DRI UPDATE

Increment I

ID #: 110 LOCATION: Charlotte County

PROJECT: Riverwood, A Planned Community, Inc. 1 DRI #7-8889-94

APPLICANT: MRP Land Trust

OWNER: MRP Land Trust
12800 University Drive, Suite #350
Fort Myers, FL 33907-5343

CONTACT: Robert M. Taylor, Trustee

AGENT: Stephen A. Clayton
Mariner Group, Inc.
12800 University Drive, Suite #350
Fort Myers, FL 33907-5343

REVIEWED BY: SWFRPC

DATE SUBMITTED: 07/26/89 REVIEW DATE: 08/16/90

RPC RECOMMENDATION: Conditional Approval

DEVELOPMENT ORDER: Conditional Approval DATE ISSUED: 11/16/90

RPC DO REVIEW: Accepted D.O. as submitted.

REGIONAL ISSUES: Drainage, Water Quality, Energy, Historical and Archaelogical Sites, Hurricane Evacuation, Marina, Transportation, Vegetation and Wildlife, Water Supply, Wetlands, Local Plan Consistency

PROJECT TYPE:	Mixed Use		
TOTAL ACRES:	890		
HOUSING UNITS:	1100	HOTEL ROOMS:	
COMMERCIAL SQ. FT.:	140000	OFFICE SQ. FT.:	
INDUSTRIAL SQ. FT.:		HOSPITAL BEDS:	
WET SLIPS:		DRY SLIPS:	
OTHER:	Comm. can equal off.	EST. POPULATION:	2409
TOTAL PROJECT COST:			
BUILDOUT YEAR:	1994	CONSTRUCTION YEARS:	5

PROJECT STATUS: See attached.

MODIFICATIONS: See attached.

Rev. Date: 07/07/93

Increment I

PROJECT STATUS:

As of January 1993, over a mile of the main roadway of Riverwood Drive has been completed. The first nine holes of golf course, the Learning Center and Golf Clubhouse were complete. Infrastructure for the first 60 lot single family Stonebridge subdivision was substantially complete and development was nearing completion of the 81 lot Fairway Lakes subdivision. Four model homes in the Stonebridge subdivision were nearing completion. The only completed permanent structure during this period was the 4,000± sq. ft. Golf Clubhouse/Pro Shop building.

MODIFICATIONS:

Increment I Development Order was amended on October 22, 1991 to include the provisions of the Riverwood DRI Bald Eagle Management Plan and comply with the conditions of the Master and Increment I D.O.

On October 22, 1991, by Resolution No. 91-268, Charlotte County amended the Increment One Development Order. On January 14, 1992, Resolution No. 92-07 corrected a scrivenor's error in Resolution No. 91-268. In addition to minor housekeeping changes, the first amendment adopted final revisions to the Bald Eagle Management Plan.

ANNUAL STATUS REPORT

Reporting Period: 01/07/92 to 01/07/93

Development: Riverwood - Increment One

Location: Port Charlotte, Charlotte County, Florida

Developer: Robert M. Taylor, Trustee
MRP Land Trust
c/o Mariner Group, Inc.
12800 University Drive, Suite #350
Fort Myers, FL 33907-5343
Attn: Stephen A. Clayton

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.**

   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.**

   Response: See attached Exhibit "A"

2. **Has there been a change in local government jurisdiction for any portion of the development site since the development order was issued? If so, hs 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.**

   Response: No Change.

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

   Response: Site plans were not revised by referenced Development Order Amendments.

ANNUAL STATUS REPORT
(Continued)

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.**

   Response: As of January 1993, over a mile of the main roadway of Riverwood Drive has been completed. The first nine holes of golf course, the Learning Center and Golf Clubhouse were complete. Infrastructure for the first 60 lot single family Stonebridge subdivision was substantially complete and development was nearing completion of the 81 lot Fairway Lakes subdivision. Four model homes in the Stonebridge subdivision were nearing completion. The only completed permanent structure during this period was the 4,000± sq. ft. Golf Clubhouse/Pro Shop building. Initial DRI estimates would have approximately 200 - 250 dwelling units in place by end of 2nd year. However, due to long lead times in post DRI permitting, dwelling unit construction just began near the end of the 2nd reporting period.

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.**

   Response: No parcels of land were sold during this period.

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 lands, its size, and intended use on a site plan and map.**

   Response: None purchased.

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.**

   Response: See attached 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.**

   Response: See attached Exhibit "G"

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

   Response: None applicable to this reporting period.

