

*Chg
Bab #14*

RESOLUTION
NUMBER 2008-063

COMMISSION-MINUTES
CLERK'S OFFICE
MURDOCK
★
DEPUTY CLERK
BY: *[Signature]*
CERTIFIED TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA AMENDING RESOLUTION NUMBER 2007-196, MASTER DRI DEVELOPMENT ORDER FOR THE BABCOCK RANCH COMMUNITY, MODIFYING THE PROCESS OF TRAFFIC MONITORING PURSUANT TO A STIPULATED SETTLEMENT AGREEMENT BETWEEN THE DEPARTMENT OF COMMUNITY AFFAIRS, CHARLOTTE COUNTY AND BABCOCK PROPERTY HOLDINGS, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3302, PGS 1473-1476 4 pg(s)
INSTR # 1774364
Doc Type GOV, Recorded 06/24/2008 at 01:17 PM
Rec. Fee: \$35.50
Cashiered By: MARIANNE Doc. #:1

RECITALS

WHEREAS, on December 13, 2007, the Board of County Commissioners of Charlotte County, Florida ("Board") approved and adopted a Master Development of Regional Impact ("DRI") Development Order ("MDO") for the Babcock Ranch Community, pursuant to Section 380.06, Florida Statutes, under Resolution 2007-196; and

WHEREAS, upon adoption, Resolution Number 2007-196 was forwarded to the Department of Community Affairs ("DCA") for a final review; and

WHEREAS, on January 28, 2008, DCA filed an appeal to Resolution 2007-196 with the State of Florida Land and Water Adjudicatory Commission regarding the process of traffic mitigation ("Appeal"); and

WHEREAS, on March 31, 2008, DCA, Charlotte County and Babcock Property Holdings, LLC entered into a Stipulated Settlement Agreement to settle the Appeal ("Settlement Agreement"); and

**** NOTE - This Resolution is being re-recorded to reflect the substitution of the corrected "Exhibit A"**

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3300, PGS 1951-1954 4 pg(s)
INSTR # 1772858
Doc Type GOV, Recorded 06/18/2008 at 02:52 PM
Rec. Fee: \$35.50
Cashiered By: MARIANNE Doc. #:1

4
Marianne

WHEREAS, pursuant to the Settlement Agreement, the MDO is to be modified as provided in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, at this time, County Staff recommends that the revision to Resolution 2007-196 be adopted by the Board in order to be in compliance with the Settlement Agreement, and that the revision be fully incorporated into the MDO.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. Resolution Number 2007-196 shall be amended as provided in Exhibit "A" attached hereto and by this reference incorporated herein.

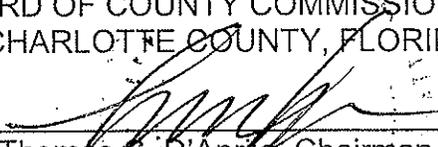
2. Severability. All other terms and conditions of the Master DRI Development Order for the Babcock Ranch Community adopted by Resolution 2007-196 not affected by this Resolution shall remain unchanged and in full force and effect.

3. Effective Date. This Resolution shall take effect immediately upon approval by the Board of County Commissioners of Charlotte County, Florida.

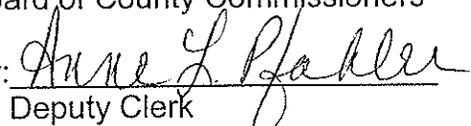
[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 17 day of June, 2008.

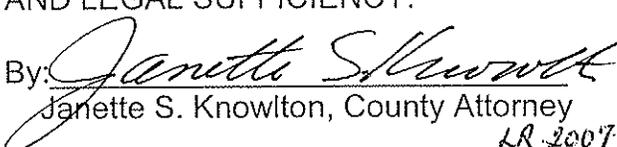
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
Thomas C. D'Aprile, Chairman

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
LR 2007-642
RB

1 **Babcock Ranch Community Master Development Order**
2 **Revised Language**

3
4 The below constitutes the changes to Resolution 2007-196. Modifications are in a
5 ~~strikethrough/underline~~ format.

6
7 **Change #1** – FINDINGS OF FACT AND CONCLUSIONS OF LAW #5, is amended as
8 follows:
9

10 5. The Developer proposes to develop Babcock Charlotte in accordance with the
11 Babcock Master Concept Plan (Map “H” in the AMDA) attached hereto as Exhibit “B”
12 attached hereto and made a part hereof. Map “H” will be further revised as part of each
13 Incremental development order. Map “H”, and as further revised in each Increment,
14 constitutes the revised Master Plan for the Babcock Ranch Overlay District in the
15 County’s Comprehensive Plan and the revised Exhibit C-1 in the Charlotte Development
16 Agreement. The development program authorized by this development order is as
17 follows (“Development Program” or “Project”).

18
19 **Change #2** - Condition 5, Transportation C(1)(f) is amended as follows:

20 Each Increment will ~~constitute a separate DRI, and each subsequent Incremental traffic~~
21 study will include ~~the~~any previously evaluated and ~~mitigated~~ Increment as
22 background Project traffic consistent with ~~Section~~Sections 380.06(21)(b) and 380.0651,
23 F.S., and 9J-2.045, F.A.C. ~~Phases of an Increment that alone do not constitute a DRI will~~
24 ~~be aggregated with previous or subsequent phases and analyzed cumulatively as a DRI~~
25 Mitigation provided by any previously evaluated Increment shall be credited to the
26 overall impact of the Project.

EXHIBIT A