

**REQUEST FOR PROPOSAL #09-0489BG
Design Build Construction Services for Bennett Park Phase 1**

Manatee County, a political subdivision of the State of Florida (hereinafter "Manatee County" or the "County") will receive proposals from individuals, corporations, partnerships, and other legal entities authorized to do business in the State of Florida, for the purpose of providing Design Build Construction Services for Bennett Park.

TIME AND DATE DUE: Proposals will be received until **10:00A.M. ,February 17, 2009**, at which time they will be publicly opened. All interested parties are invited to attend this opening.

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**Important note: A prohibition of Lobbying
has been enacted with the issuance of this Request for Proposal**

Please review paragraph A.18 carefully to avoid violation and possible sanctions.

FOR INFORMATION CONTACT:

Blair C. Getz, Contracts Negotiator, Purchasing Division at (941) 749-3053
OR

Mike Sosadeeter, Project Manager, Construction Services Division at (941) 748-4501

Authorized to Release: 

SECTION A: INFORMATION TO PROPOSERS

PROPOSERS MUST COMPLY WITH THE FOLLOWING INSTRUCTIONS TO BE CONSIDERED FOR SELECTION.

A.01 OPENING LOCATION

These proposals will be publicly opened at Manatee County Purchasing, 1112 Manatee Avenue West, 8th Floor, Suite 803, Bradenton, Florida 34205, in the presence of County officials at the time and date stated on the cover sheet. All Proposers or their representatives are invited to attend.

Proposals become "Public Records" ten (10) days after the proposal opening or if an award decision is made earlier than this time as provided by Florida Statute 119.071. **No announcement of pricing or review of the proposal documents shall be conducted at the public opening of the proposals.**

A.02 PROPOSAL INFORMATION AND PROPOSAL DOCUMENTS

Manatee County Purchasing Division posts **notices of bid or proposal opportunities and addenda** on the Purchasing Division's web page at <http://www.mymanatee.org> which can be accessed by clicking on the "Purchasing" button on the left side of the screen and then clicking on the "Bids and Proposals" button and **on the County's document distribution service** at <http://www.demandstar.com>.

Electronic copies of Bid or Proposal documents may be requested at no cost per Florida Statute 119.01 (2) (e). These files in PDF format may be obtained by calling the person identified on page 3- A.02 (Continued) paragraph 2.

A fee may be charged for creating a CD recording or a printed copy of the documents requested. Cost Details shall be provided when you specify the format.

The **documents are available in a portable document format (.PDF) files** which you may view and print using Adobe Acrobat software. You may download a free copy of this software (Adobe) from the County's web page if you do not have it.

Onvia **DemandStar** provides direct electronic distribution of email/fax notices of the agency's formal bid or proposal opportunities, at no charge. The distribution lists provided by this service are supplemented by the County.

Vendors may choose to download individual documents from DemandStar for a download fee posted on that services website. Vendors may contact DemandStar regarding an agency level subscription option that allows vendors to download bid documents and transact business with any one (1) agency for free. If a vendor chooses to increase the number of agencies beyond their single agency, subscription fees based on the level of service chosen will apply.

A.02 (Continued)

Documents may be purchased from Onvia DemandStar. The cost for copies of documents purchased from Onvia DemandStar is established per document and the cost information is published as part of the specific Proposal detail, subsection "Pre Bid Conference" on the Onvia DemandStar web pages.

Complete individual CD's of the proposal documents for the project and/or products can be obtained from **Property Management Department, Construction Services, Dianne Aiken, Phone number 941-749-3005 between the hours of 8:00 am and 4:00 pm, Monday through Friday at no charge.** Complete set of the proposal documents must be used in preparing proposals. Neither Owner nor Engineer assumes any responsibility for errors of misinterpretations resulting from the use of incomplete sets of proposal Documents.

Award Document/Recommendations appear on the Onvia DemandStar web page.

Notices of Source Selections appear on the Onvia DemandStar web page and the County's web page (Financial Management – Purchasing Division).

Onvia DemandStar may be directly contacted at <http://demandstar.com>. or by calling 800-331-5537, if you have any questions.

IMPORTANT NOTE: AUTOMATED NOTICES OF ADDENDA ARE ISSUED **ONLY** VIA THE ONVIA DEMANDSTAR "PLANHOLDER" DISTRIBUTION SYSTEM

IF YOU OBTAIN A COPY OF THIS BID OR PROPOSAL DOCUMENT FROM OTHER THAN REGISTERING WITH ONVIA DEMANDSTAR WEB SERVICE FOR THIS SPECIFIC PROPOSAL – YOU SHALL NOT RECEIVE AUTOMATED NOTIFICATIONS OF ADDENDA.

IT IS THE RESPONSIBILITY OF EACH BIDDER OR PROPOSER, PRIOR TO SUBMITTING THEIR BID OR PROPOSAL, TO CONTACT THE MANATEE COUNTY PURCHASING OFFICE (see contact information on page one) TO DETERMINE IF ADDENDA WERE ISSUED AND TO MAKE SUCH ADDENDA A PART OF THEIR BID OR PROPOSAL.

Please contact the individual named on the first page of this bid or proposal document, if you have questions on this instruction.

A.03 PROPOSAL FORM DELIVERY REQUIREMENTS

Any proposals received after the stated time and date will not be considered. It shall be the sole responsibility of the Proposer to have their proposal delivered to the Manatee County Purchasing office for receipt on or before the stated time and date.

If a proposal is sent by U.S. Mail, the Proposer shall be responsible for its timely delivery to the Purchasing Office. Proposals delayed by mail shall not be considered, shall not be opened at the public opening, and arrangements shall be made for their return at the Proposer's request and expense.

A.04 CLARIFICATION & ADDENDA

Each Proposer shall examine all Request for Proposal documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to the Request for Proposal shall be made in writing through the Manatee County Purchasing Office. The County shall not be responsible for oral interpretations given by any County employee, representative, or others. The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given.

If any addenda are issued to this Invitation for Proposals, the County will broadcast the addenda through DEMANDSTAR to "planholders" identified on this web service, however, it shall be the responsibility of each proposer, prior to submitting their proposal, to contact the Manatee County Purchasing Office (see contact information on page 1) to determine if addenda were issued and to make such addenda a part of their proposal.

A.05 SEALED & MARKED

(3) Three signed copies of your proposal shall be submitted in one sealed package, clearly marked on the outside "**Sealed Proposal #09-0489-BG**" / **Design Build Construction Services for Bennett Park** and addressed to:

Manatee County Purchasing
1112 Manatee Avenue West, Suite 803
Bradenton, FL 34205

A.06 LEGAL NAME

Proposals shall clearly indicate the legal name, address and telephone number of the Proposer which shall be the business entity registered with the State of Florida to provide **Design/Build Construction Services for Bennett Park** which you have the authority to bind to directly perform the services and contractual duties to Manatee County. Proposals shall be signed above the typed or printed name and title of the signer. The signer shall have the authority to bind the Proposer to the submitted proposal.

A.07 PROPOSAL EXPENSES

All expenses for making proposals to the County are to be borne by the Proposer.

A.08 EXAMINATION OF OFFER

The examination of these proposals and the qualifications of the Proposer shall require a period of not less than ninety (90) calendar days from the date of the opening of the proposals.

A.09 DISCLOSURE

Upon receipt, all inquires and responses to inquires related to this Invitation For Bid or Request For Proposal become "Public Records" and are subject to public disclosure consistent with Chapter 119, Florida Statutes.

Bids or Proposals become "Public Records" ten (10) days after the proposal opening or if an award decision is made earlier than this time as provided by Florida Statue 119.071, No announcement or review of the bid or proposal documents shall be conducted at the public opening of the proposals.

A.10 ERRORS OR OMISSIONS

Once a proposal is submitted, the County shall not accept any request by any proposer to correct errors or omissions in the proposal. No changes shall be allowed until a selection is made and contract negotiations actually begin.

A.11 RESERVED RIGHTS

The County reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole response received by the first submission date may or may not be rejected by the County, depending on available competition and timely needs of the County. The County reserves the right to award the contract to a responsible Proposer submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interests of the County. The County shall be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision shall be final. Also, the County reserves the right to make such investigation as it deems necessary to determine the ability of any Proposer to perform the work or service requested. Information the County deems necessary to make this determination shall be provided by the Proposer. Such information may include, but shall not be limited to: current financial statements prepared by an independent CPA; verification of availability of equipment and personnel; criminal background information of any Proposer, its employees, agents and personnel; and past performance records.

A.12 APPLICABLE LAWS

Bidder or Proposer must be authorized to transact business in the State of Florida. All applicable laws and regulations of the State of Florida and ordinances and regulations of Manatee County will apply to any resulting agreement. Any involvement with any Manatee County procurement shall be in accordance with Manatee County Purchasing Code Ordinance 08-43, as amended. Any actual or prospective Bidder or Proposer who is aggrieved in connection with the solicitation or award of a contract may protest to the Board of County Commissioners of Manatee County as required in Section 2-26/61 of the Purchasing Code.

A protest with respect to this Invitation For Bid or Request for Proposal shall be submitted in writing prior to the scheduled opening date of this proposal, unless the aggrieved person did not know and could not have been reasonably expected to have knowledge of the facts giving rise to such protest prior to the scheduled opening date of this proposal. The protest shall be submitted within seven calendar days after such aggrieved person knows or could have reasonably been expected to know of the facts giving rise thereto.

A.15 PROPOSAL FORMS

Proposals must be submitted in the format specified in Section B of this Request For Proposals. The contents of each proposal shall be separated and arranged with tabs in the same order as listed in the Subsections within Section B identifying the response to each specific item to facilitate an expedient review of all responses.

A.16 PUBLIC ENTITY CRIMES

In accordance with Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases or real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two (as of 1/01/2005 is \$25,000) for a period of 36 months from the date of being placed on the convicted vendor list.

A.17 DRUG FREE WORK PLACE

Drug Free Workplace Program: Manatee County Board of County Commissioners adopted a policy regarding maintaining a Drug Free Workplace, Resolution R-93-22. Proposers are asked to review the attached copy of the Resolution and provide either a certification of compliance with the program outlined in this Resolution or describe your firm's policy or program as it relates to maintaining a drug free workplace. This response will be considered with the other criteria described herein.

A.18 LOBBYING

After the issuance of any Request for Proposals or Invitations for Bids, prospective bidders, Proposers or any agent, representative or person acting at the request of such bidder or Proposer shall not contact, communicate with or discuss any matter relating in any way to the Request for Proposals or Invitation for Bids with any officer, agent or employee of Manatee County other than the Purchasing Manager or as directed in the Request for Proposals or Invitation for Bids. This prohibition begins with the issuance of any Request for Proposals or Invitation for Bids, and ends upon execution of the final contract or when the invitation or request has been canceled. Violators of this prohibition shall be subject to sanctions as provided in the Manatee County Procurement Code.

NOTE: If required Proposers or Bidders may obtain further clarification or explanation of the Drawings, Specifications and Scope of Services by contacting:

Mike Sosadeeter, Project Manager, Property Management Department
Phone: (941) 748-4501 ext. 3689
Fax: (941) (941) 739-3018
Email: mike.sosadeeter@mymanatee.org

Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to a REQUEST FOR PROPOSAL shall be made in writing.

The County shall not be responsible for oral interpretations given by any County employee, representative, or others.

The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given.

NOTE: If required Proposers Bidders may obtain further clarification or explanation, exclusive of the drawings, specifications or the Scope of Services by contacting:

Blair C. Getz, Contracts Negotiator, Purchasing Division
Phone: (941) 749-3053
Fax: (941) 749-3034
Email: blair.getz@mymanatee.org

The County reserves the right to amend or to add to the names listed as persons to contact and shall be issued in writing by the Purchasing Department .

A.19 PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

County Commissioners adopted a policy prohibiting the award of County contracts to persons, business entities, or affiliates of business entities who have not submitted written certification to the County that they have not been convicted of bribery, attempted bribery, collusion, restraints of trade, price fixing, and violations of certain environmental laws. A Non-Conviction Certification Form is attached for In accordance with Ordinance 08-43, adding Article 5, Manatee County Board of this purpose.

A.20 EQUAL EMPLOYMENT OPPORTUNITY

Manatee County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 and the Regulations of the Department of Commerce (15 CFR, Part 8) issued pursuant to such Act, hereby notifies all prospective Proposers that they will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to participate in response to this advertisement and will not be discriminated against on the grounds of race, color, creed, sex, age or national origin in consideration for an award.

A.21 AMERICANS WITH DISABILITIES ACT

The Board of County Commissioners of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the County's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for the public meetings specified herein (i.e. Information Conference or Proposal Opening), should contact the person named on the first page of this document at least twenty four (24) hours in advance of the activity.

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SECTION B: FORM OF PROPOSAL

This section identifies specific information which must be contained within each proposal. **The contents of each proposal shall be separated and arranged with tabs in the same order as listed in Sections B.02 and B.03 below, identifying the response to each specific item.**

B.01 MINIMUM QUALIFICATIONS (Licensing) TO BE CONSIDERED: To qualify for any consideration, the Proposer must present proof of certification and current valid licensing in the State of Florida as a General Contractor or registered building contractor as the qualifying agent; or certification and current valid licensing by the State of Florida under §471.023 to practice, or to offer to practice engineering or under §481.219 to practice, or to offer to practice architecture or under §481.31 to practice or to offer to practice landscape architecture.

MINIMUM EXPERIENCE TO BE CONSIDERED: To qualify for any consideration, the Proposer must present proof that they have fully designed and constructed a minimum of three projects that (as closely as possible) matches the specific performance specifications detailed in this Request for Proposals, in the last five years with emphasis on park design and park restoration. Further, detail the maintenance/warranty services provided for those facilities.

If subcontractors are included in the agreement given to meet the minimum qualifications, detail the business entities, description of the service provided, and responses in the same level of detail and tabbed order as instructed in this Request For Proposal for the proposer.

For each of the qualifying three (3) facilities, provide the following details:

- a. Name and location of the Client and the facility, the year the construction installation began, the duration of the construction and installation of the equipment, the testing phase of the facility and the date the fully operational Design /Build facility was accepted.

Specify the name and telephone number for the Clients contract manager for the work; and
- b. The names of your firm's key staff and their roles such as project manager, engineers, installers; and
- c. The name and telephone numbers of the persons representing the individual agencies with which the identified key staff directly worked; and
- d. Any state agency which verified compliance with its requirements or standards, and the names and telephone numbers of the key persons with direct knowledge of this process to achieve compliance.

Only upon determination that satisfactory responses have been provided to the preceding Minimum Qualifications and Experience, consideration shall be given to the following information:

B.02 ADMINISTRATIVE SUBMITTALS

The following documents shall be submitted with the proposal:

- a. Proposal Signature Form.
- b. Drug Free Workplace Certification.
- c. Public Contracting and Environmental Crimes Certification.

B.03 INFORMATION TO BE SUBMITTED

1. Identify the **Design Professional (landscape architect, architect or Engineer)**, if other than, proposer proposed to provide services for this design build project. Detail the licenses currently held, and the direct experience this individual has with the specific projects similar to the proposed Bennett Park and with the proposed General Contractor.
2. Identify the **General Contractor** (or Construction Manager), if other than the proposer, proposed to provide services for this design build project. Detail the licenses currently held, and the direct experience this individual has with specific projects similar to the proposed Bennett Park and with the proposed Design Professional.
3. Include a statement of qualifications that includes your firm's credentials and experience in providing fully operational park facilities, including the design and construction of the project. Specify the legal status of your firm or organization.
4. Submit a manning level statement for this project, detailing the following professionals and if the named individuals are full-time, or subcontractors. If a subcontractor, detail the history of your firm's specific use of this individual for this specific park project.

