

ORDINANCE NO. C-89-9

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, ISSUING A DEVELOPMENT ORDER FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR APPROVAL OF THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT, WHICH CONSISTS OF APPROXIMATELY THIRTY-THREE ACRES LOCATED SOUTH OF S. E. 17TH STREET, EAST OF BISHNOWER BOULEVARD AND NORTH OF S. E. 20TH STREET, WITHIN THE JURISDICTIONAL BOUNDARIES OF FORT EVERGLADES, IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR APPROVAL OF CONVENTION AND CONFERENCE FACILITY, HOTEL, RESTAURANT AND PARKING USES SET FORTH IN THE APPLICATION FOR DEVELOPMENT APPROVAL; PROVIDING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR CONDITIONS AND OBLIGATIONS RELATING TO DEVELOPMENT OF THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR DESIGNATION OF A RESPONSIBLE CITY OFFICIAL; PROVIDING FOR RECORDATION; PROVIDING FOR COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Northport Venture Associates, Inc. and Northport Land Partners, Ltd., hereinafter referred to as "Applicant", submitted an Application for Development Approval (hereinafter referred to as the "ADA") for the development of approximately thirty-three acres of land described in Exhibit "6", a copy of which is attached to this Ordinance and made a part of it by this reference, for a mixed use development including convention center, office, retail and hotel uses, to be known as the Northport/Broward County Convention Center, to be located within the municipal boundaries of the City of Fort Lauderdale, Florida (the "City"); and

WHEREAS, the City Commission of the City of Fort Lauderdale held a public hearing on the ADA for the Northport/Broward County Convention Center Development of Regional Impact on January 18, 1989 and February 7, 1989, pursuant to the Notice and Public Hearing provisions set forth in Chapter 380.06(11), Florida Statutes (1987);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. The the above recitals are true, correct and incorporated into this Ordinance by this reference.

SECTION 2. DEVELOPMENT IDENTIFICATION.

1. The legal description. The legal description of the property is attached to this Ordinance, as mentioned above.
2. Name of Development. Northport/Broward County Convention Center.
3. Name of Developer. Northport Venture Associates, Inc. and Northport Land Partners, Ltd. (the "Applicant").
4. Authorized Agent of Developer.
Peter Flotz
Northport Venture Associate, Inc.
Northport Land Partners, Ltd.
110 Southeast 6th Street, 21st Floor,
Fort Lauderdale, Florida 33301

C-89-9

5. Development Summary. The development will consist of 1,065,000 square feet of building floor area and 850 hotel rooms on 33 acres of land. Approximately 420,000 square feet of the gross floor area will be used for convention center purposes (370,000 square feet with a 50,000 square feet expansion), 320,000 square feet of gross leasable retail space and 325,000 square feet of gross leasable office space and 850 hotel rooms.

SECTION 3. INCORPORATION OF ADA.

The ADA, as consolidated pursuant to Section 7, subparagraph 15, below, is incorporated into this Ordinance by this reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes, and applicable local ordinances. Substantial compliance with the representations contained in the ADA is a condition for approval unless waived or modified by agreement among the South Florida Regional Planning Council (hereinafter referred to as "Council"), City and the Applicant, its successors, assigns or both.

SECTION 4. INCORPORATION OF COUNCIL ASSESSMENT.

The South Florida Regional Planning Council Assessment Number 63.20 (hereinafter referred to as "Council Assessment"), dated December 19, 1988 is incorporated into this Ordinance by this reference.

SECTION 5. FINDINGS OF FACT.

Pursuant to Section 380.06(15)(c), Florida Statutes and Council Assessment Number 63.20, the following findings of fact are made:

1. The Northport/Broward County Convention Center Development of Regional Impact is not in an area of critical state concern.
2. The Applicant has submitted a complete ADA for a Development of Regional Impact to the Council pursuant to Section 380.06, Florida Statutes, and has received a recommendation of approval subject to certain conditions set forth in the Council Assessment.
3. The Planning and Zoning Board of the City has reviewed the Development at its December 21, 1988 meeting and has recommended approval of the Development to the City Commission.
4. The City Commission has conducted a public hearing which was properly noticed and advertised pursuant to Section 380.06(11), Florida Statutes, and has considered the recommendations contained in the Council Assessment and each element required to be considered by Section 380.06(15), Florida Statutes.

SECTION 6. CONCLUSIONS OF LAW.

Pursuant to Section 380.06(15)(c), Florida Statutes, the following conclusions of law are made by the City Commission:

1. The Development, as approved herein, does not interfere with the achievement of the objectives of the State Land Development Plan which is applicable to this area.
2. The Development, as approved herein, is generally consistent with all applicable land development regulations and the City's Adopted Local Comprehensive Plan.
3. The Development, as approved herein, is consistent with the report and recommendations of the Council Assessment.
4. This Development Order makes adequate provisions for the public facilities needed to accommodate the impact of this Development.

SECTION 7. DEVELOPMENT APPROVAL.

The Northport/Broward County Convention Center DRI, as described in this Development Order, and as represented in the ADA, is hereby approved subject to the following conditions, stipulations and requirements which shall apply to the Applicant, its successors, grantees and assigns, jointly, severally or both (and where applicable, to the City):

1. That the Applicant shall incorporate the following into the project design and operation to minimize the cumulative adverse regional impact of the Northport/Broward County Convention Center development, its traffic and associated pollutant emissions, on air quality:
 - (a) The Applicant shall actively encourage and promote car and van pooling by establishing a car and van pool information program.
 - (b) The Applicant shall designate three percent of employee parking spaces located as close as possible to building entrances for exclusive car and van pool use.
 - (c) The Applicant shall mulch, spray or grass exposed areas to prevent soil erosion and minimize air pollution.
 - (d) The Applicant shall provide Broward County Division of Mass Transit route and schedule information in convenient locations throughout the project.
 - (e) The Applicant shall encourage transit use by provision of bus shelter, development of turnout lanes, or provision of other amenities to increase ridership.
2. The Applicant shall design, construct and maintain the stormwater management system to meet the following standards:
 - (a) Retain the first flush (at least first inch) of runoff from project roadways, parking lots, and loading docks in exfiltration systems.

- (b) Prevent direct discharge of stormwater which has not been treated pursuant to Condition 2 (a) of this Development Order to surface waters.
 - (c) 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 water in accordance with the master drainage plan, and periodically remove pollutant accumulations.
 - (d) Use silt screens and aprons during any phase of project construction which will increase the turbidity in adjacent surface waters.
 - (e) Vacuum sweep all parking lots of 11 or more parking spaces and private roadways serving the parking lots at least once per week.
- 3. The Applicant shall comply with the work plan for groundwater monitoring as approved by the Florida Department of Environmental Regulation (FDER) and attached hereto as Exhibit 1. A yearly compilation of results will be submitted in the Annual Status Report required in Condition 22 of this Development Order.
 - 4. The Applicant shall incorporate into the development, by restrictive covenants and lease or sales agreements, as applicable, hazardous materials accident prevention, mitigation, and response standards to be met by the applicant and all tenants that use, handle, store, display, or generate hazardous materials (materials that are ignitable, corrosive, toxic or reactive). Said standards shall meet the minimum requirements set out in Condition 4 of the Council Assessment.
 - 5. The Applicant shall use only those plant species identified in Exhibit 2 attached hereto and incorporated herein for project landscaping. Additional species may be used in project landscaping only if written approval is provided by the Council and City staff. The Applicant shall, as feasible, utilize xeriscape principles in the design of project landscaping.
 - 6. The Applicant shall notify state and local archaeological officials of construction schedules, and delay construction up to three months in any area where potentially significant historic or archaeological artifacts are uncovered, and permit state and local historic preservation officials to survey and excavate the site.
 - 7. The Applicant shall cooperate with the City of Fort Lauderdale Police and Fire departments to incorporate reasonable and necessary security and safety measures into the project design and operation and to ensure that adequate emergency medical services are available.

8. The Applicant shall incorporate energy conservation measures into the design and operation of the project. At a minimum, Applicant shall construct all development in conformance with the specifications of the State of Florida Energy Efficiency Code for Building Construction (State Energy Code).
9. The Applicant shall limit the project vehicle access points to the off-site roadway network to the locations shown in Exhibit 3 attached hereto and incorporated herein.
10. Prior to the issuance of any certificates of occupancy, the Applicant shall complete the construction of a 4-lane divided roadway from S. E. 17th Street to S. E. 20th Street and a 6-lane divided roadway from S. E. 20th Street to U. S. 1. However, in the event that the applicant can demonstrate to the City and the Council that Level of Service A/B in the non-peak flow can be provided on the Port connector from S. E. 20th Street to the Port Everglades entrance, the applicant may elect to construct a four-lane divided roadway from Southeast 17th Street to Southeast 20th Street and a five-lane divided roadway from Southeast 20th Street to the Port entrance, and a six-lane divided roadway from the Port entrance to U.S. 1.
11. In the event that improvements A, B and C identified in Exhibit 4 attached hereto and incorporated herein are included in the Florida Department of Transportation (FDOT) five-year work program effective July 1, 1989, the Applicant shall conform to the following:
 - (a) Withhold from requesting the issuance of any certificates of occupancy until improvements A, B and C identified in Exhibit 4 attached hereto and incorporated herein have been let to contract for construction.
 - (b) Withhold from requesting the issuance of any certificates of occupancy for land uses generating more than a total of 1,351 peak-hour trip ends, as estimated based on trip rates identified in Exhibit 5 attached hereto and incorporated herein, until improvements A, B and C identified in Exhibit 4, attached hereto, have been completed.
12. In the event that improvements A, B and C identified in Exhibit 4 attached hereto are not included in the FDOT five-year work program effective July 1, 1989, the Applicant shall comply with the following:
 - (a) Withhold from requesting the issuance of any certificates of occupancy until improvements A and B identified in Exhibit 4 attached hereto are completed, or

- (b) The Applicant, in coordination with the applicable governmental agencies, shall make its best efforts in the acquisition of the necessary right-of-way for improvements A and B identified in Exhibit 4 attached hereto. If the necessary right-of-way has not been acquired by December 31, 1990, then by January 31, 1991, the Applicant shall request that the Council, the Florida Department of Community Affairs (FDCA), and FDOT, Broward County, and the City of Fort Lauderdale reach a new agreement for the allocation of the applicant's \$2,037,000.00 responsibility to make improvements related to these two intersections. Any agreement made must meet the criteria of Section 380.06 (15) (d), Florida Statutes (1987).
13. The Applicant shall place no fixed, permanent structure, with the exception of utilities, above or below ground, within or protruding into that area located south of the south right-of-way line of S. E. 17th Street, north of a line 15 feet south of and parallel to the south right-of-way line of S. E. 17th Street, west of the west bank of the Intracoastal Waterway, and east of a line 400 feet west of the west bank of the Intracoastal Waterway.
14. The Applicant shall provide the FDOT District 4 Planning Office with a copy of all applications for civil and structural building permits for construction adjacent to the area described in Condition 13 of this Development Order, including sketches of the associated construction plans and summary documents at the time of permit application.
15. The Applicant shall integrate all original and supplemental ADA information into a Consolidated Application for Development Approval (CADA) and submit two copies of the CADA to the Council, one copy to the City of Fort Lauderdale, and one copy to FDCA within 30 days of the effective date of this Development Order. The CADA shall be prepared as follows:
- (a) Where new, clarified or revised information was prepared subsequent to submittal of the ADA 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 ADA will be replaced with revised pages.
- (b) 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.

16. The Applicant shall prepare an annual report in accordance with the requirements specified in Condition 22 herein and submit copies to the Council, the City of Fort Lauderdale, and FDCA on or before each anniversary date of the Development Order.
17. The City shall limit project vehicle access points to the off-site roadway network to the locations shown on Exhibit 3 attached hereto and incorporated herein.
18. The City shall issue no certificates of occupancy until the applicant has complied with the conditions provided in Condition 10 of this Development Order.
19. In the event that improvements A, B and C identified in Exhibit 4 attached hereto are included in the FDOT five-year work program effective July 1, 1989, City shall:
 - (a) withhold the issuance of any certificates of occupancy until the improvements A, B and C identified in Exhibit 4 herein have been let to contract for construction.
 - (b) withhold the issuance of any certificates of occupancy for land uses generating more than a total of 1,351 peak-hour trip ends, as estimated based on trip rates identified in Exhibit 5 attached hereto, until improvements A, B and C identified in Exhibit 4 attached hereto are completed.
20. In the event that improvements A, B and C identified in Exhibit 4 attached hereto are not included in the FDOT five-year work program effective July 1, 1989, the City shall withhold the issuance of any certificates of occupancy until the applicant has complied with the conditions provided in Condition 12 of this Development Order.
21. The City shall issue no building permits for any fixed, permanent structure, with the exception of utilities, above or below ground, within or protruding into the area described in Condition 13 of this Development Order.
22. The Applicant shall prepare an annual report in accordance with Condition 29 of the Council Assessment and submit such report to the City, Council and FDCA on each anniversary of the effective date of the Development Order.
23. The Development is subject to the review and conditions imposed by the local Development Review Committee.

SECTION 8. STAY THE EFFECTIVENESS OF THE DEVELOPMENT ORDER.

In the event the Applicant, its successors, assigns or both, violates any of the conditions of this Development Order or otherwise fails to act in substantial compliance with this Development Order (hereinafter referred to as "violation"), the effectiveness of this Development Order shall be stayed as to the tract, or portion of the tract, in which the violative activity or conduct has occurred. All further Development permits, approvals, and services for Development in said tract or portion of the tract shall be withheld upon passage of any appropriate resolution by the City, adopted in accordance with this section, upon a finding that such violation has occurred. The violator shall be given written notice by the City that states:

1. The nature of the purported violation and,
2. A statement that unless the violation is cured within 15 days of said notice, the City will hold a public hearing to consider the matter within 30 days of the date of said notice.

In the event the violation is not curable in 15 days, the violator's diligent, good faith efforts to cure the violation within that period will obviate the need to hold a public hearing and the Development Order will remain in full force and effect unless the violator does not diligently pursue the curative action to completion within a reasonable time, in which event the City will give 15 days notice to the violator of its intention to stay the effectiveness of this Development Order and withhold further development permits, approvals and services as to the tract or portion of the tract in which the violation has occurred until the violation is cured. For purposes of this section, the word "tract" shall be defined to mean any area of Development identified on the Northport/Broward County Convention Center Master Plan (Exhibit 7 attached hereto and incorporated herein.) In addition, the phrase "portion of a tract" means a division of a tract into more than one ownership as created by deed or plat.

SECTION 9. PERIOD OF VESTED DEVELOPMENT RIGHTS.

The Development as approved herein shall not be subject to downzoning, unit density reduction or intensity reduction until December 31, 1991, unless the City can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or that the development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare.

SECTION 10. DATE OF COMMENCEMENT FOR THIS DEVELOPMENT.

1. The Applicant shall commence physical development no later than one year from the effective date of this Development Order. For the purposes of this Section, the term "physical development" shall mean "development" as defined in section 380.04, Florida Statutes.
2. This Development Order shall remain in effect and development shall be completed on or before December 31, 1991, provided that the applicant

its successor and/or assigns, within 30 days of the effective date of the Development Order records the Northport/Broward County Convention Center Development Order with the clerk, Broward County Circuit Court, pursuant to Section 380.06 (15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant its successors, and/or assigns, jointly or severally. The termination date may only be modified in accordance with Section 380.06 (19)(c), Florida Statutes.

SECTION 11. APPROVAL OF DEVIATIONS FROM THE DEVELOPMENT ORDER.

1. Except as provided in Subparagraph 5 of this Section 11, all proposed deviations from the requirements of this Development Order shall be submitted simultaneously to the Council and the Department of Community Affairs by Applicant in accordance with the requirements of Section 380.06, Florida Statutes and presented to the City Commission, after review and recommendation of the Planning and Zoning Board, for review and determination with respect to whether one or more of the proposed deviations constitute a substantial deviation within the meaning of Section 380.06(19), Florida Statutes, (1987).
2. In considering whether a proposed deviation constitutes a substantial deviation, the City Commission shall consider all relevant information, including the presumptions set forth in Section 380.06(19)(b), Florida Statutes, as it may be amended from time to time.
3. If the City Commission determines that a proposed deviation does not constitute a substantial deviation, the City Commission may permit such proposed deviation by amendment to this Development Order. Upon approval of an amendment to this Development Order not involving a substantial deviation, the City shall transmit to the Council and the State Department of Community Affairs a copy of the amendment to this Development Order which shall include the City's findings with respect to the presumptions contained in Section 380.06(19)(b), Florida Statutes (1987).
4. If the City Commission determines that a proposed deviation constitutes a substantial deviation, said proposed deviation shall be subject to further review pursuant to the requirements of Section 380.06, Florida Statutes (1987).
5. In accordance with the information provided in the ADA and the analysis provided in the Council Assessment, any simultaneous increases and decreases of the aforementioned approved land uses which do not exceed 20% of any land uses designated in this Ordinance; and do not exceed a cumulative project total of 4296 p.m. Peak Hour Vehicle Trips shall be allowed.

SECTION 12. LOCAL OFFICIAL RESPONSIBLE FOR MONITORING COMPLIANCE.

The local official responsible for monitoring compliance with all conditions of this Development Order and specifying monitoring procedures shall be the City Planning and Community Development Director or his designee. In carrying out this responsibility, said official shall review and approve all applications for Development permits (including building permits and Certificates of Occupancy) for compliance with the terms and conditions of this Development Order. No further development permit shall be issued if the Applicant is determined not to be in compliance with said terms and conditions.

SECTION 13. RECORDATION OF DEVELOPMENT ORDER.

Within thirty (30) days of the effective date of this Development Order, the Applicant shall record this Development Order with the Clerk of Broward County Circuit Court.

SECTION 14. BINDING EFFECT.

This Development Order shall be binding upon the City and the Applicant, its successors, assigns, jointly or severally, and shall be a covenant running with the subject land.

SECTION 15. REVIEW

If any substantial or material part of this or any future development order is held by any court or, as a result of a proceeding under Chapter 120, Florida Statutes, to be invalid, then in that event, this entire development order and all subsequent approvals granting conditional or unconditional approvals of development permits shall be reviewed in accordance with Chapter 380, Florida Statutes, in order that a new development order may be adopted to resolve the issues raised by such action. During this period, the City shall not issue any further development permits except that the holder of the building permit who has substantially and materially changed his position in justifiable reliance on a building permit granted prior to such action may proceed with construction under that permit subject to the police power of the City.

SECTION 16. SEVERABILITY.

Notwithstanding the above, if any non-substantial section, sentence, clause or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, said holding shall have no effect on the remaining sections or provisions of this ordinance.

SECTION 17. CONFLICT.

