

ORDINANCE 2021-15

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TARPON SPRINGS, FLORIDA, FOR 64.17 ACRES, MORE OR LESS, OF REAL PROPERTY LOCATED AT 42501 U.S. HIGHWAY 19 NORTH, ON THE EAST SIDE OF U.S. HIGHWAY 19 NORTH, FROM ZONING DESIGNATION GB (GENERAL BUSINESS) OR RPD (RESIDENTIAL PLANNED DEVELOPMENT) TO ZONING DESIGNATION RPD (RESIDENTIAL PLANNED DEVELOPMENT); APPROVING PRELIMINARY PLANNED DEVELOPMENT FOR ANCLOTE HARBOR RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING FOR DIMENSIONAL STANDARDS; PROVIDING FOR WAIVERS OF DESIGN REQUIREMENTS OF THE RPD DISTRICT; PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property owner of record of said parcel previously requested to amend to the zoning district designation of said parcel from General Business (GB) district to Residential Planned Development (RPD) district; and,

WHEREAS, the property was rezoned to Residential Planned Development (RPD) district pursuant to Ordinance 2020-34 and a Conditional Use to allow residential use in the Commercial General Future Land Use Map Category was authorized pursuant to Resolution 2020-72; and

WHEREAS, Concerned Citizens of Tarpon Springs, Inc., filed a Petition for Writ of Certiorari challenging the adoption of Ordinance 2020-34; and

WHEREAS, the property owner has filed an application to amend the zoning district designation of said parcel (Application 21-101), whether it be from General Business (GB) should Concerned Citizens of Tarpon Springs, Inc. be successful in its Petition or from Residential Planned Development (RPD) as approved by Ordinance 2020-34 ; and

WHEREAS, the applicant is also requesting approval of a Preliminary Planned Development (Application 21-101) under the RPD (Residential Planned Development) zoning district; and,

WHEREAS, the applicant is also requesting approval of a conditional use to allow for establishment of a residential use on the property in the Commercial General (CG) Future Land Use Map (FLUM) category; and,

WHEREAS, the proposed RPD, Residential Planned Development, zoning district is consistent with the Commercial General (CG) and Residential/Office General (R/OG) Future Land Use Map category designations of the subject property; and,

WHEREAS, the planned uses within the RPD District are compatible with surrounding and existing land uses; and,

WHEREAS, the Planning and Zoning Board conducted a public hearing on this rezoning ordinance (Applications 21-100 & 21-101) on September 20, 2021 and recommended denial by a vote of 6-1 on Application 21-100 and a vote of 7-0 on Application 21-101; and

WHEREAS, published legal notice of this Ordinance has been provided pursuant to the requirements of Chapter 166.041, F.S. and Section 206 of the Tarpon Springs Comprehensive Zoning and Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA:

Section 1. FINDINGS

1. That the Board of Commissioners finds that this Ordinance is consistent with the Tarpon Springs Comprehensive Plan.
2. That available uses to which the property may be put are appropriate to the property in question and are compatible with the existing and planned uses in the area.
3. That the amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.
4. That the amendment will not adversely impact nor exceed the capacity or the fiscal ability of the City to provide public facilities including transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities.

Section 2. MAP AMENDMENT

That the Official Zoning Atlas of the City of Tarpon Springs is hereby amended for property legally described in Exhibit A, attached hereto.

Section 3. PRELIMINARY PLANNED DEVELOPMENT APPROVAL

The Preliminary Planned Development for Anclote Harbor multifamily residential development is hereby approved for 404 residential dwelling units with the following waiver of design requirements:

1. Allowance of a maximum building height of 53 feet,

and, with the following conditions:

1. The donation to the City in the amount of \$444,000, voluntarily offered by the applicant, shall be provided prior to issuance of a Certificate of Occupancy for the project and shall be deposited into the City's Land Preservation Fund.
2. The proposed Recreation/Open Space (R/OS) Future Land Use Map (FLUM) category designation shall be expanded from 6.48 acres to cover the entire 13.89 acres of longleaf pine/xeric oak habitat proposed for preservation. An amended FLUM application will be required to be processed simultaneously with adjustment of the existing Preservation (P) designation. The Preservation (P) FLUM designation shall be adjusted to cover the entire 21.17 acres of wetlands proposed for preservation. Digital coverage for mapping of all final R/OS and P coverage shall be provided in a format specified by the City at the time of site construction permit application submittal.
3. A conservation easement in favor of the City shall be established over the entire acreage required by the conditions herein, of Recreation/Open Space and Preservation Future Land Use Map (FLUM) categories. The easement shall prohibit the use or transfer of any remaining density/intensity, restrict the site to certain recreational amenities, provide for certain water access facilities, prohibit vessel launching or landing except at designated water access facilities, and provide for maintenance free of species listed as invasive in the City's Land Development Code in perpetuity. The draft conservation easement shall be provided with the Final Development Plan.
4. A post-development eagle management plan shall be submitted with the Final Development Plan. The plan should provide for controlled/restricted access to an appropriate buffer area around the nesting site during the establishment phase of the nesting season, and extended through the entire season should nesting occur. The program should be implemented for at least five years from the completion of the development and may be terminated at that point if no nesting occurs. Once nesting occurs, the five-year timeframe restarts in that year.
5. The wetland enhancement plan submitted with the Final Development Plan shall include:
 - a. Details of plan implementation including methods of invasive exotic eradication, methods of existing native tree retention and protection, method of tree installation, and, a layout plan specifying areas to be planted. The plan should include increased tree species diversity beyond the three species listed in the current proposal;
 - b. An analysis of whether specific enhancement areas may be candidates for topographic alteration closer to original wetland elevations with the goal of achieving long-term functional conditions that discourage or prevent invasive exotic plant recruitment;

- c. Eradication of all Brazilian pepper (*Schinus terebinthifolius*) and camphor tree (*Cinnamomum camphora*) shall be eradicated from the entire property with maintenance free of these two species in perpetuity;
 - d. The applicant shall consider and include applicable best management practices and recommendations of the Anclote River Watershed Management Plan for implementation on the project site.
6. At least two (2) feet of additional elevation (freeboard) above the current NFIP flood zone finished floor elevation (AE 8) shall be supplied for all occupied buildings to be shown on the Final Development Plan.
 7. A detailed Transportation Management Plan shall be provided with the Final Planned Development that includes:
 - a. Details that more fully describe the currently proposed methods of transportation demand management,
 - b. Analysis and consideration of additional vehicle use reduction mechanisms such as, but not limited to, bicycle sharing, van circulator for local trips to goods and services, crosswalks/signals for bicycle access to local goods and services, and similar mechanisms.
 - c. Direct coordination with Pasco County Public Transportation (PCPT) and Pinellas County Transportation Authority (PSTA) regarding the need and/or advisability of providing a bus stop or shelter at the project site.
 - d. Analysis of the potential for participation in identified Bus Rapid Transit prioritized for the U.S. 19 corridor in the Advantage Pinellas Long Range Transportation Plan.
 8. An analysis of the future operation and potential adaptation needs for the onsite stormwater management system and wastewater infrastructure to be constructed by the developer shall be performed based on the 2017 National Oceanic and Atmospheric Administration intermediate-high sea level rise projections to the year 2050 and submitted with the Final Planned Development submittal.
 9. For purposes of calculating density for the Anclote Harbor Residential Planned Development, ("Anclote Harbor RPD"), the Applicant and the City agree that the uplands acreage and related residential density ascribed to the portion of the site that is proposed to be designated as R/OS, Recreation/Open Space on the City's Future Land Use Map ("Plan Amendment Area") shall be considered a part of developable uplands of the overall site and has been used to calculate the allowable density for the Anclote Harbor RPD. Therefore, the Anclote Harbor RPD is consistent with the City's Comprehensive Plan and Land Development Code as legally conforming residential development as to density, and the RPD has the right to develop and maintain 404 multifamily residential units on the site in reliance of the density from the Plan Amendment Area.

Section 4. EFFECTIVE DATE

This Ordinance shall be effective upon approval, and, in conjunction with approval of Resolution 2021-52.

Ordinance 2021-15. Exhibit A

**ANCLOTE HARBOR
LEGAL DESCRIPTION:**

A TRACT OF LAND BEING A PORTION OF TAMPA AND TARPON SPRINGS LAND COMPANY AS RECORDED IN PLAT BOOK H-1, PAGE 116 OF THE PUBLIC RECORDS OF PINELLAS (FORMERLY HILLSBOROUGH) COUNTY, FLORIDA, LYING IN AND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 27 SOUTH, RANGE 16 EAST, PINELLAS COUNTY FLORIDA AND A PORTION OF THE OFFICIAL MAP OF THE TOWN OF TARPON SPRINGS AS RECORDED IN PLAT BOOK 4, PAGE 79 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA LYING IN AND BEING A PART OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 27 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 27 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA; AND RUN NORTH 85° 40' 26" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 6 FOR A DISTANCE OF 885.46 FEET TO THE POINT OF BEGINNING BEING AT THE SOUTHEAST CORNER OF LOT 42 OF THE TAMPA AND TARPON SPRINGS LAND COMPANY AS RECORDED IN PLAT BOOK H-1, PAGE 116 OF THE PUBLIC RECORDS OF PINELLAS (FORMERLY HILLSBOROUGH) COUNTY, FLORIDA; THENCE RUN NORTH 00° 09' 16" WEST ALONG THE EAST LINE OF THE AFORESAID LOT 42 AND THE EAST LINE OF THE WEST 1/3 OF LOT 41 FOR A DISTANCE OF 1319.40 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 41; THENCE RUN N 85° 42' 06" W ALONG THE NORTH LINE OF LOTS 41 AND 45 FOR A DISTANCE OF 1380.36 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF STATE ROAD 55 (US HIGHWAY 19), RIGHT OF WAY WIDTH VARIES, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NO. 15150-2548; THENCE RUN SOUTH 00° 02' 56" WEST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 1543.63 FEET; THENCE CONTINUE SOUTHERLY ALONG THE RIGHT OF WAY LINE AS PER THE ORDER OF TAKING AS RECORDED IN OFFICIAL RECORDS BOOK 6222, PAGE 2159 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA FOR THE FOLLOWING TWO COURSES; THENCE RUN SOUTH 03° 40' 12" EAST FOR DISTANCE OF 308.34 FEET; THENCE RUN SOUTH 00° 02' 56" WEST FOR A DISTANCE OF 504.19 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE AND RUN NORTH 77° 42' 54" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE AS RECORDED IN OFFICIAL RECORDS BOOK 3268, PAGE 99 AND VACATED PER ORDINANCE 84-07 RECORDED IN OFFICIAL RECORDS BOOK 5746, PAGE 1209, ALL OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA FOR A DISTANCE OF 1956.89 FEET TO A POINT ON THE EAST LINE OF BLOCK 96 OF THE AFORESAID OFFICIAL MAP OF THE TOWN OF TARPON SPRINGS AS RECORDED IN PLAT BOOK 4, PAGE 79 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, THENCE RUN NORTH 14° 38' 46" WEST ALONG THE EAST LINE OF BLOCK 96 AND BLOCK 90 OF THE AFORESAID OFFICIAL MAP OF THE TOWN OF TARPON SPRINGS FOR A DISTANCE OF 474.10 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF A 25 FOOT ROAD RIGHT OF WAY AS DESCRIBED IN THAT CERTAIN DEED RECORDED IN OFFICIAL RECORDS BOOK 2, PAGE 227 OF THE PUBLIC RECORD OF PINELLAS COUNTY, FLORIDA; THENCE

RUN NORTH 85° 40' 26" WEST ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 431.33 FEET; THENCE RUN NORTH 00° 09' 16" WEST ALONG A SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 42 OF THE TAMPA AND TARPON SPRINGS LAND COMPANY AS RECORDED IN PLAT BOOK H-1, PAGE 116 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA FOR A DISTANCE OF 25.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT LAND CONVEYED PURSUANT TO THAT CERTAIN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 14238, PAGE 1044 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

RESOLUTION NO. 2021-60

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, APPROVING APPLICATION 21-102 REQUESTING FINAL DEVELOPMENT PLAN APPROVAL FOR ANCLOTE HARBOR RESIDENTIAL PLANNED DEVELOPMENT LOCATED AT 42501 U.S. HIGHWAY 19 NORTH, ON THE EAST SIDE OF U.S. HIGHWAY 19 NORTH; PROVIDING FOR A CERTIFICATE OF CONCURRENCY; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kamil Salame, Morgan Group Development, LLC (Applicant) has filed an application for Final Development Plan approval for the development of 404 residential apartment units on 64.17 acres M.O.L., of land located at 42501 U.S. Highway 19 North in the Residential Planned Development zoning district; and,

WHEREAS, a Preliminary Planned Development including Rezoning Amendment for the subject property was approved by the Board of Commissioners on November 9, 2021 with the adoption of Ordinance 2021-15, and,

WHEREAS, the City's Technical Review Committee has reviewed the following Final Planned Development documents and found the plans to be consistent with the Preliminary Planned Development and in compliance with the City's Land Development Code:

1. Final Development Plans (includes lift station design, tree mitigation plan, landscaping plan, and photometric lighting plan)
2. U.S. 19 Roadway Improvements Plan
3. Offsite Utility Plans (proposed sewer force main, reclaimed water)
4. Transportation Management Plan
5. Wetland and Upland Buffer Enhancement Plan
6. Architectural Renderings
7. Conservation Easement
8. Lift Station Design Memorandum
9. Analysis of Stormwater Operations
10. Hurricane Response Plan
11. Environmental Assessment Report
12. Geotechnical Exploration
13. Geotechnical Addendum Letter (specific to sink hole activity)
14. Groundwater Monitoring
15. Drainage Report

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA:

Section 1. **FINDINGS**

- A. That the final plan, as conditioned, meets the requirements of applicable sections of the Land Development Code.
- B. That the final plan, as conditioned, is consistent with the Tarpon Springs Comprehensive Plan.
- C. That the final plan, as conditioned is consistent with the Preliminary Development Plan approved under Ordinance 2021-15.
- D. That the final plan, as conditioned, has demonstrated that required facilities and services will be available at the prescribed level of service standards concurrent with the impact of the development and may during the term of this site plan approval receive a Certificate of Concurrency pursuant to Section 122.00, et. seq.

Section 2. **FINAL DEVELOPMENT PLAN APPROVAL**

The final plan for Anclote Harbor on property described in **Exhibit A** and prepared by Nathan Q. Lee, P.E., sealed on November 1, 2021 (**Exhibit B**) is hereby approved subject to the dimensional standards, waivers and conditions of Sections 3 and 4 of this Resolution.

Section 3. **WAIVERS**

- 1. Building height 53 feet

Section 4. **CONDITIONS**

The following conditions of approval, and associated timelines (where required) are as follows:

General and Advisory Items

- 1. For purposes of calculating density for the Anclote Harbor Residential Planned Development, ("Anclote Harbor RPD"), the Applicant and the City agree that the uplands acreage and related residential density ascribed to the portion of the site that is proposed to be designated as R/OS, Recreation/Open Space on the City's Future Land Use Map ("Plan Amendment Area") shall be considered a part of developable uplands of the overall site and has been used to calculate the allowable density for the Anclote Harbor RPD. Therefore, the Anclote Harbor RPD is consistent with the City's Comprehensive Plan and Land Development Code as legally conforming residential development as to density, and the RPD has the right to develop and

maintain 404 multifamily residential units on the site in reliance of the density from the Plan Amendment Area.

2. The "US 19 Roadway Improvements Plan" (**Exhibit C**) submitted by the applicant is predicated upon approval by the Florida Department of Transportation. Since these items are proposed to be finalized after approval of the Final Development Plan, the applicant is advised that any change in the configuration may trigger a required amendment to the Preliminary and Final Planned Development plans.
3. Upon separate application for construction of any docking facility on the Anclote River the applicant shall also include educational signage related to the natural resources of the Anclote River Watershed, with the approval of the applicable permitting agencies.
4. The applicant shall demonstrate compliance with the wetland mitigation protocol outlined in the City's Comprehensive Plan Coastal Management Element Policy 1.1.1, Item 2 in the event that the option of mitigating wetland impacts on the project site is rejected by the applicable permitting agencies.
5. The developer is responsible for obtaining applicable permits from all other agencies and meeting the minimum requirements of the Comprehensive Zoning and Land Development Code and for paying all applicable fees.
6. A site work and building permit application with construction plans that are in full compliance with the approved Final Planned Development shall be submitted within one year of the date of Final Planned Development approval.

Items Required to be Verified Prior to Issuance of Any Site Work or Building Permits for the Project:

7. An application for Future Land Use Map (FLUM) amendment and adjustment shall be provided prior to, or at the time of submittal of the site work/building permits along with digital map coverage of all final Recreation/Open Space (R/OS) and Preservation (P) coverage in a format acceptable to the City. The proposed Recreation/Open Space (R/OS) FLUM category designation shall cover the entire acreage of longleaf pine/xeric oak habitat proposed for preservation (currently estimated at 13.89 acres). The Preservation (P) FLUM designation shall be adjusted to cover the entire acreage of wetlands proposed for preservation (currently estimated at 21.17 acres).
8. National Green Building Standard Bronze-level building features and materials, solar panels and electric vehicle charging network layout.
9. The Wetland Enhancement Plan (**Exhibit D**) details including a tree and vegetation survey, and a planting layout plan.
10. A first finished floor elevation of a minimum of three (3) feet above the required base flood elevation for all occupied buildings.
11. Acceptable flood proofing/mitigation for the sewer lift station and electrical components.
12. Completion of, and State verification of, a Level 1 Cultural Resource Assessment Survey of the entire project site.
13. Other required agency permits:
 - a. Southwest Florida Water Management District and any other applicable agency for wetland impacts and mitigation and stormwater management system;

- b. Permits for the installation of the sewer infrastructure from all applicable agencies including, but not limited to, City of Tarpon Springs right-of-way utilization permits;
 - c. Florida Department of Transportation for roadway improvements;
 - d. Florida Department of State for archaeological resources impacts.
14. Construction management and notice to contractor shall be included directly on the plan set addressing:
- a. Bald eagle impacts avoidance and permit provisions;
 - b. Impacts avoidance and management for other listed species including indigo snake, gopher tortoises and other species as required by applicable jurisdictional agencies;
 - c. Protocol to be followed in the event of disturbance of previously unidentified archaeological resources (including human remains);
 - d. Protocol and code requirements for compliance with the City's noise ordinance.
15. Preliminary discussion of the proposed Public Art project with the City's Public Art Committee to determine feasibility of a project that meets the intent of the Public Art Ordinance in conjunction with a private/gated development. The applicant/developer may elect to pay into the City's public art fund if an acceptable onsite project cannot be provided.
16. Building architecture shall be substantially compliant with the provided Architectural Elevations (**Exhibit E**).

Items Required to be Verified Prior to Issuance of Any Certificate of Occupancy for the Project:

- 17. The donation to the City in the amount of \$444,000, voluntarily offered by the applicant, shall be provided prior to issuance of a Certificate of Occupancy for the project and shall be deposited into the City's Land Preservation Fund.
- 18. The Conservation Easement (**Exhibit F**) approved as part of the Preliminary & Final Planned Development shall be recorded in the records of the Pinellas County Clerk prior to issuance of a Certificate of Occupancy for the project.
- 19. The post-development eagle management plan contained in the "Environmental Assessment Report" (**Exhibit G**) shall be implemented, including signage locations on the plan set and copies of the educational board and the informational inserts.
- 20. The Transportation Management Plan (**Exhibit H**) strategies shall be implemented / documented, including location of bike storage configuration, documentation of specific methods to be used for demand management / commuter assistance, documentation of wireless network and other features that will support the business center, and the location details and operating documents for the bike share program.
- 21. The Hurricane Response Plan (**Exhibit I**) shall be implemented, including documentation of written materials to be provided to residents, documentation of a central electronic web site, web application or email listserv for property staff to communicate information to residents, and verification of clubhouse emergency back-up power system.
- 22. The baseline monitoring report for the completed wetland enhancement plan.
- 23. Documentation of National Green Building Standard Certification at a minimum Bronze level.

24. Completion of the Public Art project on site that meets the standards of Section 296.00(B)(1) of the Land Development Code (LDC) shall be required prior to the issuance of a Certificate of Occupancy. Alternatively, the Applicant may elect to pay into the City's public art fund.
25. A copy of the leasing provisions prohibiting the parking or storage of recreational vehicles within the project site shall be provided prior to the issuance of a Certificate of Occupancy.
26. Verification of all required tree plantings and exotics eradication associated with the Final Planned Development.
27. All trash and debris shall be removed from the entire property prior to the issuance of a Certificate of Occupancy.

Section 5. **EFFECTIVE DATE**

This Resolution shall become effective upon adoption.

DRAFT

RESOLUTION 2021-60

EXHIBITS

- A. Legal Description**
- B. Final Development Plans Sealed on Nov 1, 2021**
- C. U.S. 19 Roadway Improvement Plans dated July 2021**
- D. Wetland Enhancement Plan dated Oct. 13, 2021**
- E. Architectural Elevations**
- F. Conservation Easement**
- G. Environmental Assessment Report dated Oct. 13, 2021**
- H. Transportation Management Plan dated Oct. 12, 2021**
- I. Hurricane Response Plan dated Oct. 28, 2021**

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Resolution 2021-60. Exhibit A.

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