B.03 INFORMATION TO BE SUBMITTED (CONTINUED)

5. Combine site plan concepts portrayed in the Conceptual Site Plan: Presented to BOCC June 10, 2008 and "Alternate Conceptual Site Plan A" to provide one overall Master Site Plan, Environmental Education Interpretive Plan and general layout drawings/ schematics/ sketches in sufficient detail to depict the Base Design as described in Attachment "E" – Design criteria package and in the FCT Management Plan and "Special Conditions". Include 3-D renderings created in the Sketch Up computer program or equal for clarity when reviewing the proposed design.

5A. Outline your recommendations for each of the following five (5) items:

1. Describe how the proposed site plan, interpretive plan, stormwater system, construction methods and materials, etc. incorporate Low Impact Design (LID) principles and practices, the basis of which is described in the Bennett Park Management Plan.
2. Describe specifically how the overall proposed Master Site and Interpretive Plans meet the recreation objectives of the project.
3. Explain how the proposed Master Site and Interpretive Plans support and/or complement the Bennett Park Restoration Plan (restored natural systems) provided by Manatee County.
4. Explain the pros and cons (traffic flow, construction costs, environmental impacts, mitigation requirements, etc.) of the layout for the proposed park vehicular entry point(s) and internal road system that intersect with the entry road/round-about.
5. Describe the pros and cons (traffic & pedestrian flow, construction costs, landscape aesthetics, noise attenuation, environmental impacts, mitigation requirements, etc.) of the layout for the proposed softball complex, the recreation/aquatics/tennis center complex and central park.

B.03 (CONTINUED)

6. Detail the **unencumbered bonding capacity** for your business entity.
7. Specify the staff proposed to be located within Manatee County. If any the firm ' s proposed support staff are to be located in another geographic location, detail the responsibilities and manning level separately for each proposed location.
8. Proposed Project Schedule detailing all significant design and construction issues including, but not limited to:
 - a. Schedule of Values
 - b. Survey Services
 - c. Schematic Design
 - d. Detail Design
 - e. Equipment Schedule
 - f. Permitting
 - g. Commencement of Construction
 - h. Substantial Completion
 - i. Commencement of Acceptance Testing
 - j. Commencement of Full Operation
 - k. Final site plan approval

Schedule shall include three (3) months design and one (1) month for permit application. All permitting shall be the responsibility of the proposer, including but not limited to the preparing and filing of all applications, answering all questions that may arise from the applications, attend any and all meetings related to permits and the ultimate payment and posting of the permits as required.
9. State your firm's current workload of construction and design projects with the current schedule for completion of each project.
10. Detail all assumptions upon which your proposal is based.
11. Submit any additional information which would assist the County in the evaluation of your proposal.

NOTE:

The County reserves the right to make such investigation and solicit additional information or submittals as it deems necessary to determine the ability of any proposer to perform the Scope of Services as generally outlined in Section E of this Request for Proposal.

SECTION C: SELECTION

C.01 EVALUATION FACTORS

Evaluation factors shall be the proposals, which will overall best meet the needs of Manatee County, the perceived ability of the proposer to perform the Scope of Services as stated in this Request for Proposal, and the cost proposal for the proposed work as determined from the responses to this Request for Proposal and subsequent investigation by the County.

C.02 RELATIVE IMPORTANCE OF EVALUATION FACTORS

No weight has been assigned to the Evaluation Factors stated above.

C.03 PRELIMINARY RANKING

A Selection Committee may determine from the response to this Request for Proposal and subsequent investigation as necessary, the proposers most susceptible of being selected for award.

C.04 REVIEW OF PROPOSERS AND PROPOSALS

Review shall be conducted with responsible proposers who may be reasonably susceptible of being selected for award, for the purposes of clarification to assure full understanding of the abilities of the proposer, and the proposal submitted.

Proposers responding to this Request for Proposal shall be available for presentation/interviews to the Selection Committee and to the Board of County Commissioners upon notification from the Purchasing Office at a time and date determined by the County.

C.05 SELECTION FOR NEGOTIATION

The proposer or proposers whose ability and proposal is determined to be the most advantageous to the County, taking into consideration the evaluation factors set forth in this Request for Proposal, shall be recommended to the Board of County Commissioners for authorization to negotiate an agreement for the stated Scope of Services.

Note that all evaluation factors are considered without assigning a weight factor, and all terms, conditions, and costs are to be negotiated. Therefore, price shall not be either the sole evaluative factor, or the dominant factor in the making the recommendation.

C.05 (CONTINUED)

The recommendation or selection of a proposer for negotiation shall not be construed as vesting any contractual or other rights of any nature in the proposer.

C.06 AWARD

Award of an agreement is subject to the successful negotiations and the vote of the Board of County Commissioners to authorize execution of the agreement.

SECTION D: NEGOTIATION OF THE AGREEMENT

D.01 GENERAL

The following general terms and conditions apply to the proposal submitted for consideration and the subsequent negotiations:

- a. The proposal will serve as a basis for negotiating an agreement.
- b. Upon submission, all proposals become the property of the County which has the right to use any or all ideas presented in any proposal submitted in response to this Request for Proposal whether or not the proposal is accepted.

D.02 AGREEMENT

The selected proposer or proposers shall be required to negotiate a formal agreement, in a form acceptable to Manatee County.

The Manatee County Board of County Commissioners will be presented the negotiated agreement as the best and final offer for consideration of award and execution. The Board of County Commissioners shall determine if award of the agreement is to be: considered; rejected and direct further negotiations; rejected and terminate negotiations; or accepted, authorizing the chairman to execute the agreement.

SECTION E: SCOPE OF SERVICES

E.01 BACKGROUND

Bennett Park is located in central Manatee County adjacent to the Interstate-75 corridor and consists of +/-180 acres, approximately 20 acres of which were purchased solely by the County adjacent to Kay Road. The remaining +/-160 acres was purchased in part by a grant from the Florida Community Trust (FCT). The significance of this distinction in acreage is that Manatee County prefers that all "income producing" (concessions, etc.) components of the park be located within the 20 acre parcel rather than on the FCT funded parcel.

The Bennett Park project site is bounded on the North by I-75, on the east by Kay Road, on the south by privately owned agricultural land, and on the west by a tributary of the Manatee River. A residential subdivision is slated for development west/southwest of Bennett Park. The park property is situated in Section 27, Township 34 S, Range 18 E, in Manatee County.

Manatee County exchanged a few acres of park land for additional acreage from the developer of the adjacent property to provide an access corridor to the subdivision from Kay Road. The developer of said subdivision shall design and build an entrance road with a round-about within this access corridor along the southern boundary of the park property. This roadway shall serve as the primary access route for both Bennett Park and the subdivision.

When completed, Bennett Park will serve as a new District Park for Manatee County with a full complement of passive and active recreation facilities and amenities. The park will be designed and built in phases as funding becomes available. This Request for Proposals (RFP) is for the design/build of Phase I that includes those recreation facilities/amenities shown in yellow on the attached "Conceptual Site Plan: Presented to BOCC June 10, 2008" and as described in Attachment E – Design Criteria Package. FCT also has a list of "Special Conditions" (attached) that is the baseline from which to design/build the park. The County has added to the base list of facilities/amenities for Phase I such items as a restroom which were deemed necessary to open and properly operate the park (see attached list).

Restoration of natural habitats within the park site is an important component of the "development" of Bennett Park. Manatee County will be completing the Restoration Plan and implementing the restoration efforts separately from this RFP. The final Master Site and Interpretive Plans shall take the restoration efforts into account, both building in harmony with and interpreting the restored areas and restoration efforts. Restoration objectives are described in general in the attached Bennett Park Management Plan.

E.02 DESIGN CRITERIA - ALSO REFER TO ATTACHMENT H (ROS)

A. General Park Design Objectives (Bennett Park Management Plan)

Design and build a new District Park for Manatee County that:

- 1) Preserves, protects and restores environmentally sensitive wetlands;
- 2) Protects the native plant and animal species that inhabit the property;
- 3) Provides both passive and active recreation;
- 4) Ensures that the property is not developed as a residential or commercial site;
and
- 5) Is managed in a manner consistent with the protection of the environment.

The draft Recreation Opportunity Spectrum (ROS) at the end of Attachment E describes Activity Characterization, Setting Characterization and Experience Characterization for Semi-Primitive Rural, Suburban and Urban park types. The descriptions for Semi-Primitive Rural should guide the design of the +/-160 acre 'preserve' area of Bennett Park. The descriptions for Suburban should guide the design of the +/-20 acre 'active recreation' area of Bennett Park.

B. Phase I Park Components

Create a Master Site Plan that shows all park components listed below for all construction phases. Provide construction documents and build only those elements identified as Phase I. Include support systems/components, such as utilities, stormwater and vehicular and pedestrian access features, to create a properly functioning park in Phase I. Also, install construction elements, such as utility line sleeves under Phase I roadways, for ease of construction in future phases without having to deconstruct/reconstruct any Phase I components. Use Low Impact Design (LID) and 'green' design methods and materials to the fullest extent possible in all phases of the project (see section C. Facility Specific Design Objectives for more detail).

Phase I park components include:

- 1) Vehicular Circulation & Parking
- 2) Pedestrian/Bicycle Circulation System (including bike racks)
- 3) Nature/Interpretive Trails with appropriate signage (+/-1.5 miles)
- 4) One picnic pavilion (24 x 36)
- 5) One restroom/pavilion (40 x 70)
- 6) Canoe/kayak launch with 5 - 10 parking stalls and restroom (composting type)
- 7) Two fishing/nature observation piers
- 8) Sand volleyball courts (2)

E.02 (CONTINUED)

- 9) ADA playground (design by others; show +/-100' x 100' foot print)
- 10) Soccer field/open play field (min. 200' x 360')
- 11) Soccer/open play field/overflow parking lot (1; +/-300' x 700'; stabilized turf)
- 12) Trail head parking lot (25 spaces)
- 13) Playground & soccer field parking lot (build +/-25 spaces with grass overflow parking as needed in Phase I)
- 14) Park maintenance building (40'x60') and fenced maintenance yard (100'x 150')
- 15) Utilities (underground)
- 16) Stormwater Management System
- 17) Security lighting
- 18) Signage (information, direction, warning, interpretive, etc.)
- 19) Landscaping & irrigation in appropriate locations

C. Facility Specific Design Objectives (Phase I and future phases)

- 1) Recreation/aquatics/tennis center complex
 - a. Acts as a visual and physical focal point for the active recreation facilities on the 20 acre parcel. Central building complex shall be a focal point for guests entering the park and act as an 'anchor' at the open eastern end of the Central Park.
 - b. Provide a site layout and building footprint that create a "one point entry/exit" registration for visitors to the recreation/aquatics/tennis center and amphitheater for safety, user efficiency and economic viability ("one stop shop" needs fewer staff).
 - c. Provide a pedestrian-friendly complex with minimal pedestrian/vehicular conflicts. Locate parking and internal roadways at the perimeter of the main campus whenever possible. Provide each recreation facility with the necessary parking immediately adjacent to said facility, to the fullest extent possible.
 - d. Locate this complex within the 20 acre park parcel while utilizing the northern most to-be-restored wooded wetland finger as a partial sound barrier for I-75 and as a spatial definer.
 - e. Incorporate low impact and 'green' design/build principles, practices and materials in the buildings, site and stormwater management systems, to the fullest extent possible (See the Bennett Park Management Plan), while complementing the site restoration efforts.

E.02 CONTINUED)

D. Softball complex

- 1) Design a tournament quality four (4) field complex in the northeast corner of the park with 300 foot fields that can be used for either softball or baseball. Include a centrally located concession/restroom/press box facility within the boundary of the 20 acre park parcel. If a four field complex requires encroaching into the borrow pit ponds to the north/northwest of this proposed complex, either reduce the number of fields to three (3) or justify the cost of encroaching into these ponds to build four fields.
 - a. Provide for adequate parking adjacent to this facility with minimal pedestrian/vehicular conflicts. Overflow parking can be across an internal roadway as shown on the Alternate Conceptual Site Plan 'A', as needed. Maintain green space between any parking lots and wetland systems and the borrow pit ponds.
 - b. Design for a soccer/open play field adjacent to both the softball complex and the parking lot.
 - c. Provide a playground with picnic pavilion/restroom facility in the wooded area adjacent to the parking lot and soccer/open play field with pedestrian access to and from the parking lot and softball complex.
 - d. Incorporate low impact and 'green' design/build principles, practices and materials in the buildings, site and stormwater management systems, to the fullest extent possible (See the Bennett Park Management Plan) while maintaining the to-be-restored wooded wetland finger to the south/southwest of the softball complex area.

E. Central Park

- 1) Enhance the current open field area (bordered on the north and south by to-be-restored wooded wetland fingers and on the west by a pond) as a multi-purpose passive recreation Central Park.
- 2) Include an open lawn area for informal and formal gatherings, concerts and other recreation pursuits; an amphitheater at the eastern end adjacent to the recreation/aquatic/tennis center; perimeter trails and picnic areas in the wooded wetland fingers; a playground at the eastern end near the recreation center and parking; and a pavilion/fishing/nature observation pier in the pond at the western end.
- 3) Minimize vehicular traffic and parking. Keep all vehicular traffic and parking along the perimeter of the open field area. Do not bisect the open field area with a roadway or trail.
- 4) Interconnect Central Park trails with the overall trail system for the park and to overflow parking lots. Use current breaks/crossings in the wooded wetland fingers for future trails and/or emergency access routes as needed. Co-locate emergency access routes with internal driveways and trails as much as possible to minimize unnecessary impacts to natural systems.

E.02 (CONTINUED)

- 5) Incorporate low impact and 'green' design/build principles, practices and materials in the buildings, site and stormwater management systems, to the fullest extent possible (See the Bennett Park Management Plan) while maintaining the to-be-restored wooded wetland fingers bordering the north and south of Central Park.

F. Nature/Multi-Use/Interpretive Trail System (+/-1.5 miles)

- 1) Provide an interconnected system of trails throughout the park that offer a variety of recreation experiences, trail loop lengths, surface materials, and nature interpretation opportunities.
- 2) The primary entrance to and trailhead parking for the trail system shall be via the proposed round-about. Provide a nature oriented playground, pavilion/restroom and fishing/nature observation pier at the trailhead parking area adjacent to the borrow pit pond as shown on the "Alternate Conceptual Site Plan 'A'". Consider enhancing the pavilion/restroom building into a small "nature center kiosk" with restroom and covered pavilion to provide outdoor classroom space.
- 3) Provide shade along the trail system.
- 4) Provide rest stops, view overlooks and nature interaction opportunities at appropriate locations; maximum of ¼ mile apart.
- 5) Provide information, direction and interpretive signage in appropriate locations.
- 6) Locate a stabilized grass open play field/overflow parking lot adjacent to the trailhead area and connected to Central Park via a trail.
- 7) Provide for emergency vehicle access along the trails, as needed, without unnecessarily widening the trail itself and thus changing the intended recreation experience. An example of an acceptable solution is to provide a stabilized turf shoulder along a paved trail.