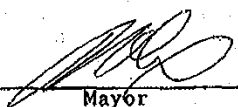
All ordinances, resolutions or provisions within them conflicting herewith are hereby repealed to the extent of said conflict.

SECTION 18. EFFECTIVE DATE.

This ordinance shall become effective within forty-five (45) days from transmittal of this Development Order to the Florida Department of Community Affairs, the Council and the Applicant, subject to any appeal brought pursuant to the appellate process authorized pursuant to Section 380.07(2), Florida Statutes. If such

an appeal is taken, the effective date of this ordinance will commence upon the day after all appeals have been withdrawn or resolved, as provided by that law.

PASSED FIRST READING this the 18th day of January, 1989.
PASSED SECOND READING this the 7th day of February, 1989.



Mayor
ROBERT O. COX

ATTEST:



Assistant City Clerk
SANDRA J. NEWSOM

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C-89-9

ORDINANCE NO. C-89-34

AN ORDINANCE OF THE CITY OF PORT LAUDERDALE, FLORIDA AMENDING ORDINANCE NO. C-89-9 OF THE CITY OF PORT LAUDERDALE, FLORIDA, PROVIDING FOR APPROVAL OF AN APPLICATION FOR DEVELOPMENT APPROVAL FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT LOCATED SOUTH OF S.E. 17TH STREET, EAST OF EISENHOWER BOULEVARD AND NORTH OF S.E. 20TH STREET, WITHIN THE JURISDICTIONAL BOUNDARIES OF PORT EVERGLADES, IN THE CITY OF PORT LAUDERDALE; AMENDING THE DEVELOPMENT ORDER TO CHANGE THE DATE WHEN THE DEVELOPMENT WILL NOT BE SUBJECT TO DOWNZONING, UNIT DENSITY REDUCTION, OR INTENSITY REDUCTION FROM DECEMBER 31, 1991 TO DECEMBER 31, 1990; AMENDING THE DEVELOPMENT ORDER TO CHANGE THE BUILDOUT DATE FROM DECEMBER 31, 1991 TO DECEMBER 31, 1990; PROVIDING THAT ALL TERMS AND CONDITIONS OF THE DEVELOPMENT ORDER SHALL REMAIN IN FULL FORCE AND EFFECT EXCEPT AS AMENDED BY ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. C-89-9 adopted on February 7, 1989, the City Commission of the City of Fort Lauderdale issued a development order for the Northport/Broward County Convention Center Development of Regional Impact; and

WHEREAS, the applicant has applied to the City of Fort Lauderdale for an amendment of the development order to change the date when the development will not be subject to downzoning, unit density reduction, or intensity reduction and the build out date from December 31, 1991 to December 31, 1990 to comply with the Council Assessment of the South Florida Regional Planning Council;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PORT LAUDERDALE, FLORIDA:

SECTION 1. That the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. That Section 9, PERIOD OF VESTED DEVELOPMENT RIGHTS, of Ordinance No. 89-9 shall be amended to read:

SECTION 9. PERIOD OF VESTED DEVELOPMENT RIGHTS.

The Development as approved herein shall not be subject to downzoning, unit density reduction or intensity reduction until December 31, 1991 1990, unless the City can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or that the development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare.

SECTION 3. That Section 10, DATE OF COMMENCEMENT FOR THIS DEVELOPMENT, of Ordinance No. 89-9 shall be amended to read:

C-89-34

SECTION 10. DATE OF COMMENCEMENT FOR THIS DEVELOPMENT.

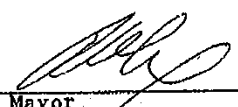
1. The Applicant shall commence physical development no later than one year from the effective date of this Development Order. For the purposes of this Section, the term "physical development" shall mean "development" as defined in section 380.04, Florida Statutes.
2. This Development Order shall remain in effect and development shall be completed on or before December 31, 1991 1990, provided that the applicant its successor and/or assigns, within 30 days of the effective date of the Development Order records the Northport/Broward County Convention Center Development Order with the clerk, Broward County Circuit Court, pursuant to Section 380.06 (15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant its successors, and/or assigns, jointly or severally. The termination date may only be modified in accordance with Section 380.06 (19)(c), Florida Statutes.

SECTION 4. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 5. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

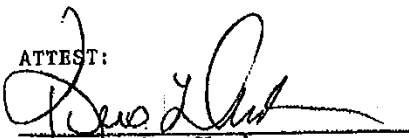
SECTION 6. That this Ordinance shall be in full force and effect immediately upon final passage.

PASSED FIRST READING this the 4th day of April, 1989.
PASSED SECOND READING this the 18th day of April, 1989.



Mayor
ROBERT O. COX

ATTEST:



City Clerk
KRIS L. ANDERSON

SPM:5123B

C-89-34

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CERTIFICATION

I certify this to be a true and correct copy of the record of the City of Fort Lauderdale, Florida.

WITNESSETH my hand and official seal of the City of Fort Lauderdale, Florida, this the 16th day of February 1990
[Signature] City Clerk

ORDINANCE NO. C-90-100

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING ORDINANCE NO. C-89-9 AS AMENDED BY ORDINANCE NO. C-89-34 OF THE CITY OF FORT LAUDERDALE, FLORIDA PROVIDING FOR APPROVAL OF AN APPLICATION FOR DEVELOPMENT APPROVAL FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT LOCATED SOUTH OF SOUTHEAST 17TH STREET, EAST OF EISENHOWER BOULEVARD, AND NORTH OF SOUTHEAST 20TH STREET WITHIN THE JURISDICTIONAL BOUNDARIES OF PORT EVERGLADES, IN THE CITY OF FORT LAUDERDALE; AMENDING THE DEVELOPMENT ORDER TO CHANGE THE DATE WHEN DEVELOPMENT WILL NOT BE SUBJECT TO DOWN ZONING, UNIT DENSITY REDUCTION OR INTENSITY REDUCTION FROM DECEMBER 31, 1990 TO DECEMBER 30, 1995; AMENDING THE DEVELOPMENT ORDER TO CHANGE THE BUILDOUT DATE FROM DECEMBER 31, 1990 TO DECEMBER 30, 1995; AMENDING THE TIME PERIOD FOR COMPLETION OF CERTAIN ROAD IMPROVEMENTS TO BE PHASED IN ACCORDANCE WITH THE GRANTING OF CERTIFICATES OF OCCUPANCY; FINDING THAT THE AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING THAT ALL TERMS OF THE DEVELOPMENT ORDER NOT SPECIFICALLY AMENDED SHALL REMAIN IN FULL FORCE AND EFFECT.

WHEREAS, pursuant to Ordinance No. C-89-9 adopted on February 7, 1989, as amended by Ordinance No. C-89-34 adopted on April 18, 1989, the City of Fort Lauderdale issued a Development Order for the Northport/Broward County Convention Center Development of Regional Impact; and

WHEREAS, the applicant has submitted a notification of a proposed change to a previously approved Development of Regional Impact to the City of Fort Lauderdale, the South Florida Regional Planning Council, and the Florida Department of Community Affairs, requesting an amendment of the Development Order to change the date when the development will not be subject to down zoning, unit density reduction or intensity reduction, and the buildout date from December 31, 1990 to December 30, 1995; and

WHEREAS, as part of this extension of the buildout date, the developer has applied for an amendment to the Development Order to provide for a phasing in of certain road improvements; and

WHEREAS, the City has reviewed the application and the requirements of Chapter 380.06, Florida Statutes (1989) and has determined that the proposed amendment does not constitute a substantial deviation from the Development Order;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. That subsection 10 of Section 7, DEVELOPMENT APPROVAL, of Ordinance No. C-89-9 as amended by Ordinance No. C-89-34 shall be amended to read:

C-90-100

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County Admin. 7354

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SECTION 7. DEVELOPMENT APPROVAL.

10. Prior to the issuance of any certificates of occupancy for the Convention Center, the Applicant shall complete the construction of a Tee at the intersection of Spangler/Eisenhower Boulevards as follows:

This improvement shall consist of two northbound and southbound lanes, a single northbound left turn lane, single eastbound and southbound exclusive right turn lanes, and dual eastbound left turn lanes. In addition, the intersection shall be signalized, if warrants, as established by the Broward County Traffic Engineer, can be met. The improvements shall be designed to meet the geometric intent of the sketch plan attached as Exhibit E, subject to permitting requirements of the reviewing agencies.

Prior to the issuance of any certificates of occupancy for development except the Convention Center, the Applicant shall complete the construction of a four-lane divided roadway from S. E. 17th Street to S. E. 20th Street and a six-lane divided roadway from S. E. 20th Street to U. S. 1. However, in the event that the Applicant can demonstrate to the City and the Council that Level of Service A/B in the non-peak flow can be provided on the Port connector from S. E. 20th Street to the Port Everglades entrance, the Applicant may elect to construct a four-lane divided roadway from S. E. 17th Street to S. E. 20th Street and a five-lane divided roadway from S. E. 20th Street to the Port entrance, and a six-lane divided roadway from the Port entrance to U. S. 1.

SECTION 3. That Section 9, PERIOD OF VESTED DEVELOPMENT RIGHTS, of Ordinance No. C-89-9 as amended by Ordinance No. C-89-34 shall be amended to read:

SECTION 9. PERIOD OF VESTED DEVELOPMENT RIGHTS.

The Development as approved herein shall not be subject to downzoning, unit density reduction, or intensity reduction until December 31, 1990 or 1995, unless the City can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare.

SECTION 4. That Section 10, DATE OF COMMENCEMENT FOR THIS DEVELOPMENT, of Ordinance No. C-89-9 as amended by Ordinance No. C-89-34 shall be amended to read:

C-90-100

BK2036980586

15

SECTION 10. DATE OF COMMENCEMENT FOR THIS DEVELOPMENT.

1. The Applicant shall commence physical development no later than one year from the effective date of this Development Order. For the purposes of this Section, the term "physical development" shall mean "development" as defined in Section 380.04, Florida Statutes.
2. This Development Order shall remain in effect and development shall be completed on or before December 31, 1990 ~~30, 1995~~, provided that the Applicant, its successor and/or assigns, within 30 days of the effective date of the Development Order records the Northport/Broward County Convention Center Development Order with the Clerk, Broward County Circuit Court, pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the Applicant its successors, and/or assigns, jointly or severally. The termination date may only be modified in accordance with Section 380.06(19)(c), Florida Statutes.

SECTION 5. That the amendments provided for herein, when reviewed cumulatively as required by Section 380.06(19), Florida Statutes (1989), do not constitute a substantial deviation and do not require further development of regional impact review.

SECTION 6. That all provisions of the Development Order not specifically amended shall remain in full force and effect.


SECTION 7. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 9. That this Ordinance shall be in full force and effect immediately upon final passage.

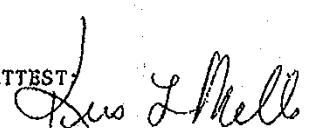
PASSED FIRST READING this the 4th day of December, 1990.

PASSED SECOND READING this the 18th day of December, 1990.



Mayor
ROBERT O. COX

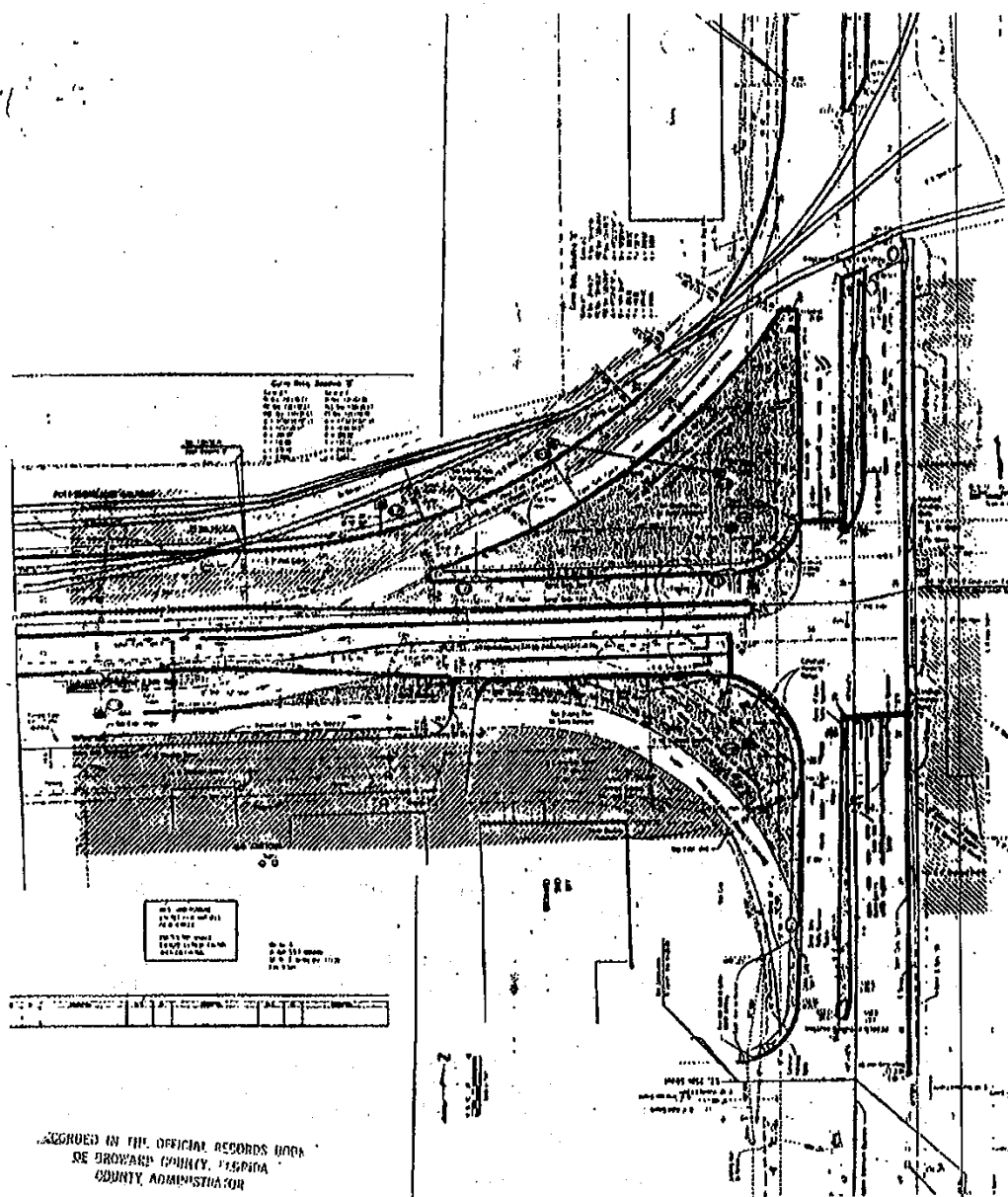
ATTEST:



City Clerk
KRIS L. MILLS

SPM:6738E
C-90-100

BK 2036900581

**EXHIBIT 8**

*Intersection Improvement Plan

*A larger copy of this Exhibit is on file at the Planning and Community Development Department.

PK 20369160588

ORDINANCE NO. C-95-40

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING ORDINANCE NO. C-89-9, AS AMENDED BY ORDINANCE NO. C-89-34 AND ORDINANCE NO. C-90-100 OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR APPROVAL OF AN APPLICATION FOR DEVELOPMENT APPROVAL FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT LOCATED SOUTH OF S.E. 17TH STREET, EAST OF EISENHOWER BOULEVARD AND NORTH OF S.E. 20TH STREET, WITHIN THE JURISDICTIONAL BOUNDARIES OF PORT EVERGLADES, IN THE CITY OF FORT LAUDERDALE PROVIDING FOR THE EXTENSION OF THE BUILDOUT DATE TO DECEMBER 30, 1997.

WHEREAS, pursuant to Ordinance No. C-89-9 adopted on February 7, 1989, as amended by Ordinance No. C-89-34 adopted on April 18, 1989 and Ordinance No. C-90-100 adopted on December 18, 1990, the City Commission of the City of Fort Lauderdale issued a Development Order for the Northport/Broward County Convention Center Development of Regional Impact; and

WHEREAS, the applicant has applied to the City of Fort Lauderdale for an amendment of the development order to extend the buildout date to December 30, 1997; and

WHEREAS, the City of Fort Lauderdale has reviewed the application and the requirements of Chapter 380.06, Florida Statutes, and has determined that the proposed amendment does not constitute a substantial deviation from the Development Order;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. That Section 9, PERIOD OF VESTED DEVELOPMENT RIGHTS, of Ordinance No. C-89-9, as amended by Ordinance No. C-89-34 and Ordinance No. C-90-100 shall be amended to read:

SECTION 2. PERIOD OF VESTED DEVELOPMENT RIGHTS.

The Development as approved herein shall not be subject to downzoning, unit density reduction or intensity reduction until December 30, 1995 ~~30, 1997~~, unless the City can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have

C-95-40

occurred or that the Development Order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare.

SECTION 3. That Section 10, DATE OF COMMENCEMENT FOR THIS DEVELOPMENT, of Ordinance No. C-89-9, as amended by Ordinance No. C-89-34 and Ordinance No. C-90-100 shall be amended to read:

SECTION 10. DATE OF COMMENCEMENT FOR THIS DEVELOPMENT.

1. The applicant shall commence physical development no later than one year from the effective date of this Development Order. For the purposes of this Section, the term "physical development" shall mean "development" as defined in Section 380.04, Florida Statutes.
2. This Development Order shall remain in effect and development shall be completed on or before December 30, 1995 30, 1997, provided that the applicant, its successor and/or assigns, within 30 days of the effective date of the Development Order records the Northport/Broward County Convention Center Development Order with the Clerk, Broward County Circuit Court, pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant its successors, and/or assigns, jointly or severally. The termination date may only be modified in accordance with Section 380.06(19)(c), Florida Statutes.

SECTION 4. That the amendments provided for herein, when reviewed cumulatively as required by Section 380.06(19), Florida Statutes, do not constitute a substantial deviation and do not require further development of regional impact review.

SECTION 5. That all provisions of the Development Order not specifically amended shall remain in full force and effect.

SECTION 6. Within thirty (30) days of the effective date of this Ordinance, the Applicant shall record same with the Clerk of Broward County Circuit Court.


SECTION 7. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 9. That this ordinance shall become effective within forty-five (45) days from transmittal of this Amendment to Development Order to the Florida Department of Community Affairs, the Council and the Applicant, subject to any appeal brought pursuant to the appellate process authorized pursuant to Section 380.07(2), Florida Statutes. If such an appeal is taken, the effective date of this ordinance will commence upon the day after all appeals have been withdrawn or resolved, as provided by that law.

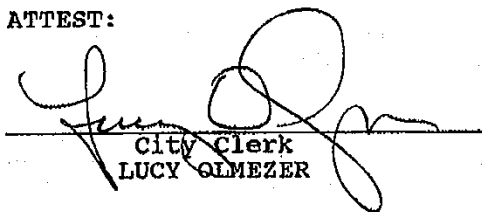
PASSED FIRST READING this the 5th day of July, 1995.