ANNUAL STATUS REPORT
(Continued)

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.

Response: We certify 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:	Stephen A. Clayton
Title:	Agent
Representing:	Robert M. Taylor, Trustee MRP Land Trust

EXHIBIT "A"

On October 22, 1991, by Resolution No. 91-268, Charlotte County amended the Increment One Development Order. On January 14, 1992, Resolution No. 92-07 corrected a scrivenor's error in Resolution No. 91-268. In addition to minor housekeeping changes, the first amendment adopted final revisions to the Bald Eagle Management Plan. Copy of Resolution No. 92-07 is attached.

On December 18, 1992, a Notice of Proposed Change to the Increment One Development Order was filed. This change to the Transportation Condition provided an option for an Alternative Improvement Construction program which allows the Developer, Charlotte County, Florida Department of Transportation, and the Riverwood Community Development District to work cooperatively to accomplish the construction of a subjstantailly longer segment of the S.R. 776 than the Developer was required to build pursuant to the Development Order.

This change also extended the build-out date by four (4) years.

(NOTE: This change was approved by Charlotte County on February 16, 1993.)

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INDEX

RIVERWOOD DRI

RESOLUTION

NUMBER 92-07

RECORD VERIFIED-Barbara T. Scott, Clerk
By TEDDIE HAMILTON th D.C.

A RESOLUTION AMENDING RESOLUTION NO. 91-268 TO CORRECT A SCRIVENER'S ERROR.

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

1. That Resolution No. 91-268 is hereby amended to change the amount of acreage from 682 acres shown on Page 1 of the resolution to 744 acres to conform to the legal description of Riverwood: Increment I on Page 7 of Exhibit A.1.

PASSED AND DULY ADOPTED this 14th day of JANUARY, 1992.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Donald H. Ross
Donald H. Ross, Chairman

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

By Carolyn Thornsberry
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Beth A. Sullivan
Assistant County Attorney

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RETURN TO
COMMISSION MINUTES
MURDOCK

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CHARLOTTE COUNTY
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EXHIBIT "F"

PERMITS ISSUED

7) **Riverwood - Increment I (752 acres)**

Agency	Permit Type	Permit Number	Project Area	Status
FDER	Dredge & Fill	081959329	Increment I (Phase II)	Received
U.S.A.C.O.E.	Dredge & Fill	199130641(1P-BB)	Increment I (Phase II)	Received
SWFWMD	Surface Water	406845.02	Increment I (Phase II)	Received
Charlotte Cty.	Subdivision Development	DRC-PD-88-4F Resol. #92-151	Stonebridge Subdivision	Received
Charlotte Cty.	Subdivision Development	DRC-PD-88-46 Resol. #92-236	Fairway Lakes Subdivision	Received
Charlotte Cty.	Golf Course Dev't. Plan	DRC-PD-88-4H Resol. #93-10	Back Nine Holes	In Process (Received 2/2/93)

EXHIBIT "G"

RIVERWOOD
GOVERNMENTAL REGULATIONS
COMMITMENT SCHEDULE

CONDITIONS

1. Drainage/Water Quality:

   a. **As necessary, the Riverwood Increment I will obtain Southwest Florida Water Management District (SWFWMD) permits for conceptual approval and/or construction and operation of the surface water management system.**

      Response: The applicant received construction approval for the PDA area under permit no. 40-6845.01.

      The applicant has received a conceptual/construction permit for the remainder of Increment I, Application No. 406845.02.

   b. **All water retention/detention areas must meet SWFWMD criteria. Any areas which do not meet this criteria may not be used in the calculation of water quality or quantity volumes unless otherwise permitted under the appropriate SWFWMD regulations.**

      Response: All construction this reporting period meets SWFWMD permit requirements.

   c. **The applicant shall confirm, to the satisfaction of the SWFWMD and the applicable federal, state, and local permitting agencies that the proposed water management system will not significantly adversely impact habitats of any species of special concern, threatened or endangered species occurring on-site, or that such impact will be mitigated as deemed appropriate during the permitting process.**

      Response: The applicant has satisfactorily met this requirement for the Increment One area and is in the process of permitting individual subdivisions utilizing this criteria.

   d. **If drain-down time frames set for the dry retention areas are of such duration that they result in mosquito breeding detrimental to the health, welfare, safety and quality of live of Riverwood and surrounding residents, as per Florida Statutes Chapter 380.021, or constitute a nuisance injurious to health, as per Florida Statutes 386.041(e), then those retention areas should be modified in a way which will abate the nuisance, or detrimental conditions consistent with SWFWMD regulations.**