G. Vehicular Circulation & Parking

- 1) Design to meet current and future vehicular demands in creative ways with dispersed parking lots adjacent to recreation facilities they serve instead of one or two massive parking lots. Minimize the number and linear feet of internal driveways and square feet of parking to that which is absolutely needed.
- 2) Utilize the round-about to the fullest extent possible without incurring unnecessary costs and environmental impacts to access the 20 acre site from the round-about. A preferred layout may be to access the 'preserve' side of the park via the round-about and to access the 20 acre active recreation area directly from the entry road as shown in Alternate Conceptual Site Plan 'A'.
- 3) Provide information, direction and warning signage in appropriate locations.
- 4) Minimize impervious pavement. Maximize pervious/permeable pavement and stabilized overflow parking areas for periodic events as much as possible.
- 5) Minimize vehicular/pedestrian conflicts. Keep internal driveways and parking lots to the perimeter of pedestrian recreation areas to the fullest extent possible.

E.02 (CONTINUED)

- 6) Minimize vehicular/restored areas conflicts. Keep internal driveways and parking lots to the perimeter of restored areas to the fullest extent possible, thus maximizing more large contiguous restoration areas rather than several smaller areas bisected with driveways and parking lots.
- 7) Provide for emergency vehicle access without adding unnecessary pavement. Consider stabilized turf, as needed.

H. Pedestrian & Multimodal Circulation

- 1) Design to encourage walking, running, biking, etc. to the park from surrounding neighborhoods and commercial developments.
- 2.) Main walkways may be located adjacent to vehicular routes, but secondary pedestrian & multimodal circulation routes should be separated from roadways to the fullest extent possible to allow for a greater sense of being in a park rather than adjacent to a vehicular thoroughfare. Provide information, direction and warning signage in appropriate locations.
- 3.) Minimize impervious pavement. Maximize pervious/permeable pavement as much as possible.
- 4.) Minimize vehicular/pedestrian conflicts. Separate pedestrian circulation from vehicular circulation as much as possible, minimizing the crossing of driveways by pedestrians and/or bicyclists.

I. Park Maintenance Building & Yard

- 1) Include space for park equipment storage and maintenance, park maintenance material storage and park maintenance staff office and restroom.
- 2) Locate in an unobtrusive area on the 20 acre parcel so that access for maintenance staff and materials is efficient but view to the facility by the public is screened. A somewhat central location among/adjacent to the active recreation facilities is preferred.
- 3) Ensure that any potential environmental hazards such as diesel fuel are appropriately safeguarded.

J. Lighting

- 1) Athletic field lighting
 - a. Install energy efficient lighting fixtures that provide the required lighting per athletic field with minimal glare and offsite spill.
 - b. Provide for periodic maintenance vehicle access to the lights.
- 2) Security lighting
 - a. Install energy efficient lighting in appropriate locations with controls.
 - b. Consider solar lights, pedestrian level lights (i.e.: lighted bollards, etc.), specific area lighting and other creative lighting methods/technologies that provide an adequate amount of light with minimal glare and offsite spill.
 - c. Minimize the amount of security lighting in the 'preserve' area of the park to allow for star gazing and other nighttime recreational pursuits.
 - d.

E.02 (CONTINUED)

K. Signage

- 1) Create a new or mimic an established "sign design theme" for Manatee County District Parks in terms of sign style, color scheme, layout, size, wording, etc.
- 2) Provide information, direction, warning, interpretive, blueway, and etc. signs.
- 3) Signs shall be clearly understood, appropriately located for their intended function and kept to a minimum to reduce sign pollution.
- 4) Signs shall be in American English, Spanish, utilize international symbols and meet ADA, Braille and other State, Federal and local requirements. Successful proposer shall provide research data on indicating the percentage of speakers of languages other than English to justify the inclusion of other languages on park signage.

L. Utilities

- 1) Show all utilities on the Master Site Plan. Design/build in phases.
- 2) Underground and/or solar powered utilities are preferred where appropriate.
- 3) Compost toilets are preferred in the canoe/kayak launch area to reduce costs of running sewer lines to that location.
- 4) Follow roadway and trail corridors where appropriate when locating utility lines, particularly in the 'park preserve' area, so that impacts to and bisecting of restored natural systems is kept to a minimum.
- 5) Maximize energy efficiency and cost effectiveness over the long run when design the utility system.

M. Stormwater management system

- 1) Stormwater shall be managed so that it appears as if it is part of the natural systems on site; incorporating bioswales in parking lots, natural appearing stormwater ponds as needed, underground storage where appropriate and cost effective and other LID methods.
- 2) Refrain from designing rectilinear stormwater ponds unless they are part of a formal site design component.
- 3) Ensure that the stormwater management systems work complementarily with the restored natural systems on site.
- 4) Maximize porous pavement to reduce the number of additional acres needed for stormwater management.

N. Landscaping & Irrigation

- 1) Maximize the use of native plant species and plant associations in the planting plans.
- 2) Provide multi-season interest, wildlife habitat, interpretive opportunities, and shade and screening where appropriate in the plantings.
- 3) Design low maintenance, drought tolerant, Florida friendly plantings.
- 4) Blend the landscaping visually and ecologically with the restored natural areas with a more urban design in the active recreation areas and a more natural design in the preserve part of the park.
- 5) Design water conserving irrigation systems utilizing a variety of integrated water sources on site, as appropriate (i.e.: retained stormwater, harvested rainwater from rooftops, reuse water, natural rainwater).

E.02 (CONTINUED)

- 6) Design plantings so that plants are grouped per water needs so irrigation systems can be properly zoned.

Proposal shall be all inclusive beginning with the assembly of a professional design team & support staff to work closely with the owners representatives on an as needed bases to insure the final design will function as desired by the end user.

Proposal shall provide all personnel, services, plans, & documents necessary during the pre-construction phase & as required to bring the agreed upon design to a permitted status. Upon the Design/Build team's receipt of all permits, it shall cause the Construction Phase to commence.

The Construction Phase shall be manned by a pre-selected team which prior to construction has attended, if not all, some of the later pre-construction meetings to familiarize themselves not only the project but the owner's representatives they will be closely working with to bring the project to a successful conclusion.

The Construction Phase shall be properly manned to insure that the construction schedule is maintained at all times and any potential delays shall be conveyed to the owner's representatives as soon as they are discovered.

Weekly on site project meetings will be conducted by the Design/ Build provider. These meetings shall have representatives from all entities involved in the Construction Phase including the owner's representatives, when required. The meetings shall be mandatory.

The Design/ Build team shall at the end of the Construction Phase bring to the project all the required resources to quickly & efficiently complete all punch list items, provide to the owner instruction as required for all supplied equipment & devices & submit all typical close -out documents &/or those the owner may request.

Quality Assurance: All activities, actions, and procedures performed before and during execution of the Work shall guard against defects, deficiencies, and substantiate that proposed construction will comply with requirements.

Applicability of Standards: Unless the Contract Documents include more stringent requirements, applicable construction industry standards have the same force and effect as if bound or copied directly into the contract Documents to the extent referenced. Such standards are made a part of the Contract Documents by reference.

PROPOSAL SIGNATURE FORM
RFP #09-0489BG
Design Build Construction Services for Bennett Park

Firm Name

Mailing Address:

() _____
Telephone Number

City, State, Zip Code

The undersigned attests to his (her, their) authority to submit this proposal and to bind the firm herein named to perform as per agreement. If the firm is selected by the County the undersigned certifies that he/she will negotiate in good faith to establish an agreement to provide Design Build Construction Services for Bennett Park, according to the requirements of this RFP #09-0489BG.

Signature

Witness Signature

Name and Title of Above Signer

Name and Title of Above Signer

Date: _____

Date: _____

Address of any branch office
Proposed to service Manatee County other than above

Name and Title of Firm's Representative & phone number for Manatee County

Phone Number _____

ATTACHMENT "A"

RESOLUTION R-93-22

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IMPLEMENTING §3-101(7)3(1) OF THE MANATEE COUNTY PROCUREMENT CODE (ORDINANCE 84-02 AS AMENDED) TO ESTABLISH MINIMUM REQUIREMENTS FOR BIDDERS WITH RESPECT TO MAINTAINING A DRUG FREE WORKPLACE; REQUIRING WRITTEN CERTIFICATION TO THE COUNTY OF COMPLIANCE WITH THE REQUIREMENTS ESTABLISHED HEREIN; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County recognizes that substance abuse is a complex societal problem that continues to threaten the welfare of the residents and community; and

WHEREAS, the Board of County Commissioners considers substance abuse on the job to be an unsafe and counter-productive work practice; and

WHEREAS, consistent with its policy to promote a safe work environment and encourage personal health for all citizens of Manatee County, the Commission finds it necessary to combat substance abuse in the workplace by promoting education and awareness; and

WHEREAS, consistent with the Drug Free Workplace Act (§112.0455, Florida Statutes) and policies applicable to Manatee County employees pursuant to Resolution R-93-10, the Board of County Commissioners of Manatee County has determined that it is necessary and in the best interest of the County to adopt the drug free workplace requirements for persons or entities contracting with Manatee County; and

WHEREAS, §3-101(7)B of the Manatee County procurement Code (Ordinance 84-02, as amended) authorizes the adoption of requirements for maintaining a drug free workplace applicable to persons or entities bidding on contracts with Manatee County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee county, Florida, as follows:

1. **Certification Required:** No person or entity submitting a bid pursuant to §3-101 shall be awarded or receive a county contract for public improvements, procurement of goods or services (including professional services) or a county lease

franchise, concession or management agreement, unless such person or entity has submitted a written certification to the county that it will provide a drug free workplace by:

- a. Providing a written statement to each employee notifying such employee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance as defined in §893.02(4), Florida statutes, as the same may be amended from time to time, in the person's or entity's workplace is prohibited specifying the actions that will be taken against employees for violation of such prohibition. Such written statement shall inform employees about:
 - (i) the dangers of drug abuse in the workplace;
 - (ii) the person's or entity's policy of maintaining a drug free environment at all its workplaces, including but not limited to all locations where employees perform any task relating to any portion of such contract, business transaction or grant;
 - (iii) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (iv) the penalties that may be imposed upon employees for drug abuse violations.
- b. Requiring the employee to sign a copy of such written statement to acknowledge his or her receipt of same and advice as to the specifics of such policy. Such person or entity shall retain the statements signed by its employees. Such person or entity shall also post in a prominent place at all of its workplaces a written statement of it's policy containing the foregoing elements (i) through (iv).
- c. Notifying the employee in the statement required by subsection 1. that as a condition of employment the employee will:
 - (i) abide by the terms of the statement; and
 - (ii) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such a conviction.
- d. At all times pertinent to the performance of any contract with Manatee County, notify the county within ten (10) days after receiving notice under

subsection c. from an employee or otherwise receiving actual notice of such conviction.

- c. Imposing appropriate personnel action against such employee up to and including termination; or requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.
 - f. Making a good faith effort to continue to maintain a drug free workplace through implementation of sections a. through e. of this subsection.
2. **Severability.** If any part, section, subsection, or other portion of this Resolution, or any application thereof to any person or circumstances declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Resolution, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.
3. **Effective Date.** This Resolution shall take effect ninety (90) days after adoption by the Board of County Commissioners.

ADOPTED in open session by a majority of the duly elected Board of County Commissioners of Manatee County, Florida, this 2nd day of February, 1993.

**ORIGINAL DOCUMENT SIGNED BY BOARD OF COUNTY COMMISSIONERS
CHAIRMAN MS. LARI ANN HARRIS ON FEBRUARY 2, 1993 AND IS ON FILE AT
MANATEE COUNTY CLERKS OFFICE.**

ATTACHMENT "B"

Drug Free Work Place Certification

SWORN STATEMENT PURSUANT TO SECTION 6-101(7)(B),
MANATEE COUNTY PURCHASING CODE

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the Manatee County Board of County Commissioners by _____
[print individual's name and title]

_____ for _____
[print name of entity submitting sworn statement]

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is: _____ (If the entity has no FEIN,

include the Social Security Number of the individual signing this sworn statement: _____.)

I understand that no person or entity shall be awarded or receive a county contract for public improvements, procurement of goods or services (including professional services) or a county lease, franchise, concession or management agreement, or shall receive a grant of county monies unless such person or entity has submitted a written certification to the County that it will provide a drug free work place by:

(1) providing a written statement to each employee notifying such employee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance as defined by § 893.02(4), Florida Statutes, as the same may be amended from time to time, in the person's or entity's work place is prohibited specifying the actions that will be taken against employees for violation of such prohibition. Such written statement shall inform employees about:

- (i) the dangers of drug abuse in the work place;
- (ii) the person's or entity's policy of maintaining a drug free environment at all its work places, including but not limited to all locations where employees perform any task relating to any portion of such contract, business transaction or grant;
- (iii) any available drug counseling, rehabilitation, and employee assistance programs; and
- (iv) the penalties that may be imposed upon employees for drug abuse violations.

(2) Requiring the employee to sign a copy of such written statement to acknowledge his or her receipt of same and advice as to the specifics of such policy. Such person or entity shall retain the statements signed by its employees. Such person or entity shall also post in a prominent place at all of its work places a written statement of its policy containing the foregoing elements (i) through (iv).

(3) Notifying the employee in the statement required by subsection (1) that as a condition of employment the employee will:

- (i) abide by the terms of the statement; and

ATTACHMENT B (Cont'd.)

(ii) notify the employer of any criminal drug statute conviction for a violation occurring in the work place no later than five (5) days after such a conviction.

(4) Notifying the County within ten (10) days after receiving notice under subsection (3) from an employee or otherwise receiving actual notice of such conviction.

(5) Imposing appropriate personnel action against such employee up to and including termination; or requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

(6) Making a good faith effort to continue to maintain a drug free work place through implementation of sections (1) through (5) stated above.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR MANATEE COUNTY IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT ANY CONTRACT OR BUSINESS TRANSACTION SHALL PROVIDE FOR SUSPENSION OF PAYMENTS, OR TERMINATION, OR BOTH, IF THE CONTRACTING OFFICER OR THE COUNTY ADMINISTRATOR DETERMINES THAT:

- (1) Such person or entity has made false certification.
- (2) Such person or entity violates such certification by failing to carry out the requirements of sections (1), (2), (3), (4), (5), or (6) or subsection 3-101(7)(B); or
- (3) Such a number of employees of such person or entity have been convicted of violations occurring in the work place as to indicate that such person or entity has failed to make a good faith effort to provide a drug free work place as required by subsection 3-101(7)(B).

[Signature]

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this ___ day of _____, 200___ by _____

Personally known _____ OR Produced identification _____
[Type of identification]

Notary Public Signature My commission expires _____

[Print, type or stamp Commissioned name of Notary Public]

Signatory Requirement - In the case of a business entity other than a partnership or a corporation, this affidavit shall be executed by an authorized agent of the entity. In the case of a partnership, this affidavit shall be executed by the general partner(s). In the case of a corporation, this affidavit shall be executed by the corporate president.