PASSED SECOND READING this the 18th day of July, 1995.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
LUCY OLMEYER

C-95-40

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ORDINANCE NO. C-97-2

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING ORDINANCE NO. C-89-9, AS AMENDED BY ORDINANCE NO. C-89-34, ORDINANCE NO. C-90-100 AND ORDINANCE NO. C-95-40 OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR APPROVAL OF AN APPLICATION FOR DEVELOPMENT APPROVAL FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT LOCATED SOUTH OF S.E. 17TH STREET, EAST OF EISENHOWER BOULEVARD AND NORTH OF S.E. 20TH STREET, WITHIN THE JURISDICTIONAL BOUNDARIES OF PORT EVERGLADES, IN THE CITY OF FORT LAUDERDALE PROVIDING FOR DELETION OF THE REQUIREMENT FOR CONSTRUCTION OF A FIVE-LANE DIVIDED ROADWAY BETWEEN S.E. 20TH STREET AND THE PORT ENTRANCE.

WHEREAS, pursuant to Ordinance No. C-89-9 adopted on February 7, 1989, as amended by Ordinance No. C-89-34 adopted on April 18, 1989, Ordinance C-90-100 adopted on December 18, 1990 and Ordinance No. C-95-40 adopted on July 18, 1995, the City Commission of the City of Fort Lauderdale issued a Development Order for the Northport/Broward County Convention Center Development of Regional Impact; and

WHEREAS, the applicant has applied to the City of Fort Lauderdale for an amendment of the development order to delete the requirement for construction of expansion of Eisenhower Boulevard and Spangler Boulevard as a five-lane or six-lane divided roadway from S.E. 20th Street to the Port Entrance on Spangler Boulevard; and

WHEREAS, the City of Fort Lauderdale has reviewed the application and the requirements of Chapter 380.06, Florida Statutes, and has determined that the proposed amendment does not constitute a substantial deviation from the Development Order;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. That Section 7, DEVELOPMENT APPROVAL, of Ordinance No. C-89-9, as amended by Ordinance No. C-89-34, Ordinance C-90-100 and Ordinance No. C-95-40 shall be amended to read:

SECTION 7. DEVELOPMENT APPROVAL.

. . .

10. Prior to the issuance of any certificates of occupancy for the Convention Center, the Applicant shall complete the construction of a Tee at the intersection of Spangler/Eisenhower Boulevards as follows:

This improvement shall consist of two northbound and southbound lanes, a single northbound left turn lane, single eastbound and southbound exclusive right turn lanes, and dual eastbound left turn lanes. In addition, the intersection shall be signalized, if warrants, as established by the Broward County Traffic Engineer, can be met. The improvements shall be designed to meet the geometric intent of the sketch plan attached as Exhibit 8, subject to permitting requirements of the reviewing agencies.

Prior to the issuance of any certificates of occupancy for development except the Convention Center, the Applicant shall complete the construction of a 4-lane divided roadway from S.E. 17th Street to ~~the Port entrance S.E. 20th Street~~ and a 6-lane divided roadway from ~~the Port entrance S.E. 20th Street~~ to U.S. 1, ~~which improvement the City hereby acknowledges is complete. However, in the event that the applicant can demonstrate to the City and the Council that Level of Service A/B in the non-peak flow can be provided on the Port connector from S.E. 20th Street to the Port Everglades entrance, the applicant may elect to construct a four-lane divided roadway from Southeast 17th Street to Southeast 20th Street and a five-lane divided roadway from Southeast 20th Street to the Port entrance, and a six-lane divided roadway from the Port entrance to U.S. 1.~~

Prior to issuance of a certificate of occupancy for the Northport Marketplace, Northport Marketplace

Ltd. ("Northport") shall post a bond or other security acceptable to the City in the amount of \$678,622 (i) to secure Northport's obligation to construct traffic improvements, if any, which are identified upon completion of a traffic study as outlined below and (ii) to fund the cost to the City of hiring a traffic consultant to perform this traffic study. The City and Northport shall agree upon a methodology to be utilized by the City's consultant in conducting a detailed analysis of the impacts of the 75,000 square foot Northport Marketplace on road capacities, operations (e.g., peak traffic queuing) and physical conditions of the transportation system. In the event the City and Northport are unable to reach agreement upon the scope of this study within sixty (60) days of commencing their good faith effort in that regard, the City will commence the study pursuant to a scope consistent with this condition. The proposed traffic methodology will be submitted to Broward County for review and comment prior to approval by the City and Northport. This traffic study is to be commenced no sooner than three (3) months and no later than nine (9) months after issuance of Certificates of Occupancy for at least seventy percent (70%) of the leasable square footage of the Northport Marketplace so that the impacts of this facility can be realistically evaluated. In the event the study identifies any needed traffic improvements, Northport shall, within twenty-four (24) months of completion of the study, complete construction of such identified needed traffic improvements; provided, however, in no event shall Northport's obligation to construct needed traffic improvements exceed a cost of \$663,622 based upon estimates for such construction agreed to by Northport and City staff. Northport's obligation to fund the cost to the City of hiring a traffic consultant shall not exceed \$15,000. The bond or other security posted by Northport shall be released upon satisfaction of Northport's obligations pursuant to this condition.

SECTION 3. That the amendments provided for herein, when reviewed cumulatively as required by Section 380.06(19), Florida Statutes, do not constitute a substantial deviation and do not require further development of regional impact review.

SECTION 4. That all provisions of the Development Order not specifically amended shall remain in full force and effect.

SECTION 5. Within thirty (30) days of the effective date of this Ordinance, the Applicant shall record same with the Clerk of Broward County Circuit Court.

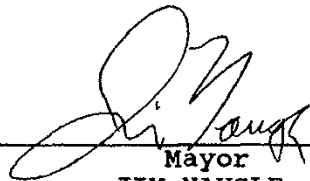
SECTION 6. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 7. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 8. That this Ordinance shall become effective within forty-five (45) days from transmittal of this Amendment to Development Order to the Florida Department of Community Affairs, the Council and the Applicant, subject to any appeal brought pursuant to the appellate process authorized pursuant to Section 380.07(2), Florida Statutes. If such an appeal is taken, the effective date of this ordinance will commence upon the day after all appeals have been withdrawn or resolved, as provided by that law.

PASSED FIRST READING this the 22nd day of January, 1997.

PASSED SECOND READING this the 18th day of February, 1997.




Mayor
JIM NAUGLE

ORDINANCE NO. C-97-2

PAGE 5

ATTEST:



City Clerk
LUCY MASLIAH

C-97-2

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ORDINANCE NO. C-97-63

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA AMENDING ORDINANCE NO. C-89-9, AS AMENDED BY ORDINANCE NO. C-89-34, ORDINANCE NO. C-90-100, ORDINANCE NO. C-95-40 AND ORDINANCE NO. C-97-2 OF THE CITY OF FORT LAUDERDALE, FLORIDA, WHICH ORDINANCES APPROVED AND AMENDED THE DEVELOPMENT ORDER FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT LOCATED SOUTH OF S.E. 17TH STREET, EAST OF EISENHOWER BOULEVARD AND NORTH OF S.E. 20TH STREET, WITHIN THE JURISDICTIONAL BOUNDARIES OF PORT EVERGLADES, IN THE CITY OF FORT LAUDERDALE PROVIDING FOR THE EXTENSION OF THE VESTED DEVELOPMENT RIGHTS AND EFFECTIVE DATE TO DECEMBER 30, 1998.

WHEREAS, pursuant to Ordinance No. C-89-9 adopted on February 7, 1989, as amended by Ordinance No. C-89-34 adopted on April 18, 1989, Ordinance C-90-100 adopted on December 18, 1990, Ordinance No. C-95-40 adopted on July 18, 1995, and Ordinance No. C-97-2 adopted on February 18, 1997, (collectively referred to as the "Development Order") the City Commission of the City of Fort Lauderdale issued a Development Order for the Northport/Broward County Convention Center Development of Regional Impact; and

WHEREAS, the applicant has applied to the City of Fort Lauderdale for an amendment to the Development Order to extend the effective date and vesting date of the Northport/Broward County Convention Center DRI; and

WHEREAS, the City of Fort Lauderdale has reviewed the application and the requirements of Chapter 380.06, Florida Statutes and has determined that the proposed amendment does not constitute a substantial deviation from the Development Order;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the above recitals are true and correct and are incorporated herein by reference.

C-97-63

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SECTION 2. That Section 9, PERIOD OF VESTED DEVELOPMENT RIGHTS, of Ordinance No. C-89-9, as amended by Ordinance No. C-89-34, Ordinance No. C-90-100, Ordinance C-95-40, and Ordinance C-97-2 shall be amended to read:

SECTION 9. PERIOD OF VESTED DEVELOPMENT RIGHTS.

The Development as approved herein shall not be subject to downzoning, unit density reduction or intensity reduction until December 30, ~~1997~~, 1998 unless the City can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare.

SECTION 3. That Section 10, DATE OF COMMENCEMENT FOR THIS DEVELOPMENT, of Ordinance No. C-89-9, as amended by Ordinance No. C-89-34, Ordinance No. C-90-100, Ordinance No. C-95-40, and Ordinance C-97-2 shall be amended to read:

SECTION 10. DATE OF COMMENCEMENT FOR THIS DEVELOPMENT.

1. The applicant shall commence physical development no later than one year from the effective date of this Development Order. For the purposes of this Section, the term "physical development" shall mean "development" as defined in Section 380.04, Florida Statutes.
2. This Development Order shall remain in effect until December 30, 1998 and development shall be completed on or before December 30, 1997, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records the Northport/Broward County Convention Center Development Order with the ~~Clerk, Broward County Circuit Court~~, pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant its successors, and/or assigns, jointly or severally. The termination

date may only be modified in accordance with Section 380.06(19)(c), Florida Statutes.

SECTION 4. That the amendments provided for herein, when reviewed cumulatively as required by Section 380.06(19), Florida Statutes, do not constitute a substantial deviation and do not require further development of regional impact review.

SECTION 5. That all provisions of the Development Order not specifically amended shall remain in full force and effect.

SECTION 6. Within thirty (30) days of the effective date of this Ordinance, the applicant shall record same in the Public Records of Broward County, Florida.


SECTION 7. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 9. That this Ordinance shall become effective within forty-five (45) days from transmittal of this Amendment to Development Order to the Florida Department of Community Affairs, the Council and the Applicant, subject to any appeal brought pursuant to the appellate process authorized pursuant to Section 380.07(2), Florida Statutes. If such an appeal is taken, the effective date of this


ordinance will commence upon the day after all appeals have been withdrawn or resolved, as provided by that law.

PASSED FIRST READING this the 2nd day of December, 1997.
PASSED SECOND READING this the 16th day of December, 1997.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
LUCY MASLIAN

ORDINANCE NO. C-98-25

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-89-9, AS AMENDED BY ORDINANCE NO. C-89-34, ORDINANCE NO. C-90-100, ORDINANCE NO. C-95-40, ORDINANCE NO. C-97-2 AND ORDINANCE NO. C-97-63 OF THE CITY OF FORT LAUDERDALE, FLORIDA, WHICH ORDINANCES APPROVED AND AMENDED THE DEVELOPMENT ORDER FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT LOCATED SOUTH OF S.E. 17TH STREET, EAST OF EISENHOWER BOULEVARD AND NORTH OF S.E. 20TH STREET, WITHIN THE JURISDICTIONAL BOUNDARIES OF PORT EVERGLADES, IN THE CITY OF FORT LAUDERDALE; PROVIDING FOR THE CREATION OF PHASE IA OF THE DEVELOPMENT OF REGIONAL IMPACT AND ESTABLISHING A BUILDOUT DATE FOR PHASE IA.

WHEREAS, pursuant to Ordinance No. C-89-9 adopted on February 7, 1989, as amended by Ordinance No. C-89-34 adopted on April 18, 1989, Ordinance No. C-90-100 adopted on December 18, 1990, Ordinance No. C-95-40 adopted on July 18, 1995, Ordinance No. C-97-2 adopted on February 18, 1997 and Ordinance No. C-97-63 adopted on December 16, 1997 (collectively referred to as the "Development Order") the City Commission of the City of Fort Lauderdale issued a Development Order for the Northport/Broward County Convention Center Development of Regional Impact ("DRI"); and

WHEREAS, the applicant has applied to the City of Fort Lauderdale for an amendment to the Development Order to create a new Phase IA development program and build out date for that portion of the Northport/Broward County Convention Center DRI subject to a 99 year lease between Broward County and Northport Marketplace, Ltd. (the "Northport Leasehold Area", legally described on Attachment I and delineated on Attachment II hereof); and

WHEREAS, the City of Fort Lauderdale has reviewed the application and the requirements of Chapter 380.06, Florida Statutes, and has determined that the proposed amendment does not constitute a substantial deviation from the Development Order;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

C-98-25

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SECTION 1. That the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. That Section 2, DEVELOPMENT IDENTIFICATION, of Ordinance No. C-89-9, as amended by Ordinance No. C-89-34, Ordinance No. C-90-100, Ordinance No. C-95-40, Ordinance No. C-97-2 and Ordinance No. C-97-63 shall be amended to read:

SECTION 2. DEVELOPMENT IDENTIFICATION.

5. Development Summary. The development will consist of 1,065,000 square feet of building floor area and 850 hotel rooms on 33 acres of land. Approximately 420,000 square feet of the gross floor area will be used for convention center purposes (370,000 square feet with a 50,00 square feet expansion), 320,000 square feet of gross leasable retail space and 325,000 square feet of gross leasable office space and 850 hotel rooms; provided, however, that the 4+ acres legally described on Attachment I hereto, and delineated on the Revised Map H (Attachment II) as the "Northport Leasehold Area" (such area being subject to that certain Amended and Restated Lease by and between Broward County and Northport Land Partners, Ltd.) shall be limited to that portion of the overall development described herein as follows:

Northport Leasehold Area Development Program	
Phase I (existing)	75,000 sq. ft. retail
Phase IA (proposed) (1997-2002)	125,000 sq. ft. retail and 170,000 sq. ft. office

SECTION 3. That Section 7, DEVELOPMENT APPROVAL, of Ordinance No. C-89-9, as amended by Ordinance No. C-89-34, Ordinance No. C-90-100, Ordinance No. C-95-40, Ordinance No. C-97-2 and Ordinance No. C-97-63 shall be amended to read:

SECTION 7. DEVELOPMENT APPROVAL.

10. Prior to the issuance of any certificates of occupancy for the Convention Center, the Applicant shall complete the construction of a Tee at the intersection of Spangler/Eisenhower Boulevards as follows:

This improvement shall consist of two northbound and southbound lanes, a single northbound left turn lane, single eastbound and southbound exclusive right turn lanes, and dual eastbound left turn lanes. In addition, the intersection shall be signalized, if warrants, as established by the Broward County Traffic Engineer, can be met. The improvements shall be designed to meet the geometric intent of the sketch plan attached as Exhibit 8, subject to permitting requirements of the reviewing agencies.

Prior to the issuance of any certificates of occupancy for development except the Convention Center, the Applicant shall complete the construction of a 4-lane divided roadway from S.E. 17th Street to the Port entrance and a 6-lane divided roadway from the Port entrance to U.S. 1, which improvement the City hereby acknowledges is complete.

Prior to issuance of a certificate of occupancy for the Northport Marketplace, Northport Marketplace Ltd. ("Northport") shall post a bond or other security acceptable to the City in the amount of \$678,622 (i) to secure Northport's obligation to

construct traffic improvements, if any, which are identified upon completion of a traffic study as outlined below and (ii) to fund the cost to the City of hiring a traffic consultant to perform this traffic study. The City and Northport shall agree upon a methodology to be utilized by the City's consultant in conducting a detailed analysis of the impacts of the ~~75,000 square foot development within the Northport Marketplace Leasehold Area~~ on road capacities, operations (e.g., peak traffic queuing) and physical conditions of the transportation system. In the event the City and Northport are unable to reach agreement upon the scope of this study within sixty (60) days of commencing their good faith effort in that regard, the City will commence the study pursuant to a scope consistent with this condition. The proposed traffic methodology will be submitted to Broward County for review and comment prior to approval by the City and Northport. The schedule for preparation of this traffic study is to be commenced shall be as follows:

- (i) no sooner than three (3) months and no later than nine (9) months During the period from January 1 through April 15 immediately after issuance of Certificates of Occupancy for at least seventy percent (70%) of the leasable square footage of Phase I of the Northport Marketplace so that the impacts of this facility can be realistically evaluated. a study of the Phase I local traffic impacts shall be completed;
- (ii) During the period from January 1 through April 15 immediately after issuance of Certificates of Occupancy for at least seventy percent (70%) of the leasable square footage actually constructed as Phase IA of the Northport Marketplace, a study of the Phase IA local traffic impacts shall be completed; provided, however, in the event seventy percent (70%) occupancy has not been achieved by December

31, 2001, the Phase IA traffic study shall be conducted between January 1 and April 15, 2002 based upon the level of development constructed and for which site plan approval has been granted or is pending as Phase IA.

In the event the study above-described studies identifies identify any needed traffic improvements, Northport shall, within twenty-four (24) months of completion of the each study, complete construction of such identified needed traffic improvements; provided, however, in no event shall Northport's obligation to construct needed traffic improvements exceed a cost of \$663,622 based upon estimates for such construction agreed to by Northport and City staff. Northport's obligation to fund the cost to the City of hiring a traffic consultant shall not exceed \$15,000. The bond or other security posted by Northport shall be released upon satisfaction of Northport's obligations pursuant to this condition.

Prior to issuance of any building permit for Phase IA, there must be a site plan for Phase IA approved by the City Commission.

SECTION 4. That Section 9, PERIOD OF VESTED DEVELOPMENT RIGHTS, of Ordinance No. C-89-9, as amended by Ordinance No. C-89-34, Ordinance No. C-90-100, Ordinance No. C-95-40, Ordinance No. C-97-2 and Ordinance No. C-97-63 shall be amended to read:

SECTION 9. PERIOD OF VESTED DEVELOPMENT RIGHTS.

The Development as approved herein shall not be subject to downzoning, unit density reduction or intensity reduction until December 30, 1998, unless the City can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the applicant, or that the change

is clearly essential to the public health, safety or welfare; provided, however, as to the Northport Leasehold Area, development as approved herein shall not be subject to downzoning, unit density reduction or intensity reduction until December 30, 2002, unless the City can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare.

SECTION 5. That Section 10, DATE OF COMMENCEMENT FOR THIS DEVELOPMENT, of Ordinance No. C-89-9, as amended by Ordinance No. C-89-34, Ordinance No. C-90-100, Ordinance No. C-95-40, Ordinance No. C-97-2 and Ordinance No. C-97-63 shall be amended to read:

SECTION 10. DATE OF COMMENCEMENT FOR THIS DEVELOPMENT.

