 3 herein, and conform to either a. or b. below as applicable:

a. If at the request of the City prior to the issuance of building permits for more than 563,000 square feet of office/retail use, the applicant shall complete the construction of improvement E identified in Exhibit 3 herein prior to the issuance of certificates of occupancy for 563,000 square feet of office/retail use.

b. Contribute \$400,000 (1989 dollars) to Broward County to be used for any improvement(s) identified in Exhibit 4 herein.

9. Within ninety days of a. or b. below as applicable:

a. the day of receiving notice from Broward County that the right-of-way needed for improvement D identified in Exhibit 3 can not be acquired before January 1, 1992

b. January 1, 1992, in the event that the right-of-way needed for improvement D identified in Exhibit 3 has not been acquired by this date the Applicant shall request the Council, Broward County, the City of Ft. Lauderdale, the Florida Department of Transportation, and the Florida Department of Community Affairs to reach a new agreement for the allocation of the Developer's \$300,000 responsibility for improvement D identified in Exhibit 3. Any agreement made must meet the criteria of Section 380.06(15)(d), Florida Statutes (1987).

The City of Ft. Lauderdale shall:

10. Limit project vehicle access points to the off-site roadway network to the locations shown in Exhibit 1 herein.

11. Withhold the issuance of any certificates of occupancy until the Applicant is in compliance with Condition F.2. herein.

12. Withhold the issuance of any certificates of occupancy for more than 308,000 square feet of office/retail use until the Applicant is in compliance with Condition F.3. herein.

13. Withhold the issuance of certificates of occupancy for hotel use until the Applicant is in compliance with Condition F.4. herein.

14. Withhold the issuance of any certificates of occupancy for office/retail use until the Applicant is in compliance with Condition F.5. herein.

15. Withhold the issuance of any certificates of occupancy for more than 308,000 square feet of office/retail use, until the Applicant is in compliance with Condition F.6. herein.

16. Conform to either a. or b. below as applicable:

a. In the event that the City requests the Applicant to bond the improvement C identified in Exhibit 3 herein, withhold the issuance of building permits for more than 308,000 square feet of office/retail use, until the Applicant is in compliance with Condition F.7.a. herein.

b. Withhold the issuance of any certificates of occupancy for more than 308,000 square feet of office/retail use, until the Applicant is in compliance with Condition F.7.b. herein.

17. Withhold the issuance of any certificates of occupancy for more than 563,000 square feet of office/retail use, until the Applicant is in compliance with Condition F.8. herein.

18. Beginning from the ninetieth day after a. or b. below as applicable:

a. the date of receiving notice from Broward County that the right-of-way for improvement D identified in Exhibit 3 cannot be acquired before January 1, 1992.

b. January 1, 1992, in the event that the right-of-way needed for improvement D identified in Exhibit 3 has not been acquired by this date withhold the issuance of any further certificates of occupancy until the Applicant is in compliance with Condition F.9. herein.

G. AIR QUALITY

The Developer shall:

1. Incorporate the following into the project design and operation to minimize the cumulative adverse regional impact of the New River Center Development, its traffic, and associated pollutant emissions, on air quality:

a. Provide Broward County Division of Mass Transit route and schedule information in convenient locations throughout the project.

b. Mulch, spray, or grass exposed areas during construction to prevent soil erosion and minimize air pollution.

c. Actively encourage and promote car and van pooling by establishing a car and van pool information program.

d. Designate three percent of employee parking spaces, located as close as possible to building entrances, for exclusive car and van pool use.

e. Encourage transit use by provision of bus shelters, development of turnout lanes, or provision of other amenities to increase ridership.

H. WATER QUALITY/STORMWATER

The Developer shall design, construct and maintain the stormwater management system to meet the following standards:

1. Retain the first flush (at least the first one inch) of runoff from project roadways and parking lots in exfiltration and retention areas. The exfiltration and retention areas will allow the stormwater to infiltrate in less than 24 hours, to the extent consistent with South Florida Water Management District permits.

2. Install pollutant retardant structures to treat all stormwater runoff at each of the project outfall structures (down-turned pipe or other Broward County Water Resources Management Division approved device) and at the drainage structures which contribute runoff from impervious areas to surface waters, in accordance with the master drainage plan, and periodically remove pollutant accumulations.

3. Vacuum sweep all parking lots and private roadways serving the parking lots at least once per week.

I. HAZARDOUS SUBSTANCES

The Developer shall incorporate into the development, by restrictive covenants or lease or sales agreements, as applicable, the prohibition of onsite storage or production of hazardous substances as identified in Exhibit C, and allow reasonable access to the site pursuant to applicable regulation for monitoring by Broward County Environmental Quality Control Board, Broward Water Resources Management Division, and the Florida Department of Environmental Regulation to assure compliance with the development order and all applicable laws and regulations.

J. WATER QUANTITY/WATER CONSERVATION

The Developer shall:

1. Use only those plant species listed in Exhibit D, for project landscaping. Additional species may be used only if written approval is provided by Council staff, the City, and the Department of Community Affairs. Approval will be granted if the species:
 - a. does not require excessive irrigation,
 - b. does not require excessive fertilization,
 - c. is not prone to insect infestations,
 - d. is not prone to disease,
 - e. does not have invasive root systems, and
 - f. meets other criteria as may be appropriate.
2. As feasible, use xeriscape and similar techniques in project landscaping.
3. Incorporate the use of water sensors and other low water volumes landscape irrigation techniques to reduce the demand on the region's potable water supply.

K. PUBLIC SAFETY

The Developer shall coordinate with the Ft. Lauderdale Police and Fire departments to incorporate security measures into the design and operation of the project.

L. CONSOLIDATED APPLICATION FOR DEVELOPMENT DESIGNATION

The Developer shall integrate all original and supplemental application for development designation information into a Consolidated Application for Development Designation (CADD) and submit two copies of the CADD to the Council, one copy to the City of Ft. Lauderdale, and one copy to the Florida Department of Community Affairs within thirty (30) days of the effective date of this Development Order. The CADD shall be prepared as follows:

1. Where new, clarified, or revised information was prepared subsequent to submittal of the ADD but prior to issuance of the Development Order, whether in response to a formal statement of information needed or otherwise, the original pages of the ADD will be replaced with revised pages.
2. Revised pages will have a "Page Number (R) - Date" notation, with "Page Number" being the number of the original page, "(R)" indicating that the page was revised, and "Date" stating the date of the revision.

NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING, THE DEVELOPMENT WITHIN THE CITY OF FT. LAUDERDALE BY THE NEWS/SUN SENTINEL COMPANY KNOWN AS THE NEW RIVER CENTER IS HEREBY DESIGNATED AS A FLORIDA QUALITY DEVELOPMENT, SUBJECT TO THE TERMS, GENERAL PROVISIONS AND CONDITIONS IN THIS DEVELOPMENT ORDER.

SIGNED

Thomas G. Pelham

THOMAS G. PELHAM
SECRETARY, DEPARTMENT OF COMMUNITY AFFAIRS

FILED AND ACKNOWLEDGMENT
FILED
" Jane R. Burd 2/5/59
Equipment Clerk

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PART V. DEVELOPMENT ORDER AMENDMENTS

This Part V. shall specify and contain any and all approved changes or amendments in this Development Order from the original Application and Development Order issued by the Department on _____, 1989, and recorded within the Broward County Official Records Book _____, Page _____. It is the purpose and intent of the Reviewing Entities that this Development Order shall continue in full force and effect all terms, general provisions and conditions of the Development Order except as that Development Order has been specifically altered by the changes and amendments identified in this Part V. Any future changes or amendments to the original Development Order as approved and incorporated in this Development Order shall be specified below sequentially and identified in this Part V. by the dates of their approval and incorporation in new Development Orders issued by the Department.

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BK# 6486P0337

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EXHIBIT A
LEGAL DESCRIPTION

BLOCK 30, "TOWN OF FORT LAUDERDALE" ACCORDING TO THE PLAT THEREOF
RECORDED IN PLAT BOOK "B", PAGE 40, OF THE PUBLIC RECORDS OF DALLAS
COUNTY, FLORIDA.