Attachment "C"

PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

SWORN STATEMENT PURSUANT TO ARTICLE 6, MANATEE COUNTY PURCHASING CODE

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the Manatee County Board of County Commissioners by _____
[print individual's name and title]

_____ for _____
[print name of entity submitting sworn statement]

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is _____. If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____

I understand that no person or entity shall be awarded or receive a county contract for public improvements, procurement of goods or services (including professional services) or a county lease, franchise, concession or management agreement, or shall receive a grant of county monies unless such person or entity has submitted a written certification to the County that it has not:

(1) been convicted of bribery or attempting to bribe a public officer or employee of Manatee County, the State of Florida, or any other public entity, including, but not limited to the Government of the United States, any state, or any local government authority in the United States, in that officer's or employee's official capacity; or

(2) been convicted of an agreement or collusion among bidders or prospective bidders in restraint of freedom of competition, by agreement to bid a fixed price, or otherwise; or

(3) been convicted of a violation of an environmental law that, in the sole opinion of the County's Purchasing Director, reflects negatively upon the ability of the person or entity to conduct business in a responsible manner; or

(4) made an admission of guilt of such conduct described in items (1), (2) or (3) above, which is a matter of record, but has not been prosecuted for such conduct, or has made an admission of guilt of such conduct, which is a matter of record, pursuant to formal prosecution. An admission of guilt shall be construed to include a plea of nolo contendere; or

(5) where an officer, official, agent or employee of a business entity has been convicted of or has admitted guilt to any of the crimes set forth above on behalf of such and entity pursuant to the direction or authorization of an official thereof (including the person committing the offense, if he is an official of the business entity), the business shall be chargeable with the conduct herein above set forth. A business entity shall be chargeable with the conduct of an affiliated entity, whether wholly owned, partially owned, or one which has common ownership or a common Board of Directors. For purposes of this Form, business entities are affiliated if, directly or indirectly, one business entity controls or has the power to control another business entity, or if an individual or group of individuals controls or has the power to control both entities. Indicia of control shall include, without limitation, interlocking management or ownership, identity of interests among family members, shared organization of a business entity following the ineligibility of a business entity under this Article, or using substantially the same management, ownership or principles as the ineligible entity.

Attachment C (Cont'd.)

Any person or entity who claims that this Article is inapplicable to him/her/it because a conviction or judgment has been reversed by a court of competent jurisdiction, shall prove the same with documentation satisfactory to the County's Purchasing Director. Upon presentation of such satisfactory proof, the person or entity shall be allowed to contract with the County.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR MANATEE COUNTY IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT ANY CONTRACT OR BUSINESS TRANSACTION SHALL PROVIDE FOR SUSPENSION OF PAYMENTS, OR TERMINATION, OR BOTH, IF THE CONTRACTING OFFICER OR THE COUNTY ADMINISTRATOR DETERMINES THAT **SUCH PERSON OR ENTITY HAS MADE FALSE CERTIFICATION.**

[Signature]

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this ____ day of _____, 20__ by _____

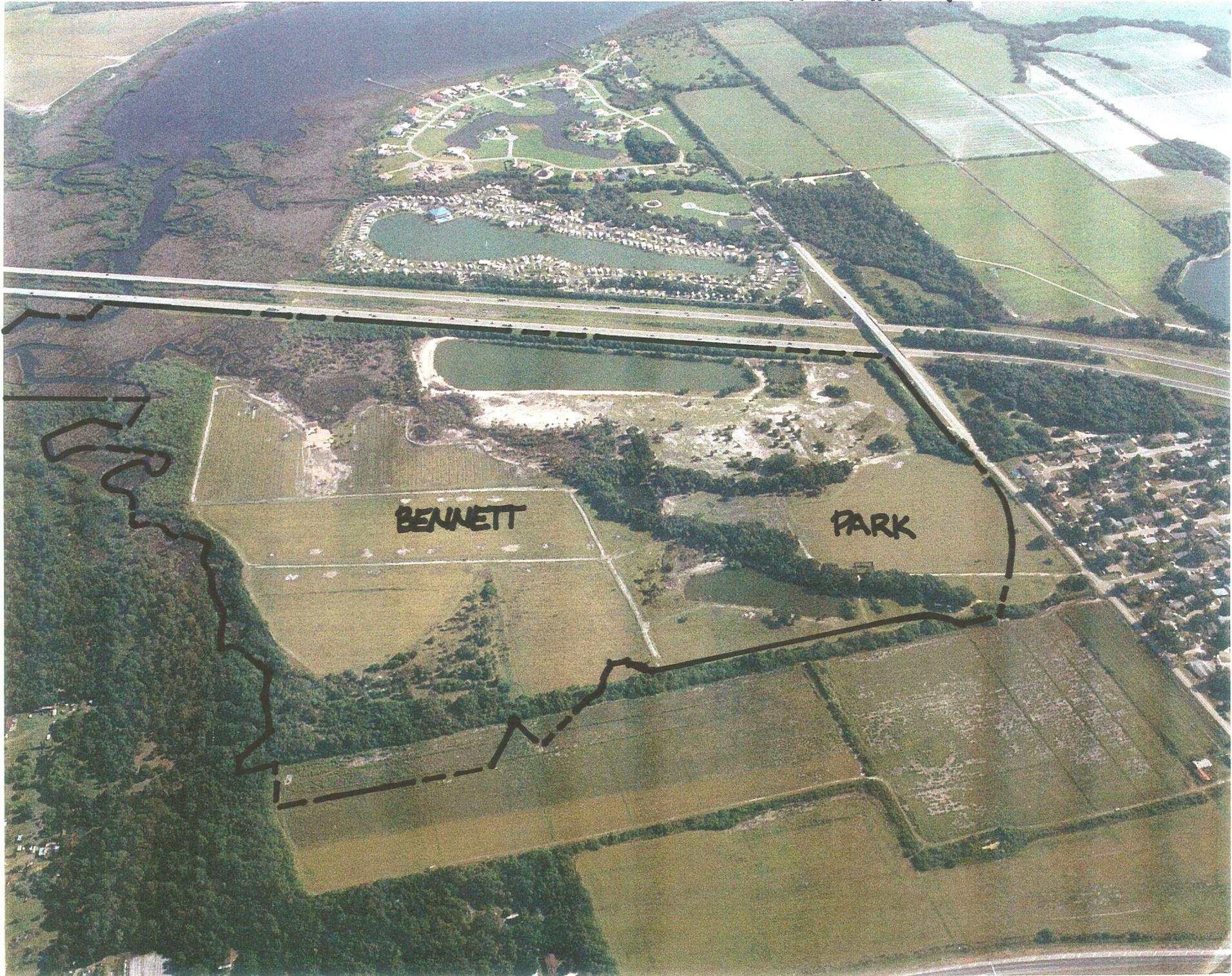
Personally known _____ OR Produced identification _____
[Type of identification]

Notary Public Signature My commission expires _____

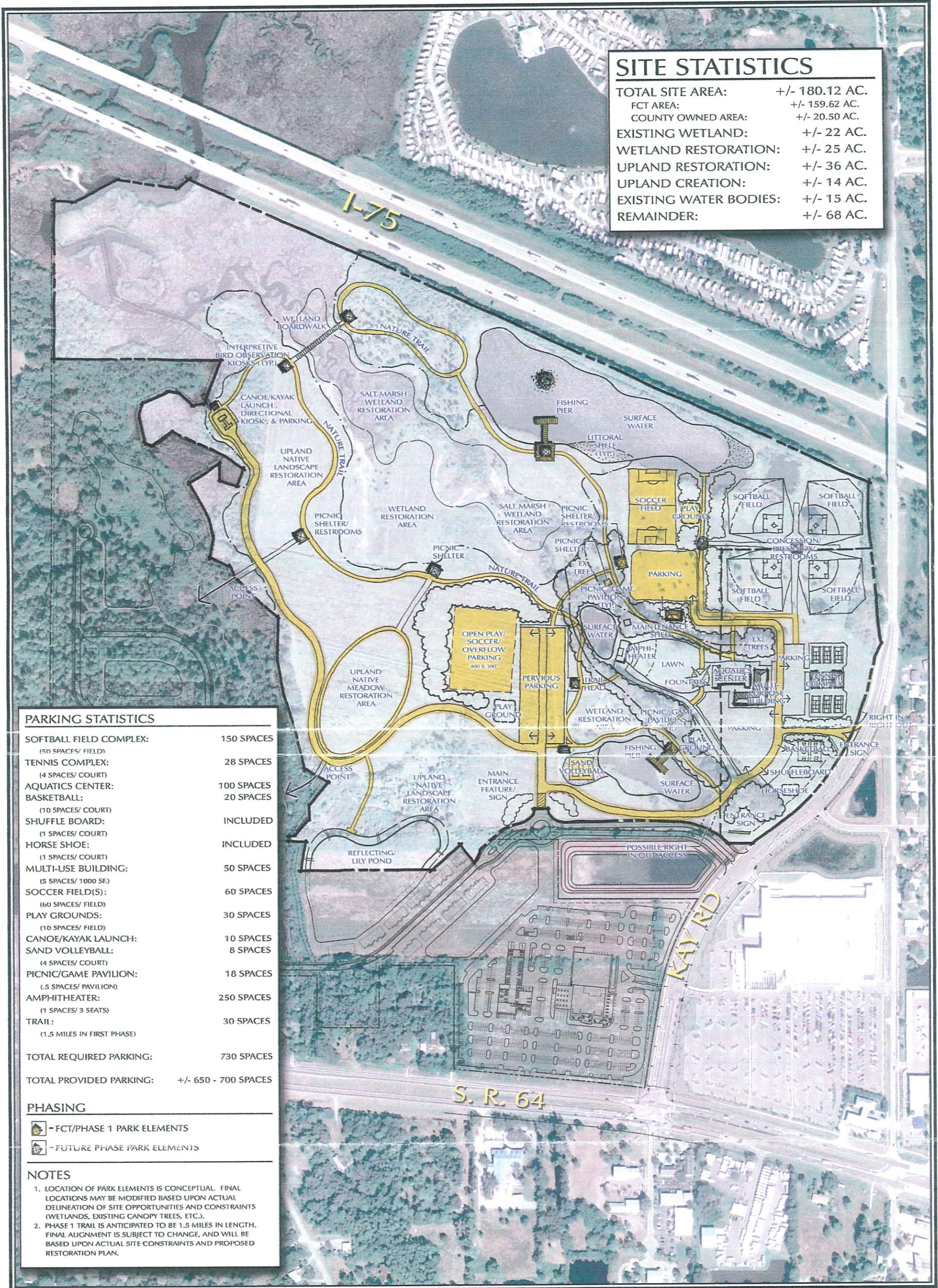
[Print, type or stamp Commissioned name of Notary Public]

Signatory Requirement - In the case of a business entity other than a partnership or a corporation, this affidavit shall be executed by an authorized agent of the entity. In the case of a partnership, this affidavit shall be executed by the general partner(s). In the case of a corporation, this affidavit shall be executed by the corporate president.

HISTORIC AERIAL MAP - ATTACHMENT 'F'



ATTACHMENT 'D'



SITE STATISTICS	
TOTAL SITE AREA:	+/- 180.12 AC.
FCT AREA:	+/- 159.62 AC.
COUNTY OWNED AREA:	+/- 20.50 AC.
EXISTING WETLAND:	+/- 22 AC.
WETLAND RESTORATION:	+/- 25 AC.
UPLAND RESTORATION:	+/- 36 AC.
UPLAND CREATION:	+/- 14 AC.
EXISTING WATER BODIES:	+/- 15 AC.
REMAINDER:	+/- 68 AC.

PARKING STATISTICS	
SOFTBALL FIELD COMPLEX: (50 SPACES/ FIELD)	150 SPACES
TENNIS COMPLEX: (4 SPACES/ COURT)	28 SPACES
AQUATICS CENTER: BASKETBALL: (10 SPACES/ COURT)	100 SPACES
SHUFFLE BOARD: (1 SPACES/ COURT)	INCLUDED
HORSE SHOE: (1 SPACES/ COURT)	INCLUDED
MULTI-USE BUILDING: (5 SPACES/ 1000 SF.)	50 SPACES
SOCCER FIELD(S): (60 SPACES/ FIELD)	60 SPACES
PLAY GROUNDS: (10 SPACES/ FIELD)	30 SPACES
CANOE/KAYAK LAUNCH: SAND VOLLEYBALL: (4 SPACES/ COURT)	10 SPACES 8 SPACES
PICNIC/GAME PAVILION: (.5 SPACES/ PAVILION)	18 SPACES
AMPHITHEATER: (1 SPACES/ 3 SEATS)	250 SPACES
TRAIL: (1.5 MILES IN FIRST PHASE)	30 SPACES
TOTAL REQUIRED PARKING:	730 SPACES
TOTAL PROVIDED PARKING:	+/- 650 - 700 SPACES

PHASING	
	- FCT/PHASE 1 PARK ELEMENTS
	- FUTURE PHASE PARK ELEMENTS

NOTES

1. LOCATION OF PARK ELEMENTS IS CONCEPTUAL. FINAL LOCATIONS MAY BE MODIFIED BASED UPON ACTUAL DELINEATION OF SITE OPPORTUNITIES AND CONSTRAINTS (WETLANDS, EXISTING CANOPY TREES, ETC.).
2. PHASE 1 TRAIL IS ANTICIPATED TO BE 1.5 MILES IN LENGTH. FINAL ALIGNMENT IS SUBJECT TO CHANGE, AND WILL BE BASED UPON ACTUAL SITE CONSTRAINTS AND PROPOSED RESTORATION PLAN.