1. The applicant shall commence physical development no later than one year from the effective date of this Development Order. For the purposes of this Section, the term "physical development" shall mean "development" as defined in Section 380.04, Florida Statutes.
2. This Development Order shall remain in effect until December 30, 1998 and development shall be completed on or before December 30, 1997, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records the Northport/Broward County Convention Center Development Order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant its successors, and/or assigns, jointly or severally, provided, however, as to the Northport Leasehold Area Development Program this Development Order shall remain in effect and development shall be completed on or before December 30, 2002, provided that the

applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records this amendment to the Northport/Broward County Convention Center Development Order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant its successors, and/or assigns, jointly or severally. The termination date may only be modified in accordance with Section 380.06(19)(c), Florida Statutes.

SECTION 6. That the amendments provided for herein, when reviewed cumulatively as required by Section 380.06(19), Florida Statutes, do not constitute a substantial deviation and do not require further development of regional impact review.

SECTION 7. That all provisions of the Development Order not specifically amended shall remain in full force and effect.

SECTION 8. Within thirty (30) days of the effective date of this Ordinance, the applicant shall record same in the Public Records of Broward County, Florida.

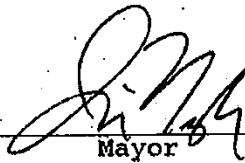
SECTION 9. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 10. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 11. That this Ordinance shall become effective within forty-five (45) days from transmittal of this Amendment to Development Order to the Florida Department of Community Affairs, the Council and the Applicant, subject to any appeal brought pursuant to the appellate process authorized pursuant to Section 380.07(2), Florida Statutes. If such an appeal is taken, the effective date of this


ordinance will commence upon the day after all appeals have been withdrawn or resolved, as provided by that law.

PASSED FIRST READING this the 7th day of April, 1998.
PASSED SECOND READING this the 21st day of April, 1998.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
LUCY MASLIAH

ORDINANCE NO. C-98-45

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, AMENDING AND RESTATING ORDINANCE NO. C-89-9 AS AMENDED BY ORDINANCE NO. C-89-34, ORDINANCE NO. C-90-100, ORDINANCE NO. C-95-40, ORDINANCE NO. C-97-2, ORDINANCE NO. C-97-63 AND ORDINANCE NO. C-98-25 OF THE CITY OF FORT LAUDERDALE, FLORIDA, WHICH ORDINANCES APPROVED AND AMENDED THE DEVELOPMENT ORDER FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT ("DRI") LOCATED SOUTH OF S.E. 17TH STREET, EAST OF EISENHOWER BOULEVARD AND NORTH OF S.E. 20TH STREET, WITHIN THE JURISDICTIONAL BOUNDARIES OF PORT EVERGLADES, IN THE CITY OF FORT LAUDERDALE; AMENDING THE APPROVED USES, ESTABLISHING A THREE PHASE DEVELOPMENT PROGRAM AND EXTENDING THE BUILDOUT DATE FOR A PORTION OF THE DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR DEVELOPMENT IDENTIFICATION; PROVIDING DEVELOPMENT APPROVAL; PROVIDING FOR GENERAL CONDITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Broward County, a political subdivision of the State of Florida is the Applicant; and

WHEREAS, Broward County is the owner ("County" or "Owner") of the property described in Exhibit "A" and Northport Venture Associates, Inc. and Northport Marketplace, Ltd. has a leasehold interest in the portion of the property described in Exhibit "B"; and

WHEREAS, the City of Fort Lauderdale ("City") initially approved the Northport/Convention Center Development of Regional Impact ("DRI") and issued a Chapter 380 Development Order by Ordinance No. C-89-9 dated February 7, 1989; and

WHEREAS, the City has amended the Northport/Convention Center Development of Regional Impact several times throughout the years since the initial approval; and

WHEREAS, Applicant wishes to modify the permitted development to include future convention center, hotel, retail and office uses, and to extend the buildout, expiration, and termination dates; and

WHEREAS, the Applicants filed an Application for Development Approval of a Substantial Deviation ("ADA") to amend the Previous Development Orders on November 6, 1997; and

WHEREAS, the South Florida Regional Planning Council ("SFRPC"), on July 6, 1998, reviewed the ADA and recommended approval of the proposed DRI subject to certain conditions and requirements as set forth in its Development of Regional Impact Assessment dated July 6, 1998 ("Assessment"); and

WHEREAS, the City of Fort Lauderdale Planning and Zoning Board, after appropriate notice, conducted a Public Hearing on June 17, 1998, and recommended approval to the City Commission of the City of Fort Lauderdale; and

WHEREAS, the City Commission of the City of Fort Lauderdale, after complying with all applicable notice requirements, reviewed the recommendations of the SFRPC and the Planning and Zoning Board, conducted a Public Hearing on July 21, 1998, and determined that approval of the Amended and Restated DRI, subject to the conditions and requirements specified in this Development Order, ("Development Order") will further the interests of the health, safety and welfare of the citizens of the City of Fort Lauderdale;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Findings Of Fact And Conclusions Of Law. The City Commission of the City of Fort Lauderdale makes the following findings of fact and reaches the following conclusions of law regarding this Development Order.

A. Findings Of Fact.

1. The above recitals are true and correct, and are incorporated herein by reference.
2. On November 6, 1997, the Applicant submitted the ADA to the County, the SFRPC, the City of Fort Lauderdale, Florida, and the Florida Department of Community Affairs ("DCA") pursuant to Section 380.06(6), Florida Statutes.

3. The ADA was reviewed as required by Chapter 380, Florida Statutes.
4. The City Commission of the City of Fort Lauderdale held a Public Hearing on July 21, 1998, considered the ADA and addressed each of the criteria set forth in Sections 380.06(14) and (15), Florida Statutes.
5. The City Commission of the City of Fort Lauderdale determined at the Public Hearing that all legal requirements of notice and publication as required by Section 380.06(11), Florida Statutes, as well as local procedural requirements, for the issuance of this Development Order have been met or have occurred.
6. The Project is not in an Area of Critical State Concern.
7. The City Commission of the City of Fort Lauderdale finds that the Project is exempt from regional road network concurrency pursuant to Chapter 5, Article IX, Broward County Land Development Code and the Broward County Land Use Plan.
8. All roadway construction and/or contribution obligations from previous development orders governing this Project have either been satisfied, or deleted by previous amendments, except for the obligations of Northport Marketplace, Ltd., as contained in Section 3C, herein.

B. Conclusions Of Law.

1. The Project, as approved herein, does not unreasonably interfere with the achievement of the objectives of the state land development plan applicable to the area.
2. The Project, as approved herein, is consistent with the State Comprehensive Plan.

3. The Project, as approved herein, is consistent with the City of Fort Lauderdale and Broward County Comprehensive Plans, and all other applicable land development ordinances and regulations.
4. This Development Order makes adequate provision for the public facilities needed to accommodate the impacts of the proposed development.
5. Approval of this Development Order is consistent with the requirements of Chapter 380, Florida Statutes, and is in conformity with all other applicable local and state laws and regulations.
6. The Development Order is consistent with the SFRPC's Assessment.
7. This Development Order consolidates, amends, and restates all previous development orders for the Northport/ Broward County Convention Center DRI and shall be the only DRI Development Order which shall govern the project.

Section 2. Development Identification.

A. Legal Description. The legal description of the property to be developed subject to this development order is attached hereto as Exhibit "A" ("Property").

B. Name of Development. The development shall be known as the "Northport/Broward County Convention Center." ("Project").

C. Name of Developer. With regard to the "Northport Leasehold Area", as legally described in Exhibit "B," the Developer is Northport Marketplace, Ltd. With regard to the balance of the development, the Developer is the Broward County Board of County Commissioners.

D. Authorized Agent of Developer. With regard to the "Northport Leasehold Area" the authorized agent is:

Debbie Orshefsky, Esq.
Greenberg, Traurig, et al.
P.O. Box 14036
Fort Lauderdale, Florida 33302-4036

With regard to the balance of the Development, the authorized agent is:

Elliot S. Auerhahn, Director
Broward County Development Management Division
115 South Andrews Avenue, Room A240
Fort Lauderdale, Florida 33301

E. Development Summary. The development will consist of 1,020,000 square feet of building floor area and 1,000 hotel rooms on 33 acres of land. This development shall include:

1. 550,000 square feet of convention center (370,000 square feet existing; 180,000 square feet addition);
2. 1,000 hotel rooms, including restaurant usage within the hotel not to exceed 30,000 square feet;
3. 200,000 square feet of retail use; (Northport Marketplace)
4. 170,000 square feet of office use; (Northport Marketplace) and
5. 100,000 square feet of retail or office use;

Provided, however, that the 4± acres legally described on Exhibit "B" hereto, and delineated on Revised Map H, (Exhibit "C") as the "Northport Leasehold Area" (such area being subject to that certain Amended and Restated Lease by and between Broward County and Northport Land Partners, Ltd.) shall be limited to that portion of the overall development described herein as follows:

Northport Leasehold Area
Development Program

<u>Phase I (existing)</u>	<u>75,000 square feet retail</u>
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<u>Phase IA (proposed)</u>	<u>125,000 square feet retail</u>
<u>(1997-2002)</u>	<u>170,000 square feet office.</u>

The balance of the 33± acres, aside from the Northport Leasehold Area, shall be allocated the following development:

Broward County Development Program

<u>Phase I (existing)</u>	<u>370,000 square feet convention center;</u>
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<u>Phase II (1998-2003)</u>	<u>500 hotel rooms, including restaurants</u> <u>not to exceed 21,000 square feet;</u> <u>180,000 square feet convention center</u> <u>expansion;</u>
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<u>Phase III (2003-2008)</u>	<u>500 hotel rooms including restaurants not</u> <u>to exceed 9,000 square feet;</u> <u>100,000 square feet retail/office.</u>
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Section 3. Development Approval.

The Northport/Broward County Convention Center DRI, as described in this Development Order, and as represented in the ADA, is hereby approved subject to the following conditions, stipulations, and requirements:

A. THE DEVELOPERS, THEIR SUCCESSORS, AND/OR ASSIGNS, JOINTLY OR SEVERALLY, SHALL:

1. Incorporate the following into the project design and operation:
 - a. Actively encourage and promote ridesharing by establishing a car and van pool information program;
 - b. Encourage transit use by provision of bus shelters, development of turnout lanes, or provision of other amenities to increase ridership, and provide transit route and schedule information, as available, in convenient locations throughout the project;

- c. Provide on-site bicycle storage facilities to encourage use of alternative modes of transportation; and,
 - d. Regularly schedule vacuum sweeping of all parking lots of eleven or more parking spaces, runways and roadways serving the parking lots.
- 2. Design, construct and maintain any additions, expansions, or replacements to the stormwater management system to meet the following standards:
 - a. Comply with the regulations and requirements of the South Florida Water Management District (SFWMD), Broward County Department of Natural Resources Protection (DNRP), and applicable local government comprehensive plan drainage level of service requirements for surface water management in effect at that time.
 - b. Install pollutant retardant structures to treat all stormwater runoff at each of the new project outfall structures in accordance with the master drainage plan, and periodically remove pollutant accumulations.
 - c. Use silt screens and aprons or other best management practices during any phase of project construction that may increase turbidity in adjacent surface waters.
 - d. Mulch, spray, or grass exposed areas to prevent soil erosion and minimize air pollution and stormwater runoff.
- 3. New structures in the floodplain shall be designed so as not to impede the flow of water through the floodplain. Comply with applicable City of Fort Lauderdale Comprehensive Plan policies related to new structures in the floodplain.

4. Design, construct, and maintain any additions, expansions, or replacements to the on-site irrigation system to minimize salt-water intrusion and excessive irrigation in accordance with SFWMD guidelines. When practicable, use recycled water for landscape irrigation and other water conserving techniques to reduce the demand on the region's potable water supply; including the installation of rain sensors or irrigation timers, and compliance with City of Fort Lauderdale and Broward County Code restrictions on irrigation timing.
5. Incorporate the use of water sensors, ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices/methods to reduce the demand on the region's potable water supply. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the City of Fort Lauderdale by the SFWMD.
6. Remove Melaleuca, Casuariana, Schinus and all other invasive exotic vegetation, as recognized by the Florida Exotic Pest Plant Council in each phase of the development. Place visible barriers around the trees or tree clusters to remain on site, prior to removal of exotic vegetation with heavy equipment.
7. Comply with the tree preservation requirements and the landscaping standards of Section 47-21 of the City of Fort Lauderdale Code of Ordinances, and other applicable local government requirements and standards. The Applicant shall follow xeriscape principles in landscape design and the selection of species for planting.
8. The Developers shall, to the best of their ability, fully utilize economic development enhancement resource agencies and programs to involve small and minority businesses in the development and expansion of permanent job opportunities. Examples of such resource agencies and programs include, but

are not limited to, those listed on the attached Exhibit D. The Developers are specifically encouraged to concentrate on efforts to assist the economically disadvantaged by adopting a plan of action. The economic disparity action plan may be accomplished by utilizing programs designated for enterprise zones as well as other economic and employment opportunity programs. The Developers should provide goals and policies defining steps and procedures that affirmatively address social and economic disparity. The Developers are further encouraged to work with community development corporations and other community-based agencies to promote its plan and achieve its obligations.

9. Within 120 days of the issuance of the first Certificate of Occupancy after the effective date of this development order, the Applicant in consultation with leaseholders shall submit a Hazardous Materials Management Plan (HMMP) for review and approval by the City of Fort Lauderdale, DNRP, the Florida Department of Environmental Protection (FDEP), and the South Florida Regional Planning Council (SFRPC). Provide a copy of the approved plan to the City of Fort Lauderdale Fire Department and the Port Everglades Public Safety Division. The HMMP shall incorporate into the development by lease as long as the property is owned by Broward County and incorporate into the development by sale agreement and restrictive covenant when any of the property is conveyed, as applicable, the following provisions:
 - a. A designation of the person or job title responsible for the onsite monitoring and enforcement of the HMMP. The responsible party shall annually (1) monitor the compliance of the HMMP and report the results of the monitoring to the City, the SFRPC, DCA and any other affected State agency, in the annual report required pursuant to Subsection 380.06(18), F.S., and this development order and (2) conduct a yearly education and

orientation program for all onsite occupants utilizing hazardous materials to familiarize them with the provisions of the HMMP.

- b. Contain a condition naming the State of Florida and DNRP as parties with the right to enforce the HMMP, allowing access to the site upon request, requiring notice to them of any proposed changes to the HMMP, and providing them with full enforcement rights, should the HMMP be violated.
- c. Require tenants or other appropriate parties to comply with all applicable reporting provisions of Title III of the Superfund Amendment and Reauthorization Act (SARA) of the Emergency Planning and Community Right-to-know Act (EPCRA) and DNRP, Chapter 27 of the Broward County Code.
- d. Require that buildings where hazardous materials or hazardous wastes are to be used, displayed, handled, generated, or stored shall be constructed with impervious floors, without drains, to ensure containment and facilitate cleanup of any spill or leakage.
- e. Prohibit any outside storage of hazardous materials or hazardous waste. The exception to this condition is for retail goods typically associated with residential nursery activity such as lawn fertilizers and garden pesticides.
- f. Provide for proper maintenance, operation, and monitoring of hazardous materials management systems, including spills, hazardous materials and biohazardous waste containment systems, and equipment necessary on-site for the handling of first response to releases of oil or hazardous materials along with the capacity to employ such equipment.

- g. Provide minimum standards and procedures for storage, prevention of spills, containment of spills, and transfer and disposal of hazardous materials and describe design features, response actions and procedures to be followed in case of spills or other accidents involving hazardous materials, biohazardous waste or hazardous waste; and require tenants or other appropriate parties to notify appropriate authorities in the event of a release as required by applicable regulations.
- h. Require that any area used for loading and unloading of hazardous material be covered and equipped with a collection system to contain accidental spills.
- i. Require all hazardous waste generators to contract with licensed public or private hazardous waste disposal service or processing facility and to provide the Broward County Resource Recovery Board copies of the following:
 - 1) hazardous waste manifest;
 - 2) documentation of shipment to a permitted hazardous waste management facility; or
 - 3) confirmation of receipt of materials from a recycler or a waste exchange operation.
- 10. Incorporate energy conservation measures into the design and operation of the project. At a minimum, construct all development in conformance with the specifications of the South Florida Building Code and the Florida Energy Code. Consider using natural gas and/or renewable energy sources (e.g., solar heating) for water heating, space heating, air cooling and lighting control. Monitor design review procedures and electrical energy conservation measures, proposed in the ADA, during

the project construction phase to assess the effectiveness of same.

11. All excavation, dredging and filling on site shall be subject to all provisions of Chapter 27, Broward County Code of Ordinances and any licenses issued pursuant to that Chapter shall remain in full force and effect. All other excavation operations undertaken by developers on such lands, which are not incidental to construction work, shall be governed by applicable City of Fort Lauderdale and Broward County Ordinances. Assure that any fill material utilized at the site, whether from onsite excavation activities or from offsite sources, meets the clean soils criteria of the Department of Environmental Protection.
12. Notify state archeological officials at the Division of Historical Resources of the Florida Department of State of construction schedules. Delay construction up to three months in any area where potentially significant historical or archeological artifacts are uncovered, and permit state and local historical preservation officials to survey and excavate the site.
13. Limit primary project vehicle access points to the off-site roadway network to the locations shown in Exhibit E.

B. THE APPLICANT SHALL:

1. Prior to the issuance of any additional building permits within the property, Applicant shall place a notation on the face of "Port Everglades Plat No. 2" (Plat Book 108, Page 31) which is consistent with this Development Order. As a condition of the approval of this request, Applicant shall commit to the expenditure of no less than \$288,624.00 in road impact fees, pursuant to Section 5-182(a)(4)c) of the Broward County Land Development Code. The use of these funds shall be mutually agreed upon by the City and the Applicant within one year of the

recordation of the notation on the face of the plat.