      Response: No dry retention areas have been constructed this reporting period.

e. **All drainage swales and spreader-swales shall be finish-graded to levels such that no isolated pool of water will stand in any swale for more than 72 hours after a ten-year storm event.**

Response: This requirement has been complied with this reporting period.

f. **In order to assure unimpaired tidal flushing, no spoil pile or berm shall be constructed and no existing spoil pile, berm or excavation shall be allowed within the wetland reserve which spoil pile, berm or excavation detains or impounds water for more than 72 hours after a high tide or a ten-year storm.**

Response: The applicant has obtained permits from the appropriate agencies to remove several berms and fill select excavations to improve tidal flushing and eliminate some impounds as permitable.

g. **At least once annually, the applicant, or the entity responsible for maintenance of the surface water management system, shall remove from all dry retention areas, swales and spreader swales, all plants of any species listed in the "Florida Prohibited Aquatic Plants" list published by the Florida Department of Natural Resources, Bureau of Aquatic Plant Management.**

Response: No dry retention areas have been constructed this reporting period.

h. **Provisions for the drainage of off-site areas and outparcels that presently drain through Increment One site must be provided at the time of SWFWMD permit application.**

Response: This provision has been accounted for in current permits.

i. **The applicant shall undertake a regularly scheduled vacuum sweeping of all commercial and office areas parking facilities, to be incorporated as a best management practice.**

Response: Agreed. No commercial/office parking facilities have been constructed this period. However, Golf Clubhouse parking lot has regularly scheduled sweeping.

j. **In areas adjacent to retail and office uses the applicant shall provide pre-treatment of run off in accordance with the applicable criteria of the permitting agency in order to provide reasonable assurance that hazardous materials will not enter the stormwater management system.**

Response: This condition has been addressed in the permitting process.

k. **The operation of the Riverwood Surface Water Management System is dependent on the Myakka River for an outlet. Therefore, the water management plan shall demonstrate that the system is designed in accordance with existing SWFWMD permit design parameters for the adjacent portions of the Myakka River.**

Response: This condition has been addressed in the permitting process.

l. **The applicant shall cooperate with any on-going or future efforts by Charlotte County to establish a County-wide Watershed Basin Management Plan.**

Response: Agreed.

m. **Best Management Practices (BMP's) and monitoring and maintenance of the stormwater management system shall be implemented by the applicant in accordance with SWFWMD guidelines.**

Response: Agreed.

n. **The applicant shall designate a specific entity to manage and maintain the surface water management system. This entity may be a utility company, a homeowner's association or similar entity, or one of the entities described in the AMDA.**

Response: A chapter 190 Community Development District has been established and will manage and maintain the surface water management system.

o. **Any business which might generate special or hazardous wastes, shall be responsible for the temporary storage and proper disposal of special or hazardous wastes generated by businesses within the parcel. These types of waste shall include any of those listed in the Charlotte County Hazardous Waste Assessment (Table III-2) prepared by the SWFRPC in July, 1985.**

Response: No business has been established to date.

2. **Hurricane Protection/Floodplains:**

a. **Mitigation for hurricane shelter impacts shall consist of funding for shuttering the Charlotte County Emergency Management Offices within the Charlotte County Administration Building by May 31, 1991. The amount of the funding shall be the acceptable low bid based upon the County's request for proposal developed in cooperation with the applicant.**

Response: Hurricane shutters were installed and funded by the applicant during the spring 1991. Commitment has been completed.

b. **Mitigation for hurricane evacuation route impacts shall be implementation of one of the following provisions:**

1. **Provision for the establishment and maintenance of a public information program within an existing homeowners association for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters; and the identification of steps to minimize property damage and to protect human life. In order to use this mitigation option, the developer must develop a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan shall address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program which addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, friends residences and public hurricane shelter locations, and other protective actions which may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. The plan shall be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by SWFRPC, DCA and Charlotte County and must address the recommendations provided by the reviewing agencies; or**

2. **Provision of roadway capacity improvements committed to by the developer above and beyond the improvements required by Rule 9J-2.0255, Florida Administrative Code; or**

3. **Provision of funds to be used for the purpose of procuring communications equipment which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the developer must obtain reasonable assurance from local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts.**

Response: Not applicable this reporting period.