Tom Bennett Park Conceptual Site Plan

MANATEE COUNTY, FLORIDA

PRESENTED TO BOCC JUNE 10, 2008

PHASE I PARK ELEMENTS SHOWN IN YELLOW

SCALE IN FEET
0 100 200 400

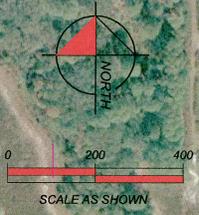
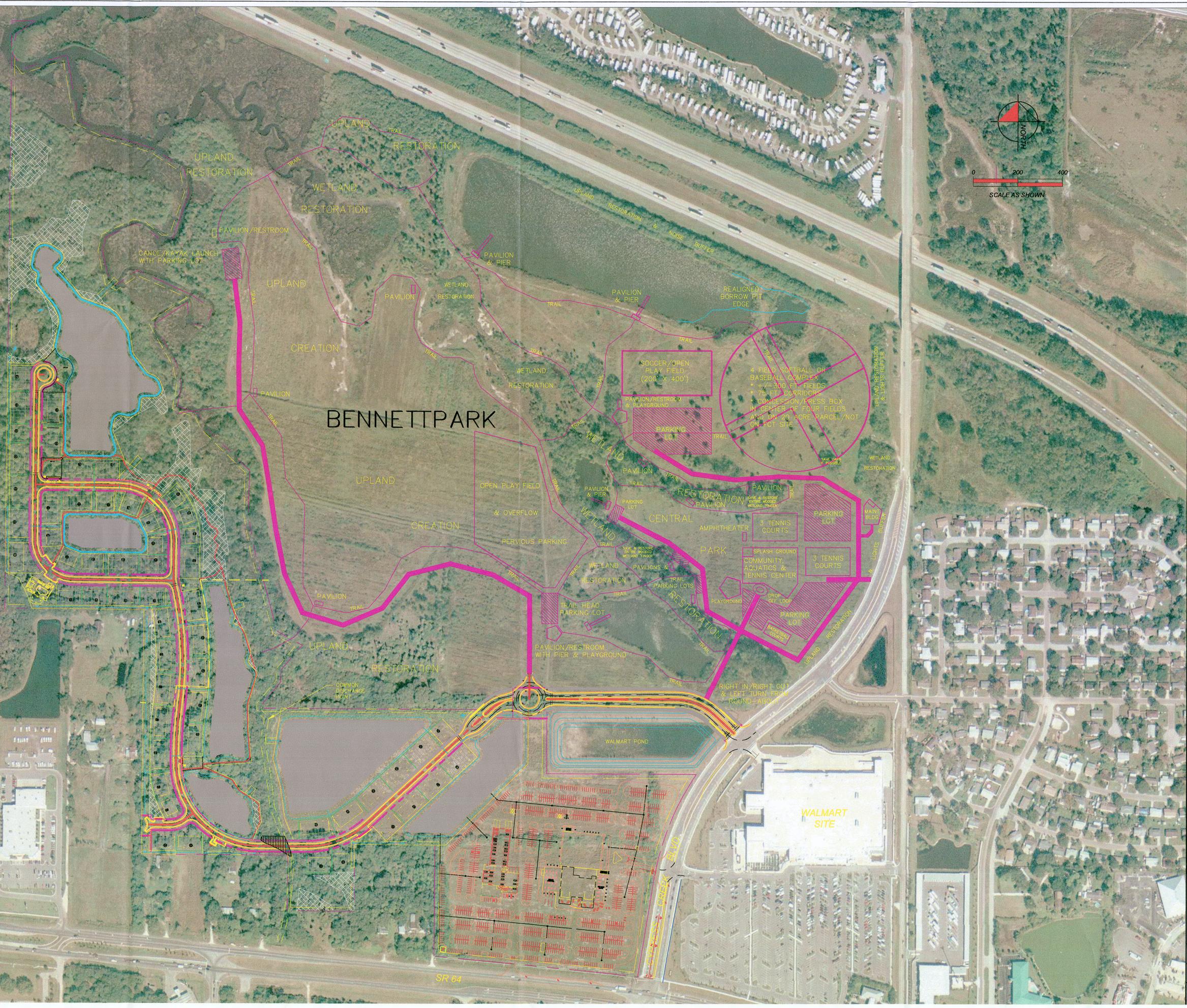
DATE: APRIL 30, 2008
© URBAN RESOURCE GROUP, 2008

Kimley-Horn and Associates, Inc.
URG
URBAN RESOURCE GROUP
A DIVISION OF KIMLEY-HORN AND ASSOCIATES, INC.

DESIGN NOTES

THIS ALTERNATE SITE PLAN IS A MODIFICATION OF THE SITE PLAN PRESENTED TO THE BOCC ON JUNE 10, 2008. THIS PLAN INCORPORATES THE FOLLOWING DESIGN CONCEPTS DEVELOPED BY COUNTY STAFF:

1. PEDESTRIAN-FRIENDLY RECREATION FACILITY CAMPUS AS ENTRANCE FOCAL POINT WITH ONE SAFE ENTRANCE FOR PATRONS AND PERIMETER PARKING & DRIVEWAY.
2. CENTRAL PARK WITH PERIMETER TRAILS, DRIVEWAY & PAVILIONS.
3. FULL SOFTBALL OR BASEBALL COMPLEX WITH SEPARATE PARKING.
4. PRESERVE WITH NATURE TRAILS, PAVILIONS AND FISHING PIERS STRATEGICALLY LOCATED IN AND AROUND RESTORATION AREAS.
5. CANOE/KAYAK LAUNCH WITH PARKING, PAVILION AND DRIVEWAY ACCESS ALONG PERIMETER OF RESTORATION AREA.



No.	REVISIONS	DATE	BY

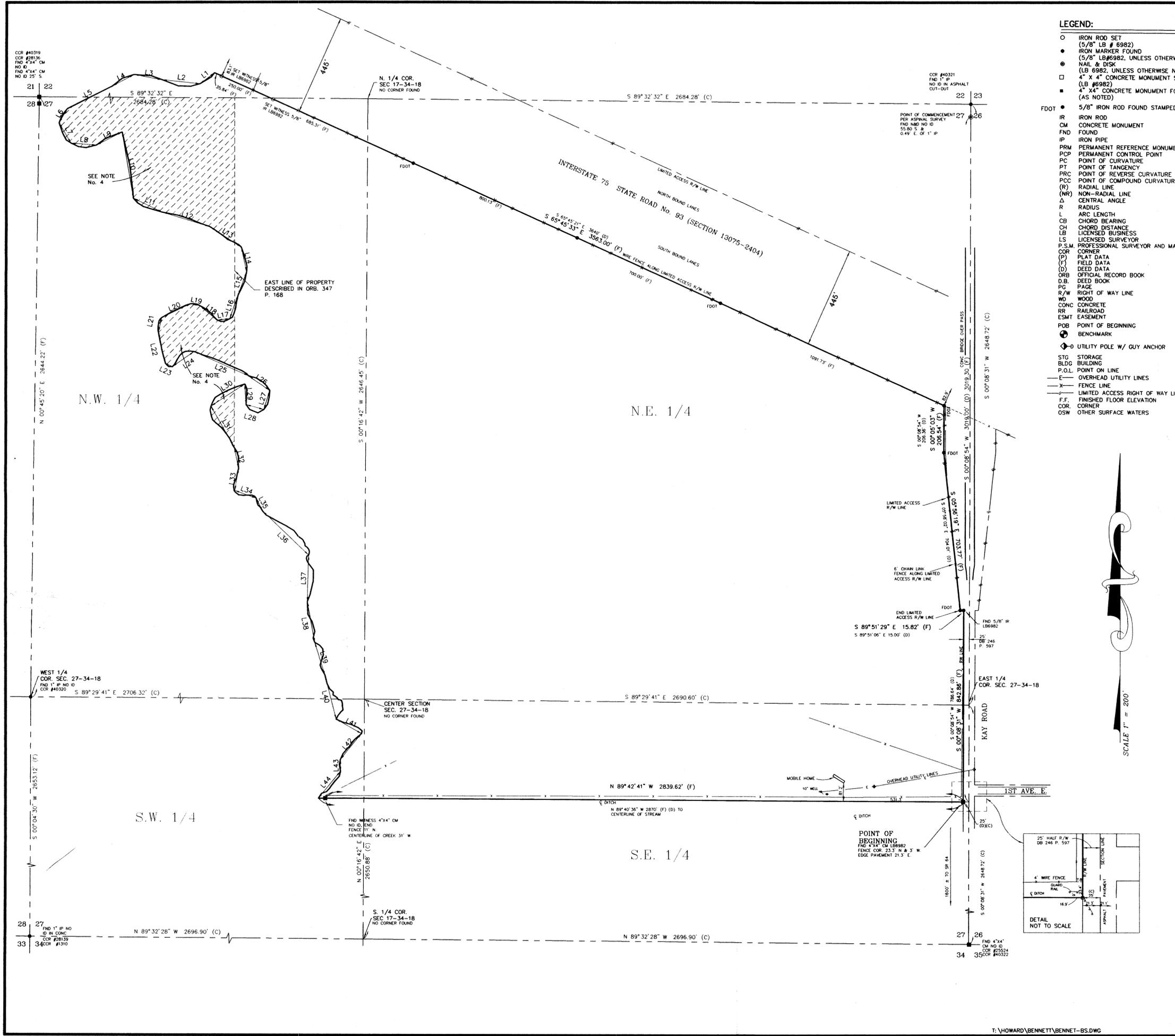
Kimley-Horn and Associates, Inc.
 © 2008 KIMLEY-HORN AND ASSOCIATES, INC.
 2801 Catlemen Road, Suite 500, Sarasota, FL 34232
 PHONE (941) 922-8187 FAX (941) 922-2351
 WWW.KIMLEY-HORN.COM CA 0000896

SCALE AS NOTED
 DESIGNED BY MCS
 DRAWN BY MCS
 CHECKED BY
 FLORIDA P.E. LICENSE NUMBER:
 DATE:

ATTACHMENT D-1

**BENNETT PARK
 ALTERNATE CONCEPTUAL
 SITE PLAN 'A'**
 PROPERTY MANAGEMENT DEPT., MANATEE COUNTY, FLORIDA

DATE 9/08
 PROJECT NO.
 SHEET NUMBER



- LEGEND:**
- IRON ROD SET
 - IRON MARKER FOUND
 - NAIL & DISK (LB 6982, UNLESS OTHERWISE NOTED)
 - 4" X 4" CONCRETE MONUMENT SET (LB 6982)
 - 4" X 4" CONCRETE MONUMENT FOUND (AS NOTED)
 - 5/8" IRON ROD FOUND STAMPED FDOT
 - IR IRON ROD
 - CM CONCRETE MONUMENT
 - FND FOUND
 - IP IRON PIPE
 - PRM PERMANENT REFERENCE MONUMENT
 - PCP PERMANENT CONTROL POINT
 - PC POINT OF CURVATURE
 - PT POINT OF TANGENCY
 - PRC POINT OF REVERSE CURVATURE
 - PCC POINT OF COMPOUND CURVATURE
 - (R) RADIAL LINE
 - (NR) NON-RADIAL LINE
 - Δ CENTRAL ANGLE
 - R RADIUS
 - L ARC LENGTH
 - CB CHORD BEARING
 - CH CHORD DISTANCE
 - LB LICENSED BUSINESS
 - LS LICENSED SURVEYOR
 - P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
 - COR CORNER
 - (P) PLAT DATA
 - (F) FIELD DATA
 - (D) DEED DATA
 - ORB OFFICIAL RECORD BOOK
 - D.B. DEED BOOK
 - PC PAGE
 - R/W RIGHT OF WAY LINE
 - WD WOOD
 - CONC CONCRETE
 - RR RAILROAD
 - ESMT EASEMENT
 - POB POINT OF BEGINNING
 - BENCHMARK
 - ◇ UTILITY POLE W/ GUY ANCHOR
 - STG STORAGE
 - BLDG BUILDING
 - P.O.L. POINT ON LINE
 - OVERHEAD UTILITY LINES
 - FENCE LINE
 - LIMITED ACCESS RIGHT OF WAY LINE
 - F.F. FINISHED FLOOR ELEVATION
 - COR CORNER
 - OSW OTHER SURFACE WATERS

DESCRIPTION: (PER TITLE COMMITMENT)

COMMENCE AT THE NE CORNER OF SECTION 27, TOWNSHIP 34S, RANGE 18E, MANATEE COUNTY, FLORIDA; THENCE SOUTH 00°08'54" WEST, A DISTANCE OF 3019.00 FEET; THENCE NORTH 89°40'36" WEST, A DISTANCE OF 25.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF KAY RD. FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 89°40'36" WEST, A DISTANCE OF 2870.00 FEET MORE OR LESS TO A SMALL STREAM OR RUN; THENCE NORTHEASTERLY ALONG SAID STREAM OR RUN TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE RD. 75; THENCE SOUTH 65°45'21" EAST ALONG SAID RIGHT-OF-WAY LINE 3640.00 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY LINE OF KAY RD. THENCE SOUTH 00°08'54" WEST A DISTANCE OF 206.36 FEET THENCE SOUTH 05°58'02" EAST A DISTANCE OF 704.01 FEET THENCE SOUTH 89°51'06" EAST A DISTANCE OF 15 FEET THENCE SOUTH 00°08'54" WEST A DISTANCE OF 786.64 FEET TO THE POINT OF BEGINNING.

NOTES:

- BEARINGS ARE BASED ON THE EAST LINE OF SECTION 27, TOWNSHIP 34S, RANGE 18E, SHOWN AS HAVING A BEARING OF N. 00°08'31" EAST BASED ON THE FLORIDA STATE PLANE COORDINATES (WEST ZONE) DERIVED FROM FOUND MONUMENTATION ESTABLISHED DURING THE 1988 MANATEE COUNTY GIS CONTROL SURVEY. THE DISTANCES SHOWN HEREON ARE GRID DISTANCES WITH A SCALE FACTOR OF 0.999970.
- THERE MAY BE LAND WITHIN THE BOUNDS OF THIS PARCEL WHICH MAY BE TERMED JURISDICTIONAL BY VARIOUS GOVERNMENT AGENCIES. THESE POSSIBLE JURISDICTIONAL AREAS HAVE NOT BEEN DEALT WITH AS PART OF THIS SURVEY.
- PORTIONS OF THE FIELDWORK FOR THIS SURVEY WERE UNDERTAKEN USING A TRIMBLE 4400 GLOBAL POSITIONING SYSTEM IN REAL TIME KINEMATIC MODE. REDUNDANCY WAS ACCOMPLISHED BY MULTIPLE OBSERVATIONS UTILIZING DIFFERENT BASE STATIONS AND DIFFERENT SATELLITE CONFIGURATIONS.
- THE CROSS HATCHED AREA IS AN OVERLAP OF DEED DESCRIPTIONS BETWEEN THE DESCRIPTION OF THIS PROPERTY RECORDED IN O.R. BOOK 1012 PAGE 820 AND THE DESCRIPTION FOR THE PROPERTY ADJACENT TO THE WEST DESCRIBED IN OR BOOK 347 PAGE 168 AND SHOWN ON A SURVEY BY GEORGE O. KRAUSE DATED SEPTEMBER 23, 1949.
- THE DISCREPANCY IN DISTANCE ALONG THE RIGHT-OF-WAY LINE OF KAY RD. (786.64 DEED VERSUS 842.86 FIELD) IS ATTRIBUTABLE TO THE GEORGE A. ASPHALL SURVEY OF APRIL 6, 1977 WHICH UTILIZES A NAIL AND DISK AS THE NE CORNER OF SECTION 27 WHICH APPEARS TO BE SOUTH OF THE ACTUAL NE SECTION CORNER BY 55.82 FEET.
- THE ISSUE OF SOVEREIGNTY REGARDING THE STREAM WHICH FORMS THE WEST PROPERTY LINE OF THIS PARCEL HAS NOT BEEN DEALT WITH AS PART OF THIS SURVEY. THE CENTERLINE OF THIS STREAM HAS BEEN HELD AS THE WEST PROPERTY LINE BASED ON THE DEED DESCRIPTION OF THIS PROPERTY.
- THIS PARCEL LIES IN FLOOD ZONE AE (EL. 8) AS SHOWN ON FIRM PANEL 120153-0215-C AND 120153-0351-C WITH AN EFFECTIVE DATE OF JUNE, 1999.
- TITLE INFORMATION IS BASED ON CHICAGO TITLE INSURANCE COMPANY COMMITMENT No. 220101727 DATED MAY 21, 2001.
- SUBJECT TO OIL AND MINERAL RIGHTS RECORDED IN DB 239 P. 141, DB 239 P. 368 AND DB. 240 P. 45.
- SUBJECT TO RIGHTS ACQUIRED BY STATE OF FLORIDA BY ORDER OF TAKING RECORDED IN ORB. 862 P. 111.