2. Submit an annual report to the City of Fort Lauderdale, the SFRPC, the DCA, and the Florida Department of Transportation (District 4) on each anniversary date of the effective date of the development. The annual report shall include, at a minimum, a complete response to each question in Exhibit F.
3. Within 30 days of the effective date of the development order, record notice of the adoption of the development order with the Clerk of the Broward County Circuit Court pursuant to Section 380.06(15), F.S., specifying that the development order runs with the land and is binding on the Applicant, its successors, and assigns, jointly or severally.
4. Prior to the year 2008, the Applicant shall construct a ramp serving either level 3, 4 or 5 of the existing parking garage to simulate the recently completed air quality modeling study. If said ramp is not completed, additional mitigation measures will be required to meet acceptable air quality standards.
5. Prior to issuance of any building permit for Phases II and III, there must be a corresponding site plan approved by the City Commission.
6. Any proposed modification (other than a temporary modification, which is defined to mean an interim or non-permanent improvement, including but not limited to road modifications as a result of construction, traffic accidents or other short term causes) by Applicant to all, or any portion, of Eller Drive, Spangler Boulevard or Eisenhower Boulevard, which reduces capacity of any one or more of such roadways by 5% or more of such facilities' capacity at level of Service E, shall require the Applicant to submit to the City a

revised traffic impact analysis incorporating such changes. Upon City's request Applicant shall submit such traffic impact analysis. Should a traffic impact analysis required pursuant to this section indicate that additional transportation mitigation is required, then the City may require an amendment to the Development Order prior to the implementation of the modification. Applicant's traffic impact analysis shall be subject to the review and concurrence of City's traffic consultants.

Based on the requirements of this section, the City shall not withhold building permits or certificates of occupancy for any development within the Property for which site plan approval has been granted.

The City shall not withhold any future site plan approval for any development within the Property based upon the requirement of this section unless the traffic impact analysis required herein has been submitted by the Applicant to the City. Any such delay to the approval of any site plan shall not extend beyond the date when either: 1) the City determines that no amendment to the Development Order is needed, or 2) an amendment to the DRI is adopted by the City, or 3) a bond is posted with the City to cover the cost of any mitigation measures which may need to be taken in order to address traffic impacts and an application to amend the Development Order has been submitted and the Applicant is taking action to complete the proposed amendment. Cost will be established by an estimate of a licensed professional engineer qualified to give such estimates, which engineer shall be chosen by City and Applicant. Any request by Applicant to City for review or a determination under this provision shall be acted upon by City on an expedited basis. For purposes of this condition, the Property does not include the Northport Leasehold Area or the area leased to Broward County Convention Center Hotel Limited Partnership.

C. NORTHPORT MARKETPLACE, LTD. SHALL:

Prior to issuance of a certificate of occupancy for the Northport Marketplace on the Northport Leasehold Area, Northport Marketplace Ltd. ("Northport") shall post a bond or other security acceptable to the City in the amount of \$678,622 (i) to secure Northport's obligation to construct traffic improvements, if any which are identified upon completion of a traffic study as outlined below and (ii) to fund the cost to the City of hiring a traffic consultant to perform this traffic study. The City and Northport shall agree upon a methodology to be utilized by the City's consultant in conducting a detailed analysis of the impacts of the development within the Northport Leasehold Area on road capacities, operations (e.g., peak traffic queuing) and physical conditions of the transportation system. In the event the City and Northport are unable to reach agreement upon the scope of this study within sixty (60) days of commencing their good faith effort in that regard, the City will commence the study pursuant to a scope consistent with this condition. The proposed traffic methodology will be submitted to Broward County for review and comment prior to approval by the City and Northport. The schedule for preparation of this traffic study shall be as follows:

- (i) During the period from January 1 through April 15 immediately after issuance of Certificates of Occupancy for at least seventy percent (70%) of the leasable square footage of Phase I of the Northport Marketplace, a study of the Phase I local traffic impacts shall be completed;
- (ii) During the period from January 1 through April 15 immediately after issuance of Certificates of Occupancy for at least seventy percent (70%) of the leasable square footage actually constructed as Phase IA of the Northport Marketplace, a study of the Phase IA local traffic impacts shall be completed; provided, however, in the event seventy percent (70%) occupancy has not been achieved by December 31, 2001, the Phase IA traffic study shall

be conducted between January 1 and April 15, 2002, based upon the level of development constructed and for which site plan approval has been granted or is pending as Phase IA.

In the event the above-described studies identify any needed traffic improvements, Northport shall, within twenty-four (24) months of completion of each study, complete construction of such identified needed traffic improvements; provided, however, in no event shall Northport's obligation to construct needed traffic improvements exceed a cost of \$663,622 based upon estimates for such construction agreed to by Northport and City staff. Northport's obligation to fund the cost to the City of hiring a traffic consultant shall not exceed \$15,000. The bond or other security posted by Northport shall be released upon satisfaction of Northport's obligations pursuant to this condition.

Prior to issuance of any building permit for Phase IA, there must be a site plan for phase IA approved by the City Commission.

D. THE CITY OF FORT LAUDERDALE SHALL:

1. Withhold the issuance of building permits or certificates of occupancy, or both, if potable water and wastewater treatment demand exceeds capacity adequate to serve that demand.
2. Participate as necessary to meet the requirements as outlined in the Hazardous Materials Management Plan.
3. Review project landscape plans to ensure that only those plant species identified in Chapter 39, Article VIII, Broward County Code of Ordinances and applicable portions of the City of Fort Lauderdale codes are used for project landscaping and that xeriscape principles are utilized in such landscape plans, as practicable.

4. Monitor site development to ensure that exotic plant species are removed.
5. In the event the Applicant, its successors, or assigns violates any of the conditions of the development order or otherwise fails to act in substantial compliance with the development order (hereinafter "violator"), stay the effectiveness of the development order as to the tract, or portion of the tract, in which the violative activity or conduct has occurred and withhold further permits, approvals, and services for development in said tract, or portion of the tract, upon passage of any appropriate resolution by the local governments of jurisdiction, adopted in accordance with this section, finding that such violation has occurred. The violator will be given written notice by the local government of jurisdiction that states: 1) the nature of the purported violation, and 2) that unless the violation is cured within 15 days of said notice, the local government of jurisdiction will hold a public hearing to consider the matter within 30 days of the date of said notice.

If the violation is not curable in 15 days, the violator's diligent good faith efforts to cure the violation within that period will obviate the need to hold a public hearing and the development order will remain in effect unless the violator does not diligently pursue the curative action to completion within a reasonable time, in which event the local government of jurisdiction will give 15 days notice to the violator of its intention to stay the effectiveness of the development order and withhold further permits, approvals, and services as to the tract, or portion of the tract, in which the violation has occurred and until the violation is cured. For purposes of this paragraph, the word "tract" shall be defined to mean any area of development identified on the Northport/Broward County Convention Center Development Plan (Exhibit 3). In addition, the phrase "portion of a tract"

means a division of a tract into more than one ownership as created by deed or plat.

6. The City of Fort Lauderdale hereby designates the Director of the Planning and Economic Development, or his/her designee, as the local official responsible for monitoring all conditions of this Development Order.

Section 4. Period of Vested Development Rights and Date of Completion.

1. Physical development of the Project has commenced. For purposes of this paragraph, physical development means development as defined in Section 380.04, F.S.
2. This Development Order shall remain in effect until December 30, ~~1998~~ 2008 and development shall be completed on or before December 30, ~~1997~~ 2008, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records the Northport/Broward County Convention Center Development Order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant, its successors, and/or assigns, jointly or severally, provided, however, as to the Northport Leasehold Area Development Program this Development Order shall remain in effect and development shall be completed on or before December 30, 2002, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records this amendment to the Northport/Broward County Convention Center Development Order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant, its successors, and/or assigns, jointly or severally. The termination date may only be modified in accordance with Section 380.06(19)(c), Florida Statutes.

Section 5. Incorporation of ADA and Assessment.

- A. The Applicant shall integrate, or cause the integration of, all original and supplemental ADA information into a Consolidated

Application for Development Approval ("CADA"), and shall submit two copies of the CADA to the SFRPC, one copy to Broward County, one copy to the City of Fort Lauderdale and one copy to the DCA within thirty (30) days of the effective date of this Development Order. The CADA shall be prepared as follows:

1. Where new, clarified, or revised information was prepared subsequent to submittal of the ADA but prior to issuance of this Development Order, whether in response to a formal statement of information needed or otherwise, the original pages of the ADA 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.

B. Pursuant to Rule 9J-2.025, Section (3)(b)9, F.A.C., the CADA (as prepared above) and the SFRPC's Assessment are incorporated herein by reference, and have been relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes, and local ordinances. Substantial compliance with the representations contained in the ADA is a condition of approval unless waived or modified by agreement among the applicable local government of jurisdiction, the SFRPC, and the Developer, its successors, or assigns.

Section 6. Annual Report.

Applicant, or as applicable its grantees, lessees, successors or assigns, shall prepare and submit, or cause to be prepared and submitted, an annual report to Broward County, the City of Fort Lauderdale, SFRPC, DCA, and the Florida Department of Transportation (District 4) on each anniversary date of the effective date of this Development Order. The annual report shall include, at a minimum, a complete response to each question in Exhibit "F," attached hereto and made part hereof.

Section 7. Recordation.

Applicant shall, within thirty (30) days of the effective date of this Development Order, record this Development Order with the Clerk, Broward County Circuit Court, pursuant to Section 380.06(15), Florida Statutes, specifying that this Development Order runs with the land and is binding on the Applicant, its grantees, lessees, successors, or assigns.

Section 8. Conflict.

In the event of any conflict between the terms and provisions of this Development Order and the terms of the Previous Development Orders, the terms and provisions of this Development Order shall control. To facilitate the development and administration of the Northport/Broward County Convention Center DRI, this Development Order restates conditions of development approval adopted in the Previous Development Orders. The restating of conditions of development approval adopted in the Previous Development Orders shall not limit or modify the vested rights afforded the Northport/Broward County Convention Center DRI by Section 163.3167(8), Florida Statutes, nor in any way limit or modify the right to complete the development authorized by the Previous Development Orders.

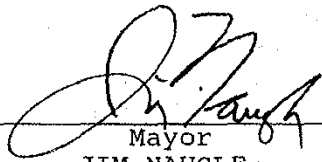
Section 9. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holdings of invalidity shall not affect the remaining portions of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part herein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 10. Effective Date.

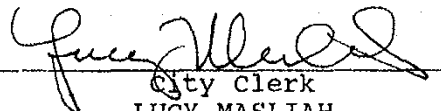
The effective date of this Development Order shall be forty-five (45) days from transmittal of this Development Order to DCA, the SFRPC, the County and Northport Venture Associates, Inc. and Northport Land Partners, Ltd.; provided, however, that if this Development Order is appealed, this Development Order will take effect on the date after all appeals have been withdrawn or finally resolved pursuant to Section 380.07(2), Florida Statutes.

PASSED FIRST READING this the 21st day of July, 1998.
PASSED SECOND READING this the 6th day of October, 1998.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
LUCY MASLIAH

LIST OF DEVELOPMENT ORDER EXHIBITS

- A. Legal description of DRI property
- B. Legal description of Northport Marketplace Ltd. leasehold property
- C. Master Development Plan
- D. Employer Business Development Incentives
- E. Primary project access
- F. Annual report form

EXHIBIT A

DESCRIPTION:

A PORTION OF PARCEL "A", PORT EVERGLADES PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 108, PAGE 31 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND ALSO BEING A PORTION OF THE EAST ONE-HALF (E. 1/2) OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SECTION 14 AND THE WEST ONE-HALF (W. 1/2) OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF SECTION 13, TOWNSHIP 50 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF NORTHEAST ONE-QUARTER (N.E. 1/4) OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SECTION 14, TOWNSHIP 50 SOUTH, RANGE 42 EAST, SAID CORNER ALSO BEING ON A WESTERLY LINE OF SAID PARCEL "A" AND ON THE WEST LINE OF GOVERNMENT LOT 2; THENCE NORTH 01°07'30" WEST, ALONG SAID WESTERLY LINE OF PARCEL "A", A DISTANCE OF 1081.00 FEET; THENCE NORTH 88°52'30" EAST, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 01°07'30" WEST, ALONG A LINE PARALLEL WITH AND 80.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE SAID WESTERLY LINE OF PARCEL "A", A DISTANCE OF 168.61 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL "A"; THENCE NORTH 88°28'07" EAST, ALONG THE NORTH LINE OF SAID PARCEL "A", A DISTANCE OF 1611.85 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE SOUTH 14°02'34" EAST, A DISTANCE OF 243.79 FEET; THENCE NORTH 89°45'59" WEST, A DISTANCE OF 198.54 FEET; THENCE NORTH 50°22'44" WEST, A DISTANCE OF 99.82 FEET; THENCE SOUTH 88°24'34" WEST, A DISTANCE OF 101.60 FEET TO A POINT ON AN EASTERLY LINE OF SAID PARCEL "A", THE LAST FOUR (4) COURSES AND DISTANCES BEING ALONG A PORTION OF THE EASTERLY AND SOUTHERLY BOUNDARY OF SAID PARCEL "A"; THENCE SOUTH 01°37'50" EAST ALONG THE WATER'S EDGE OF THE EAST BULKHEAD OF PIER 4, A DISTANCE OF 20.00 FEET; THENCE SOUTH 88°24'34" WEST, A DISTANCE OF 80.00 FEET; THENCE SOUTH 01°37'50" EAST PARALLEL WITH AND 80.0 FEET WEST OF THE SAID EAST WALL OF PIER 4, A DISTANCE OF 681.37 FEET; THENCE SOUTH 88°21'51" WEST, ALONG THE NORTH WALL OF TERMINAL BUILDING NO. 2 AND THE EASTERLY PROJECTION THEREOF, A DISTANCE OF 199.16 FEET TO THE NORTHWEST CORNER OF SAID TERMINAL BUILDING NO. 2; THENCE SOUTH 01°38'09" EAST, ALONG THE WEST WALL AND THE SOUTHERLY PROJECTION THEREOF, OF SAID TERMINAL BUILDING NO. 2, A DISTANCE OF 532.01 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY PROJECTION OF THE CENTERLINE OF AN EXISTING RAILROAD SPUR; THENCE NORTH 78°02'48" WEST, A DISTANCE OF 450.55 FEET; THENCE NORTH 80°18'51" WEST, A DISTANCE OF 80.30 FEET TO A POINT ON AN EASTERLY LINE OF THAT CERTAIN 16.9 ACRE TRACT, THE LAST TWO (2) COURSES AND DISTANCES BEING ALONG THE SAID CENTERLINE OF AN EXISTING RAILROAD SPUR AND THE SOUTHEASTERLY PROJECTION THEREOF; THENCE SOUTH 01°35'12" EAST, ALONG SAID EASTERLY LINE OF THAT CERTAIN 16.9 ACRE TRACT, A DISTANCE OF 72.67 FEET; THENCE SOUTH 88°24'48" WEST, ALONG THE SOUTH MOST LINE OF SAID 16.9 ACRE TRACT, ALSO BEING ALONG A LINE PARALLEL WITH 103.67 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF THE SAID SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SECTION 14, A DISTANCE OF 505.25 FEET; THENCE NORTH 01°07'30" WEST, ALONG A LINE PARALLEL WITH AND 80.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE SAID WESTERLY LINE OF PARCEL "A" AND THE SOUTHERLY PROJECTION THEREOF, A DISTANCE OF 103.67 FEET TO A POINT ON THE SAID SOUTH LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SAID SECTION 14; THENCE CONTINUE NORTH 01°07'30" WEST, A DISTANCE OF 288.36 FEET TO A POINT ON THE SOUTH LEASE LINE OF THAT CERTAIN LEASE PROPERTY AS SHOWN ON PORT EVERGLADES AUTHORITY DRAWING NO. 78P 3085, DATED 8/10/78 & REVISED 6/15/84; THENCE NORTH 88°52'30" EAST, A DISTANCE OF 235.00 FEET; THENCE NORTH 01°07'30" WEST, ALONG A LINE PARALLEL WITH AND 315.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE THE SAID WESTERLY LINE OF PARCEL "A", A DISTANCE OF 792.00 FEET; THENCE

SOUTH 88° 30' WEST, A DISTANCE OF 235.00 FEET TO THE POINT OF BEGINNING,
THE LAST THREE (3) COURSES AND DISTANCES BEING ALONG THE SOUTH, EAST AND
NORTH LINE OF SAID LEASE PROPERTY.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA AND
CONTAINING 33.088 ACRES MORE OR LESS.

CERTIFICATE:

WE HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH CONFORMS TO CHAPTER
21HH-6.06(1), MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE
OF FLORIDA AS ADOPTED BY THE DEPARTMENT OF PROFESSIONAL REGULATION, BOARD
OF LAND SURVEYORS, IN SEPTEMBER 1981, AND IS TRUE AND CORRECT TO THE BEST
OF MY KNOWLEDGE AND BELIEF.

CRAVEN-THOMPSON & ASSOCIATES, INC.

THIS CERTIFICATE IS NOT VALID UNLESS IT
IS SIGNED BY THE SURVEYOR'S SIGNATURE AND
SEAL.

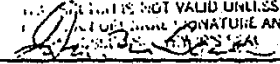

DENNIS M. BEALE
REGISTERED LAND SURVEYOR NO. 3606
STATE OF FLORIDA

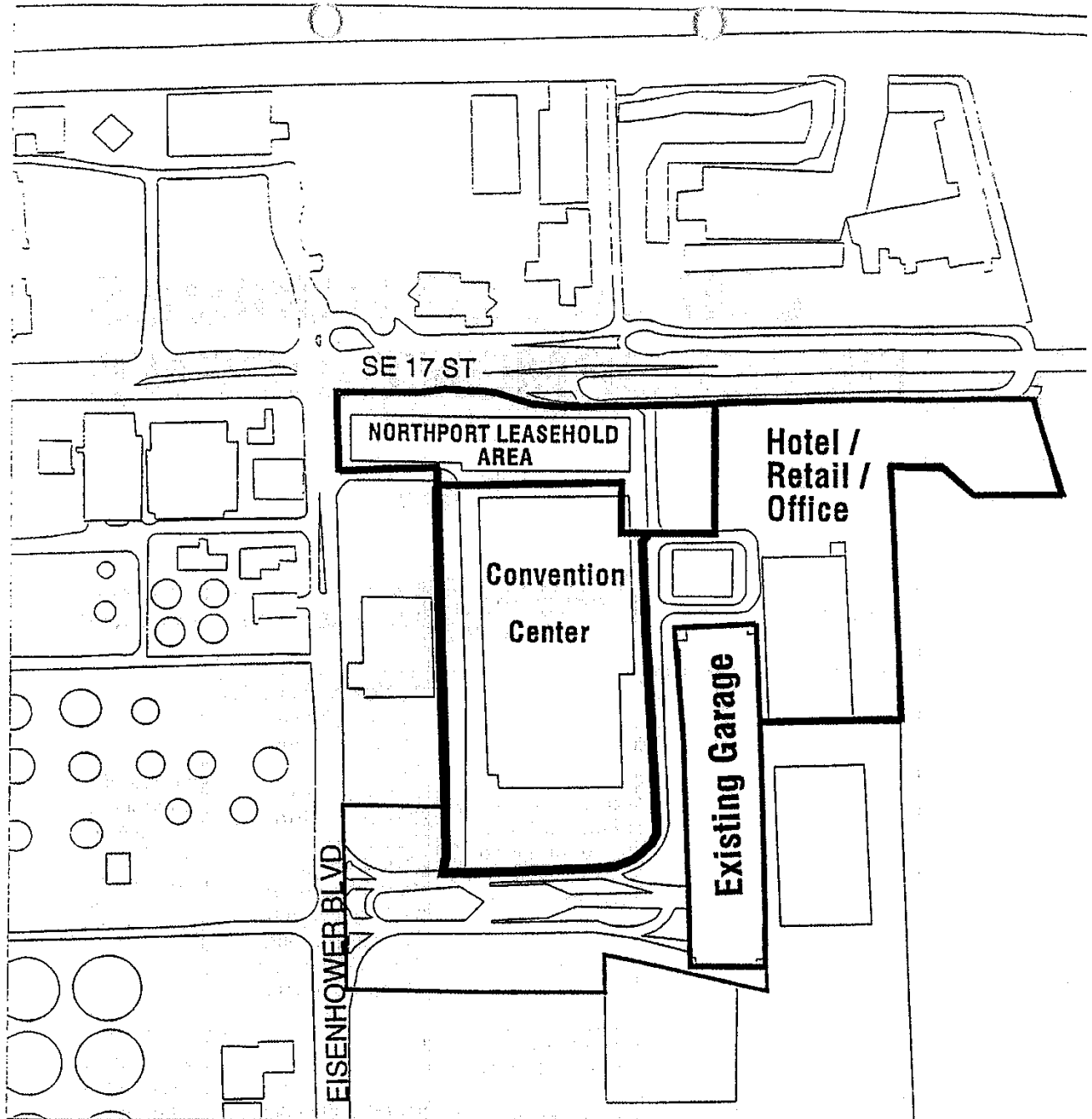
EXHIBIT B

LEGAL DESCRIPTION

NORTHPORT LEASEHOLD AREA

A portion of Parcel "A", PORT EVERGLADES PLAT NO. 2, according to the Plat thereof, recorded in Plat Book 108, at Page 31 of the Public Records of Broward County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Parcel "A"; thence on an assumed bearing of North 88 degrees 28' 07" East, along the North line of said Parcel "A", a distance of 80.00 feet to the Point of Beginning; thence continue North 88 degrees 28' 07" East, along said North line, a distance of 832.00 feet; thence South 01 degrees 31' 53" East at right angles to said North line of Parcel "A", a distance of 288.81 feet; thence South 88 degrees 23' 47" West, a distance of 114.03 feet; thence North 01 degrees 31' 53" West, a distance of 88.96 feet; thence South 88 degrees 28' 07" West, along a line parallel with and 200.00 feet South of, as measured at right angles to said North line of Parcel "A", a distance of 475.01 feet to a point on the East line of that certain lease parcel recorded in Official Records Book 11245, Page 833 of the Public Records of Broward County, Florida; thence North 01 degrees 07' 31" West, along said East line, being parallel with and 315.00 feet East of as measured at right angles to a West line of said Parcel "A", a distance of 29.73 feet; thence South 88 degrees 52' 30" West, along the North line of said lease parcel, a distance of 235.00 feet; thence North 01 degrees 07' 30" West, along a line parallel with and 80.00 feet East of, as measured at right angles to said West line of Parcel "A", a distance of 168.61 feet to the Point of Beginning.



LEGEND

Northport/Broward County
Convention Center
Development of Regional Impact



SCALE 300

Broward County
Board Of County Commissioners

H

Revised 5-15-98

Master
Developer
Plan



EXHIBIT D

EMPLOYER BUSINESS DEVELOPMENT INCENTIVES

12/27/96

BUSINESS NEED	GOVERNMENT INCENTIVE	REQUIREMENTS	PROGRAM/CONTACT
Business Capital	Long-term Below Market Interest Revenue Bonds \$1 - \$10 Million -- tax exempt	1) New or expanding manufacturing facilities of private industries. 2) Formal application process to Broward Economic Development Council with fees, final approval by Broward County Board of County Commissioners	Industrial Development Revenue Bonds IBDs, AKA Private Activity Bonds Broward Economic Development Council 954-524-3113
Business Capital, Research, Training	Tax exempt revenue bonds. Focused research and public training resources.	Bonds are secured by revenues and assets of qualifying businesses.	Broward Education, Research and Training Authority 954-797-2087

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Business Development, New Employee Hires	Tax Refunds (Corporate Income, Sales, Ad Valorem & Others) up to \$5,000 per job created/\$7,500 in Enterprise Zone.	1) A target industry 2) Show need for refund 3) Pay wage rates of 115% of area's wage. 4) A minimum of 100 new jobs, 50 in an Enterprise Zone 5) Show significant economic contribution. 6) Apply to Dept. of Commerce PRIOR to decision to relocate or expand.	Qualified Target Industry Tax Refund Program Broward Economic Development Council 954-524-3113 FL Dept. of Commerce Div. Of Economic Development Tallahassee, FL 904-487-3014
Business Location/Development	Reduced Corporate, Sales, Property and Use Tax	Firms locating business in Enterprise Zone and: a) hire zone residents or b) rehab property or c) buy business equipment d) make donations to community development projects.	Enterprise Zone Program City of Ft. Lauderdale Michael K. Parker 954-468-1530 Broward County Suzanne Fejes 954-765-4910 ext. 254 Tax Incentive Questions: FL Dept. of Revenue 904-488-6800 Administrative questions: FL Dept. of Commerce 904-488-9357

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Business location incentives.	Financial and development incentives on a case-by-case basis offered by cities.	Request by contacting local municipalities.	City of Coconut Creek Bill Duffy 954-973-6740 City of Coral Springs Coral Springs Economic Development Foundation Joan Goodrich 954-346-6996 City of Hollywood Hollywood Economic Growth Corporation Patricia Neyra/Chuck Daprix 954-927-0277 City of Miramar Dina McDermott, City Manager 954-967-1557 City of Pompano Beach Pompano Economic Group Doug Everett, Executive Director 954-941-2940 City of Tamarac Jeff Miller, Director of Community Development 954-724-1292 Town of Davie Margaret Wu 954-797-2087
Employee Child Care	Employer Contributions eligible for Charitable Tax Deductions	Low income employees eligible for state subsidized child care.	Child Care Partnership Act No Contact Currently Available

Employee (New) Hires	<p>Max \$2,100 Federal Income Tax Credit/ Employee</p> <p>(Replaces TJTC- Targeted Jobs Tax Credit)</p>	<p>1) Hire individuals who are: a) Receiving AFDC and Food Stamps b) Veterans c) Ex-Felons d) Certain Youth e) Low Income d) Vocational Rehab. Referrals</p> <p>2) Retain on job for minimum of 180 days</p> <p>3) Pre-Screening notice with documentation must be completed BEFORE employment and mailed within 21 days of employment.</p>	<p>Work Opportunity Tax Credit Bureau of Operations WOTC Unit 1320 Executive Center Drive, Suite 300 Tallahassee, FL 32399</p>
Employee (New) Hires	<p>Subsidized Wages; Sales Tax Exemptions; Incentive Payments</p>	<p>1) Hire Welfare Recipients 2) Retain on job for 12 months or more 3) Employer must register with Program Registry.</p>	<p>Work And Gain Economic Self-sufficiency Act (WAGES)</p> <p>Jobs & Benefits Offices: Ft. Lauderdale - 677-5400 Davie - 967-1010 Pompano - 969-3541</p>
Employee (new) Hires	<p>Direct cash up to \$1,000 per job created above current employment level.</p>	<p>Explain why additional incentives are required to locate or expand in Broward County.</p> <p>Refer to State's Target Industry Tax Refund Program - qualifications are similar.</p>	<p>Broward Economic Development Council</p> <p>954-524-3113</p>

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Employee Recruitment	Free Employee Recruiting and Screening Services	None/Telephone request	Jobs & Benefits Offices: Ft. Lauderdale - 677-5400 Davie - 967-1010 Pompano - 969-3541
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BUSINESS NEED	GOVERNMENT INCENTIVE	REQUIREMENTS	PROGRAM/CONTACT
Employee (New) Recruitment and Training	Free Customized Training; On-the-Job Training Subsidy, Limited Youth Internships.	Hire Low Income and/or Laid Off Workers	Job Training Partnership Act - JTPA Broward Employment and Training Administration Director of Operations 954-765-4505
Employee Training and Retraining	Free Customized Training Programs	1) New or existing expanding industry. 2) Job wages 115% of local or state average 3) No retail training. 4) A minimum of 100 new jobs.	Quick Response Training Enterprise Florida, Inc. Jobs and Education Partnership 325 John Knox Road Building 200 Tallahassee, FL 32303 904-922-8645 Local: Broward Economic Development Council 954-524-3113

Employee Training and Retraining	Low cost customized training.	New or expanding industries	<p>Florida Atlantic University, Florida Institute for Career and Employment Training</p> <p>Phillip S. Rokicki, Ph.D. Executive Director</p> <p>954-351-4185</p> <p>Broward Community College, Institute for Economic Development</p> <p>Norman Seavers, Director</p> <p>954-492-4004</p> <p>Sheridan Vocational Center (School Board of Broward County)</p> <p>Horace McLeod, Director</p> <p>954-3220</p>
Machinery/ Equipment Purchases	Exemption from Sales & Use Tax on new Equipment/ Machinery	<p>1) Produce items of tangible personal property or</p> <p>2) Exclusive use in spaceport activities</p> <p>3) Complete application for Tax Exemption Permit BEFORE purchases.</p> <p>4) Must register with Dept. of Revenue for tax purposes.</p>	<p>Temporary Tax Exemption for New and Expanding Businesses</p> <p>Florida Dept. of Revenue</p> <p>Bureau of Tax Information & Media Services</p> <p>PO Box 7443</p> <p>Tallahassee, FL 32314</p> <p>904-488-6387</p> <p>Local: Broward Economic Development Council</p> <p>954-524-3113</p>

Transportation Assistance	Max \$2 Million	<p>1) Transportation problem hinders firm's expansion</p> <p>2) Expansion results in permanent FT jobs.</p> <p>3) Projects must facilitate economic development.</p>	<p>Economic Development Transportation Fund</p> <p>Ms. Alberia Simmons</p> <p>Bureau of Business Asst.</p> <p>107 W. Gaines Street</p> <p>Suite 443</p> <p>Tallahassee, FL 32399</p> <p>904-488-9357</p> <p>Local: Broward Economic Development Council</p> <p>954-524-3113</p>
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[Up](#)

[Index](#)

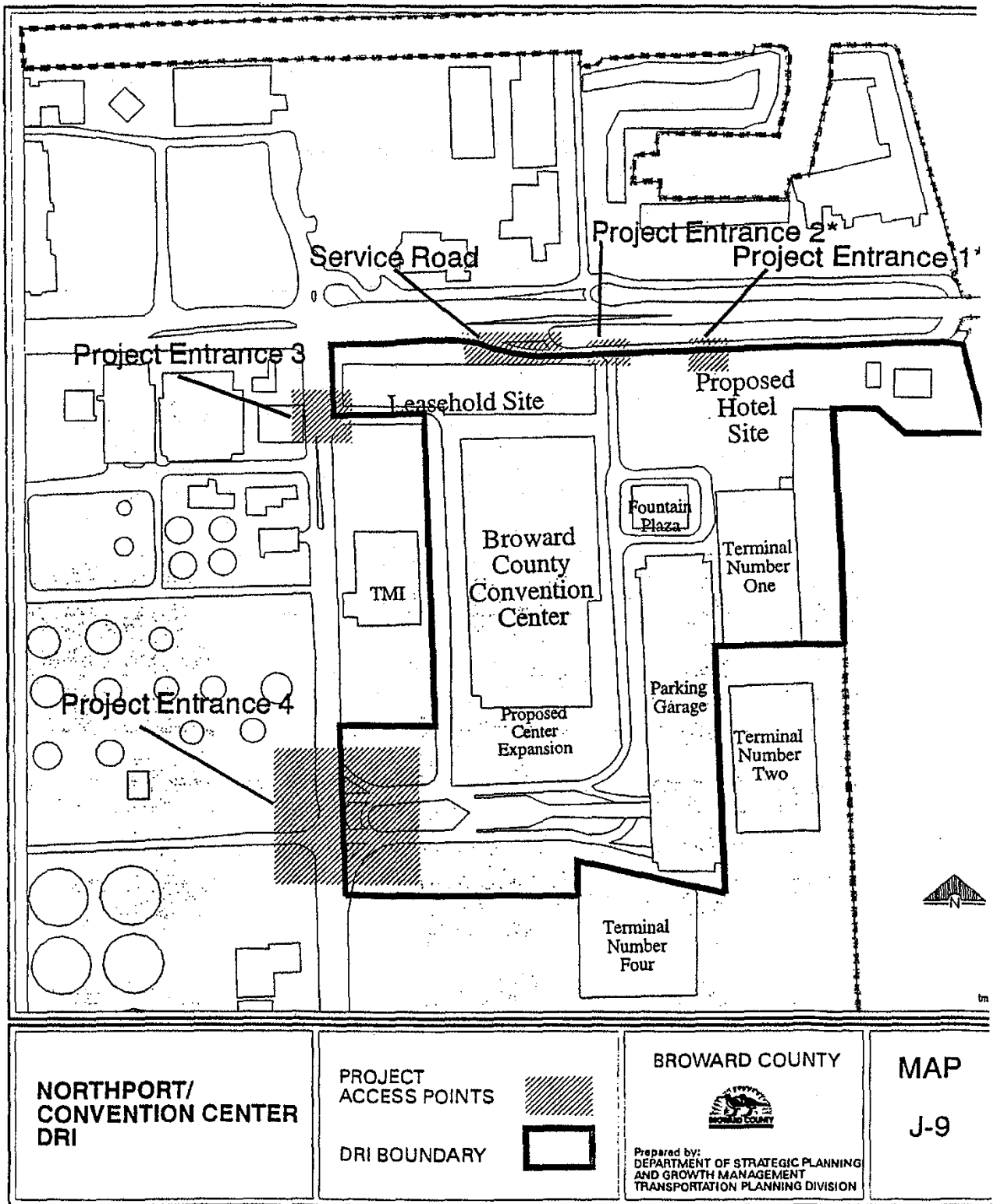
[Feedback](#)

Last Update: 05/12/97

Web Author: Ken Osman

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EXHIBIT E



*The specific location of access points from the service road to the project are subject to modification without amendment to the DRI development order.

EXHIBIT F

FORM RPM-BSP-ANNUAL REPORT-1

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, Florida 32399
904/488-4925

DEVELOPMENT OF REGIONAL IMPACT
ANNUAL REPORT

Subsection 380.06(12), Florida Statutes, places the responsibility on the developer of an approved development of regional impact (DRI) for submitting an annual report to the local government, the regional planning agency, the Department of Community Affairs, and to all affected permit agencies, on the date specified in the development order. The failure of a developer to submit the report on the date specified in the development order may result in the temporary suspension of the development order by the local government until the annual report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. If you have any questions about this required report, call the DRI Planner at (904) 488-4925.

Send the original completed annual report to the designated local government official stated in the development order with one copy to each of the following:

- a) The regional planning agency of jurisdiction;
- b) All affected permitting agencies;
- c) Division of Resource Planning and Management
Bureau of State Planning
2740 Centerview Drive
Tallahassee, FL 32399

Format your Annual Status Report after the format example provided below.

ANNUAL STATUS REPORT

Reporting Period: _____ to _____
Month/Day/Year Month/Day/Year

Development: _____
Name of DRI

Location: _____
City County

Developer: Name: _____
Company Name

Address: _____
Street Location

City, State, Zip

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.

Note: If a response is to be more than one sentence, attach as Exhibit A a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items if applicable:

- a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;
- b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S.

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.

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

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

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.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response is to be more than one sentence, attach as Exhibit 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.

Tract

Buyer

Note: If a response is to be more than one sentence, attach as Exhibit D.

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.

Note: If a response is to be more than one sentence, attach as Exhibit E.

- 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.

NOTE: If a response is to be more than one sentence, attach as Exhibit F.

- 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 report reporting period.

NOTE: Attach as Exhibit G.

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

- 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.

Person completing the questionnaire: _____

Title: _____

Representing: _____

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ORDINANCE NO. C-98-68

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-98-45, WHICH ORDINANCE AMENDED AND RESTATED THE DEVELOPMENT ORDER FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT ("DRI") LOCATED SOUTH OF S.E. 17TH STREET, EAST OF EISENHOWER BOULEVARD AND NORTH OF S.E. 20TH STREET, WITHIN THE JURISDICTIONAL BOUNDARIES OF PORT EVERGLADES, IN THE CITY OF FORT LAUDERDALE TO PROVIDE A TIME PERIOD DURING WHICH DOWNZONING, DENSITY OR INTENSITY REDUCTION EFFECTING THE DRI SHALL NOT OCCUR.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 4, Period of Vested Development Rights and Date of Completion, of Ordinance No. C-98-45 shall be amended to read:

Section 4. Period of Vested Development Rights and Date of Completion.

1. Physical development of the Project has commenced. For purposes of this paragraph, physical development means development as defined in Section 380.04, F.S.
2. This Development Order shall remain in effect until December 30, 2008 and development shall be completed on or before December 30, 2008, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records the Northport/Broward County Convention Center Development Order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant, its successors, and/or assigns, jointly or severally, provided, however, as to the Northport Leasehold Area Development Program this Development Order shall remain in effect and development shall be completed on or before December 30, 2002, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records this amendment to the Northport/Broward County Convention Center Development Order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant, its

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successors, and/or assigns, jointly or severally. Neither the Northport Leasehold Area Development Program nor the Northport/Broward County Convention Center DRI shall be subject to downzoning, unit density reduction or intensity reduction on or before their respective completion dates as provided herein, unless the City can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare. The termination date may only be modified in accordance with Section 380.06(19)(c), Florida Statutes.

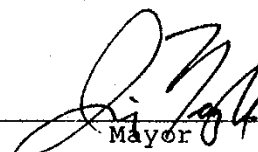
SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect immediately upon and after its final passage.

PASSED FIRST READING this the 8th day of December, 1998.

PASSED SECOND READING this the 15th day of December, 1998.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
LUCY MASLIAH

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ORDINANCE NO. C-02-1

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-89-9 AS AMENDED BY ORDINANCE NO. C-89-34, ORDINANCE NO. C-90-100, ORDINANCE NO. C-95-40, ORDINANCE NO. C-97-2, ORDINANCE NO. C-97-63, ORDINANCE NO. C-98-25, ORDINANCE C-98-45 AND ORDINANCE NO. C-98-68 OF THE CITY OF FORT LAUDERDALE, FLORIDA, WHICH ORDINANCES AMENDED THE DEVELOPMENT ORDER FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT ("DRI") LOCATED SOUTH OF S. E. 17TH STREET, EAST OF EISENHOWER BOULEVARD AND NORTH OF S. E. 20TH STREET, WITHIN THE JURISDICTIONAL BOUNDARIES OF PORT EVERGLADES, IN THE CITY OF FORT LAUDERDALE TO PROVIDE THAT EXISTING RETAIL USE IN THE NORTHPORT LEASEHOLD AREA MAY BE CHANGED TO OFFICE, TO EXTEND THE BUILDOUT DATE FOR THE NORTHPORT LEASEHOLD AREA AND TO CHANGE THE REQUIREMENT FOR THE TRAFFIC STUDY.

WHEREAS, pursuant to Ordinance No. C-89-9 adopted on February 7, 1989, as amended by Ordinance No. C-89-34 adopted on April 18, 1989, Ordinance C-90-100 adopted on December 18, 1990, Ordinance No. C-95-40 adopted on July 18, 1995, Ordinance No. C-97-2 adopted on February 18, 1997, Ordinance No. C-97-63 adopted on December 16, 1997, Ordinance No. C-98-25 adopted on April 21, 1998, Ordinance No. C-98-45 adopted on October 6, 1998 and Ordinance No. C-98-68 adopted on December 15, 1998 (collectively referred to as the "Development Order") the City Commission of the City of Fort Lauderdale issued a Development Order for the Northport/Broward County Convention Center Development of Regional Impact; and

WHEREAS, Applicants represent that Broward County is the owner ("County" or "Owner") of the property described in Exhibit "A" of the Development Order, and Lend Lease Loan #400031077 for LaSalle National Association, Trustee under that certain Pooling and Servicing Agreement dated as of February 4, 1998, for Certificate Holders of CDC Depositor Trust ST I, Mortgage Pass-Through Certificates, Series 1998-ST I, its successors or assigns (referred to herein as the "Pool" or the "Leasehold Area Owner") has a leasehold interest in the portion of the property described in Exhibit "B" of the Development Order (the "Northport Leasehold Area"); and

WHEREAS, the applicant, the Pool, filed an application on November 16, 2001, with the City of Fort Lauderdale to amend the Development Order to extend the buildout date for the Northport Leasehold Area, to revise the traffic study requirement, and include an option to change from retail to an office use; and

WHEREAS, the City of Fort Lauderdale has reviewed the application and the requirements of Chapter 380.06, Florida Statutes and has determined that the proposed amendment does not constitute a substantial deviation from the Development Order; and

WHEREAS, the City of Fort Lauderdale Planning and Zoning Board, after public notice, conducted a public hearing on January 16, 2002, and recommended that the City Commission find that the amendment is not a substantial deviation and recommended approval of the proposed amendment to the Development Order; and

WHEREAS, the City Commission of the City of Fort Lauderdale, after complying with all applicable notice requirements reviewed the findings of the Florida Department of Community Affairs, the South Florida Regional Planning Council and the recommendations of the Planning and Zoning Board, conducted a public hearing on January 23, 2002, and determined that the proposed amendment is not a substantial deviation and therefore not required to undergo additional development of regional impact review, and subject to the conditions and requirements specified in this Development Order will further the interests of the health, safety and welfare of the citizens of the City of Fort Lauderdale;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the Development Order for the Northport/Broward County Convention Center Development of Regional Impact ("DRI") is amended as follows (other than titles to a Section, additions to the Development Order are underlined and deletions are ~~struck through~~):

Findings Of Fact And Conclusions Of Law. The City Commission of the City of Fort Lauderdale makes the following findings of fact and reaches the following conclusions of law regarding this Development Order.

A. Findings Of Fact.

1. The above recitals are true and correct, and are incorporated herein by reference.
2. On November 6, 1997, the Applicant submitted the ADA to the County, the SFRPC, the City of Fort Lauderdale, Florida, and the Florida Department of Community Affairs ("DCA") pursuant to Section 380.06(6), Florida Statutes.
3. The ADA was reviewed as required by Chapter 380, Florida Statutes.
4. The City Commission of the City of Fort Lauderdale held a Public Hearing on July 21, 1998, considered the ADA and addressed each of the criteria set forth in Sections 380.06(14) and (15), Florida Statutes.
5. The City Commission of the City of Fort Lauderdale determined at the Public Hearing that all legal requirements of notice and publication as required by Section 380.06(11), Florida Statutes, as well as local procedural requirements, for the issuance of this Development Order have been met or have occurred.
6. The Project is not in an Area of Critical State Concern.
7. The City Commission of the City of Fort Lauderdale finds that the Project is exempt from regional road network concurrency pursuant to Chapter 5. Article

IX. Broward County Land Development Code and the Broward County Land Use Plan.

8. All roadway construction and/or contribution obligations from previous development orders governing this Project have either been satisfied or deleted by previous amendments, except for the obligations of Northport Marketplace, Ltd. as contained in Section 3C, herein.

B. Conclusions Of Law.

1. The Project, as approved herein, does not unreasonably interfere with the achievement of the objectives of the state land development plan applicable to the area.
2. The Project, as approved herein, is consistent with the State Comprehensive Plan.
3. The Project, as approved herein, is consistent with the City of Fort Lauderdale and Broward County Comprehensive Plans, and all other applicable land development ordinances and regulations.
4. This Development Order makes adequate provision for the public facilities needed to accommodate the impacts of the proposed development.
5. Approval of this Development Order is consistent with the requirements of Chapter 380, Florida Statutes, and is in conformity with all other applicable local and state laws and regulations.
6. The Development Order is consistent with the SFRPC's Assessment.
7. This Development Order ~~consolidates~~, amends, and ~~restates~~ all previous development orders for the Northport/ Broward County Convention Center DRI and

shall be the only DRI Development Order which shall govern the project.

Section 2. Development Identification.

- A. Legal Description. The legal description of the property to be developed subject to this development order is attached hereto as Exhibit "A" ("Property").
- B. Name of Development. The development shall be known as the "Northport/Broward County Convention Center." ("Project").
- C. Name of Developer. With regard to the "Northport Leasehold Area", as legally described in Exhibit "B," the Developer is ~~Northport Marketplace, Ltd.~~ the Leasehold Area Owner. With regard to the balance of the development, the Developer is the Broward County Board of County Commissioners.
- D. Authorized Agent of Developer. With regard to the Northport Leasehold Area the authorized agent is:
- Debbie Orshefsky, Esq.
Greenberg, Traurig, et al.
P.O. Box 14036
Fort Lauderdale, Florida 33302-4036
- With regard to the balance of the Development, the authorized agent is:
- Elliot S. Auerhahn, Director
Broward County Development Management Division
115 South Andrews Avenue, Room A240
Fort Lauderdale, Florida 33301
- E. Development Summary. The development will consist of 1,020,000 square feet of building floor area and 1.000 hotel rooms on 33 acres of land. This development shall include:

1. 550,000 square feet of convention center (370,000 square feet existing; 180,000 square feet addition)
2. 1,000 hotel rooms, including restaurant usage within the hotel not to exceed 30,000 square feet
3. 200,000 square feet of retail use; (Northport Marketplace Leasehold Area)*
4. 170,000 square feet of office use; (Northport Marketplace Leasehold Area) and
5. 100,000 square feet of retail or office use

*All or a portion of the existing retail use in Phase I may be changed to office use, subject to site plan approval by the city commission.

Provided, however, that the 4+ acres legally described on Exhibit "B" hereto, and delineated on Revised Map H, (Exhibit "C") as the "Northport Leasehold Area" (such area being subject to that certain Amended and Restated Lease by and between Broward County and Northport Land Partners, Ltd.) shall be limited to that portion of the overall development described herein as follows:

<u>Northport Leasehold Area Development Program</u>	
Phase I (existing)	75,000 square feet retail*
Phase IA (proposed) (1997-20026)	125,000 square feet retail 170,000 square feet office

*All or a portion of the existing retail use in Phase I may be changed to office use, subject to site plan approval by the city commission.

The balance of the 33+ acres, aside from the Northport Leasehold Area, shall be allocated the following development:

<u>Broward County Development Program</u>	
Phase I (existing)	370,000 square feet convention center;
Phase II (1998-2003)	500 hotel rooms, including restaurants not to exceed 21,000 square feet; 180,000 square feet convention center expansion;
Phase III (2003-2008)	500 hotel rooms including restaurants not to exceed 9,000 square feet; 100,000 square feet retail/office.

Section 3. Development Approval.

The Northport/Broward County Convention Center DRI, as described in this Development Order, and as represented in the ADA, is hereby approved subject to the following conditions, stipulations, and requirements:

A. THE DEVELOPERS, THEIR SUCCESSORS, AND/OR ASSIGNS, JOINTLY OR SEVERALLY, SHALL:

1. Incorporate the following into the project design and operation:
 - a. Actively encourage and promote ridesharing by establishing a car and van pool information program;
 - b. Encourage transit use by provision of bus shelters, development of turnout lanes, or provision of other amenities to increase ridership, and provide transit route and schedule information, as available, in convenient locations throughout the project;

- c. Provide on-site bicycle storage facilities to encourage use of alternative modes of transportation; and
 - d. Regularly schedule vacuum sweeping of all parking lots of eleven or more parking spaces, runways and roadways serving the parking lots.
- 2. Design, construct and maintain any additions, expansions, or replacements to the stormwater management system to meet the following standards:
 - a. Comply with the regulations and requirements of the South Florida Water Management District (SFWMD) , Broward County Department of Natural Resources Protection (DNRP), and applicable local government comprehensive plan drainage level of service requirements for surface water management in effect at that time.
 - b. Install pollutant retardant structures to treat all stormwater runoff at each of the new project outfall structures in accordance with the master drainage plan, and periodically remove pollutant accumulations.
 - c. Use silt screens and aprons or other best management practices during any phase of project construction that may increase turbidity in adjacent surface waters.
 - d. Mulch, spray, or grass exposed areas to prevent soil erosion and minimize air pollution and stormwater runoff.
- 3. New structures in the floodplain shall be designed so as not to impede the flow of water through the floodplain- and shall comply with applicable City of Fort Lauderdale Comprehensive Plan policies related to new structures in the floodplain.

4. Design, construct, and maintain any additions, expansions, or replacements to the on-site irrigation system to minimize salt-water intrusion and excessive irrigation in accordance with SFWMD guidelines. When practicable, use recycled water for landscape irrigation and other water conserving techniques to reduce the demand on the region's potable water supply; including the installation of rain sensors or irrigation timers, and compliance with City of Fort Lauderdale and Broward County Code restrictions on irrigation timing.
5. Incorporate the use of water sensors, ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices/methods to reduce the demand on the region's potable water supply. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the City of Fort Lauderdale by the SFWMD.
6. Remove Melaleuca, Casuariana, Schinus and all other invasive exotic vegetation, as recognized by the Florida Exotic Pest Plant Council in each phase of the development. Place visible barriers around the trees or tree clusters to remain on site, prior to removal of exotic vegetation with heavy equipment.
7. Comply with the tree preservation requirements and the landscaping standards of Section 47-21 of the City of Fort Lauderdale Code of Ordinances, and other applicable local government requirements and standards. The Applicant shall follow xeriscape principles in landscape design and the selection of species for planting.
8. The Developers shall, to the best of their ability, fully utilize economic development enhancement resource agencies and programs to involve small and

minority businesses in the development and expansion of permanent job opportunities. Examples of such resource agencies and programs include, but are not limited to, those listed on the attached Exhibit D. The Developers are specifically encouraged to concentrate on efforts to assist the economically disadvantaged by adopting a plan of action. The economic disparity action plan may be accomplished by utilizing programs designated for enterprise zones as well as other economic and employment opportunity programs. The Developers should provide goals and policies defining steps and procedures that affirmatively address social and economic disparity. The Developers are further encouraged to work with community development corporations and other community-based agencies to promote its plan and achieve its obligations.

9. Within 120 days of the issuance of the first Certificate of occupancy after the effective date of this development order, the Applicant in consultation with leaseholders shall submit a Hazardous Materials Management Plan (HMMP) for review and approval by the City of Fort Lauderdale, DNRP, the Florida Department of Environmental Protection (FDEP), and the South Florida Regional Planning Council (SFRPC). Provide a copy of the approved plan to the City of Fort Lauderdale Fire Department and the Port Everglades Public Safety Division. The HMMP shall incorporate into the development by lease as long as the property is owned by Broward County and incorporate into the development by sale agreement and restrictive covenant when any of the property is conveyed, as applicable, the following provisions:
 - a. A designation of the person or job title responsible for the on-site monitoring and enforcement of the HMMP. The responsible party shall annually (1) monitor the

compliance of the HMMP and report the results of the monitoring to the City, the SFRPC, DCA and any other affected State agency, in the annual report required pursuant to Subsection 380.06(18), F.S., and this development order and (2) conduct a yearly education and orientation program for all onsite occupants utilizing hazardous materials to familiarize them with the provisions of the HMNP.

- b. Contain a condition naming the State of Florida and DNRP as parties with the right to enforce the HMMP, allowing access to the site upon request, requiring notice to them of any proposed changes to the HMMP, and providing them with full enforcement rights, should the HMMP be violated.
- c. Require tenants or other appropriate parties to comply with all applicable reporting provisions of Title III of the Superfund Amendment and Reauthorization Act (SARA) of the Emergency Planning and Community Right-to-know Act (EPCRA) and DNRP, Chapter 27 of the Broward County Code.
- d. Require that buildings where hazardous materials or hazardous wastes are to be used, displayed, handled, generated, or stored shall be constructed with impervious floors without drains, to ensure containment and facilitate cleanup of any spill or leakage.
- e. Prohibit any outside storage of hazardous materials or hazardous waste. The exception to this condition is for retail goods typically associated with residential nursery activity such as lawn fertilizers and garden pesticides.

- f. Provide for proper maintenance, operation, and monitoring of hazardous materials management systems, including spills, hazardous materials and biohazardous waste containment systems, and equipment necessary on-site for the handling of first response to releases of oil or hazardous materials along with the capacity to employ such equipment.
- g. Provide minimum standards and procedures for storage, prevention of spills, containment of spills, and transfer and disposal of hazardous materials and describe design features, response actions and procedures to be followed in case of spills or other accidents involving hazardous materials, biohazardous waste or hazardous waste; and require tenants or other appropriate parties to notify appropriate authorities in the event of a release as required by applicable regulations.
- h. Require that any area used for loading and unloading of hazardous material be covered and equipped with a collection system to contain accidental spills.
- i. Require all hazardous waste generators to contract with licensed public or private hazardous waste disposal service or processing facility and to provide the Broward County Resource Recovery Board copies of the following:
 - 1) hazardous waste manifest;
 - 2) documentation of shipment to a permitted hazardous waste management facility; or
 - 3) confirmation of receipt of materials from a recycler or a waste exchange operation.

10. Incorporate energy conservation measures into the design and operation of the project. At a minimum, construct all development in conformance with the specifications of the South Florida Building Code and the Florida Energy Code. Consider using natural gas and/or renewable energy sources (e.g. solar heating) for water heating, space heating, air cooling and lighting control. Monitor design review procedures and electrical energy conservation measures, proposed in the ADA, during the project construction phase to assess the effectiveness of same.
11. All excavation, dredging and filling on site shall be subject to all provisions of Chapter 27, Broward County Code of Ordinances and any licenses issued pursuant to that Chapter shall remain in full force and effect. All other excavation operations undertaken by developers on such lands, which are not incidental to construction work, shall be governed by applicable City of Fort Lauderdale and Broward County Ordinances. Assure that any fill material utilized at the site, whether from onsite excavation activities or from offsite sources, meets the clean soils criteria of the Department of Environmental Protection.
12. Notify state archeological officials at the Division of Historical Resources of the Florida Department of State of construction schedules. Delay construction up to three months in any area where potentially significant historical or archeological artifacts are uncovered, and permit state and local historical preservation officials to survey and excavate the site.
13. Limit primary project vehicle access points to the off-site roadway network to the locations shown in Exhibit E.

B. THE APPLICANT SHALL:

1. Prior to the issuance of any additional building permits within the property, Applicant shall place a notation on the face of "Port Everglades Plat No. 2" (Plat Book 108, Page 31) which is consistent with this Development Order. As a condition of the approval of this request, Applicant shall commit to the expenditure of no less than \$288,624.00 in road impact fees, pursuant to Section 5-162(a)(4)c) of the Broward County Land Development Code. The use of these funds shall be mutually agreed upon by the City and the Applicant within one year of the recordation of the notation on the face of the plat.
2. Submit an annual report to the City of Fort Lauderdale, the SFRPC, the DCA, and the Florida Department of Transportation (District 4) on each anniversary date of the effective date of the development. The annual report shall include, at a minimum, a complete response to each question in Exhibit F.
3. Within 30 days of the effective date of the development order, record notice of the adoption of the development order ~~with the clerk of the Broward County circuit Court~~ pursuant to Section 380.06(15), F.S., specifying that the development order runs with the land and is binding on the Applicant, its successors, and assigns, jointly or severally.
4. Prior to the year 2008, the Applicant shall construct a ramp serving either level 3, 4 or 5 of the existing parking garage to simulate the recently completed air quality modeling study. If said ramp is not completed, additional mitigation measures will be required to meet acceptable air quality standards.

5. Prior to issuance of any building permit for Phases II and III, there must be a corresponding site plan approved by the City Commission.
6. Any proposed modification (other than a temporary modification, which is defined to mean an interim or non-permanent improvement, including but not limited to road modifications as a result of construction, traffic accidents or other short term causes) by Applicant to all, or any portion, of Eller Drive, Spangler Boulevard or Eisenhower Boulevard, which reduces capacity of any one or more of such roadways by 5% or more of such facilities' capacity at level of Service E, shall require the Applicant to submit to the City a revised traffic impact analysis incorporating such changes. Upon City's request Applicant shall submit such traffic impact analysis. Should a traffic impact analysis required pursuant to this section indicate that additional transportation mitigation is required, then the City may require an amendment to the Development Order prior to the implementation of the modification. Applicant's traffic impact analysis shall be subject to the review and concurrence of City's traffic consultants.

Based on the requirements of this section, the City shall not withhold building permits or certificates of occupancy for any development within the Property for which site plan approval has been granted.

The City shall not withhold any future site plan approval for any development within the Property based upon the requirement of this section unless the traffic impact analysis required herein has been submitted by the Applicant to the City. Any such delay to the approval of any site plan shall not extend beyond the date when either: 1) the City

determines that no amendment to the Development Order is needed, or 2) an amendment to the DRI is adopted by the City, or 3) a bond is posted with the City to cover the cost of any mitigation measures which may need to be taken in order to address traffic impacts and an application to amend the Development Order has been submitted and the Applicant is taking action to complete the proposed amendment. Cost will be established by an estimate of a licensed professional engineer qualified to give such estimates, which engineer shall be chosen by City and Applicant. Any request by Applicant to city for review or a determination under this provision shall be acted upon by City on an expedited basis. For purposes of this condition, the Property does not include the Northport Leasehold Area or the area leased to Broward County Convention Center Hotel Limited Partnership.

C. ~~NORTHPORT MARKETPLACE, LTD. THE LEASEHOLD AREA OWNER SHALL:~~

~~Prior to issuance of additional building permits for development within the Phase 1, Phase 1A, or both, of the Northport Leasehold Area a certificate of occupancy for the Northport Marketplace on the Northport Leasehold Area, Northport Marketplace Ltd. ("Northport") the Leasehold Area Owner shall post a bond or other security acceptable to the City in the amount of \$570,622 \$663,622. (i) to Prior to the issuance of a certificate of occupancy within the Northport Leasehold Area, the Leasehold Area Owner shall pay \$50,000 to the City for the City to conduct a transit study regarding transit connections along 17th Street Causeway to the Beach and to the Downtown areas and the bond or other security shall be reduced accordingly. The remaining amount of \$613,622 shall secure Northport's the Leasehold Area Owner's obligation to construct traffic improvements, if any, which are identified upon completion of a traffic study as outlined below. and (ii) to fund the cost to~~

~~the City of hiring a traffic consultant to perform this traffic study. Not less than sixty (60) days prior to review by the City Commission of a site plan for a change of use or a new development within the Northport Leasehold Area pursuant to this Development Order, the Leasehold Area Owner shall submit a traffic study regarding the local traffic impacts of such change of use or new development. The City and Northport the Leasehold Area Owner shall agree upon a methodology to be utilized by the City's consultant in conducting a detailed analysis of the impacts of the development within the Northport Leasehold Area on the road capacities. Such traffic study shall analyze impacts upon the local roadways in the vicinity of the project operations (e.g., peak traffic queuing) and physical conditions of the transportation system. In the event the City and Northport are unable to reach agreement upon the scope of this study within sixty (60) days of commencing their good faith effort in that regard, the City will commence the study pursuant to a scope consistent with this condition. The proposed traffic methodology will be submitted to Broward County for review and comment prior to approval by the City and Northport. The schedule for preparation of this traffic study shall be as follows:~~

- ~~(i) During the period from January 1 through April 15 immediately after issuance of Certificates of Occupancy for at least seventy percent (70%) of the leasable square footage of Phase I of the Northport Marketplace, a study of the Phase I local traffic impacts shall be completed;~~
- ~~(ii) During the period from January 1 through April 15 immediately after issuance of Certificates of Occupancy for at least seventy percent (70%) of the leasable square footage actually constructed as Phase IA of the Northport Marketplace, a study of the Phase IA local traffic impacts shall be completed; provided, however, in the event seventy~~

~~percent (70%) occupancy has not been achieved by December 30, 2001, the Phase IA traffic study shall be conducted between January 1 and April 15, 2002, based upon the level of development constructed and for which site plan approval has been granted or is pending as Phase IA.~~

~~In the event the above-described studies identify study identifies any needed traffic improvements, Northport the Leasehold Area Owner shall, within twenty-four (24) months of completion of each such study, complete construction of such identified needed traffic improvements; provided, however, in no event shall Northport's the Leasehold Area Owner's obligation to construct needed traffic improvements exceed a cost of \$663,622 \$613,622 based upon estimates for such construction agreed to by Northport the Leasehold Area Owner and City staff. Northport's obligation to fund the cost to the City of hiring a traffic consultant shall not exceed \$15,000. The bond or other security posted by Northport shall be released upon Upon satisfaction of Northport's the Leasehold Area Owner's obligations pursuant to this condition, any remaining funds left from the \$613,622 shall be paid to the City to be used for transit improvements.~~

Prior to issuance of any building permit for Phase IA, there must be a site plan for Phase IA approved by the City Commission.

D. THE CITY OF FORT LAUDERDALE SHALL:

1. Withhold the issuance of building permits or certificates of occupancy, or both, if potable water and wastewater treatment demand exceeds capacity adequate to serve that demand.
2. Participate as necessary to meet the requirements

as outlined in the Hazardous Materials Management Plan.

3. Review project landscape plans to ensure that only those plant species identified in Chapter 39, Article VIII, Broward County Code of Ordinances and applicable portions of the City of Fort Lauderdale codes are used for project landscaping and that xeriscape principles are utilized in such landscape plans, as practicable.
4. Monitor site development to ensure that exotic plant species are removed.
5. In the event the Applicant, its successors, or assigns violates any of the conditions of the development order or otherwise fails to act in substantial compliance with the development order (hereinafter "violator"), stay the effectiveness of the development order as to the tract, or portion of the tract, in which the violative activity or conduct has occurred and withhold further permits, approvals, and services for development in said tract, or portion of the tract, upon passage of any appropriate resolution by the local governments of jurisdiction, adopted in accordance with this section, finding that such violation has occurred. The violator will be given written notice by the local government of jurisdiction that states:
 - 1) the nature of the purported violation, and
 - 2) that unless the violation is cured within 15 days of said notice, the local government of jurisdiction will hold a public hearing to consider the matter within 30 days of the date of said notice.

If the violation is not curable in 15 days, the violator's diligent good faith efforts to cure the violation within that period will obviate the need to hold a public hearing and the development order

will remain in effect unless the violator does not diligently pursue the curative action to completion within a reasonable time, in which event the local government of jurisdiction will give 15 days notice to the violator of its intention to stay the effectiveness of the development order and withhold further permits, approvals, and services as to the tract, or portion of the tract, in which the violation has occurred and until the violation is cured. For purposes of this paragraph, the word "tract" shall be defined to mean any area of development identified on the Northport/Broward County Convention Center Development Plan (Exhibit 3). In addition, the phrase "portion of a tract" means a division of a tract into more than one ownership as created by deed or plat.

6. The City of Fort Lauderdale hereby designates the Director of the ~~Planning and Economic Development Construction Services Bureau~~, or his/her designee, or such other person designated by the City Manager as the local official responsible for monitoring all conditions of this Development Order.

Section 4. Period of Vested Development Rights and Date of Completion.

1. Physical development of the Project has commenced. For purposes of this paragraph, physical development means development as defined in Section 380.04, F.S.
2. This Development Order shall remain in effect until December 30, 2008 and development shall be completed on or before December 30, 2008, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records ~~the this amended~~ Northport/Broward County Convention Center Development Order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order, as amended, runs with the land and is binding on the applicant, its successors, and/or

assigns, jointly or severally, provided, however, as to the Northport Leasehold Area Development Program this Development Order shall remain in effect and development shall be completed on or before ~~December 30, 2002~~ March 31, 2006, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records this amendment to the Northport/Broward County Convention Center Development order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant, its successors, and/or assigns, jointly or severally. Neither the Northport Leasehold Area Development Program nor the Northport/Broward County Convention Center DRI shall be subject to downzoning, unit density reduction or intensity reduction on or before their respective completion dates as provided herein, unless the City can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare. The termination date may only be modified in accordance with Section 380.06(19) (c), Florida Statutes.

Section 5. Incorporation of ADA and Assessment.

- A. The Applicant shall integrate, or cause the integration of, all original and supplemental ADA information into a Consolidated Application for Development Approval ("CADA"), and shall submit two copies of the CADA to the SFRPC, one copy to Broward County, one copy to the City of Fort Lauderdale and one copy to the DCA within thirty (30) days of the effective date of this Development Order. The CADA shall be prepared as follows:

1. Where new, clarified, or revised information was prepared subsequent to submittal of the ADA but prior to issuance of this Development Order, whether in response to a formal statement of information needed or otherwise, the original pages of the ADA 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.
- B. Pursuant to Rule 9J-2.025, Section (3)(b)9, F.A.C., the CADA (as prepared above) and the SFRPC's Assessment are incorporated herein by reference, and have been relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes, and local ordinances. Substantial compliance with the representations contained in the ADA is a condition of approval unless waived or modified by agreement among the applicable local government of jurisdiction, the SFRPC, and the Developer, its successors, or assigns.

Section 6. Annual Report.

Applicant, or as applicable its grantees, lessees, successors or assigns, shall prepare and submit, or cause to be prepared and submitted, an annual report to Broward County, the City of Fort Lauderdale, SFRPC, DCA, and the Florida Department of Transportation (District 4) on each anniversary date of the effective date of this Development Order. The annual report shall include, at a minimum, a complete response to each question in Exhibit "F", attached hereto and made part hereof.

Section 7. Recordation.

Applicant shall, within thirty (30) days of the effective date of this Development Order, record this Development Order with the Clerk, Broward County Circuit Court, pursuant to Section 380.06(15), Florida

Statutes, specifying that this Development Order runs with the land and is binding on the Applicant, its grantees, lessees, successors, or assigns.

Section 8. Conflict.

In the event of any conflict between the terms and provisions of this Development Order and the terms of the Previous Development Orders, the terms and provisions of this Development Order shall control. To facilitate the development and administration of the Northport/Broward County Convention Center DRI, this Development Order restates conditions of development approval adopted in the Previous Development Orders. The restating of conditions of development approval adopted in the Previous Development Orders shall not limit or modify the vested rights afforded the Northport/Broward County Convention Center DRI by Section 163.3167(8), Florida Statutes, nor in any way limit or modify the right to complete the development authorized by the Previous Development Orders.

Section 9. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance for any reason held or declared to be unconstitutional, inoperative, or void, such holdings of invalidity shall not affect the remaining portions of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part herein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 10. Effective Date.

The effective date of this Development Order shall be forty-five (45) days from transmittal of this Development Order to DCA, the SFRPC, the County and Northport Venture Associates, Inc. and Northport Land

Partners, Ltd.; provided, however, that if this Development Order is appealed, this Development Order will take effect on the date after all appeals have been withdrawn or finally resolved pursuant to Section 380.07(2), Florida Statutes.

PASSED FIRST READING this the 23rd day of January, 2002.
PASSED SECOND READING this the 26th day of February, 2002.


MAYOR
JIM NAUGLE

ATTEST:


City Clerk
DUCO MASLIAH

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ORDINANCE NO. C-06-21

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. C-89-9 AS AMENDED APPROVING THE DEVELOPMENT ORDER FOR THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT ("DRI") LOCATED SOUTH OF S.E. 17TH STREET, EAST OF EISENHOWER BOULEVARD AND NORTH OF S.E. 20TH STREET, WITHIN THE JURISDICTIONAL BOUNDARIES OF PORT EVERGLADES IN THE CITY OF FORT LAUDERDALE; FINDING THE PROPOSED CHANGE TO THE NORTHPORT/BROWARD COUNTY CONVENTION CENTER DEVELOPMENT OF REGIONAL IMPACT TO BE A NON-SUBSTANTIAL DEVIATION; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR EXTENSION OF THE BUILDOUT DATE FOR THE NORTHPORT LEASEHOLD AREA TO DECEMBER 30, 2008; AND PROVIDING FOR RECORDATION.

WHEREAS, pursuant to Ordinance No. C-89-9 adopted on February 7, 1989, as amended by Ordinance No. C-89-34 adopted on April 18, 1989, Ordinance C-90-100 adopted on December 18, 1990, Ordinance No. C-95-40 adopted on July 18, 1995, Ordinance No. C-97-2 adopted on February 18, 1997, Ordinance No. C-97-63 adopted on December 16, 1997, Ordinance No. C-98-25 adopted on April 21, 1998, Ordinance No. C-98-45 adopted on October 6, 1998, Ordinance No. C-98-68 adopted on December 15, 1998 and Ordinance No. C-02-1 adopted on February 26, 2002 (collectively referred to as the "Development Order") the City Commission of the City of Fort Lauderdale issued a Development Order for the Northport/Broward County Convention Center Development of Regional Impact; and

WHEREAS, Applicants represent that Broward County is the owner ("County" or "Owner") of the property described in Exhibit "A" of the Development Order, and ~~Lend Lease Loan #400031077 for LaSalle National Association, Trustee under that certain Pooling and Servicing Agreement dated as of February 4, 1998, for Certificate Holders of CDC Depositor Trust ST-I, Mortgage Pass-Through Certificates, Series 1998-ST-I, its successors or assigns~~ Portside Yachting Center, LLC (referred to herein as the "Pool" or the "Leasehold Area Owner") has a leasehold interest in the portion of the property described in Exhibit "B" of the Development Order (the "Northport Leasehold Area"); and

WHEREAS, the applicant, the ~~Pool~~ Leasehold Area Owner, filed an application on March 6, 2006 with the City of Fort Lauderdale to amend the Development Order to extend the buildout date for the Northport Leasehold Area; and

WHEREAS, the City of Fort Lauderdale has reviewed the application and the requirements of Chapter 380.06, Florida Statutes and has determined that the proposed amendment does not constitute a substantial deviation from the Development Order; and

WHEREAS, the City Commission of the City of Fort Lauderdale, after complying with all applicable notice requirements reviewed the findings of the Florida Department of Transportation and the South Florida Regional Planning Council determined that the proposed amendment is not a substantial deviation and therefore not required to undergo additional development of regional impact review, and subject to the conditions and requirements specified in this Development Order will further the interests of the health, safety and welfare of the citizens of the City of Fort Lauderdale;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the Development Order for the Northport/Broward County Convention center Development of Regional Impact ("DRI") is amended as follows (other than titles to a Section, additions to the Development Order are underlined and deletions are ~~struck through~~):

SECTION 2. Development Identification.

- A. Legal Description. The legal description of the property to be developed subject to this development order is attached hereto as Exhibit "A" ("Property").
- B. Name of Development. The development shall be known as the "Northport/Broward County Convention Center." ("Project").
- C. Name of Developer. With regard to the "Northport Leasehold Area", as legally described in Exhibit "B," the Developer is the Leasehold Area Owner. With regard to the balance of the development, the Developer is the Broward County Board of County Commissioners.
- D. Authorized Agent of Developer. With regard to the Northport Leasehold Area the authorized agent is:

Debbie Orshefsky, Esq.
Greenberg, Traurig, et al.
P.O. Box 14036
Fort Lauderdale, Florida 33302-4036

Charles R. Forman, Esq.
Forman, Krehl and Montgomery
1323 Southeast Third Avenue
Fort Lauderdale, Florida 33316

With regard to the balance of the Development, the authorized agent is:

Elliot S. Auerhahn, Director
Broward County Development Management Division
115 South Andrews Avenue, Room A240
Fort Lauderdale, Florida 33301

- E. Development Summary. The development will consist of 1,020,000 square feet of building floor area and 1,000 hotel rooms on 33 acres of land. This development shall include:
1. 550,000 square feet of convention center (370,000 square feet existing; 180,000 square feet addition)
 2. 1,000 hotel rooms, including restaurant usage within the hotel not to exceed 30,000 square feet
 3. 200,000 square feet of retail use; (Northport Leasehold Area)*
 4. 170,000 square feet of office use; (Northport Leasehold Area) and
 5. 100,000 square feet of retail or office use

*All or a portion of the existing retail use in Phase I may be changed to office use, subject to site plan approval by the city commission.

Provided, however, that the 4± acres legally described on Exhibit "B" hereto, and delineated on Revised Map H, (Exhibit "C") as the "Northport Leasehold Area" (such area being subject to that certain Amended and Restated Lease by and between Broward County and Northport Land Partners, Ltd.) shall be limited to that portion of the overall development described herein as follows:

<u>Northport Leasehold Area Development Program</u>	
Phase I (existing)	75,000 square feet retail*
Phase IA (proposed) (1997- 2006 2008)	125,000 square feet retail 170,000 square feet office

*All or a portion of the existing retail use in Phase I may be changed to office use, subject to site plan approval by the city commission.

The balance of the 33± acres, aside from the Northport Leasehold Area, shall be allocated the following development:

<u>Broward County Development Program</u>	
Phase I (existing)	370,000 square feet convention center;
Phase II (1998—2003)	500 hotel rooms, including restaurants not to exceed 21,000 square feet; 180,000 square feet convention center expansion;
Phase III (2003—2008)	500 hotel rooms including restaurants not to exceed 9,000 square feet; 100,000 square feet retail/office.

SECTION 3. Period of Vested Development Rights and Date of Completion.

1. Physical development of the Project has commenced. For purposes of this paragraph, physical development means development as defined in Section 380.04, F.S.
2. This Development Order shall remain in effect until December 30, 2008 and development shall be completed on or before December 30, 2008, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records this amended Northport/Broward County Convention Center Development Order pursuant to Section 380. 06(15), Florida Statutes, specifying that the Development Order, as amended, runs with the land and is binding on the applicant, its successors, and/or assigns, jointly or severally, provided, however, as to the Northport Leasehold Area Development Program this Development Order shall remain in effect and development shall be completed on or before ~~March 31, 2006~~ December 30, 2008, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order

records this amendment to the Northport/Broward County Convention Center Development order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant, its successors, and/or assigns, jointly or severally. Neither the Northport Leasehold Area Development Program nor the Northport/Broward County Convention Center DRI shall be subject to downzoning, unit density reduction or intensity reduction on or before their respective completion dates as provided herein, unless the City can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare. The termination date may only be modified in accordance with Section 380.06(19) (c), Florida Statutes.

SECTION 4. Recordation.

Within 30 days of the effective date of the Development Order, the Developer shall record notice of the adoption of the Development Order pursuant to Section 380.06(15)(f), Florida Statutes, specifying that the Development Order runs with the land and is binding on the Developer, its successors and assigns, jointly and severally. The Developer shall provide a recorded copy of the Development Order to the City, SFRPC and DCA.

SECTION 5. Except to the extent modified herein, all other provisions of the Previous Development Order, as amended, and other than as amended herein, is hereby ratified and reaffirmed and shall remain in full force and effect as provided by its terms.

SECTION 6. Conflict.

In the event of any conflict between the terms and provisions of this Development Order and the terms of the Previous Development Orders, the terms and provisions of this Development Order shall control. The restating of any conditions of development approval adopted in the Previous development Orders shall not limit or modify the vested rights afforded the Northport/Broward County Convention Center DRI by Section 163.3167(8), Florida Statutes, nor in any way limit or modify the right to complete the development authorized by the Previous Development Orders.

SECTION 7. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity


shall not affect the remaining provisions of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part herein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 8. Effective Date.

The effective date of this development Order shall be forty-five (45) days from transmittal of this Development Order to DCA, the SFRPC, the County and ~~Northport Venture Associates, Inc. and Northport Land Partners, Ltd.~~ Portside Yachting Center, LLC; provided, however, that if this Development Order is appealed, this Development Order will take effect on the date after all appeals have been withdrawn or finally resolved pursuant to Section 380.07(2), Florida Statutes.


PASSED FIRST READING this the 6th day of July, 2006.

PASSED SECOND READING this the 18th day of July, 2006.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
JONDA K. JOSEPH

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C-06-21

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