3. <u>Transportation:</u>

a. **In addition to the other obligations specified in the Development Order, the Applicant, or his successor shall be required to construct, at no cost to Charlotte County, all site-related improvements deemed necessary by Charlotte County and the Florida Department of Transportation. Site-related improvements shall be those improvements deemed site-related at the time of construction under the definitions of the Impact Fee Ordinance, as may be amended. The Applicant's obligation shall include the full cost of design and engineering, drainage and utility relocation, dedication of right-of-way under the Applicant's ownership, construction of turn lanes, acceleration and deceleration lanes, construction inspection, contract administration, testing and signalization (as needed and warranted). The alignment, design, signalization, and construction schedule shall be approved by either the County Engineer and/or the Florida DOT, as appropriate.**

<u>Response:</u> Initial site-related improvements at the project entrances on S.R. 776 consisting of left turn lanes, acceleration and deceleration lanes have been installed and completed.

b. **The Applicant or his successor shall submit an annual traffic monitoring report. The monitoring program shall be designed in cooperation with Charlotte County, the Southwest Florida Regional Planning Council and the Florida Department of Transportation. The annual monitoring report shall contain at a minimum AM and PM peak-hour, peak season traffic counts (with turning movements) and mutually agreed upon professionally acceptable level of service analyses at all project access points onto the roadway network and at the following intersections:**

- **SR 776/Cornelius Boulevard**
- **SR 776/Jacobs Street**
- **SR 776/Project Entrance East**
- **SR 776/Project Entrance West**
- **SR 776/David Boulevard**
- **SR 776/Marathon Boulevard**
- **SR/776/Oceanspray Boulevard**
- **SR 776/Sunnybrook Boulevard**

In addition, peak season daily traffic counts and level of service calculations shall be submitted as part of the annual monitoring report for all project access roads and the roadway links listed below:

- **SR 776**

  Cornelius Boulevard to Project Entrance
  Project Entrance to David Boulevard
  David Boulevard to CR 771
  CR 771 to Sunnybrook Boulevard
  Sunnybrook Boulevard to San Casa Road

Riverwood shall submit the annual monitoring report to Charlotte County, the Southwest Florida Regional Planning Council and the Florida Department of Community Affairs for review. The first report shall be submitted one year after the issuance of the first construction permits for buildings within the Riverwood Increment I. Reports shall be submitted annually until project buildout. The purpose of the annual monitoring report is to:

1. **Assist Charlotte County and FDOT in determining the proper timing of necessary roadway improvements.**

2. **Determining the existing levels of service on regional and local facilities.**

It is recognized and understood that traffic counts may be obtained from original machine and manual peak hour counts, County traffic volume reports, Florida Department of Transportation, other ADA's and DRI's with similar monitoring requirements, and other generally acceptable sources.

Response: The first Annual Traffic Monitoring Report was submitted on April 1, 1993.

c. **The SWFRPC transportation assessment for the Riverwood Master Development and the Riverwood Master Development Order identified a year 2004 Master Roadway Network (Exhibit 1) and the regionally and locally significant roads as shown in Exhibit 2. The SWFRPC transportation assessment of significant Increment I impacts determined that the following actions are needed coincident with development of the Riverwood Increment I if peak hour LOS "D" conditions (urban) or LOS "C" (rural) are to be maintained through buildout of Increment I on regional road segments and intersections:**

Roadway	Action
SR 776	
- Cornelius Blvd. to San Casa Rd.	**Reclassify to urban and/or LOS D**

Response: Charlotte County Planning to address this item with FDOT during the current calendar year.

d. **In order to mitigate the transportation impacts on the regionally and locally significant roads as identified in Exhibit 2 for this increment and meet comprehensive plan concurrency requirements, the Applicant shall pay its proportionate share of offsite regionally and locally significant roadway and intersection improvements coincident with the impacts of the Increment I traffic. The proportionate share necessary to mitigate the impacts of Increment I has been identified in Exhibit 3 and is $2,050,000.00. Compliance with the conditions of this development order satisfies the Applicant's traffic obligation under the Charlotte County Impact Fee Ordinance and successor ordinances.**

Response: Compliance efforts are underway. The S.R. 776 staged improvement program has begun with the commencement of the S.R. 776 Project Development and Environmental Study (PD&E).

e. **Prior to the end of Increment I the following transportation network improvements shall be provided through a staged improvement approach. (The specifics of the Increment I Roadway Improvement Program are also identified in Exhibit 4, Capital Road Facilities Plan):**

1. **Accelerate SR 776 Planning/Design Effort**

   The Applicant shall participate financially by contributing $300,000 with that amount going toward funding in total or in part the SR 776 Project Development and Environmental (PD & E) Study and/or roadway design plans and/or right of way acquisition. That PD & E study will encompass at a minimum that portion of SR 776 which the Applicant is obligated to widen as described in Condition e.4 and g.

   Response: The applicant has engaged a consulting team and with the approval of the county and FDOT the PD&E Study for the required portion of S.R. 776 has begun.

2. **Construct SR 776 Turn Lanes**

   The applicant shall construct SR 776 turn lanes and signal to serve the project at the Project Entrance(s). This improvement is considered to be site related.

   Response: Turn lanes on S.R. 776 at project entrance have been completed. Signalization will occur when warranted.

3. **Provision of SR 776 Right-of-way.**

   The Applicant shall dedicate by deed 50 feet of SR 776 right-of-way on the Applicant's property along the Riverwood frontage needed for an ultimate six lane cross section. The value of this right-of-way will be based on fair market value as established by the average of two independent appraisals (one each from the County and the Applicant) to be conducted within 180 days of the date of this Development Order. The value of the right-of-way is estimated to be $600,000. Either payment for, or credit for, that right-of-way value will be provided to the Applicant by the County at the time SR 776 is to be widened to four lanes as identified in Conditions e.4 and g. Said payment will be from funds provided to the County by FDOT for SR 776 if the County and FDOT enter into an agreement to provide said funds. If, before October, 1993, there is no such agreement between the County and FDOT that provides for payment for right-of-way

dedication by Applicant before commencement of construction of the improvement in e.4, then the Applicant shall be credited for the value of the right-of-way against the proportionate share amount.

Response: In cooperation with Charlotte County, efforts are underway to dedicate the required 50 ft. for S.R. 776 right-of-way. An appraisal has been performed and submitted to Charlotte County.

4. **Widen A Portion of SR 776.**

The Applicant shall enter into a contract to design and widen from two to four lanes, that portion of SR 776 along Riverwood's frontage to just west of Cornelius Boulevard (i.e., approximately 1.0 miles - see Exhibit 6) or as far as the Applicant's remaining proportionate share amount of $1,750,000 (adjusted for the actual value of right-of-way) as described in e.3 above) will fund. The actual dollar amount and length of widening will be based on the value of the right-of-way dedication in e.3 above and whether FDOt provides right-of-way acquisition funds to Charlotte County for this right-of-way which will be used as provided in Section 3g. below or whether the Applicant receives credit for that right-of-way.

Response: Not applicable this reporting period.

5. **Provide Project Access Alternative to SR 776.**

The Applicant shall provide a "backdoor" connection from Increment I at Brookville Avenue to allow an alternative Project traffic access to US 41 without having to use SR 776. This improvement is considered to be site related.

If other alternatives to the Capital Roads Facilities Plan shown on Exhibit 4 and described in this subsection are determined which would also adequately address the needs of the public and the Applicant consistent with the Charlotte County Comprehensive Plan, then amendments to this staged improvements program may be proposed following the appropriate procedures outlined in F.S. Chapter 380.

If, due to marketing reasons or other economic circumstances, it becomes financially unfeasible for the Applicant to proceed with the development as approved in Increment I on the schedule proposed, then the Applicant's obligations under subsection e.1, e.2, e.4 and e.5 shall be revised through the appropriate procedures outlined in F.S. Chapter 380 as long as the Applicant adequately mitigates the impacts of and meets the applicable conditions for development which has already occurred through the payment of equivalent impact fees.

Response: This "backdoor" access was completed with the extension of Riverwood Drive to Brookville Avenue.

f. **The Applicant shall work with the Florida DOT and Charlotte County and shall by no later than August, 1991, enter into an agreement, approved by the County, with a qualified engineering firm to undertake the PD & E study as identified in Condition e.1. In the event that the PD & E study costs less than the $300,000 obligation of Condition e.1, the balance shall be used for additional SR 776 design and widening per section e.4 above when the widening is performed. No building permits for any permanent residential, retail or office use of Increment I totaling more than the equivalent $300,000 of roads impact fees will be issued as it relates to the PD & E study above.**

Response: As mentioned previously, the PD&E Study for S.R. 776 was contracted for and is now in process.

g. **Upon dedication of the right of way ($600,000 est.), and execution of the agreement for the PD & E Study ($300,000 est.) per e.1 & 3 above, building permits shall be allowed to be issued for the equivalent of $900,000 of roads impact fees or, up to 440 units, and 104,000 square feet of retail commercial and office as approved in the amended P.D.A., and an 18 hole golf course with related facilities.**