SEE SHEET 2 FOR AERIAL PHOTO

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N 53°05'41" E	79.75'	L23	N 64°28'06" W	33.97'
L2	S 81°45'14" E	168.99'	L24	S 53°31'31" W	116.40'
L3	S 79°31'17" E	126.37'	L25	N 68°08'20" W	264.61'
L4	N 62°23'02" E	109.07'	L26	N 58°58'08" W	113.99'
L5	N 63°27'50" E	221.20'	L27	N 17°47'14" E	87.80'
L6	N 30°40'57" E	72.15'	L28	S 74°51'55" E	80.83'
L7	N 30°33'41" W	104.09'	L29	S 04°01'32" E	90.51'
L8	N 85°20'20" W	113.13'	L30	N 57°08'54" E	177.79'
L9	S 82°59'58" W	126.55'	L31	N 29°39'20" W	210.09'
L10	N 09°50'24" W	286.23'	L32	N 12°14'10" W	93.20'
L11	N 64°17'16" W	143.03'	L33	N 10°29'59" E	98.04'
L12	N 72°55'04" W	219.07'	L34	N 69°55'17" W	101.27'
L13	N 56°58'44" W	166.91'	L35	N 26°04'56" W	64.43'
L14	N 12°23'45" W	111.18'	L36	N 45°52'50" W	283.57'
L15	N 20°00'23" E	108.51'	L37	N 01°16'23" E	205.18'
L16	N 19°23'04" E	110.52'	L38	N 10°27'01" W	182.88'
L17	N 82°45'43" E	54.70'	L39	N 17°19'16" W	151.29'
L18	S 51°04'06" E	100.56'	L40	N 14°22'55" W	200.43'
L19	S 76°50'10" E	41.10'	L41	N 60°40'24" W	130.52'
L20	N 64°54'43" E	143.17'	L42	N 39°50'28" E	148.02'
L21	N 13°09'33" E	63.84'	L43	N 00°00'00" E	52.09'
L22	N 12°45'19" E	143.20'	L44	N 89°14'42" E	123.49'

ATTACHMENT G'
(3 SHEETS)
BOUNDARY SURVEY

LOCATED IN
SECTION 27, TOWNSHIP 34 S., RANGE 18 E.
MANATEE COUNTY, FLORIDA

© COPYRIGHT 2001 BY ZOLLER, NAJJAR, & SHROYER, L.C. THIS SURVEY MAP IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I, THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER HEREBY, CERTIFY THAT THIS RECORD OF SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SHOWN AND DESCRIBED, AND THAT IT MEETS THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA" CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE.

DATE OF FIELD SURVEY: 11/19/02 BY: R.E.M. EDDERTON, P.S.M.
DATE OF CERTIFICATION: 11/25/02 FLORIDA CERTIFICATE NO. 4292

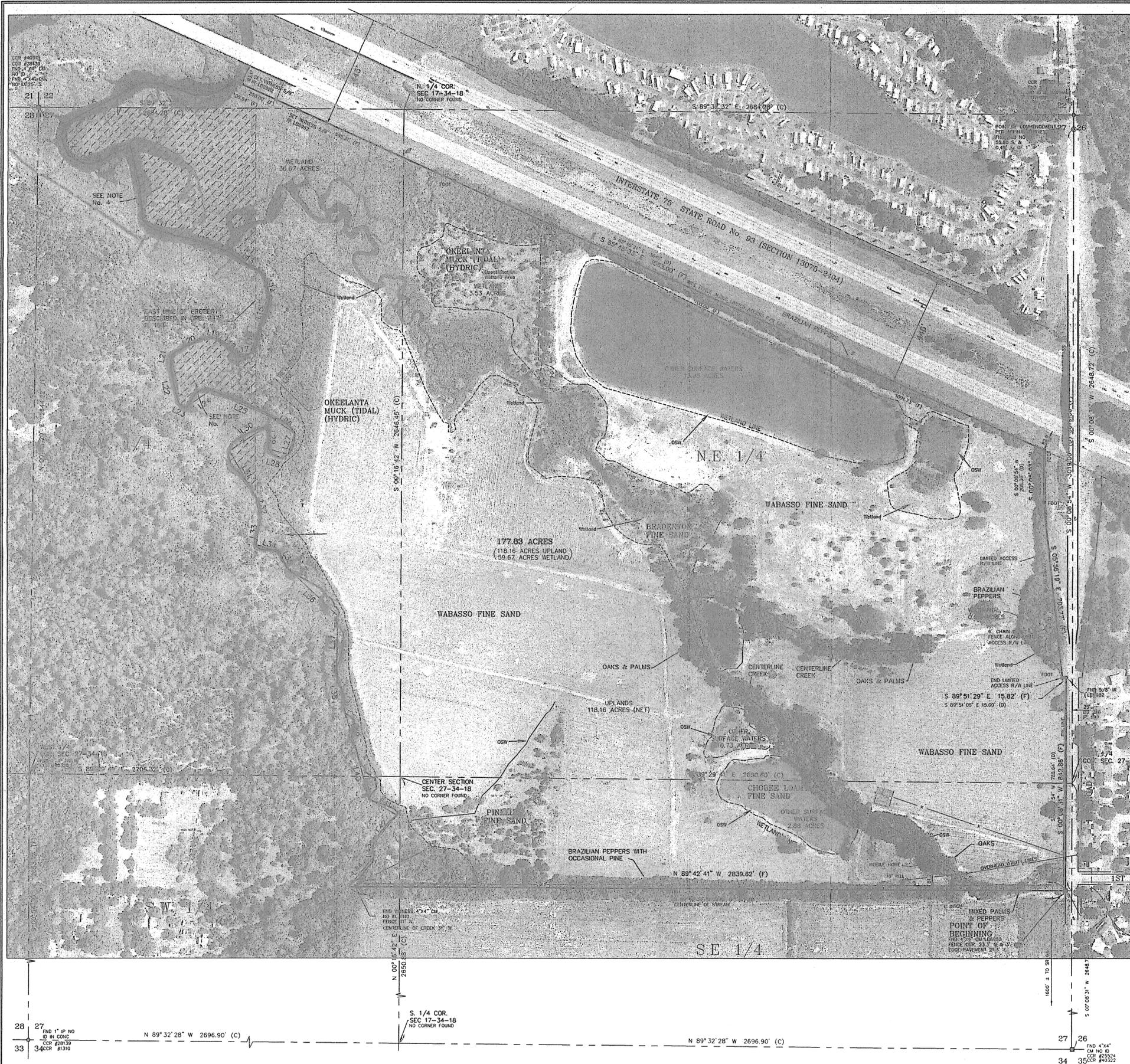
Zoller, Najjar, & Shroyer, L.L.C.
Engineers, Planners, Surveyors, Landscape Architects & Environmental Consultants

CERTIFICATE OF AUTHORIZATION No. LB 6982

201 5th AVENUE DRIVE EAST POST OFFICE BOX 9448 BRADENTON, FLORIDA 34208
FAX (941) 748-3747 E-MAIL: ZNS@ZNS.COM TELEPHONE (941) 748-8066

FILE BENNETT-BS.DWG DISK # 0000 CHECKED REME DATE JUNE 20, 2001 SCALE 1" = 200 FT.
DRAWN HB COMP P-52 JOB NO. 00 - 26206 F.B. NO. 565 PG. NO. 2 SHEET 1 OF 2

T:\HOWARD\BENNETT\BENNETT-BS.DWG



LEGEND:

- IRON ROD SET (5/8" LB # 6982)
- IRON MARKER FOUND (5/8" LB#6982, UNLESS OTHERWISE NOTED)
- ⊙ NAIL & DISK (LB 6982, UNLESS OTHERWISE NOTED)
- 4" x 4" CONCRETE MONUMENT SET (LB #6982)
- 4" x 4" CONCRETE MONUMENT FOUND (AS NOTED)
- FDOT ○ 5/8" IRON ROD FOUND STAMPED FDOT
- IR IRON ROD
- CM CONCRETE MONUMENT
- FND FOUND
- IP IRON PIPE
- PRM PERMANENT REFERENCE MONUMENT
- PCP PERMANENT CONTROL POINT
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY
- PRC POINT OF REVERSE CURVATURE
- PCC POINT OF COMPOUND CURVATURE
- (R) RADIAL LINE
- (NR) NON-RADIAL LINE
- Δ CENTRAL ANGLE
- R RADIUS
- L ARC LENGTH
- CB CHORD BEARING
- CH CHORD DISTANCE
- LB LICENSED BUSINESS
- LS LICENSED SURVEYOR
- P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
- COR CORNER
- (P) PLAT DATA
- (F) FIELD DATA
- (D) DEED DATA
- ORB OFFICIAL RECORD BOOK
- D.B. DEED BOOK
- PC PAGE
- R/W RIGHT OF WAY LINE
- WO WOOD
- CONC CONCRETE
- RR RAILROAD
- ESMT EASEMENT
- POB POINT OF BEGINNING
- ⊕ BENCHMARK
- ⊕-○ UTILITY POLE W/ GUY ANCHOR
- STG STORAGE
- BLDG BUILDING
- P.O.L. POINT ON LINE
- E— OVERHEAD UTILITY LINES
- X— FENCE LINE
- L— LIMITED ACCESS RIGHT OF WAY LINE
- F.F. FINISHED FLOOR ELEVATION
- COR. CORNER
- OSW OTHER SURFACE WATERS

NOTES:

1. BEARINGS ARE BASED ON THE EAST LINE OF SECTION 27, TOWNSHIP 34S, RANGE 18E, SHOWN AS HAVING A BEARING OF N. 00°08'31" EAST BASED ON THE FLORIDA STATE PLANE COORDINATES (WEST ZONE) DERIVED FROM FOUND MONUMENTATION ESTABLISHED DURING THE 1988 MANATEE COUNTY GIS CONTROL SURVEY. THE DISTANCES SHOWN HEREON ARE GRID DISTANCES WITH A SCALE FACTOR OF 0.999970.
2. THERE MAY BE LAND WITHIN THE BOUNDS OF THIS PARCEL WHICH MAY BE TERMED JURISDICTIONAL BY VARIOUS GOVERNMENT AGENCIES. THESE POSSIBLE JURISDICTIONAL AREAS HAVE NOT BEEN DEALT WITH AS PART OF THIS SURVEY.
3. PORTIONS OF THE FIELDWORK FOR THIS SURVEY WERE UNDERTAKEN USING A TRIMBLE 4400 GLOBAL POSITIONING SYSTEM IN REAL TIME KINEMATIC MODE. REDUNDANCY WAS ACCOMPLISHED BY MULTIPLE OBSERVATIONS UTILIZING DIFFERENT BASE STATIONS AND DIFFERENT SATELLITE CONFIGURATIONS.
4. THE CROSS HATCHED AREA IS AN OVERLAP OF DEED DESCRIPTIONS BETWEEN THE DESCRIPTION OF THIS PROPERTY RECORDED IN O.R. BOOK 1012 PAGE 820 AND THE DESCRIPTION FOR THE PROPERTY ADJACENT TO THE WEST DESCRIBED IN OR BOOK 347 PAGE 168 AND SHOWN ON A SURVEY BY GEORGE G. KRAUSE DATED SEPTEMBER 23, 1949.
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6. THE ISSUE OF SOVEREIGNTY REGARDING THE STREAM WHICH FORMS THE WEST PROPERTY LINE OF THIS PARCEL HAS NOT BEEN DEALT WITH AS PART OF THIS SURVEY. THE CENTERLINE OF THIS STREAM HAS BEEN HELD AS THE WEST PROPERTY LINE BASED ON THE DEED DESCRIPTION OF THIS PROPERTY.
7. THIS PARCEL LIES IN FLOOD ZONE AE (EL. 8) AS SHOWN ON FIRM PANEL 120153-0215-C AND 120153-0351-C WITH AN EFFECTIVE DATE OF JUNE, 1999.
8. TITLE INFORMATION IS BASED ON CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 220101727 DATED MAY 21, 2001.
9. SUBJECT TO OIL AND MINERAL RIGHTS RECORDED IN DB 239 P. 141, DB 239 P. 368 AND DB. 240 P. 45.
10. SUBJECT TO RIGHTS ACQUIRED BY STATE OF FLORIDA BY ORDER OF TAKING RECORDED IN ORB. 862 P. 111.
11. SOIL TYPES WERE PLOTTED FROM "SOIL SURVEY OF MANATEE COUNTY" BY THE UNITED STATES DEPARTMENT OF AGRICULTURE.
12. THE WETLAND DETERMINATION IS BASED ON LIMITED FIELD INTERPRETATION AND AERIAL INSPECTION. ALL WETLAND LIMITS SHOULD BE VERIFIED THROUGH FEDERAL AND STATE AGENCIES AND RECORDED BY A LICENSED SURVEYOR.

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N 53°05'41" E	79.75'	L23	N 64°28'06" W	33.97'
L2	S 83°45'14" E	168.99'	L24	S 55°31'31" W	116.40'
L3	S 78°31'17" E	126.37'	L25	N 68°08'20" W	264.61'
L4	N 62°23'02" E	109.07'	L26	N 53°58'08" W	113.99'
L5	N 83°27'50" E	221.20'	L27	N 17°47'14" E	87.80'
L6	N 30°40'57" E	72.15'	L28	S 74°51'55" E	80.83'
L7	N 30°33'41" W	104.09'	L29	S 04°01'32" E	90.51'
L8	N 85°20'20" W	113.13'	L30	N 57°08'54" E	177.79'
L9	S 62°59'55" W	126.55'	L31	N 29°39'20" W	210.09'
L10	N 09°50'24" W	296.23'	L32	N 12°14'10" W	93.20'
L11	N 64°17'18" W	143.03'	L33	N 09°29'59" E	98.04'
L12	N 72°55'04" W	219.07'	L34	N 69°55'17" W	101.27'
L13	N 56°58'44" W	166.91'	L35	N 26°04'56" W	64.43'
L14	N 12°23'45" W	111.18'	L36	N 45°52'50" W	283.57'
L15	N 20°00'23" E	108.51'	L37	N 01°16'23" E	205.18'
L16	N 19°23'04" E	110.52'	L38	N 10°27'01" W	182.98'
L17	N 82°45'43" E	54.70'	L39	N 17°19'16" W	151.29'
L18	S 54°04'06" E	100.56'	L40	N 14°22'55" W	200.45'
L19	S 78°50'10" E	41.10'	L41	N 60°40'24" W	130.52'
L20	N 64°54'43" E	143.17'	L42	N 39°50'28" E	148.02'
L21	N 13°09'33" E	63.84'	L43	N 00°00'00" E	52.09'
L22	N 12°57'10" W	141.20'	L44	N 39°44'42" E	153.49'

SCALE 1" = 200'

ATTACHMENT 'G'
(3 SHEETS)

SEE SHEET 1 FOR BOUNDARY SURVEY
(AERIAL PHOTO DATE: JUNE 2001)

BOUNDARY SURVEY

LOCATED IN
SECTION 27, TOWNSHIP 34 S., RANGE 18 E.
MANATEE COUNTY, FLORIDA

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Zoller, Najjar, & Shroyer, L.L.C.
Engineers, Planners, Surveyors, Landscape Architects & Environmental Consultants
CERTIFICATE OF AUTHORIZATION No. LB 6982

201 5th AVENUE DRIVE EAST
POST OFFICE BOX 9448
BRADENTON, FLORIDA 34206
TELEPHONE (941) 748-8080

FAX (941) 748-3747
E-MAIL: ZNS@ZNSENG.COM

FILE: BENNET-BS.DWG DISK # 0000 CHECKED: REME DATE: JUNE 20, 2001 SCALE: 1" = 200 FT.
DRAWN: HB COMP: RE JOB NO. 00 - 26206 F.B. NO. 565 PG. NO. 2 SHEET 2 OF 2



LEGEND:

- PCP PERMANENT CONTROL POINT
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY
- PRC POINT OF REVERSE CURVATURE
- PCP POINT OF COMPOUND CURVATURE
- (R) RADIAL LINE
- (NR) NON-RADIAL LINE
- Δ CENTRAL ANGLE
- R RADIUS
- L ARC LENGTH
- CB CHORD BEARING
- CH CHORD DISTANCE
- LB LICENSED BUSINESS
- LS LICENSED SURVEYOR
- P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
- COR CORNER
- (F) FLAT DATA
- (C) FIELD DATA
- (D) DEED DATA
- ORB OFFICIAL RECORD BOOK
- D.B. DEED BOOK
- PG PAGE
- R/W RIGHT OF WAY LINE
- WD WOOD
- CONC CONCRETE
- RR RAILROAD
- ESMT EASEMENT
- POB POINT OF BEGINNING
- STG STORAGE
- BLDG BUILDING
- P.O.L. POINT ON LINE
- LIMITED ACCESS RIGHT OF WAY LINE
- F.F. FINISHED FLOOR ELEVATION
- COR CORNER
- OSW OTHER SURFACE WATER



DESCRIPTION: PARCEL "A"
 COMMENCE AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN S 00°08'31" W ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 3075.18 FEET; THENCE N 89°42'41" W, A DISTANCE OF 680.00 FEET TO THE POINT OF BEGINNING; THENCE N 89°42'41" W, A DISTANCE OF 2015.00 FEET TO THE CENTERLINE OF A SMALL STREAM; THENCE NORTHERLY ALONG THE CENTERLINE OF SAID STREAM TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 (STATE ROAD 93, SECTION 13075-2404) SAID POINT LYING N 08°16'32" W AT A DISTANCE OF 3231.50 FEET; THENCE S 85°45'33" E ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 3563.00 FEET; THENCE S 00°05'03" W CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 205.54 FEET; THENCE S 05°56'19" E CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET; THENCE N 89°42'41" W, A DISTANCE OF 769.93 FEET; THENCE S 00°08'31" W, A DISTANCE OF 1492.74 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
 CONTAINING 149.29 ACRES.

DESCRIPTION: PARCEL "B"
 COMMENCING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN S 00°08'31" W ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 3075.18 FEET; THENCE N 89°42'41" W, A DISTANCE OF 610.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 89°42'41" W, A DISTANCE OF 270.00 FEET; THENCE N 00°08'31" E, A DISTANCE OF 1492.74 FEET; THENCE S 89°51'29" E ALONG THE WESTERLY RIGHT OF WAY LINE OF KAY ROAD, A DISTANCE OF 15.82 FEET; THENCE S 00°08'31" W CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 282.86 FEET; THENCE S 37°03'52" W, A DISTANCE OF 699.14 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
 CONTAINING 22.73 ACRES

DESCRIPTION: PARCEL "C"
 COMMENCE AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S 00°08'31" W ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 3075.18 FEET; THENCE N 89°42'41" W, A DISTANCE OF 445.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 89°42'41" W, A DISTANCE OF 165.00 FEET; THENCE N 34°13'12" E, A DISTANCE OF 1015.80 FEET; THENCE S 89°51'29" E ALONG THE WESTERLY RIGHT OF WAY LINE OF KAY ROAD, A DISTANCE OF 15.82 FEET; THENCE S 00°08'31" W CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 282.86 FEET; THENCE S 37°03'52" W, A DISTANCE OF 699.14 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
 CONTAINING 3.11 ACRES.

DESCRIPTION: PARCEL "D"
 COMMENCE AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S 00°08'31" W ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 3075.18 FEET; THENCE N 89°42'41" W, A DISTANCE OF 25.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF KAY ROAD ALSO BEING THE POINT OF BEGINNING; THENCE N 89°42'41" W, A DISTANCE OF 420.00 FEET; THENCE N 37°03'52" E, A DISTANCE OF 699.14 FEET; THENCE S 00°08'31" W ALONG AFOREMENTIONED WESTERLY RIGHT OF WAY LINE OF KAY ROAD, A DISTANCE OF 560.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
 CONTAINING 2.70 ACRES.

- NOTES:
1. BEARINGS ARE BASED ON THE EAST LINE OF SECTION 27, TOWNSHIP 34 S., RANGE 18 E., SHOWN AS HAVING A BEARING OF N. 00°08'31" EAST BASED ON THE FLORIDA STATE PLANE COORDINATES (WEST ZONE) DERIVED FROM FOUND MONUMENTATION ESTABLISHED DURING THE 1988 MANATEE COUNTY GIS CONTROL SURVEY. THE DISTANCES SHOWN HEREON ARE GRID DISTANCES WITH A SCALE FACTOR OF 0.999970.
 2. SOIL TYPES WERE PLOTTED FROM "SOIL SURVEY OF MANATEE COUNTY" BY THE UNITED STATES DEPARTMENT OF AGRICULTURE.
 3. THE WETLAND DETERMINATION IS BASED ON LIMITED FIELD INTERPRETATION AND AERIAL INSPECTION. ALL WETLAND LIMITS SHOULD BE VERIFIED THROUGH FEDERAL AND STATE AGENCIES AND RECORDED BY A LICENSED SURVEYOR.

ATTACHMENT "G"
 (3 SHEETS)

DESCRIPTION SKETCH

LOCATED IN
 SECTION 27, TOWNSHIP 34 S., RANGE 18 E.
 MANATEE COUNTY, FLORIDA

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K:\LEGALS\2002\BENNETT PARK-PAR-A-B-C-D T:\HOWARD\BENNETT\BENNET-DS.DWG

Zoller, Najjar, & Shroyer, L.C.
 Engineers, Planners, Surveyors, Landscape Architects & Environmental Consultants

CERTIFICATE OF AUTHORIZATION No. LB 6982

201 5th AVENUE DRIVE EAST POST OFFICE BOX 9448
 BRADENTON, FLORIDA 34208
 FAX (941) 748-3747
 E-MAIL: ZNS@ZNSENG.COMM
 TELEPHONE (941) 748-8090

FILE: BENNET-DS.DWG DISK # 0000 CHECKED REME DATE SCALE 1" = 200 FT.
 DRAWN HB COMP RE-32 JOB NO. 00-29493 F.B. NO. 565.PC. NO. 2 SHEET 1 OF 1

BENNETT

ATTACHMENT 'E'

**Management Plan
Revision #2**

**Bennett Park
(Manatee County, Florida)**

Project No. 01-004-FF1

June 25, 2008

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Exhibits

- Exhibit A. Existing Features Map, Revised 6/07
- Exhibit B. Proposed Physical Improvements/Master Site Plan Map, Revised 6/07
- Exhibit C. Boundary Map, Revised 6/07
- Exhibit D. 100-Year Flood Plain Map, Revised 6/07
- Exhibit E. Florida Natural Areas Inventory Listed Species Form- Animal and Plants
 - Exhibit E (1) Endangered and Threatened Species Review – Additional Area
- Exhibit F. Exotic Pest Plant Council – List of Florida’s Invasive Species
- Exhibit G. Natural Communities Map, Revised 6/07
- Exhibit H. Manatee County – Greenway Trail System
- Exhibit I. Paddle Manatee – Manatee County Blueways
- Exhibit J. Management Plan Priority Schedule, revised June 2007
- Exhibit K. Manatee County Ordinance No. 82-19 (Conducts Public Parks)
- Exhibit L. Copy of Recorded Deed
 - Exhibit L (1) Copy of Bennett Park Entry Road Agreement
- Exhibit M. Grant Agreement
- Exhibit N. Special Management Conditions
- Exhibit O. Archeological Probability Assessment
 - Exhibit O (1) Cultural Resource Assessment, Additional Area
- Exhibit P. Resolution No. R-02-246 Fee Schedule
- Exhibit Q. Conservation Easement Baseline Study, June 2007

Section I. Introduction – Original Text, January 2003

The project site, hereinafter referred to as Bennett Park is located in central Manatee County adjacent to the Interstate-75 corridor and consists of 179.4 acres of flatwoods, hydric hammock, and tidal marsh.

The Bennett Park project site is bounded on the North by I-75, on the east by Kay Road, on the south by privately owned agricultural land, and on the west by a tributary of the Manatee River. The property is situated in Section 27, Township 34 S, Range 18 E, in Manatee County.

When completed, Bennett Park will be 179.4 acres in size. The FCT portion consists of 154.4 acres. Manatee County plans to purchase 19.86 acres directly adjacent to the FCT portion to provide indoor recreation, athletic fields, maintenance and administrative facilities. Additionally, 5.14 acres will be purchased to provide space for improvements/realignment of Kay Road. However, the Parks and Recreation portion will be managed in concert with the FCT project site. No FCT funds will be expended in the purchase of the County out parcel.

There are three distinct plant communities within the Bennett property; a) flatwoods, greatly disturbed by row crop agriculture, livestock uses (pastureland), freshwater ponds and exotics; b) hydric hammock and c) tidal marsh with marginal tidal swamps. There are 104 acres of pasture, currently being grazed, some recently cleared of Brazilian pepper thickets and planted with Bahia grass. Approximately 21 acres of Brazilian Pepper remain. There are two freshwater marshes and two freshwater ponds (13 acres) which were made from borrow pits. The pasture used to be part of an agricultural row crop operation and the seep irrigation furrows can still be seen on aerials. The Hydric hammock (8 acres) has been historically impacted by ditching and filling to improve drainage to the upland area and impacted by exotics. The tidal community (33 acres) has been impacted by the row crop operation, the building of Interstate-75 and the devastating invasive Brazilian pepper coverage. Most of the current swamp acres have had all native plants replaced by the Brazilian pepper thickets.

This 179-acre property has a long agricultural history. The agricultural impacts include row crop operation with drainage improvements including the small intermittent freshwater stream surrounded by Hydric and Mesic Hammocks. Also, impacted were freshwater marshes which were excavated creating freshwater ponds for fill and base for agricultural access roads. Later two additional ponds were dug for building of I-75. These impacts occurred before the 1980's when wetland regulations came in place. Presently, the property is utilized by livestock and partially is overrun by Brazilian Pepper. However, the property owner recently cleared large portions of the infested areas.

The area of S.R. 64 and Kay Road at I-75 has experienced commercial development since the mid-1990s and serves as a commercial hub. Within one-half mile of the project site is a Race Trac gas station at the northwest corner of the intersection of Kay Road and S.R. 64. Comfort Inn, Chevron, and a strip shopping center are located just to the east at the intersection of 65th Court East and S.R. 64. Additionally, more commercial development in close vicinity to the project site is on the horizon. The purchase of the Bennett Property is a wonderful opportunity to conserve an environmentally important tract of land and its wildlife and native vegetation, while providing additional passive and active recreational experiences for park patrons.

Upon purchase of this site, the management goals will be the continued eradication of nuisance-exotic species and the revegetation of the property with native vegetation. There will be a concerted effort to restore the pine flatwoods and the other natural communities. Such communities are the impacted small fresh water tributaries with hydric hammocks and marginal tidal swamps bordered by coastal uplands.

Animal species typically found on similar sites include: Reddish egret, Piping plover, Snowy egret, Brown pelican, White ibis, Florida sand hill crane, and the American alligator. Grant funding from Florida Communities Trust (FCT) was used to acquire the Project Site and the management plan was developed to ensure that the Project Site will be developed in accordance with the Grant Award Agreement and in furtherance of the purpose of the grant application.

Section I (a) Introduction – Revision 1, Additional Information

The Management Plan has been revised in order to incorporate changes due to the modifications in the Bennett Park boundary and to update the plan to make it consistent with current plans and information. The changes include deeding a portion (2.37 acres) of the southern area to Rueben-Holland Development, LLC in order for Ruben-Holland to acquire land upon which to build a shared entrance road from Cypress Creek Boulevard into the adjacent future subdivision. This road will also serve as the main entrance road into the park. Additional area has been incorporated into the park in two parcels along the south and west park boundaries. A conservation easement was also acquired from Cypress Creek Development Corporation, LLC whose site borders Bennett Park on the west side. Exhibits A, B, C, D, and E have been revised to reflect these boundary changes.

As requested by FCT, the Management Plan has been revised in its entirety and is presented as a stand-alone document, with all original text and documentation provided. Where necessary, each section of the text and corresponding exhibits have been modified and updated to include any changes in acreage and land use. No other changes are proposed for the management of the park site and the original text is provided and valid at this time. The updated sections are identified as “Revision 1, Additional Information” and revise, correct, or provide additional information to the original text where necessary to address any changes resulting from the additions or deletions to the park area.

As defined in the attached agreement, Manatee County and Ruben-Holland Development, LLC, have entered into a “Reimbursement Agreement” which will allow Cypress Creek to construct an entry road from Cypress Creek Boulevard that will serve both its property and Bennett Park. Although the agreement initially gives up 2.37 acres of property, that specific property will also serve as the location of the Bennett Park entrance road. The property exchange will benefit the

Bennett Park project by ultimately providing an access point closer to the planned amenities and allow the County to better utilize its property for recreation and conservation endeavors. The transaction will also reduce the cost to the county for constructing the road. The property exchange will also provide an addition of 9.17 acres and result in a net increase in park area of 6.8 acres.

The project site, hereinafter referred to as Bennett Park is located in central Manatee County adjacent to the Interstate-75 corridor and consists of a total of 180.12 acres of fallow pasture/agricultural land (formerly flatwoods), hydric hammock, and tidal marsh. The Additional Area consists of 9.17 acres resulting in a net gain of 6.8 acres. The Conservation Easement includes the wetlands along the western boundary of the park, but is not included or managed as part of the park area. The Conservation Easement Baseline Study is included as Exhibit Q.

The acreage information has been updated to reflect actual acreages acquired through FCT funding and direct purchases by Manatee County. The acreages presented in the following paragraph correctly reflect those in recorded deeds. Prior acreages presented were from a variety of survey and written information, but were originally based on a land survey of the Bennett Park tract completed in 1977 by George A. Aspinall, Professional Land Surveyor.

When completed, Bennett Park will be 180.12 acres in size. The FCT portion will consist of 159.63 acres (152.83 acres from recorded deed plus 6.8 acres net gain from Ruben-Holland trade). Manatee County purchased 20.49 acres (from recorded deed) directly adjacent to the FCT portion to provide indoor recreation, athletic fields, a swimming pool, maintenance and administrative facilities. However, the Parks and Recreation portion will be managed in concert with the FCT project site. No FCT funds were expended in the purchase of the County's acquired parcel.

The natural communities within the Additional Areas and Conservation Easement are similar and correspond to those in the original Park area. They consist of: Hydric hammocks, marginal tidal swamps bordered by coastal uplands, and fallow pasture with encroaching Brazilian pepper (formerly flatwoods). The area deeded to provide the entrance road was primarily fallow pasture with a minor amount of freshwater marsh along the west edge of the Park's proposed entrance road.

Section II - Statement of Purpose – Original Text January 2003

The purpose of the acquisition of the Project site is to: 1) preserve, protect and restore environmentally sensitive wetlands; 2) protect the native plant and animal species that inhabit the property; 3) provide both passive and active recreation; 4) insure that the property is not

developed as a residential or commercial site; and 5) that the project is managed in a manner consistent with the protection of the environment.

Future uses of the project site includes both passive and active recreation activities such as canoeing, picnicking, fishing, hiking, wildlife observation, softball, football/soccer, water park activities, tennis, volleyball, horseshoes, etc.

Management objectives for this site are as follows:

- a. Removal of nuisance-exotic vegetative species and the revegetation of the project site with native vegetation.
- b. Improvement of the water quality and aquatic habitat.
- c. Encourage both passive and active recreational activities.
- d. Assist in the preservation of the project site by providing interpretive signage intended to educate visitors about the different ecosystems in the park.
- e. Provision of proper maintenance to insure the continued improvement of revegetated areas and overall protection of natural resources.

The project will provide outdoor recreational acreage and facilities to enhance and improve adopted level of service standards. Manatee County has experienced tremendous growth and the Bennett property will provide needed additional open space and water way access (Manatee River via canoe/kayak launch). There will be an effort by Manatee County to protect and preserve native plants and wildlife on the site and surrounding area. In addition, the purchase of the property will bring land under public ownership which removes the threat of commercial and residential development. The project's future land use designation will provide a mechanism to increase greenways, blueways and recreational trails as well as preserving natural communities and animal habitats. The project will protect groundwater quality and potential historical and archeological features.

The following list represents a summary of comprehensive plan policies and objectives which will apply to management efforts:

Objective 3.3.1 "Preserve and protect existing, viable wetland systems to maintain unique habitat functions of wetland areas as homes and critical breeding areas for many animal and plant species."

Objective 3.3.2 “Protect and preserve native wildlife, endangered, threatened and species of special concern as well as native upland habitat through acquisition, restoration and development controls.”

Objective 8.1.1 “Maintain a parks and recreation system consistent with level of service standards and performance measures.”

Policy 8.2.1.1 “Maintain/increase the quantity and quality of public beach and shoreline access points in Manatee County through acquisition, interlocal agreements with public/private landowners and through coastal shoreline donations.”

Objective 8.3.2 “Increase the utilization of public lands within the WO and CSVA ... for compatible recreation ... activities to maintain pervious areas/natural vegetative areas that aid in filtration of pollutants.”

Manatee County has experienced tremendous growth in the last fifteen years, especially in the eastern and southern sections of the county. The largest user oriented park, G.T. Bray is located in the western part of the County, while the newest user oriented park, Lakewood Ranch Park, is still under development and will help offset the needs of the residents of the eastern portion of the county. Neither of these parks have beach or shoreline areas for public use. There are no public recreational facilities within the immediate area of the Bennett parcel. The acquisition of the property will provide residents with new and enhanced access to the Manatee River through the tributary located at the northeastern corner. This area, located within the CHHA will be developed with low impact recreational components that will be designed to be consistent with protecting the environment, specifically in the use of pervious materials whenever possible in the road and parking lot (shell or paver block) which will access the canoe/kayak launch area and the nature trail. The canoe/kayak launch will include a canoe drop-off area, courtesy dock, and become part of the Manatee County Blueways Trail and serve as a trailhead providing a mid point for the Braden River Paddle Trail and the Upper Manatee River Canoe Trail (so designated by the State of Florida). The acquisition of the property will not only insure that the public will be able to enjoy passive and active recreational activities but will also insure the preservation of wetlands and wildlife in an ecologically important environment in a commercial area, specifically the I-75 corridor.

Relative to the project site, Manatee County acknowledges that the project site will be managed only for the conservation, protection, and enhancement of natural resources, and for public outdoor recreation that is compatible with the conservation, protection, and enhancement of the site.

Additionally, the County will identify the Project Site in all signs, literature and advertising as being publicly owned and operated as a natural conservation and outdoor recreation area and that the project site was acquired with funds from the Florida Communities Trust, Florida Forever Program.

Section II. (a) - Statement of Purpose – Revision 1, Additional Information

There are no additions or changes to the Statement of Purpose section with respect to the additional area, entrance road, or conservation easement.

Section III. - Site Development, Improvements and Access – Original Text, January 2003

Existing physical improvements on the site include: borrow pits; cattle pens; entrance road from Kay Road; pasture and fencing. See Exhibit A - Existing Features.

Physical improvements planned for the FCT purchased portion of the project site are: three picnic shelters, three picnic shelter/restrooms, two sand volleyball courts, splash park, two hundred and twenty parking spaces, amphitheater, six tennis courts; one playground; horseshoe pits, nature/fitness trail, three fishing piers, canoe launch, and soccer field. Please note that the soccer field will serve primarily as a practice field. See Exhibit B - Proposed Physical Improvement/Site Plan.

Identified proposed physical improvements on the portion of the project site to be purchased with County funds are four softball fields, concession/restrooms/scorekeepers building, multi-purpose building, maintenance building, two hundred parking spaces and improvements to Kay Road. The softball field complex will be lighted and will include dugouts and bleachers for each field. Bleacher capacity for each field will be 100. A centrally located restroom/concession/scorekeeper/announcer booth facility will also serve the complex.

Access to the project site is via Kay Road. Planned improvements to Kay Road include sidewalks and bike lanes that will connect to the park which will also include bike lanes. In addition, bike parking stands will be installed at the project site to encourage an alternative to automobile transportation.

Proposed improvements of natural areas at the site will be negligible as nearly all of the site except some of the western marsh area is disturbed. Conversely, proposed improvements to disturbed area total 23 acres.

The facilities and grounds of the project site will be open to the public from 7:00 a.m. - 10:00 p.m., seven days a week with extended hours for active recreation facilities. Landscaped areas and athletic fields will be maintained by the Parks and Recreation Department on a routine basis. Additionally, the Parks and Recreation Department will be responsible for daily trash collection/disposal and janitorial services.

A combination of bollards, curbing, and wheel stops will be used to contain cars in the parking areas and prevent park users from driving or parking anywhere on the project site other than areas designated for such.

The following conditions for development will be incorporated into the project site:

1. Two (2) permanent recognition signs, at least 2' by 3' and containing the logos of Manatee County and FCT, placed and maintained at the entrance area of the Bennett Park Site and at the canoe launch will acknowledge that the site is open to the public and contain the following statement: "Funding for the acquisition of this site was provided by the Florida Communities Trust Florida Forever Program and Manatee County" and will list the date of acquisition. In addition, any public relations activities, including brochures, will include the fact the property is publicly owned and operated as a natural conservation area. A kiosk with interpretive signage will be placed along the nature trail in each of the three district plant communities describing the natural plant communities and explaining the restoration process.
2. The parking area will incorporate pervious materials where feasible.
3. Placement of trash cans at all picnic and parking areas.
4. Provide a 100' buffer between major facilities of athletic fields and wetlands.
5. Provide a 25' buffer between nature trails or other minor facilities and wetlands.
6. Provide a 10' buffer between nature trails and wetlands.
7. Provide and design stormwater facilities for parking and other development areas to mimic nature and provide wildlife habitat.
8. Enhance water access.
9. Provide tot-lots/playground to attract users to the park.

10. Provide access to the park and construct park facilities that comply with the American with Disabilities Act.
11. Manatee County “will request written approval from the FCT before undertaking any site alterations or physical improvements that are not addressed in the approval management plan.”

The following list includes the agencies from which permits may or will be needed for development and restoration activity:

- Florida/Department of Environmental Protection/D.E.P. (Environmental Resource Permit)
- Florida/Southwest Florida Water Management District/S.W.F.W.M.D (Surface Water Management Permit)
- Manatee County Government (Administration Permit and Final Site Plan)
- Manatee County Government (Building Permits)

There are no known easements, concessions, or leases on the property and no new easements are proposed. In the event that there is a change involving any lease of any interest, the operation of any concession, any sale or option, or the granting of any other management contract, the following procedures will be implemented. The appropriate contract and/or lease would be developed by the County Attorney’s Office in cooperation with the proposed contractor. FCT would be notified in writing, requesting input and approval at least 60 days prior to formal action on the contract/lease by the Manatee County Board of County Commissioners. The concession for the softball complex will be located on the parcel purchased with County funds.

Section III (a) - Site Development, Improvements and Access – Revision 1, Additional Information

There are no existing features or physical improvements in either the Additional Area or the Conservation Easement site. There were no existing features or physical improvements lost in the Entrance Road area. Exhibit A has been revised to reflect the change in the property boundary and include the location of the existing fence and the two existing FCT signs.

There are no future improvements proposed within the Additional Area. At this time, there are no plans to construct a nature trail or boardwalk through the conservation easement area or park expansion areas. The sites are located west of the creek and accessing them would be difficult; constructing amenities may be damaging to the systems. The areas will be accessible to intrepid explorers from the park side and viewable by canoeists and kayakers. The original proposed improvements in the entrance road area included an internal park roadway and a small portion of

a parking lot. The internal park roadway and parking lot can be easily relocated. Consequently the proposed entrance road will only enhance access to the park.

Exhibit B has been revised to reflect the change in the property boundary and the conservation easement area. The proposed parking area, where the new access road is located, has been moved. In order to match the non-funded Capital Improvement Plan (CIP), the following changes have been made to Exhibit B: addition of a swimming pool, general location of upland and wetland restoration, revision of parking area size adjacent to the softball complex, change in number of pavilions to two and additional information that they are pavilions with restrooms. Other minor clarifications include identifying the general location of the canoe launch, including restrooms in the splashground area, and identifying the volleyball area as two "sand" volleyball courts. There are no further changes proposed to the planned improvements at this time.

Access to the Additional Areas and the Conservation Easement will be through the Park and from future access agreements with Cypress Creek Development Corporation, respectively.

There are no known easements, concessions, or leases on the Additional property and no new easements are proposed. In the event that there is a change involving any lease of any interest, the operation of any concession, any sale or option, or the granting of any other management contract, the following procedures will be implemented. The appropriate contract and/or lease would be developed by the County Attorney's Office in cooperation with the proposed contractor. FCT would be notified in writing, requesting input and approval at least 60 days prior to formal action on the contract/lease by the Manatee County Board of County Commissioners.

Section IV - Key Management Activities – Original Text, January 2003

Natural Resource Protection:

There are three distinct plant communities within the Bennett property as follows: a) flatwoods, b) hydric hammock, and c) tidal marsh with marginal tidal swamps.

The pastureland consists of approximately 39.6 acres in addition to the recently cleared Brazilian pepper thickets of 15.1 acres that has been planted with Bahia grass (sum of 54.7 acres). Just within the last year another 6 acres of the property has been cleared of Brazilian pepper. This area has not been seeded at this time (September 2, 2002). Most of the pasture was developed from flatwoods. However, a significant portion appears to have been developed from historical hydric hammocks and fresh water marshes. The fresh water marshes were excavated for fill in the 1970s. The present pasture is a poor quality pasture with low carrying capacity. The pasture

used to be part of an agricultural row crop operation and the seep irrigation furrows can still be clearly seen on the aerial photographs.

The Hydric hammock consists of approximately 4.5% of the property (8 acres) that has been historically impacted by ditching and filling to improve drainage to the upland area. The plant community is impacted by nuisance exotic vegetation such as Brazilian pepper.

The tidal influenced area includes 18.4% of the property (33 acres). For the most part, the tidal community has been impacted by the row crop operation, the building of Interstate-75, and the devastating invasive Brazilian pepper coverage. Most of the current swamp acres have had all native plants replaced by the Brazilian pepper thickets. The only indication of the plant community suggested that those locations might have been tidal swamps. Some of the black needle rush communities are in good health due to saline hydration and distance from human activities.

The following lists provide a representative sample of various plant species found in each vegetative community.

Tidal marsh and Tidal swamp plant list-Scientific and Common Names:

Canopy

Conocarpus erectus	Buttonwood
Laguncularia racemosa	White mangrove
Shinus terebinthifolius	Brazilian pepper

Shrubs

Acrostichum danaeifolium	Leather fern
Baccharis halimifolia	Saltbush
Iva frutencens	Marsh elder

Groundcovers

Heliotropium curassavium	Seaside heliotrope
Juncus roemerianus	Black needle rush
Sesuvium portulacastrum	Sea purslane
Spartina patens	Marsh hay
Sporobolus virginicus	Seaside drop seed

Hydric Hammock Plant list Scientific and Common Names:

Canopy

<i>Celtis laevigata</i>	Hackberry, sugarberry
<i>Citrus Aurantium</i>	Sour orange
<i>Enterolobium cyclocarpum</i>	Elephant ear pod tree
<i>Pinus elliottii</i> var <i>densa</i>	South Florida slash pine
<i>Quercus laurifolia</i>	Laurel oak
<i>Quercus virginiana</i>	Live oak
<i>Rhus copallina</i>	Winged sumac
<i>Sabal Palmetto</i>	Cabbage palm

Understory trees

<i>Baccharis halimifolia</i>	Saltbush
<i>Myrica cefyfera</i>	Wax myrtle
<i>Shinus terebinthifolius</i>	Brazilian pepper

Shrubs

<i>Callicarpa americana</i>	Beauty berry
<i>Serenoa repens</i>	Saw palmetto

Groundcovers

<i>Ambrosia artemislifolia</i>	Ragweed
<i>Amaranthus hybridus</i>	Pigweed
<i>Commelina diffusa</i>	Dayfower
<i>Eupatorium capillifolium</i>	Dog fennel
<i>Lantana camera</i>	Lantana
<i>Osmunda cinnamomea</i>	Cinnamon fern
<i>Paspalum notatum</i>	Bahia grass
<i>Psychotria nervosa</i>	Wild coffee
<i>Rubus spp</i>	Blackberry
<i>Urena lobata</i>	Caesar weed

Vines

<i>Smilax auriculata</i>	Catbrier
<i>Toxicodendron radicans</i>	Poison ivy
<i>Vitis rotundifolia</i>	Fox grape

Pasture Plant list Scientific and Common Names:

Shrubs

Sabal palmetto	Cabbage palm
Schinus terebinthifolius	Brazilian pepper

Groundcovers

Ambrosia artemisiifolia	Ragweed
Amaranthus hybrids	Pigweed
Conyza canadensis	Horseweed
Eupatorium capilliofolium	Dog fennel
Lantana camara	Lantana
Paspalum notatum	Bahia grass
Phyla nodiflora	Frogfruit, match head
Rubus spp.	Blackberry
Rumex acetosella	Red sorrel
Sporobolus indicus	Smutgrass
Urena lobata	Caesar weed

Most of the historic damage has been done to the Hydric flatwoods of this site, being totally wiped out for agricultural operation. Some of the upland areas will be developed and used as ball field and playground, etc. However, a large area will be restored and incorporated with the other natural areas of the park.

The following plant list will be used to restore the flatwood community:

Canopy: South Florida Slash pine, Redbay, Sweetbay, Water oak, Cabbage palm, Dahoon Holly.

Shrubs: Pawpaw, Tarflower, Beautyberry, St. John's wort, Gallberry, Rusty lyonia, Shiny lyonia, Wax myrtle, Shining sumac, Saw palmetto, Walter viburnum.

Ground cover: Wiregrasses, Gopher apple, Muhly grass, Lop-sided Indian grass, Blueberry, Shiny blueberry, