

**RESOLUTION AMENDING RESOLUTION NO. 09-61, AS AMENDED, FOR THE SEVEN OAKS DEVELOPMENT OF REGIONAL IMPACT NO. 129, TO CHANGE THE REPORTING REQUIREMNET FROM ANNUAL TO BIENNIAL AS AUTHORIZED IN SECTION 380.06(18), FLORIDA STATUTES.**

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**WHEREAS**, on August 19, 1986, the Board of County Commissioners of Pasco County adopted Resolution No. 86-258, a Development of Regional Impact (DRI)/development order (DO) approving, with conditions, the Saddlebrook Village DRI; and,

**WHEREAS**, on September 13, 1988, the Board of County Commissioners adopted Resolution No. 88-286, a nonsubstantial deviation, which substituted a thirty-eight (38) acre utility site and forty-eight (48) acres of commercial and office uses with eighty-six (86) acres of office and light industrial uses, and substituted twenty-one (21) acres of residential use, nine (9) acres of right-of-way, and two (2) acres of lake acreage with utility parcels totaling thirty-two (32) acres; and,

**WHEREAS**, on May 7, 1991, the Board of County Commissioners adopted Resolution No. 91-243 which approved an extension of the build-out date for Phase I by less than three (3) years, amended Resolution No. 86-258, and found the amendment to be a nonsubstantial deviation; and,

**WHEREAS**, on August 13, 1991, the Board of County Commissioners adopted Resolution No. 91-355 which approved an extension of build-out dates for Phases II, III, and IV and the total project build-out date by less than three (3) years, amended Resolution No. 86-258, and found the amendment to be a nonsubstantial deviation; and,

**WHEREAS**, on October 13, 1992, the Board of County Commissioners adopted Resolution No. 92-31 which established a West Coast Regional Water Supply Authority right-of-way and easement for the construction of the water transmission main through the project and the addition of a public supply water well; and,

**WHEREAS**, on June 8, 1993, the Board of County Commissioners adopted Resolution No. 93-253 which approved the extension of the build-out dates for Phases I, II, III and IV, and the project build-out date by less than seven (7) years; and,

**WHEREAS**, on October 25, 1994, the Board of County Commissioners adopted Resolution No. 95-18 which approved an extension of the build-out dates for Phases I, II, III, and IV and the total project build-out date by less than seven (7) years, amended Resolution No. 86-258, and found the amendment to be a nonsubstantial deviation; and,

**WHEREAS**, on May 14, 1996, the Board of County Commissioners adopted Resolution No. 96-215, which approved the relocation of previously approved residential units and office/light industrial uses, reduced the office/light industrial acreage by eighty-six (86) acres; increased the residential acreage from 522 to 608 acres; and revised the DO relative to funding commitment for roadway improvements; and,

**WHEREAS**, on June 3, 1997, the Board of County Commissioners adopted Resolution No. 97-259 which approved the extension of the build-out dates for Phases I, II, III, and IV; the total project build-out date for all project phases cumulatively by less than twelve (12) years; allowed for approval of Phase I only; and revised the duration of the DO for a period of thirty-one (31) years; and,

**WHEREAS**, on January 23, 2001, the Board of County Commissioners adopted Resolution No. 01-108, a restated and amended DO approving, with conditions, the Saddlebrook Village DRI, which approved a reduction in the number of residential units and commercial square footage; an increase in commercial acreage from 145 to 188.50 acres; a reduction in the office/light industrial building area and acreage from 129 to thirty-five (35) acres; a reduction in hotel rooms from 600 to 400 rooms; an increase in preservation area from 512 to 593 acres; an increase in open space from 1,510 to 1,519.20 acres; revisions to the internal circulation and access points to account for expanded wetland areas and the addition of S.R. 56 on the southern property boundary; the relocation of portions of the commercial and office uses to the southern property boundary reflecting the new access on S.R. 56; the relocation of residential areas to replace the reduction in commercial, office, and light industrial; the addition of a trade-off mechanism; and implementation of an appropriate archaeological investigation and development of the site after completion of the investigation; and,

**WHEREAS**, on October 15, 2002, the Board of County Commissioners adopted Resolution No. 03-14, amending Resolution No. 01-108 which approved a change of the name of DRI No. 129 from Saddlebrook Village to Seven Oaks; revised condition B.12 relating to Transportation to incorporate into the DO the terms of that certain development agreement dated September 25, 2001, between Pittway Corporation, and SB Associates Limited Partnership (hereinafter SB), and Pasco County, Florida; added hospital use (less than 480 beds) as an allowable use in any North Zone or Central Zone parcel, and amended the trade-off matrix (Table 11 of the DO) to include hospital use; added townhouse, office, and commercial as alternate uses to Tract S14; and added Access Point U (right in/right out) to Tract S14 at a point over 660 feet from Access Point M; and extended the build-out date of Phase I by two (2) years; and,

**WHEREAS**, on September 8, 2004, the Board of County Commissioners adopted Resolution No. 04-266, which extended the main entrance boulevard from S.R. 56 north of the roundabout to connect the Southern and Central Zones as shown on revised Map H; added retail and office uses in Parcels S-1B and C-3 as allowable uses; added park as an allowable use in Parcels C-1, N-1, N-2, N-3, N-4, and N-5; clarified that light industrial is an allowable use in the North Zone; revised the maximum number of allowable units in Parcel S14A from 90 units to 125 units and increased acreage from 9 acres to 12.5 acres; added access points to Parcel N-1; and located Access Point F to a point approximately 500 feet west of its currently approved location as shown on revised Map H; and,

**WHEREAS**, on September 13, 2005, the Board of County Commissioners adopted Resolution No. 05-315, which extended the Phase I build-out date from August 15, 2004 to August 15, 2010; and,

**WHEREAS**, On December 2, 2008, the Board of County Commissioners adopted Resolution No. 09-61, which revised Condition B.12 to recognize increases in the Developer's fair share contribution for transportation improvements, authorizing transportation impact fee credits for the increased fair share contribution, eliminating the requirement to pay \$6,240,000.00 of this proportionate share amount to FDOT for I-75, requiring the entire proportionate share payment

(other than the \$1,760,000.00 previously paid to FDOT by the developer) to be utilized on C.R. 581, a parallel facility to I-75, extending Developer's deadline for the commencement of construction of County Road 581 from January 1, 2005 to June 1, 2008, extending Developer's deadline for completion of construction of County Road 581 from July 1, 2006 to May 31, 2010, amending Map H to reflect the location of the hospital site and other changes proposed, and amending the land use equivalency matrix to increase maximum allowable office, medical office and townhome conversions and decrease allowable single family home and industrial use conversions; and,

**WHEREAS**, on February 8, 2011, SB Associates Limited filed an application for a DO Amendment in accordance with Subsection 380.06(19)(e)2, Florida Statutes to change the reporting requirement from annual to biennial as authorized by Section 380.06(18), Florida Statutes.

**WHEREAS**, the Florida Department of Community Affairs and the Tampa Bay Regional Planning Council have confirmed in writing that this change is similar in nature, impact, or character to the changes enumerated in Subparagraphs 380.06(19)(e)2a-j and therefore is not a substantial deviation and does not require the filing of a Notice of Proposed Change.

**WHEREAS**, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized to consider amendments to DRI DOs; and,

**WHEREAS**, the Board of County Commissioners considered the DO Amendment at its meeting on April 5, 2011; and

**WHEREAS**, the Board of County Commissioners has reviewed the DO Amendment as well as related testimony and evidence submitted.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled this 5th day of April, 2011, that:

The DO Amendment for Seven Oaks DRI as set forth below is hereby adopted by the Board of County Commissioners.

## SEVEN OAKS DEVELOPMENT OF REGIONAL IMPACT DO AMENDMENT

1. Introduction. This resolution shall constitute an amendment to the Seven Oaks DO.

2. General Findings of Fact. The Board of County Commissioners makes the following findings of fact:

a. The foregoing Whereas clauses are hereby incorporated as findings of fact.

b. The DO is a valid final DO within the provisions of Section 163.3167(8), Florida Statutes, affecting the property described in Exhibit A (“the Property”), attached hereto and incorporated herein by reference.

c. The Board of County Commissioners has received and considered various other reports and information including, but not limited to, the memoranda and attachments from the Planning and Growth Management Department relating to the DO Amendment.

3. Conclusions of Law. The Board of County Commissioners hereby finds as follows:

a. This DO Amendment is consistent with the applicable provisions of the Pasco County Land Development Code (local land development regulations).

b. This DO Amendment is consistent with the applicable provisions of the adopted Pasco County Comprehensive Plan (Comprehensive Plan).

c. This DO Amendment is consistent with the applicable provisions of the adopted State Comprehensive Plan.

d. This DO Amendment is not subject to a Notice of Proposed Change or additional regional review pursuant to Chapter 380, F.S.

4. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Seven Oaks DO, as amended, is hereby amended as follows:

a. All references throughout the DO, as amended, to “annual” for the purposes of reporting requirements including traffic monitoring, are hereby replaced by “biennial”.

b. The first sentence of Section G is hereby amended as shown in strikethrough/underline format:

Pittway and SB shall provide ~~an annual~~ biennial report to the official responsible for monitoring the DRI, TBRPC, and the State Land Planning Agency by August 19 every even year beginning August 19, 2012 during the term of DO.

5. Notice of Adoption.

a. A Notice of Adoption of this Resolution attached hereto as Exhibit B shall be filed and recorded in the Public Records of Pasco County, Florida, in accordance with Section 380.06(14)(a), Florida Statutes , as amended.

b. The Clerk of the Board of County Commissioners shall return four (4) signed originals of this resolution and one (1) original signed Notice of Adoption to the Pasco County Planning and Growth Management Department. The Planning and Growth Management Department shall then send copies of each document to the FDCA, TBRPC, and the attorneys of record in these proceedings.

c. The DO shall be deemed rendered, upon transmittal of copies, to all recipients identified in Chapter 380, Florida Statutes.

6. Severability. Each provision of this DO is material to the Board of County Commissioners approval of this DO. Accordingly, the provisions are not severable. In the event any section, subsection, sentence, clause, or provision of this resolution is declared illegal or invalid by a body with jurisdiction to make such determination, the remainder of the resolution shall be suspended until such time that the Board of County Commissioners modifies the DO to address the illegal or invalid provision; provided, however, that such suspension shall not exceed nine (9) months in duration and such determination shall not affect the validity of 1) DRI entitlements for which a complete application has been submitted, or approval has been received, for a preliminary

plan, preliminary site plan, plat, construction plan, Building Permit, or CO; or 2) any DRI mitigation committed to or performed as of the date the determination is made. Notwithstanding the foregoing, the resolution shall not be suspended if the Applicant/Developer and all affected successors or assigns agree to abide by all of the provisions of the resolution until an NOPC is adopted to modify the DO in order to address the illegal or invalid provision. NOPCs to the DO shall not be considered challenges to the DO, and decisions by the Board of County Commissioners regarding any NOPC or the like shall not have the effect of suspending the DO under any circumstances. Notwithstanding the foregoing, if a third party challenges any section, subsection, sentence, clause, or provision of this resolution and the challenged portion of the resolution is subsequently declared illegal or invalid, the resolution shall not be suspended and shall remain in full force and effect except for that portion declared illegal or invalid. If any section, subsection, sentence, clause, or provision of this resolution is declared illegal or invalid as the result of a third party challenge, the Applicant/Developer shall cooperate with the County to amend this resolution to address the portion which has been declared invalid or illegal.

7. Effective Date. This resolution shall take effect when rendered in accordance with Section 380.06, Florida Statutes.

**DONE AND RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
PAULA S. O'NEIL, Ph.D., CLERK AND COMPTROLLER

\_\_\_\_\_  
ANN HILDEBRAND, CHAIRMAN

Exhibit A      Legal Description

Exhibit B      Notice of Adoption



**EXHIBIT A**  
**LEGAL DESCRIPTION**

EXHIBIT A

The Subject Property is described as follows: The portion of Section 11 and 12, Township 26 South, Range 19 East, lying South and East of County Road 54, LESS right-of-way for State Road 93 (Interstate 75), TOGETHER with Section 13, Township 25 South, Range 19 East, LESS right-of-way for State Road 93 (Interstate 75) and County Road 581, TOGETHER WITH Sections 24 and 25, Township 26 South, Range 19 East, LESS right-of-way for County Road 581, ALL being in Pasco County, Florida, and being further described as follows:

Commencing at the SW corner of Section 25, Township 26 South, Range 19 East in Pasco County, Florida, as a POINT OF BEGINNING, run N.00°28'16"E., 5384.54 feet along the West line of said Section 25 to the NW corner thereof; thence N.00°25'33"E., 2658.8 feet to the West 1/4 corner of Section 24, Township 26 South, Range 19 East; thence N.00°28'30"E., 2674.14 feet to the NW corner of said Section 24; thence N.00°15'59"E., 2636.44 feet to the West 1/4 corner of Section 13, Township 26 South, Range 19 East; thence N.00°18'12"E., 2636.98 feet to the NW corner of said Section 13, said corner also being the SE corner of Section 11, Township 26 South, Range 19 East; thence S.89°26'44"W., 1271.86 feet along the South line of said Section 11 to the Easterly right-of-way line of County Road 54; thence along the said Easterly right-of-way line of County Road 54, run 226.90 feet along the arc of a curve to the left having a radius of 2914.79 feet, chord N.36°44'24"E., 226.70 feet; thence N.34°42'27"E., 2857.80 feet along the said Easterly right-of-way line of County Road 54 to a point of curve, thence run 1760.72 feet along the arc of a curve to the right having a radius of 1587.02 feet, chord N.66°29'27"E., 1671.79 feet; thence S.81°43'33"E., 1209.29 feet along the Southerly right-of-way line of County Road 54 to a point of curve thence run 421.67 feet along the arc of a curve to the right having a radius of 5679.58 feet; chord S.79°37'03"E., 418.04 feet along the Southerly right-of-way line of County Road 54; thence S.77°30'33"E., 1775.35 feet to the intersection of the Southerly right-of-way line of County Road 54 and the East line of Section 12, Township 26 South, Range 19 East; thence S.00°18'24"W., 2555.46 feet along the East line of said Section 12 to the SE corner thereof; thence S.00°34'47"W., 1601.48 feet along the East line of Section 13 to the intersection of the East line of said Section 13 and the Westerly right-of-way line of County Road 581; thence along the said Westerly right-of-way line of County Road 581, run 1165.02 feet along the arc of a curve to the left having a radius of 5861.58 feet, chord S.06°15'21"W., 1163.72 feet; thence S.00°27'42"W., 2529.26 feet along the Westerly right-of-way line of County Road 581 to the South line of said Section 13; thence continuing along the Westerly right-of-way line of County Road 581, run S.00°72'42"W., 5287.84 feet to the South line of said Section 24; thence continuing along the Westerly right-of-way line of County Road 581, run S.00°27'42"W., 3725.35 feet; thence N.89°32'18"W., 10.0 feet; thence S.00°27'42"W., 500.0 feet thence S.89°32'18"E., 10.0 feet; thence S.00°27'42"W., 1033.62 feet to the intersection of the Westerly right-of-way line of County Road 581 and the South line of Section 25, Township 26 South, Range 19 East; thence S.88°35'56"W., 5216.34 feet along the South line of said Section 25 to the SW corner thereof, and the POINT OF BEGINNING.

BEING SUBJECT TO an easement to Florida Power Corporation over and across the North 100.0 feet of Section 25, Township 26 South, Range 19 East.

LESS AND EXCEPT THE FOLLOWING FOR Interstate 75 (State Road 93): Commencing at the SW corner of Section 13, Township 26 South, Range 19 East, Pasco County, Florida, run N.00°15'59"E., 261.4 feet along the West line of said Section 13 to the Southeastly right-of-way line of State Road 93 (I-75) for a POINT OF BEGINNING; thence N.73°44'12"E., 390.51 feet; thence N.33°55'52"E., 400.0 feet; thence N.05°52'28"W., 390.51 feet; thence N.33°55'52"E., 7100.00 feet; thence N.46°36'42"E., 410.0 feet; thence N.33°55'52"E., 650.0 feet; thence N.81°06'06"E., 121.48 feet; thence N.12°33'52"E., 20.0 feet to the Southerly right-of-way line of County Road 54; thence N.77°30'33"W., 650.0 feet; thence S.12°33'52"W., 10.0 feet; thence S.05°14'41"E., 71.05 feet; thence S.33°55'52"W., 300.0 feet; thence S.25°08'45"W., 556.53 feet; thence S.33°55'52"W., 7646.80 feet to the West line of said Section 13; thence S.00°15'59"W., 543.35 feet to the POINT OF BEGINNING.

AND THE FOLLOWING PARCEL:

That part of Section 23, Township 26 S, Range 19 E, Pasco County, Florida, lying South and East of Interstate No. 75 less the following Parcel: Begin at the Northeast corner of Section 23, Township 26 South, Range 19 East, run thence South 89°05'49" West 176.12; thence South 33°55'52" West 86.91 feet; thence South 88°09'08" East 224.07 feet; thence North 0°27'47" East 82.12 feet to the POINT OF BEGINNING,

AND: That part of Section 26, Township 26 S, Range 19 E, Pasco County, Florida lying South and East of Interstate No. 75, LESS the South 461 acres (the South 461 acres being also described as the South 4,454.33 ft. of said Section 26).

Parcel is subject to an easement of Florida Power Corporation over the N 100.00 ft. of Section 26, Township 26 S, Range 19 E, Pasco County, Florida.

**EXHIBIT B**  
**NOTICE OF ADOPTION**

**NOTICE OF ADOPTION OF THE DEVELOPMENT ORDER  
FOR SEVEN OAKS DEVELOPMENT OF REGIONAL IMPACT**

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that the Pasco County Board of County Commissioners, by Resolution No. \_\_\_\_\_, dated \_\_\_\_\_, has adopted an amendment to the Development Order for the Seven Oaks Development of Regional Impact. The above-referenced Development Order constitutes a land development regulation applicable to the property described in Exhibit "A" of the DO, attached hereto.

The Development Order, as amended may be examined upon request at the Office of the Clerk to the Board of County Commissioners of Pasco County, Pasco County Courthouse, 38053 Live Oak Avenue, Dade City, Florida.

Pursuant to Section 380.06(15)(f), Florida Statutes, the recording of this Notice shall not constitute a lien, cloud, or encumbrance on the real property described in Exhibit "A" or actual or constructive notice of any such lien, cloud or encumbrance.

**IN WITNESS WHEREOF**, the undersigned has caused this Notice of Adoption of Development Order to be executed in its name on this \_\_\_ day of \_\_\_\_\_, 2011.

BOARD OF COUNTY COMMISSIONERS OF  
PASCO COUNTY, FLORIDA

\_\_\_\_\_ By: \_\_\_\_\_  
Paula S. O'Neil, Ph.D., Clerk and Comptroller    Ann Hildebrand, Chairman