Charlotte County will work with the Florida DOT so that the County is paid for that right-of-way at the time of or prior to any roadway widening obligations of the Applicant. The County shall, when paid by the Florida DOT, then apply that money towards the Applicant's right-of-way and the Applicant shall apply it toward the widening of SR 776 so that a total of $1,750,000 is assigned to SR 776 widening. In the event that the Florida DOT does not pay Charlotte County for the identified right-of-way shall be applied as a credit against the $2,050,000 proportionate share. The balance of the proportionate share [i.e., $2,050,000 - $300,000 (PD & E) - $600,000 (value of r.o.w.) = amt. to widen SR 776] shall go into widening of SR 776 to the extent that those monies will provide the required improvement (i.e., approximately from the south boundary of the project's frontage approximately to Jacobs Street).

Response: This program has begun with the commencement of the PD&E Study.

h. **No building permits will be issued for the development totaling more than the equivalent of $900,000 worth of roads impact fees (i.e., that the development beyond 440 residential units, and 104,000 square feet of commercial retail and office space, and an 18 hole golf course with related facilities, or a combination thereof) or after October, 1993, until the Applicant has provided to Charlotte County and the Florida DOT an acceptable final design for the widening of SR 776 as identified in Condition e.5. No building permits beyond those described in this section will be issued after December 31, 1993, until the Applicant has either**

paid to Charlotte County the balance of its proportionate share as set forth in 3.d, or has commenced construction of the widening of SR 776 as identified in Condition e.4, unless otherwise prevented or delayed as described in Condition i. No certificate of occupancy will be issued for the portion of Increment I beyond the golf course, 104,000 s.f. commercial area, and 800 residential units until the improvement identified in Condition e.4 is substantially completed or the proportionate share has been satisfied in full.

Response: Not applicable this reporting period.

i. **Following completion and acceptance of the PD & E Study, the Applicant will report to Charlotte County the status of the proposed roadway widening (as identified in Condition e.4 as to the availability of right of way, utility constraints and any other constraints or obstacles which are beyond the control of the Applicant and which would prevent the Applicant from initiating construction by December 31, 1993. In the event that the identified obstacles prohibit the Applicant from initiating construction per Condition e.4 and h, the Applicant shall, no later than October 1993, provide to Charlotte County and the Florida DOT a final design for the widening of SR 776 as identified in Condition e.4 and shall apply through the appropriate procedures in F.S. Chapter 380 for an extension of the time to comply with Condition e.4 until the identified problem is cured, or the Applicant shall pay to Charlotte County the balance of the proportionate share payment which shall be expeditiously applied by Charlotte County to the widening specified in Condition e.4 when the identified problem is cured. If the Applicant chooses to pay the balance of the proportionate share payment, then upon such payment Charlotte County will expeditiously pursue the necessary resolution of those right of way, utility or other constraints. Upon provision of the financial assurances for the identified sum, the Applicant shall have satisfied the obligations of Condition e.4, f, g, h and i and shall have satisfied concurrency obligations for the Increment I transportation impacts.**

Dates and calendar days as may be identified and specified in the above transportation conditions are exclusive of public agency review periods including permit application review periods. Any delays due to public agency reviews shall be reflected in the actual dates and calendar days of this development order.

Provided that the obligations of Condition e, f, g, h and i have and are satisfied per the identified conditions, Riverwood Increment I shall be concurrent for traffic purposes.

Response: Not applicable this reporting period.

j. **Charlotte County will address the need for the improvements to the regionally and locally significant roadway network, other than the staged improvements identified in Exhibit 4, in the**

Capital Improvements Element of the Comprehensive Plan, as amended from time to time.

Response: Not applicable this reporting period.

k. **If during development of Increment I any improvement to a regionally significant road or intersection identified in the Capital Road Facilities Plan (Exhibit 4) as a required for Increment I is not commenced in accordance with the approved Capital Road Facilities Plan, construction of Riverwood shall stop at the end of this Increment.**

Response: Not applicable this reporting period.

l. **If staged road/intersection improvements are required and later additional improvements are anticipated on State highways, then the Applicant (or local government as the case may be) shall forward to the Florida Department of Transportation, one or more typical cross section designs for each stage of the improvement prior to the improvement being implemented. The FDOT will be given an opportunity to review and comment upon the cross sections, particularly on their suitability for future phased improvements, and shall forward their comments to the local government.**

Response: Not applicable this reporting period.

m. **If the private development roadway improvements outlined in Table C-4 of the SWFRPC Recommendations (included herein as Exhibit 5) are not in place by the year 1992, a substantial deviation determination shall be made pursuant to Florida Statutes Chapter 380.06.**

If these private roadway improvement commitments as outlined in Table C-4 have not been met by the buildout date for Increment I, Riverwood shall not proceed beyond Increment I until such time as those commitments have been met or the purpose of those commitments demonstrated to be satisfied in an alternative manner.

If the next Increment AIDA is submitted to the SWFRPC before the buildingout date for Increment I, a reanalysis of the Increment I traffic will be required. This reanalysis, if required, shall be performed utilizing the most reliable methodology agreed upon by the Applicant, the County, FDOT and the Southwest Florida Regional Planning Council. A reanalysis of Increment I impacts shall be provided to Charlotte County, DCA, and the SWFRPC for review and comment.

Response: Not applicable this reporting period.

4. <u>Vegetation and Wildlife:</u>

Construction and land clearing activity, outside the area approved for development pursuant to the amended Preliminary Development Agreement (PDA) shall be prohibited, until the following two actions are completed and the Increment I Master Development Plan (Map H) is revised, if necessary, consistent with the findings of:

a. **A detailed Gopher Tortoise survey and management plan, submitted to the SWFRPC, DCA, and the FGFWFC, and Charlotte County and approved through the issuance of the necessary permits from FGFWFC; and**

   <u>Response:</u> A detailed gopher tortoise survey was conducted and management plan submitted to SWFRPC, DCA, FGFWFC and Charlotte County. Necessary permits were obtained from FGFWFC for relocation of several tortoises.

b. **A Bald Eagle Management Plan submitted to SWFRPC and DCA, acceptable to the FGFWFC, and approved by Charlotte County through the appropriate F.S. Chapter 380 development order amendment procedures.**

   <u>Response:</u> On October 22, 1991, Development Order Amendments pursuant to Chapter 380 procedures were approved by Charlotte County to include the provisions of the Riverwood Bald Eagle Management Plan.

5. <u>Water Supply</u>

a. **Prior to the construction of the buildings, the applicant shall sign a service availability agreement, for the provision of potable water for the Riverwood Increment One, with either General Development Utilities, Inc., El Jobean Water Association, or Harbor Lakes Utilities, Inc., or the successor to said utilities, or other like utility.**

   <u>Response</u>: This condition has been complied with through normal County approval process.

b. **The applicant shall establish (or designate) a responsible entity for the nonpotable water supply and distribution system, prior to the construction of buildings outside the amended PDA area.**

   <u>Response</u>: This condition will be met by the Riverwood Community Development District formed and approved during the period.

c. **Prior to construction of the buildings outside of the amended PDA area, the applicant should show verification, acceptable to the Southwest Florida Water Management District and Charlotte County, that adequate potable water capacity is available to serve Riverwood Increment I.**

   <u>Response</u>: This condition has been met to date.

d. **The applicant shall acquire, as required by SWFWMD, a water use permit for withdrawals from groundwater, project lakes and/or other surface water bodes for irrigation or potable uses and for dewatering activities associated with the construction of project lakes, and/or road or building foundations.**

Response: All required permits for initial phase of development were obtained from Charlotte County and/or SWFWMD. A Water Use Permit for irrigation purposes was obtained from SWFWMD during 1991.

e. **In areas of Increment I employing treated wastewater for irrigation purposes, the applicant shall ensure that on-site lakes and wetlands, and the Myakka River, are adequately buffered from possible effluent contamination, as required by the appropriate regulatory agencies.**

Response: The Applicant has obtained a permit from FDER for the construction of a 0.25 MGD Type II Advanced Secondary Sewage Treatment Plant Expansion with Class I Reliability and high level disinfection. That permit authorizes the use of treated effluent on that portion of the golf course within the PDA, the right-of-way within the PDA, and other landscape areas. That expansion was authorized with permits GMS ID No. 4008P10509 and Permit No. DC08-182784. Construction of this facility may be initiated later in 1993 or early 1994.

f. **Water should not be used for the purpose of lot, driveway or street cleaning.**

Response: Condition has been complied with this reporting period.

g. **Water conservation measures and practices should be utilized in Riverwood Increment I such as low water use plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices. Unless spray effluent is utilized for irrigation, landscape irrigation should be restricted to the hours of between 5:00 p.m. and 9:00 a.m. after the establishment of landscaping.**