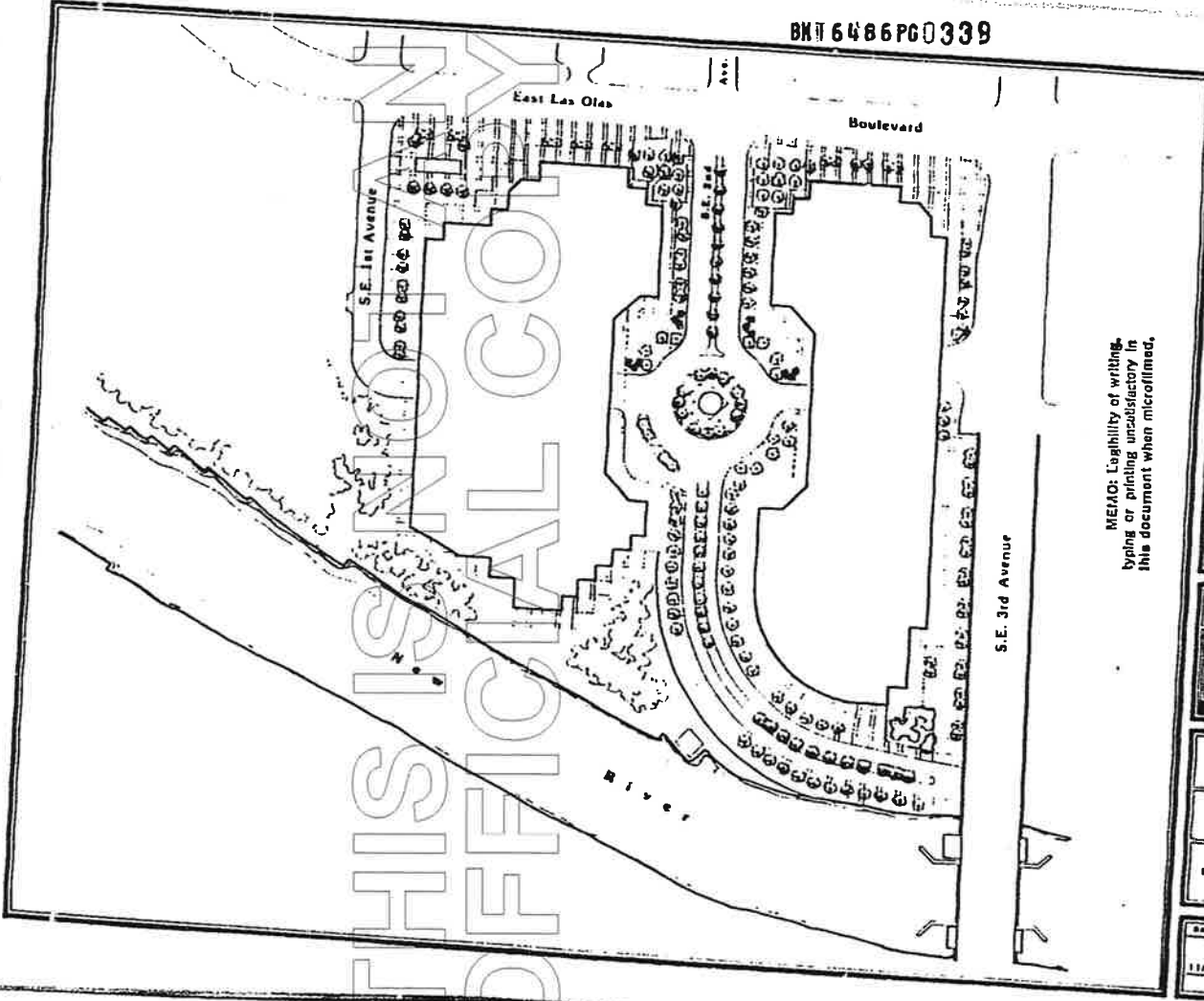
Section 10, Township 50, Range 42 East

BK# 6486Pg0338

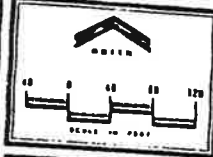
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BNT 6486PG0339

EXHIBIT B



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MASTER DEVELOPMENT PLAN
 FLORIDA QUALITY DEVELOPMENT APPLICATION FOR DEVELOPMENT REGULATION



Keith and Schaefer, P.A.
 LANDSCAPE ARCHITECTS

McMahon Associates, Inc.
 TRANSPORTATION ENGINEERS

Greenberg, Young, Hoffman, Lepoff, Rosen and Quastel, P.A.
 ATTORNEYS

DATE	REVISED	REVISIONS	MAP
11/88			H

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EXHIBIT C

CODE FOR WASTE TYPES COMMONLY ASSOCIATED WITH EACH SIC INDUSTRY

- A Waste pesticides
- B Washing and rinsing solutions containing pesticides
- C Empty pesticide containers
- D Spent toxaphene solutions or sludges from dipping
- E Spent pesticide solutions or sludges other than toxaphene from dipping
- F Dust containing heavy metals
- G Washings and rinsing solutions containing heavy metals
- H Wastewater treatment sludges containing heavy metals
- I Waste ink
- J Ignitable paint wastes containing flammable solvents (flash point less than 140°F)
- K Liquid paint wastes containing heavy metals (cadmium, chromium, mercury or lead)
- L Spent solvents
- M Still bottoms from the distillation of solvents
- N Filtration residues from dry cleaning operations
- O Cyanide wastes
- P Strongly acidic or alkaline wastes
- Q Spent plating wastes
- R Waste ammonia
- S Photographic wastes
- T Ignitable wastes (flash point less than 140°F)
- U Wastewater sludges containing pentachlorophenol, creosote, or arsenic
- V Waste formaldehyde
- W Lead-acid batteries
- X Waste explosives
- Y Waste oil
- Z Other ignitable, corrosive, reactive and EP toxic, as these waste types are defined in 40 CFR 261.21, 261.22, 261.23 and 261.24.

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List of Trees Recommended for South Florida
(May, 1985)

BN# 6486P00341

- Asacia cyanophylla** (Beach-acacia)
Asacia farnesiana (Sweet acacia)
Achras zapota (Sapodilla)
Acroelorrhane wrightii (Paurotte palm, Cape sabel palm)
*Areacatrus romanoffianus** (Queen palm)
Avidennia serotina (Black mangrove)
Brassala actinophylla (Schefflera)
*Bucida buceras** (Black olive)
Busera ximara Cuzco limbo)
Bulia capitata (Pindo palm)
Calliandra hamatocantha (Powderpuff)
*Callistemon rigidus** (Erect bottlebrush)
*Callistemon citrinus** (Bottlebrush)
Cannella winterana (Wild-cinnamon)
*Cassia fistula** (Golden shower)
Ceiba pentandra (Ceiba)
Chamaedorea spp. (Household palms)
*Chamaerops humilis** (European fan palm)
Chorisia zeaclosa (Ploss silk tree)
*Chrysallidocarpus juvarensi** (Arenia palm, Madagascar palm)
Chrysophyllum oliviforme (Satinleaf)
*Citrus aurantiifolia** (Key lime)
*Citrus paradisi** (Minneola Tangelo)
*Citrus reticulata** (Minneola Tangelo)
Clusia rosea (Pitch apple)
Coccoloba diversifolia (Pigeon plum)
Coccoloba grandiflora (Big leaf sea grape)
Coccoloba uvifera (Sea grape)
Coccothrinax argentata (Florida silver palm)
Cochlospermum vitifolium (Buttercup tree)
Cocos nucifera "may pan" (May pan coconut palm)
Conocarpus erectus (Buttonwood)
Conocarpus erectus "sericea" (Silver buttonwood)
Cordia sebestena (Geiger tree)
*Delonix regia** (Royal poinciana)
Drypetes lateriflora (Guiana plum)
*Eriobotrya japonica** (Loquat)
Erythina spp. (Coral tree)
Eugenia axillaris (White stoppers)
Eugenia confusa (Red berry)
Eugenia foetida (Spanish stoppers)
Ficus citrifolia (Short leaf fig)
Grevillea banksii (Banks grevillea)
Grevillea robusta (Silk oak)
 Very large tree, not for residential use
Gualacum sanctum (Lignum-vitae)
Ilex cassine (Dahoon holly)
*Jacaranda acutifolia** (Jacaranda)
Juniperus sillicicola (Southern red cedar)

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EXHIBIT D

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Jacquinia texensis (Joewood)
*Jatropha multifida** (Peregrina)
*Juniperus chinensis columnaris** (Junipers)
*Juniperus congesta** (Shore Juniper)
*Laurastroemia Indica** (Crape-Myrtle)
Lantana decurrens (Dwarf lantana)
Lantana montevidensis (Dwarf lantana)
Ligustrum spp.* (Privet)
Pests
*Lilione muscari** (Lilly turf)
Myrsine fraxinea (Simpson stopper)
*Myrsine cavilliflora** (Jaboticaba)
Myrica cerifera (Southern wax myrtle, Bayberry)
Nephrolepis bostonensis (Boston fern)
*Ophlophorum japonicum** (Mondo grass)
Peperomia obtusifolia (Peperomia)
*Pilea volubilis** (Queen's wreath)
*Phacelia speciosa** (Torch ginger)
Philodendron spp.* (Cello, philodendron)
Pinus elliotii variety *densa* (Dade County pine)
*Pithecellobium guadalupense** (Blackbead)
Plumbago spp. (Fraquilanti)
Podocarpus spp.* (Podocarpus)

*Polystichum ballouianum** (Ballou aralia)
Poncicaria (Pickersweed)
Psychotria nervosa (Wild coffee)
Randia aculeata (Randia, White Indian berry)
Ravensia septentrionalis (Darling plum)
Sagittaria (Arrowhead)
Scarola plumeri (Jabber)
Scirpus (Bulrush)
Sesbania tomentosa (Necklace pod)
*Stenobolus atana** (Yellow elder)
Suriana maritima (Bay cedar)
Tecomaria capensis (Cape honeysuckle)
Taxodium (Cypress)
Tecomaria speciosa (Cape honeysuckle)
Tetragia bicolor (Tetragia, West Indian lily)
*Thunbergia erecta** (Kings - Mantle)
Thunbergia spp.* (Clock vine)
Thyralia glauca (Thyralia)
*Trachelospermum jasminoides** (Confederate jasmine)
Uniola paniculata (Sea oats)
*Viburnum suspensum** (Sandankva viburnum)
Yucca elephantipes (Spineless yucca)
Zamia floridana (Coontie)
Zanthoxylum lanata (Wild lime)

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List of Shrubs, Vines, and Ground Covers
Recommended for South Florida

(May, 1985)

BK 6486P0348

- Acalypha hispida** (Chenille plant)
*Acalypha wilkesiana** (Copperleaf)
Alocasia spp. (Elephant ear)
Alpinia spp. (Shell flower)
*Anonium** (Torch ginger)
Ardisia crenata (Christmas berry)
 Peats
Asparagus spp. (Asparagus fern)
Begonia spp.* (Mex begonia)
Braucarnea recurvata (Fony-tail)
Bougainvillea spp. (Bougainvillea)
 Thorns
Brassia actinophylla (Schefflera)
Brysonia lucida (Locustberry)
Calliandra haematocephala (Powderpuff)
Calliandra americana (American beautybush)
*Campsis radicans** (Trumpet vine)
Cassia spp.* (Cassia)
*Cassia bahamensis** (Cassia)
Chrysobalanus icaco (Cocoplum)
Cladium (Savgrass)
*Codiaeum variegatum** (Croton)
Conocarpus erectus (Green buttonwood)
Conocarpus erectus variegatus (Silver buttonwood)
Costus spp. (Spiral flag)
- Dircaea hercynica* (False aralia)
Dodonaea viscosa (Vernish leaf)
Dombeya pallidifolia (Pink ball)
*Eranthemum nervosum** (Blue sage)
Eugenia axillaris (White stopper)
Eugenia confusa (Red berry)
Eugenia foetida (Spanish stopper)
Eugenia myrsinoides (Spanish stopper)
Forsteria segregata (Florida privet)
*Gardenia jasminoides** (Gardenia)
Guapira discolor (Blolly)
Hamelia patens (Scarletbush, firebush)
Hedychium coronarium (Butterfly lilly)
Hedychium flavum (Yellow lilly)
Hedychium garoerianum (Kahili lilly)
Hedychium spp. (Ginger lilly)
Heliopsis scabra (Beach sunflower)
*Hibiscus rosa-sinensis** (Hibiscus)
*Hymenocallis latifolia** (Spider lilly)
*Ilex glabra** (Callberry)
*Ilex vomitoria nana** (Dwarf yaupon holly)
Ipomoea spp. (Morning glories, railroad vine)
Iva frutescens (Marsh elder)
Iva imbricata (Seacoast marsh elder)

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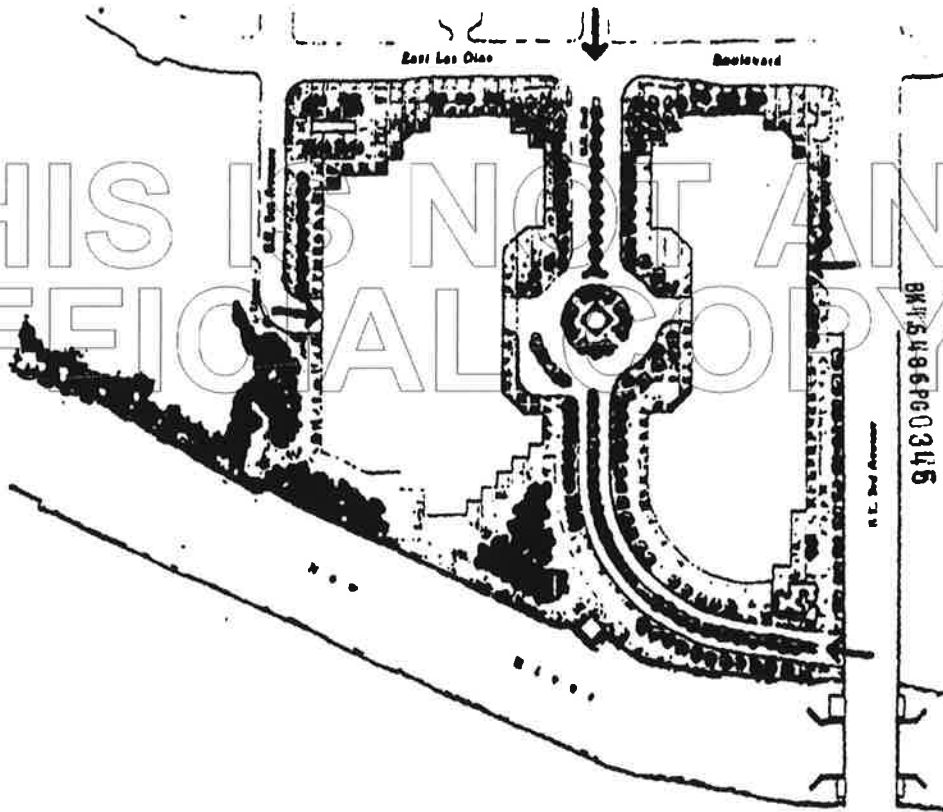
Kwilodendron laetevum (Black Ironwood)
 Laccosiphia Indica* (Crape-Myrtle)
 Laruncularia latifolia (White mangrove)
 Licaria trilobata (Coat lichen)
 Licuala kerandji* (Licuala palm)
 Licuala spp.* (Licuala palm)
 Loxiloba bahiensis (Wild tamarind)
 Loxiloba latifolia (Wild tamarind)
 Malherba bahiensis (Wild dilly)
 Mastichodendron foetidissimum (Nastic)
 Musa hybrida* (Banana)
 Myrica setifera (Southern wax myrtle)
 Parkinsonia aculeata* (Jamaican thorn)
 Thorn
 Zelkovera laetevum (Tallow poinciana)
 Elms slava* (Sind pine)
 Pinus alliodora (Slash pine)
 Pinus alliodora var. caribaea (Keys slash pine)
 Placida elaeagnifolia* (Jamaican dogwood)
 Platanus lenticularis (Bolly)
 Plumelia spp.* (Fragrant palm)
 Polochina malabarica (Dwarf poinciana)
 Pseudobornia stuebelii (Florida cherry palm)

BM# 6486PC0344

Pycnanthemum sistrum (Seafoam palm)
 Pycnanthemum swartzii (Macarthur palm)
 Quercus virginiana (Live oak)
 Rhizophora mangle (Red mangrove)
 Roystonea elata (Royal palm)
 Roystonea teria (Cuban royal palm)
 Sabal palmetto (Cabbage palm)
 Scaevola taccu* (Saw palmetto)
 Scaevola elata (Paradise tree)
 Salicornia subterminalis (Sea purslane)
 Tabebuia aurea* (Tree of gold)
 Tabebuia pallida* (Pink trumpet tree)
 Tamaraudus Indica* (India Tamarind)
 Terminalia catappa (Tropical almond)
 Taxodium (Cypress)
 Thecoccia populnea* (Portia tree, seaside mahoe)
 Thrinax parviflora (Keys thatch palm)
 Thrinax parviflora (Thatch palm)
 Thrinax radiata (Florida thatch palm)
 Thrinax spp. (Thatch palm)
 Washingtonia robusta (Washington palm)

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PROJECT ACCESS

→ Project Access

Source: ADA

EXHIBIT

1

Scale
in Feet

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EXHIBIT 2

IMPROVEMENTS NEEDED FOR PROJECT ACCESS*

Recommended Improvement:

Exhibit

- A. Las Olas Boulevard/S.E. 2nd Avenue
o Add a northbound through lane
o Add a northbound left-turn lane
- B. Project Access/S.E. 3rd Avenue
o Add a southbound right-turn lane

2A

2B

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* Applicant is required to construct all project access improvements, paying 100 percent of the associated costs.

SOURCE: ADA

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South Florida Regional Planning Council

RECOMMENDED IMPROVEMENTS

Las Olas Boulevard / S.E. 2nd Avenue

← EXISTING
= RECOMMENDED

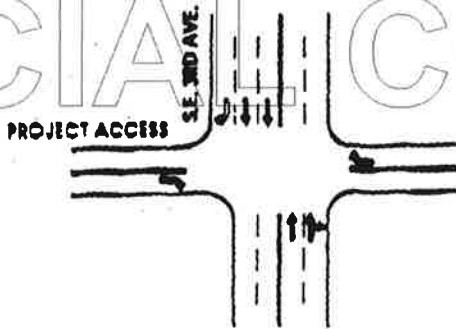
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EXHIBIT 2A

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RECOMMENDED IMPROVEMENTS

Project Access / S.E. 3rd Avenue

Source: ADA

— EXISTING
- - - RECOMMENDED

EXHIBIT 2B

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EXHIBIT 3

OFF-SITE IMPROVEMENTS NEEDED FOR ACCOMMODATE
PROJECT AND OTHER TRAFFIC IMPACTS

<u>Recommended Improvement:</u>	<u>Improvement Cost*</u>	<u>Exhibit</u>
A. Construction of the infrastructure elements of the Riverwalk pedestrian corridor from S.E. 3rd Avenue to Andreve Avenue, including two pedestrian ramps for the S.E. 3rd Avenue bridge	\$627,714	
B. Las Olas Boulevard/S.E. 3rd Avenue • Add an eastbound right-turn lane	\$171,880	3B
C. S.V. 2nd Street • Five-lane widening from S.V. 4th Avenue to S.V. 7th Avenue	\$530,800	3C
D. S.E. 3rd Avenue/S.E. 2nd Street • Add an eastbound left-turn lane • Add a westbound left-turn lane	\$300,000**	3C
E. S.V. 5th Avenue • Four-lane widening from Broward Boulevard to S.V. 2nd Street	\$400,000	

- * 1989 dollars.
- ** Design and construction costs only.

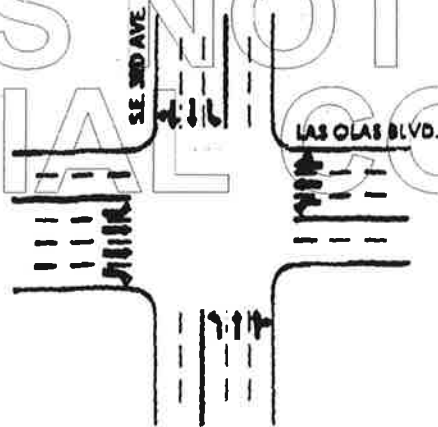
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South Florida Regional Planning Council

RECOMMENDED IMPROVEMENTS

Las Olas Boulevard / S.E. 3rd Avenue

— EXISTING
- - - RECOMMENDED

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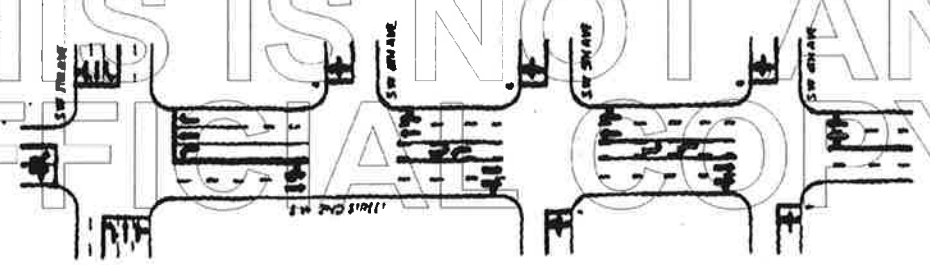
EXHIBIT 3B



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South Florida Regional Planning Council

RECOMMENDED IMPROVEMENTS

S.W. 2nd Street
From S.W. 7th Ave. to S.W. 4th Ave.

← EXISTING
← RECOMMENDED

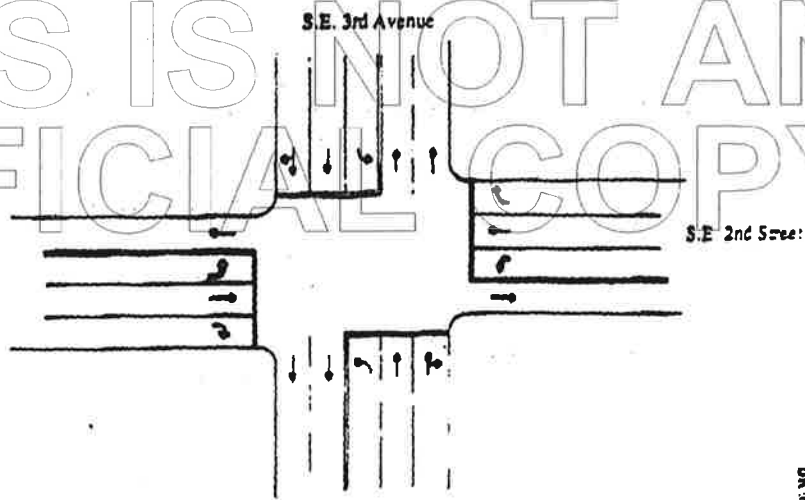
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EXHIBIT 3C

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SKIT 4106P00352



RECOMMENDED IMPROVEMENTS

S.E. 3rd Avenue / S. E. 2nd Street

— EXISTING
- - - - - RECOMMENDED

Source: ADA

EXHIBIT 3D

No. To Scale

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EXHIBIT 4

ADDITIONAL OFF-SITE IMPROVEMENTS

Recommended Improvements

- A. Sunrise Boulevard/N.V. 9th Avenue
 - a Modify timing and phasing of existing traffic signal
 - a Add turn lanes, modify geometry of northbound approach, modify north-south signal phasing
- B. Sunrise Boulevard/N.V. 7th Avenue
 - a Add turn lanes, modify existing geometry and signal phasing
- C. Eistrunk Boulevard/N.V. 7th Avenue
 - a Modify timing and signal phasing
- D. Brovard Boulevard/N.V. 7th Avenue
 - a Add through lane for both northbound and southbound lanes
- E. S.V. 2nd Street/S.V. 7th Avenue
 - a Modify existing timing and signal phasing

SOURCE: "Northwest 7th/9th Avenue Connector Study - Executive Summary" (Table 1, page 17), Prepared for Broward County Public Works Department, Engineering Division, by Keith and Schnars, P.A., February, 1989.

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APPENDIX 1

AGREEMENT BETWEEN NEWS & SUN SENTINEL COMPANY
AND THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
IN THE CITY OF LAUDERDALE, FLORIDA

THIS AGREEMENT is entered into between NEWS & SUN SENTINEL COMPANY, a Delaware corporation ("Sun Sentinel"), Riverwalk Center I, Joint Venture ("Joint Venture") and the State of Florida Department of Community Affairs ("Department"), subject to all other applicable governmental approvals.

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, which includes provisions relating to

Developments of Regional Impact (DRI); and

WHEREAS, the Department is authorized pursuant to Subsection 38C.03(1), Florida Statutes, to enter into agreements with developers and property owners to implement and effectuate the intent of Chapter 38C, Florida Statutes; and

WHEREAS, the Sun Sentinel and the Joint Venture wish to enter into this Agreement with the Department in order to clearly set forth the requirements of Section 38C.06, Florida Statutes, with respect to property owned by the Sun Sentinel in Fort Lauderdale, Florida; and

WHEREAS, Sun Sentinel and the Joint Venture state and represent as follows:

a. Sun Sentinel is a Delaware corporation which owns in fee simple absolute 6.4177 acres located in Broward County, Florida, more particularly described as follows ("Property"):

Block 3C, TOWN OF FORT LAUDERDALE according to the plat thereof recorded in Plat Book "B", Page 4C, of the Public Records of said County, and as depicted on EXHIBIT A attached hereto.

At the present time no other person or legal entity has any interest in said land; and

b. The Joint Venture has been formed for the development of a portion of the Property with the News & Sun Sentinel Company and States Riverwalk Ltd. as joint venture partners. The project will be called "Riverwalk Center"; and

c. Sun Sentinel plans to convey fee simple title in a portion of the Property, approximately 3.5 acres in size, to the Joint Venture, which property is particularly described in Exhibit B attached hereto ("Sub-Parcel"); and

d. The Sub-Parcel is planned to be developed in 297,000 square feet of area.

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building floor area of office uses and 15,000 square feet of gross building floor area of retail uses. The Joint Venture proposes to develop the Sub-Parcel prior to undergoing DRI review; and,

e. The Sun Sentinel does not have plans for the development of the remainder of the Property, but is currently in the process of formulating plans and expects that when plans are formulated that the result will be that the remainder of the Property will be planned in conjunction with the development of the Sub-Parcel resulting in an integrated single development under common control which is subject to DRI review pursuant to Chapter 380, Florida Statutes; and

f. The Sun Sentinel is a newspaper publishing business with its principal facility located on the Property but not on the Sub Parcel. The existing facility consists of 265,000 square feet of building area with approximately 70,000 square feet utilized as administrative offices and the remainder utilized for the purpose of printing and distributing newspapers and related office functions. The Sun Sentinel will begin the phased relocation of its printing and distribution functions to a site in northern Broward County such that these functions will be relocated prior to the occupancy of the Riverwalk Center. Upon the completion of the Riverwalk Center the administrative office user will be transferred to the Riverwalk Center leaving the existing facility vacant; and

g. The development authorized by this Agreement is limited to lands which are suitable for development; and

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

i. The development authorized by this Agreement will not result in material adverse impacts to the existing or planned infrastructure; and

j. A traffic analysis was performed which indicated the regional road system will not be significantly impacted by the proposed development traffic.

WHEREAS, the Riverwalk Center project is planned to be an integral part of the downtown Fort Lauderdale Riverwalk concept and will be the first privately financed development to be built consistent with the City's Riverwalk Master Plan, and the development of the Riverwalk Center would provide an impetus for further downtown redevelopment and urban revitalization; and

WHEREAS, the Project is consistent with the goals and policies set forth in the City's Riverwalk Master Plan;

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the State Comprehensive Plan in that it furthers and is consistent with the goals and policies contained in paragraph 187.201(17), Florida Statutes, of encouraging the redevelopment of downtown areas; and

WHEREAS, the remainder of the Property will need to be comprehensively planned in accordance with the City's Riverwalk Master Plan; and,

WHEREAS, the Sun Sentinel is the owner of an additional parcel of land located east of but not abutting the Property, which is currently being utilized as a parking lot ("Parking Lot"). Said Parking Lot is legally described in Exhibit C attached hereto and generally shown on Exhibit A.

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

1. Sun Sentinel and the Joint Venture assert and warrant that all the representations and statements made to the Department and contained in this Agreement are true, accurate and complete. Based upon said representations and statements, the Department concludes that this Agreement is in the best interests of the State, is necessary and beneficial to the Department in its role as the State agency with the responsibility for administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and intent of Chapter 380, Florida Statutes.
2. The Department agrees that the Sub-parcel may be developed, permitted and utilized for office and retail uses along with the development of an adjacent internal access road and utilities to serve the Sub-parcel, as generally depicted on Exhibit "A" attached hereto, consistent with all other applicable permitting requirements, which do not exceed the applicable DRI threshold established in Section 380.0651, Florida Statutes. This development may occur prior to the issuance of a development order and without any requirement for review pursuant to Chapter 380, Florida Statutes.
3. The Sun Sentinel and the Joint Venture agree that the development of the Property will be a DRI requiring review and approval pursuant to Section 380.06, Florida Statutes. The Sun Sentinel agrees that no development as defined in Section 380.04, Florida Statutes, other than the development of the Sub-parcel as described above, shall occur within the Property until such time as a Development Order pursuant to Chapter 380.06 is approved for the Property. The Sun Sentinel and the Joint Venture agree that the Development Order shall...

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-3-

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provide for the following:

- a. That all of the Property, including the Sub-parcel, be subject to the requirements of the Development Order.
- b. That the impacts of the development within the Sub-parcel will be included in the DRI review and attributable to the development, including determining the fair share amounts in accordance with SJ-2.0255 Florida Administrative Code, which may be assessed to the development and included in the Development Order.

4. The Sun Sentinel agrees that an application for development approval (ADA) pursuant to Section 380.06, Florida Statutes, will be filed with the South Florida Regional Planning Council within three months of the completion of plans for the rest of the property, but in no event will this be longer than 18 months after the execution of this agreement without the consent of the Department. The ADA shall assess all the impacts associated with the entire development of the Project, including the Sub-Parcel and shall include the land described in Exhibit A.

5. The Sun Sentinel confirms that it presently has no plans for development of the Parking Lot and hereby acknowledges that at such time as the Sun Sentinel has plans for the development of the Parking Lot that development may be aggregated with development upon the Property pursuant to the aggregation criteria contained in Chapter 380, Florida Statutes and the rules promulgated thereunder as they may be amended from time to time.

6. The Sun Sentinel or the Joint Venture 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 complete the total proposed development beyond the development of the Sub-parcel. This Agreement shall not entitle the Sun Sentinel to a final Development Order approving the total development nor to particular conditions in the final Development Order.

7. In the event of a breach of this Agreement or failure to comply with any condition of this Agreement or if this Agreement is based upon material, inaccurate information, the Department may terminate this Agreement or file suit to enforce this Agreement, including a suit to enjoin all development. The prevailing party in any administrative, judicial or appellate proceeding arising from this Agreement shall be entitled to an award of reasonable attorney's fees.

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court costs and cost of investigation.

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 supercede any restrictions and conditions upon development of this Agreement.

10. This Agreement effects 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 required by state law or local ordinance for any development 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 ADA.

11. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. Sun Sentinel shall insure 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. Sun Sentinel shall record this Agreement in the Official Records of Broward County, Florida and shall provide the Department with a copy of the recorded Agreement including book and page number within ten 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.

Witnesses:

[Handwritten signatures]

NEWS & SUN SENTINEL COMPANY

[Handwritten signature]

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this 11 day of September, 1988, by James P. ... of the News & Sun Sentinel Company, on behalf of the company.

[Handwritten signature]
Notary Public

M.L.M.: Legibility of writings
typing or printing unsatisfactory in
this document when microfilmed

-5-

Certified as true
and correct copy

BR 6496100358

THIS IS NOT AN OFFICIAL COPY

certified as true
and correct copy

DN 4648670359

MEMO: Legality of writing
right of printing unobscured in
this document when microfilmed

The foregoing instrument was acknowledged before me this 15th day of
April, 1988 by Terry M. Stiles, President, Stiles Associates, Inc., General
Partner of Stiles Riverwalk Ltd.

STATE OF FLORIDA
COUNTY OF BROWARD

By: Terry M. Stiles
Terry M. Stiles, President, Stiles Associates, Inc., General
Partner of Stiles Riverwalk Ltd.

John A. Thomas
Notary Public

The foregoing instrument was acknowledged before me this 15th day of
April, 1988 by Richard J. ... of the Riverwalk Center
Joint Venture, News & Sun Sentinel Company, Joint Venture Partners of News &
Sun Sentinel Company, Joint Venture Partners of News &
Sun Sentinel Company.

STATE OF FLORIDA
COUNTY OF BROWARD

Richard J. ...
Notary Public

NEWS & SUN SENTINEL COMPANY, JOINT VENTURE PARTNER
RIVERWALK CENTER I, JOINT VENTURE

THIS IS NOT AN OFFICIAL COPY

DEPARTMENT OF COMMUNITY AFFAIRS

Approved as to form and legal sufficiency:

Jeffrey D. Hines
Attorney, Department of
Community Affairs:

By: *Thomas J. Palla*

2740 Centerview Drive
Tallahassee, Florida 32399
(904)488-4925

Witnesses:

Henry C. Bell

Myra Gonzalez

STATE OF FLORIDA
COUNTY OF *Leon*

The foregoing instrument was acknowledged before me this *18th* day of *November*, 1988, by *James B. Patten* of the Department of Community Affairs, an agency of the State of Florida, on behalf of the Department.

Eric R. Parn
Notary Public

Notary Public, State of Florida
My Commission Expires *12-24-1992*

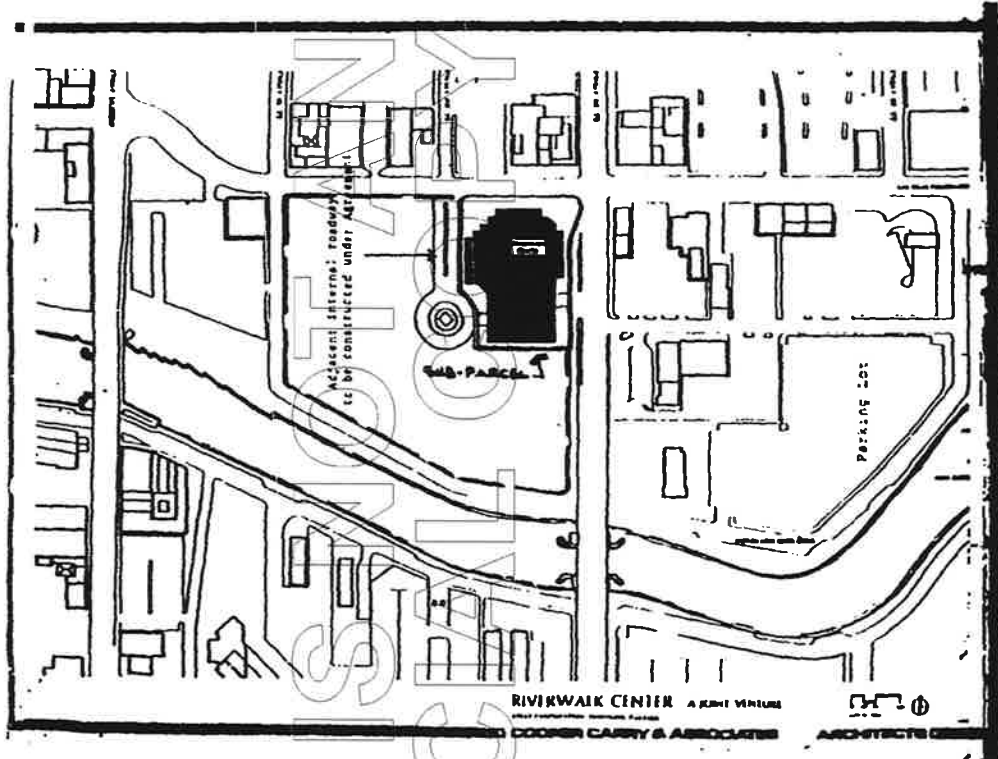
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8806486P00360

MEMO: Legibility of original
typing or printing unsatisfactory in
this document when microfilmed.

-7-

Filed as true
and correct copy,



BK16486PG0361

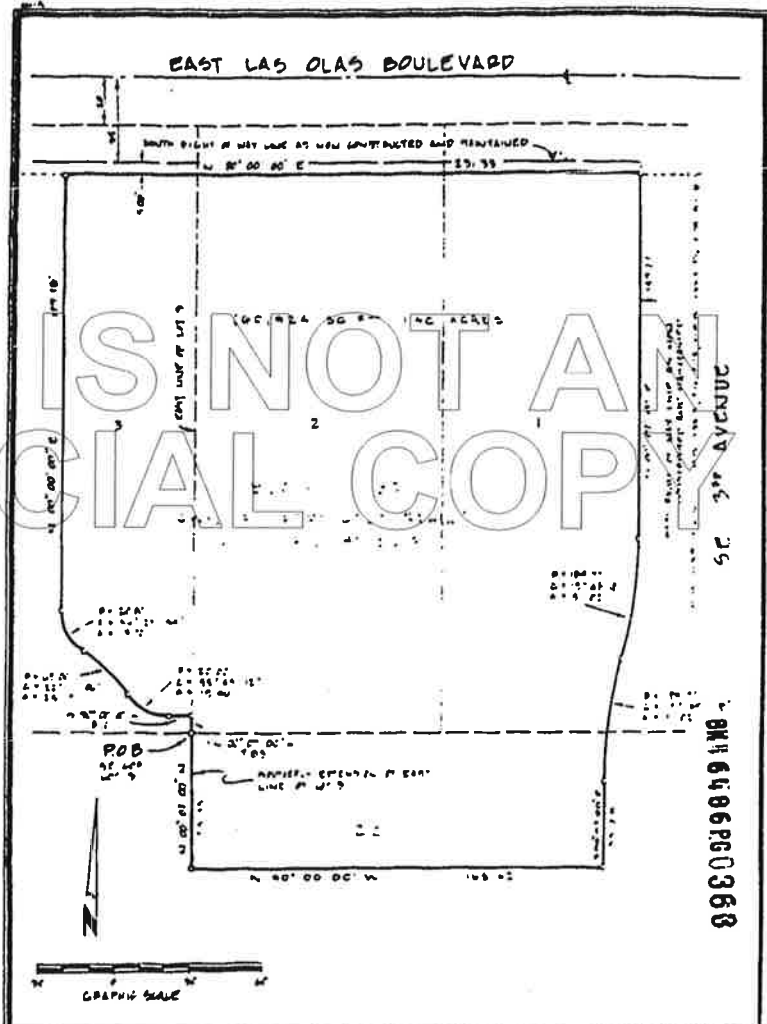
MEMO: Legibility of writing, typing or plotting unsatisfactory in this document when microfilmed.

EXHIBIT A

Certified as true and correct copy.

THIS IS OFFICIAL

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OFFICIAL COPY



SKETCH OF DESCRIPTION

A PORTION OF
LOT 1, 2, 3 AND 4
TOWN OF EAST LAUDERDALE
IN THE 10th DISTRICT OF FLA.

DATE 7-15-80
SCALE AS SHOWN
FILED IN 100
BOOK 05, 270
PAGE 15

DATE	REVISIONS

Keith and Schnars, P.A.

DRAWING NO. 12400A

MEMO: LIABILITY OF SURVEYOR
COPYING OR PRINTING UNSATISFACTORY IN
THIS DOCUMENT WHEN MICROFILMED

checked on field
and correct copy

EXHIBIT "C"

LEGAL DESCRIPTION OF PARKING LOT

Lots 24, 26, 27, 28, 29, 30, 31, and 32, and Lot 25, less the west 15 feet thereof, for street-widening purposes, in WHEELER'S SUBDIVISION in Block "B", Fort Lauderdale, Florida, according to the plat thereof, recorded in Plat Book 3, Page 59, of the public records of Dade County, Florida.

Lots 1 and 2, Block 2, STRANAHAN and BROWN'S SUBDIVISION, according to the plat thereof, recorded in Plat Book 1, page 7, of the public records of Broward County, Florida.

THIS IS NOT AN OFFICIAL COPY

MEMO: Legibility of original typing or printing unsatisfactory in this document when microfilmed!

RECORDED IN THE OFFICIAL RECORDS ROOM OF BROWARD COUNTY, FLORIDA
L. A. HESTER
COUNTY ADMINISTRATOR

OK 6406 PG 0364

EXHIBIT "C"

This is to certify that the foregoing is a true and correct copy of *The New River Center in the City of Ft. Lauderdale, FLA* as contained in the files of the Department of Community Affairs.

Jane R. Bass
JANE R. BASS, AGENCY CLERK
Date: *May 5, 1989*

Certified as true and correct copy.

FIRST AMENDMENT
TO THE
DEVELOPMENT ORDER
FOR
NEW RIVER CENTER FLORIDA QUALITY DEVELOPMENT
DESIGNATED UNDER SECTION 380.061, FLORIDA STATUTES
AND
RULE 9J-28, FLORIDA ADMINISTRATIVE CODE
File: DCA 93-174-FOI-DRI

ISSUED BY
DEPARTMENT OF COMMUNITY AFFAIRS

ATTACHMENT 1

BK21600PG0838

V. Development Order Amendments

This Part V. shall specify and contain any and all approved changes or amendments to this Development Order from the original Application and Development Order issued by the Department on May 5, 1989, and recorded in the Official Records of Broward County. It is the purpose and intent of the Reviewing Entities that this Development Order shall continue in full force and effect all terms, general provisions and conditions of the Development Order, except as that Development Order has been specifically altered by the changes and amendments identified in this Part V. Any future changes or amendments to the original Development Order as approved and incorporated in this Development Order shall be specified below sequentially and identified in this Part V. by the dates of their approval and incorporation in new Development Orders issued by the Department.

A. First Amendment to the New River Center Development Order

WHEREAS, on May 5, 1989, a Development Order was issued by the Department designating New River Center as a Florida Quality Development under Section 380.061, Florida Statutes, and recorded in the Official Records of Broward County at OR 6486, Pages 314-364; and

WHEREAS, on September 1, 1993, the Department received from the Developer a notice of proposed change requiring an amendment to the New River Center Development Order; and

WHEREAS, on November 10, 1993, the South Florida Regional Planning Council notified the Department that the proposed change to the New River Center Development Order does not constitute a substantial change and is consistent with the intent of the Development Order; and

WHEREAS, on November 2, 1993, City of Fort Lauderdale notified the Department that the proposed change to the New River Center Development Order does not constitute a substantial change and is consistent with the intent of the Development Order; and

WHEREAS, the Department has reviewed the proposed change, as well as all related testimony and evidence submitted by the Developer, the other Reviewing Entities and other commenting agencies; and

WHEREAS, the Department has found that the proposed change does not constitute a substantial change and furthers the purposes of Section 380.061, Florida Statutes.

NOW, THEREFORE, BE IT ORDERED BY THE DEPARTMENT OF COMMUNITY AFFAIRS THAT THE MAY 5, 1989, NEW RIVER CENTER DEVELOPMENT ORDER IS HEREBY AMENDED AS FOLLOWS:

1. The fifth sentence of General Provision III.F. of the Development Order is hereby amended as follows:

This Development Order shall terminate on December 31, 2003, unless otherwise extended in accordance with the provisions of Paragraph III.H.4., herein.

2. Condition IV.B. of the Development Order is hereby amended as follows:

B. DESCRIPTION OF DEVELOPMENT

The Development is hereby authorized to contain and the Applicant is authorized to develop the property located in the City of Fort Lauderdale (Exhibits A and B) as follows:

Phase I: 295,000 square feet office; 13,000 square feet retail. Phase I is generally defined as the land area located in the northeast quadrant of the site that is bounded by East Las Olas Boulevard to the north and S.E. 3rd Avenue to the east. This phase was constructed pursuant to a development agreement issued by the Department on September 1, 1988.

Phase IIA: 5,000 square feet office; 400 hotel rooms.

Phase IIB: 250,000 square feet office; 5,000 square feet retail.

Phase III: 500,000 square feet office; 12,000 square feet retail.

Phasing of the Development is contingent upon the fulfillment of the conditions identified in Part IV. of this Development Order. Buildout of the project shall be completed by December 31, 2003.

BK21600PG084D

3. Condition IV.F.9. of the Development Order is replaced by the following:

Within 90 days after receiving written notice from the City that the "Urban Core Amendment Area Transportation Study" is completed, the Applicant shall meet with the South Florida Regional Planning Council, the Florida Department of Transportation, Broward County, the City, and in consultation with the Florida Department of Community Affairs, reach a new agreement for the allocation of the Applicant's \$300,000 (1989 dollars) responsibility for a traffic related improvement (or portion thereof). The \$300,000 shall be allocated towards an improvement recommended in the "Urban Core Development Area Transportation Study." Any agreement made must meet the criteria of Section 380.06(15)(d), Florida Statutes.

4. Condition IV.F.18. of the Development Order is replaced by the following:

The Applicant shall pay \$300,000 (1989 dollars) for a transportation related improvement pursuant to Condition IV.F.9. (as amended herein), within 90 days after receiving written notice from the City that the "Urban Core Development Area Transportation Study" is completed. If the Applicant fails to satisfy this requirement, the City of Fort Lauderdale shall not issue any further certificates of occupancy, until the Applicant has paid the funds.

5. The Developer shall record this First Amendment to the New River Center Florida Quality Development Order within the Public Records of Broward County, within thirty days of issuance.

DEPARTMENT OF COMMUNITY AFFAIRS

Date: 11/17/93

By: Charles Pattison

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Department Clerk, receipt of which
is hereby acknowledged.

3

Jane R. Bass 11/18/93
Jane R. Bass Date
Department Clerk

BK 21600PG0841

EXHIBIT "A"

DESCRIPTION:

A PORTION OF LOTS 1, 18, 19 AND 20, AND ALL OF LOTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 AND 17, BLOCK 30, "TOWN OF FORT LAUDERDALE" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "B", PAGE 40 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 30; THENCE NORTH 90° 00' 00" WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 21.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00° 07' 00" EAST ALONG A LINE 41.00 FEET WEST OF AND PARALLEL WITH THE CENTERLINE OF VALENTINE AVENUE, AS SHOWN ON SAID PLAT (NOW KNOWN AS S.E. THIRD AVENUE), A DISTANCE OF 188.27 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 184.77 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 49' 18", A DISTANCE OF 51.02 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 184.77 FEET; THENCE CONTINUE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18° 49' 18", A DISTANCE OF 51.02 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00° 07' 00" EAST ALONG A LINE 55.00 FEET WEST OF AND PARALLEL WITH THE CENTERLINE OF SAID S.E. THIRD AVENUE, A DISTANCE OF 328.37 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF AFORESAID LOT 18; THENCE NORTH 82° 21' 21" WEST ALONG THE SOUTH LINE OF LOTS 13, 14, 15, 16, 17 AND 18 OF SAID BLOCK 30, A DISTANCE OF 217.74 FEET TO THE SOUTHEAST CORNER OF AFORESAID LOT 12; THENCE NORTH 61° 50' 00" WEST ALONG THE SOUTH LINE OF LOTS 7, 8, 9, 10, 11 AND 12 OF SAID BLOCK 30, A DISTANCE OF 397.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE NORTH 00° 07' 00" WEST ALONG THE WEST LINES OF LOTS 6 AND 7 OF SAID BLOCK 30, A DISTANCE OF 378.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE SOUTH 90° 00' 00" EAST ALONG THE NORTH LINE OF LOTS 1, 2, 3, 4, 5 AND 6 OF SAID BLOCK 30, A DISTANCE OF 579.42 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 6.743 ACRES, MORE OR LESS.

128104.

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
COUNTY ADMINISTRATOR

BK21600PG0842

ATTACHMENT 2

Handwritten note: *Hand Call* with an arrow pointing to the contact information.

THIS DOCUMENT PREPARED BY:
RECORD AND RETURN TO:
Barbara A. Hall, Esquire
Greenberg, Traurig, Hoffman,
Lipoff, Rosen & Quentel, P.A.
515 E. Las Olas Boulevard, Suite 1500
Fort Lauderdale, Florida 33301
(305) 768-7236

96-512483 T#001
10-14-96 03:30PM

**NOTICE OF ADOPTION OF
AN AMENDMENT TO DEVELOPMENT ORDER FOR
THE NEW RIVER CENTER FLORIDA QUALITY DEVELOPMENT
IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA**

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NOTICE IS HEREBY GIVEN in accordance with Section 380.06(15)(F), Florida Statutes, that the Department of Community Affairs has adopted the Second Amendment to the Development Order for the New River Center Florida Quality Development.

1. The legal description of the property included in the New River Center Florida Quality Development is attached to and made a part of this Notice as Exhibit "A".

2. The Second Amendment to the Development Order dated September 19, 1996 shall become effective on November 4, 1996, provided no appeals are filed pursuant to Section 380.07 Florida Statutes. A copy of the Second Amendment to the Development Order is attached hereto as Exhibit "B." As of the date of this Notice, there are no modifications to the Development Order made after the adoption of the Second Amendment to the Development Order.

3. The Development Order and amendments thereto constitute a land development regulation applicable to the Property.

4. The Development Order runs with the land and is binding on the applicant, its successors and/or assigns, jointly or severally.

5. The recordation of this Notice and of the amendment to the Development Order shall not constitute a lien, cloud, or encumbrance on any real property or actual or constructive notice of the same.

Prepared by:

Barbara A. Hall
BARBARA A. HALL, ESQ.
GREENBERG, TRAUIG, HOFFMAN,
LIPOFF, ROSEN & QUENTEL, P.A.
515 E. Las Olas Blvd., 14th Floor
Fort Lauderdale, FL 33394

EX 25523PG0165

Handwritten notes: *INDEX Pgs 1-12* and a circled *9* with *EPL* below it.

STATE OF FLORIDA)
)
COUNTY OF BROWARD)

SS:

Sworn to and subscribed before me this 2nd day of October, 1994.
~~He/she/they~~ personally appeared before me, is personally known to me, and ~~did not take~~
an oath.

[NOTARIAL SEAL]

Notary: *Amy L. Miller*
Print Name: Amy L. Miller
Notary Public, State of Florida
My commission expires: 11-18-97

OFFICIAL NOTARY SEAL
AMY L. MILLER
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC331493
MY COMMISSION EXP. NOV. 18, 1997

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BK 25523PG0166

EXHIBIT 'A'

Legal Description

The New River Center Plat as recorded in Plat Book 151, Page 15 of
the public records of Broward County, Florida.

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EX 25523PG0167

PTL\DAVELL\PL\150435.1\10/06/96

EXHIBIT 'B'

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**SECOND AMENDMENT
TO THE
DEVELOPMENT ORDER**

FOR

**NEW RIVER CENTER FLORIDA QUALITY DEVELOPMENT
DESIGNATED UNDER SECTION 380.061, FLORIDA STATUTES**

AND

RULE 9J-28, FLORIDA ADMINISTRATIVE CODE

File: DCA96-198-FOI-FQD

BK 25523PG0168

ISSUED BY

THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

V. Development Order Amendments

This Part V. shall specify and contain any and all approved changes or amendments to this Development Order from the original Application and Development Order issued by the Department on May 5, 1989, and recorded in the Official Records of Broward County. It is the purpose and intent of the Reviewing Entities that this Development Order shall continue in full force and effect all terms, general provisions and conditions of the Development Order, except as that Development Order has been specifically altered by the changes and amendments as identified in this Part V. Any future changes or amendments to the original Development Order as approved and incorporated in this Development Order shall be specified below sequentially and identified in the Part V. by the dates of their approval and incorporation in new Development Orders issued by the Department.

B. Second Amendment to the New River Center Development Order

Whereas, on May 5, 1989, a Development Order was issued by the Department designating New River Center as a Florida Quality Development under Section 380.061, Florida Statutes, and recorded in the Official Records of Broward County at OR 6486, Pages 314-364; and

Whereas, on March 7, 1996, the Department received from the Developer a second notice of proposed change requiring an amendment to the New River Center Development Order; and

Whereas, on June 25, 1996, the Florida Department of Transportation notified the Department that the change to the New River Center Development Order would not have a significant impact on traffic; and

Whereas, on July 2, 1996, the South Florida Regional Planning Council notified the Department that the change to the New River Center Development Order would not create any additional regional impacts; and

Whereas, on August 5, 1996, the City of Fort Lauderdale notified the Department that the change to the New River Center Development Order is consistent with the intent of the Development Order; and

Whereas, the Department has reviewed the change, as well as all related testimony and evidence submitted by the Developer, the other Reviewing Entities and other commenting agencies; and

Whereas, the Department has found that the change does constitute a substantial change due to the reduction of previously required mitigation and the addition of a new land use. However, the Department finds that no regional impacts

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EX 255523PG0169

will be created by these changes and these changes further the purposes of Section 380.061, Florida Statutes.

NOW, THEREFORE, BE IT ORDERED BY THE DEPARTMENT OF COMMUNITY AFFAIRS THAT THE MAY 5, 1989, NEW RIVER CENTER DEVELOPMENT ORDER IS HEREBY AMENDED AS FOLLOWS:

1. Condition IV.B of the Development Order is hereby amended as follows:

B. DESCRIPTION OF DEVELOPMENT

The Development is hereby authorized to contain and the Applicant is authorized to develop the property located in the City of Fort Lauderdale (Exhibits A and B) as follows:

Phase I: 295,000 square feet office; 13,000 square feet retail. Phase I is generally defined as the land area located in the northeast quadrant of the site that is bounded by East Las Olas Boulevard to the north and S.E. 3rd Avenue to the east. This phase was constructed pursuant to a development agreement issued by the Department on September 1, 1988.

- Phase II:
1. A hotel with up to 400 hotel rooms.
 2. Up to 22,000 square feet of retail use.
 3. Up to 750,000 square feet of office.
 4. Up to 300 residential units may be developed on the property provided that, if residential units are developed on the property, the hotel rooms and/or office use on the property shall be reduced in accordance with the switch-out rates provided in Exhibit 5, attached hereto and incorporated herein. Whenever residential use is introduced, the note on the face of the New River Plat shall be amended to reflect the addition of residential units and the commensurate reduction in office and/or hotel rooms to accommodate the switch-out.

Development of Phase II is contingent upon the fulfillment of the conditions identified in Part IV. of this Development Order. Buildout of the project shall be completed by December 31, 2003.

2. Condition IV.F.3 of the Development Order is replaced by the following:

Prior to the issuance of any certificates of occupancy for office/retail use, complete the construction of improvement B identified in Exhibit 3 herein.

3. Condition IV.F.4 of the Development Order is replaced by the following:

Pay the City of Fort Lauderdale \$437,714.00 ("Infrastructure Improvement Fee") for impacts associated with the development. The City may use these funds for whatever purpose the City deems appropriate. Payment to the City shall be made as follows:

a. Within ninety (90) days of the effective date of this amendment, the Developer shall pay the City, \$25,000.00.

b. Thereafter, the Developer shall make annual payments on the anniversary of the effective date of this Amendment of \$25,000.00 until the Infrastructure Improvement Fee is paid. The Infrastructure Improvement Fee, less the annual payments made, shall be known as the "Remaining Infrastructure Fee."

c. The Developer shall pay the Remaining Infrastructure Fee before a Certificate of Occupancy is issued for the first building constructed as permitted by Condition IV.B., Phase II of the D.O.

4. Condition IV.F.5 of the Development Order is replaced by the following:

Pay \$100,000 to fund pedestrian and/or streetscape improvements to Las Olas Boulevard Corridor from (and including) Southeast 3rd Avenue to Andrews Avenue (Las Olas Boulevard Corridor). The improvements to be constructed shall be determined by the Downtown Development Authority ("DDA"), the City and the Developer. The DDA shall set up an initial meeting for the three parties to reach agreement upon the improvements to be funded. The parties shall be required to use reasonable efforts over a ninety (90) day period, running from the date of the initial meeting, to reach agreement on the improvements to be funded. If the Developer is unable to reach an agreement with the DDA and the City on the improvements to be funded, the DDA and City may make that decision. However, if the decision is made by the DDA and City without participation by the Developer, the improvements shall be limited to the following improvements to be installed within the Las Olas Corridor; special paving materials, crosswalk improvements, street furniture and landscape improvements. Upon the three parties reaching agreement as to the improvements to be funded, the DDA shall send a request for payment to the Developer. The request for payment shall specify the time within which the DDA shall install the improvements. The Developer shall be required to make the payment within ninety (90)

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EX 25523PG0171

days from the date of the letter, or within twenty (20) days of the date DDA executes a contract for design of the improvements, whichever is later.

5. Condition IV.F.6 of the Development Order is replaced by the following:

Limit project vehicle access points to the off-site roadway network to the locations shown in Exhibit 1 herein.

6. Condition IV.F.7 of the Development Order is replaced by the following:

Withhold the issuance of any certificates of occupancy until the Applicant is in compliance with Conditions F2.3.4 and 5. herein.

7. Conditions IV.F.8 through IV.F.18 of the Development Order are hereby deleted.

8. The Developer shall record this Second Amendment to the New River Center Florida Quality Development Order within the Public Records of Broward County, within thirty (30) days of issuance.

DEPARTMENT OF COMMUNITY AFFAIRS

Date: 9/19/96

By: Charles Pettison

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Department Clerk, receipt of which
is hereby acknowledged.

Jane R. Bass 9/19/96
Date
Jane R. Bass
Department Clerk

BK 25523 PG0172

EXHIBIT 5

SWITCH-OUT RATES FOR INTRODUCTION OF RESIDENTIAL USE

<u>Use Introduced</u>	<u>Use Reduced</u>
1 residential unit	251.57 square feet of office
1 residential unit	0.6 hotel rooms

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RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
COUNTY ADMINISTRATOR

3

Prepared by:
Thomas Beck
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Revised to

Gunster, Yoakley, Valdes-Fauli & Stewart, P.A.
P.O. Box 14636

Fort Lauderdale, Florida 33302-4636

ATTN: MICHELLE RAAB

THIRD AMENDMENT

TO THE DEVELOPMENT ORDER

FOR

NEW RIVER CENTER FLORIDA QUALITY DEVELOPMENT
DESIGNATED UNDER SECTION 380.061, FLORIDA STATUTES

AND

RULE 9J-28, FLORIDA ADMINISTRATIVE CODE

DCA No. 1188-063

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EX 27223PG0156

ISSUED BY

THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

(3) 2
C/m (3) 2
P

V. Development Order Amendments

This Part V shall specify and contain any and all approved changes or amendments to this Development Order from the original Application and Development Order issued by the Department on May 5, 1989, and subsequently on November 7, 1993 and September 19, 1996 and recorded in the Official Records of Broward County. It is the purpose and intent of the Reviewing Entities that this Development Order shall continue in full force and effect all terms, general provisions and conditions of the Development Order, except as that Development Order has been specifically altered by the changes and amendments as identified in this Part V. Any future changes or amendments to the original Development Order as approved and incorporated in this Development Order shall be specified below sequentially and identified in the Part V. by the dates of their approval and incorporation in new Development Orders issued by the Department.

B. Third Amendment to the New River Center Development Order

Whereas, on May 5, 1989, a Development Order was issued by the Department designating New River Center as a Florida Quality Development under Section 380.061, Florida Statutes, and recorded in the Official Records of Broward County at OR 6486, Pages 314-364; and

Whereas, on July 18, 1997, the Department received from the Developer a third notice of proposed change requiring an amendment to the New River Center Development Order; and

Whereas, on August 6, 1997, the Florida Department of Transportation notified the Department that the change to the New River Center Development Order would not have a significant impact on traffic; and

Whereas, on August 18, 1997, the South Florida Regional Planning Council notified the Department that the change to the New River Center Development Order would not create any additional regional impacts; and

Whereas, on October 16, 1997, the City of Fort Lauderdale notified the Department that the change to the New River Center Development Order is consistent with the intent of the Development Order; and

Whereas, the Department has reviewed the change, as well as all related testimony and evidence submitted by the Developer, the Reviewing Entities and other commenting agencies; and

Whereas, the Department has found that the change does not constitute a substantial change pursuant to 9J-28.024(c), Florida Administrative Code.

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EX 27223PG0157

NOW, THEREFORE, BE IT ORDERED BY THE DEPARTMENT OF COMMUNITY AFFAIRS THAT THE MAY 5, 1989, NEW RIVER CENTER DEVELOPMENT ORDER IS HEREBY AMENDED AS FOLLOWS:

1. Condition IV.B. of the Development Order is hereby amended as follows:

B. DESCRIPTION OF DEVELOPMENT

The Development is hereby authorized to contain and the Applicant is authorized to develop the property located in the City of Fort Lauderdale (Exhibits A and B) as follows:

Phase I: 295,000 square feet office; 13,000 square feet retail. Phase I is generally defined as the land area located in the northeast quadrant of the site that is bounded by East Las Olas Boulevard to the north and S.E. 3rd Avenue to the east. This phase was constructed pursuant to the development agreement issued by the Department on September 1, 1988.

Phase II:

1. A hotel with up to 400 hotel rooms.
2. Up to 22,000 square feet of retail use.
3. Up to 750,000 square feet office.
4. Up to 300 375 residential units may be developed on the property provided that, if residential units are developed on the property, the hotel rooms and/or office on the property shall be reduced in accordance with the switch-out rates provided in Exhibit 5, attached hereto and incorporated herein. Whenever residential use is introduced, the note on the face of the New River Plat shall be amended to reflect the addition of residential units and the commensurate reduction in office and/or hotel rooms to accommodate the switch-out.

Development of Phase II is contingent upon the fulfillment of the conditions identified in Part IV. of this Development Order. Buildout of the project shall be completed by December 31, 2003.

II. The developer shall record this Third Amendment to the New River Center Florida Quality Development Order within the public records of Broward County within thirty (30) days of issuance.

DEPARTMENT OF COMMUNITY AFFAIRS

Date:

10/16/97

By:

Charles G. Pattison

Charles G. Pattison, Director

Division of Resource Planning and Management

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated Agency Clerk, receipt of which is hereby acknowledged.

Paula P. Ford
Paula P. Ford
Agency Clerk

Date

10/16/97

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
COUNTY ADMINISTRATOR

Prepared by:
Roger Wilburn
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Return to:
Donald R. Hall
Gunster, Yoakley & Stewart, P.A.
500 E. Broward Blvd., Ste. 1400
Fort Lauderdale, FL 33394

FOURTH AMENDMENT

TO THE DEVELOPMENT ORDER

FOR THE NEW RIVER CENTER FLORIDA QUALITY DEVELOPMENT

DESIGNATED UNDER SECTION 380.061, FLORIDA STATUTES,

AND

RULE 9J-28, FLORIDA ADMINISTRATIVE CODE

DCA File No. ADA-11-88-063

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ISSUED BY

THE DEPARTMENT OF COMMUNITY AFFAIRS

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V. DEVELOPMENT ORDER AMENDMENTS

This Part V shall specify and contain any and all approved changes or amendments to this Development Order from the original Application and Development Order issued by the Department of Community Affairs on May 5, 1989, and recorded in the official records of Broward County. It is the purpose and intent of the Reviewing Entities that this Development Order shall continue in full force and effect all terms, general provisions, and conditions of the Development Order, except as that Development Order has been specifically altered by the changes and amendments identified in this Part V. Any future changes or amendments to the original Development Order as approved and incorporated in this Development Order shall be specified below sequentially and identified in this Part V by the dates of their approval and incorporation in new Development Orders issued by the Department.

D. FOURTH AMENDMENT TO THE NEW RIVER CENTER FLORIDA QUALITY DEVELOPMENT ORDER

WHEREAS, on May 5, 1989, a Development Order was issued by the Department of Community Affairs designating New River Center as a Florida Quality Development under Section 380.061, Florida Statutes, and recorded in the Official Records of Broward County at OR 6486, pages 314 - 364; and

WHEREAS, on September 29, 2004, the Department received from the Developer a Notice of Proposed Change requiring an amendment to the New River Center Development Order; and

WHEREAS, on January 26, 2005, the Florida Department of Transportation notified the Department that the change to New River Center Development Order would not have a significant impact on traffic; and

WHEREAS, on January 27, 2005, the South Florida Regional Planning Council notified the Department that staff review had identified no significant regional issues and the Council had no objection to the proposed changes; and

WHEREAS, on February 1, 2006, the Department received notice that the City Commission of the City of Fort Lauderdale had approved by Resolution No. 05-147 the issuance by the Department of the proposed amended Development Order for the New River Center Florida Quality Development; and

WHEREAS, the Department has reviewed the proposed change, as well as all related testimony and evidence submitted by the Developer, the Reviewing Entities, and other commenting agencies; and

WHEREAS, the Department has found that the proposed change does not constitute a substantial change pursuant to Rule 9J-28.024(c), Florida Administrative Code.

NOW, THEREFORE, BE IT ORDERED BY THE DEPARTMENT OF COMMUNITY AFFAIRS THAT THE MAY 5, 1989, NEW RIVER CENTER AMENDED AND RESTATED DEVELOPMENT ORDER IS HEREBY AMENDED AS FOLLOWS:

1. General Provision III.F of the Development Order is hereby amended as follows. The fifth sentence shall now read:

The right to develop subject to the terms, general provisions and conditions of this Development Order shall terminate on December 31, 2008, except Parcel C of the New River Center plat as recorded in Plat Book 151, Page 15, of the public records of Broward County, Florida, which build-out date terminated on December 31, 2003 as provided in the First Amendment to Development Order, unless otherwise extended in accordance with the provisions of Paragraph III.H.4 herein.

2. Condition IV.B of the Development Order is hereby amended as follows:

B. DESCRIPTION OF DEVELOPMENT

The Development is hereby authorized to contain and the Applicant is authorized to develop the property located in the City of Fort Lauderdale (Exhibits A and B) as follows:

Phase I: 295,000 square feet of office use; 13,000 square feet of retail use.

Phase I is generally defined as the land area located in the northeast quadrant of the site that is bounded by East Las Olas Boulevard to the north and S.E. 3rd Avenue to the east. This phase was constructed pursuant to the development agreement issued by the Department on September 1, 1988.

Phase II: 1. A hotel with up to 400 hotel rooms

2. Up to 22,000 square feet of retail use

3. Up to 650,000 square feet of office

4. Up to 375 residential units may be developed on the property provided that, if residential units are developed on the property, the hotel rooms and/or office on the property shall be reduced in accordance with the switch-out rates provided in Exhibit 5, attached hereto and incorporated herein. Whenever residential use is introduced, the note on the face of the New River Plat shall be amended to reflect the addition of residential units and the

commensurate reduction in office and/or hotel rooms to accommodate the switch-out.

Development of Phase II is contingent upon the fulfillment of the conditions identified in Part IV of the Development Order. Build-out of the project shall be completed by December 31, 2008, which project does not include Parcel C as referenced in Paragraph 1 of this Fourth Amendment.

3. The Developer shall record this Fourth Amendment to the New River Center Florida Quality Development Order within the public records of Broward County within 30 days of issuance.

DEPARTMENT OF COMMUNITY AFFAIRS

Date: 4/18/06

By: K. Valerie Hubbard

Valerie J. Hubbard, Director
Division of Community Planning

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FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.

Paula P. Ford 4/18/06
Paula P. Ford Date
Agency Clerk



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2.18.15

**NARRATIVE STATING REASONS FOR THE NOTICE OF PROPOSED CHANGE (NOPC)
REQUEST FOR NEW RIVER CENTER FLORIDA QUALITY DEVELOPMENT (FQD)**

As stated in the response to Question 5 in the NOPC for THE New River Center FQD, the proposed change is merely the formal removal of a specific portion of land in the FQD ("Parcel C"), which parcel's build out date to develop same was terminated as of December 31, 2003, pursuant to the Fourth Amendment to the FQD. Said Fourth Amendment to the FQD also made the determination that the New River Center FQD project, "...does not include Parcel C as referenced in Paragraph 1 of this Fourth Amendment."

Parcel C presently has a land use designation of Downtown Regional Activity Center ("RAC"), and is presently zoned RAC-CC. Future development of Parcel C will continue to be governed by the City's Uniform Development Regulations for the RAC, and all applicable Master Plans contained within the RAC.

As Broward County has been designated as a Dense Urban Land Area, the prior requirement for an FQD for the then planned development of Parcel C is no longer applicable.

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Fort Lauderdale, FL 33301

Exhibit 2
15-0310
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February 18, 2015

Mr. Todd Okolichany, AICP
Principal Planner
Department of Sustainable Development
City of Fort Lauderdale
700 N.W. 19th Avenue
Fort Lauderdale, FL 33311

Re: General Application for City Commission Review of NOPC

Dear Mr. Okolichany:

This letter will confirm that Stiles Corporation is authorized to act as the Agent of Riverwalk Center I Joint Venture in the processing of the currently pending Notice of Proposed Change to the New River Center Development Order ("NOPC") including the processing of the General Application for City Commission Review of the NOPC.

If you have any questions regarding this matter, please do not hesitate to contact me or Rita DeBoer, Assistant General Counsel, Tribune Media Company at rdeboer@tribunemedia.com

Thank you for your attention to this matter.

Very truly yours,


Murray McQueen
President

Cc: Dennis O'Shea, Esq.
Rita DeBoer, Esq.