Response: Not applicable this reporting period.

h. **Riverwood Increment I shall utilize xeriscape principles in the design and maintenance of the project's landscaping.**

Response: The landscaping activity this reporting period at Riverwood utilized xeriscape principles. Xeriscape principles were utilized in the design and by way of the trees and plant material selected. Native vegetation was saved wherever possible.

i. **All construction plans, technical specifications, and proposed plats, if applicable, for the Riverwood Increment I Water Distribution System, shall be reviewed and approved by Charlotte County prior to commencement of construction.**

Response: Charlotte County reviews all construction plans as part of its routine approval process. Phase I water main distribution system plans were reviewed and approved by Charlotte County.

6. **Wetlands**

Construction and land clearing activity within any wetland areas outside of the Amended Preliminary Development Agreement (PDA) are shall be prohibited until the appropriate permits have been obtained for such areas and the following information for such areas has been submitted to the SWFRPC, DCA and Charlotte County:

a. **Identification of specific wetland areas to be impacted and an ecological assessment of their condition.**

b. **Detailed description of wetland mitigation proposed to offset wetland impacts.**

Response: There was no development activity outside of the PDA during this reporting period. Permitting activity for Phase II outside of PDA has been completed with responsible state and federal agencies. Copies of permits will be submitted to SWFRPC, DCA and Charlotte County.

7. **Wastewater Management**

a. **The Applicant shall provide assurances that needed wastewater treatment plant capacity shall be in place by buildout Riverwood I to service Increment.**

Response: The Riverwood Community Development District was established and through its special powers granted under F.S. Chapter 190, will add further assurances that needed capacity will be in place to serve Increment I.

b. **The Applicant shall provide assurance, for Riverwood Increment I, that nondomestic wastewater will be treated separately from domestic wastewater and handled in accordance with FDER criteria.**

Response: Not applicable this reporting period. There are no nondomestic uses currently at Riverwood.

c. **Temporary septic tanks may be used for residential models, construction and sales offices. Unless otherwise specified in future increments, in commercial and marina portions of the project, septic tanks should not be allowed, except for construction of sales offices and model home centers due to the possibility of hazardous wastewater generation. Septic tanks shall not be allowed in any residential portions of the project, except for construction or sales offices which shall be connected to central treatment facilities prior to residential use.**

Response: Septic tanks have not been utilized at Riverwood this reporting period.

8. Energy

The Applicant is encouraged to incorporate the following energy conservation features where appropriate, into final site plans and architecture. These features may be implemented through appropriate deed restrictions and covenants in order to mitigate further energy impacts of the project. To the extent practicable the following shall be undertaken or incorporated into development plans:

a. **Provision of a bicycle/pedestrian system along Riverwood Drive and other collector roads within the project.**

Response: A bicycle/pedestrian system has been included in the approved plans for Riverwood Drive, which has been constructed.

b. **Provision of bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.**

Response: Not applicable during this reporting period.

c. **Cooperation in the locating of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area.**

Response: Charlotte County does not have a transit system at this time.

d. **Use of energy-efficient features in window design (e.g., tinting and exterior shading).**

Response: This condition has been complied with at Golf Clubhouse and in builder's model home plans.

e. **Use of energy operable windows and ceiling fans.**

Response: Golf Clubhouse has utilized both operable windows and ceiling fans.

f. **Installation of energy-efficient appliances and equipment.**

Response: The condition has been complied with this reporting period.

g. **Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems).**

Response: Final covenants and deed restrictions have been adopted and the documents contain no such prohibition.

h. **Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.**

Response: Only limited road construction to date. Riverwood Drive incorporated a planted median and additional street trees to offer shade for portions of the paved surfaces.

i. **Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.**

Response: No lighting has been installed yet; however, plans will include energy-efficient lighting in cooperation with FPL and County Lighting District program.

j. **Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.**

Response: Only limited planting has taken place to date but has been constructed in accordance with this provision.

k. **Planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas.**

Response: Only limited planting has taken place to date but has been constructed in accordance with this provision.

l. **Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.**

Response: Not applicable during this reporting period.

m. **Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.**

Response: Condition has been met at Golf Clubhouse.

n. **Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.**

Response: Golf Clubhouse utilized a veranda around western and southern sides of building.

o. **Inclusion of porch/patio areas in residential units.**

Response: First model homes will include this feature.

p. **Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.**

Response: New construction committee is currently assisting builders in this area.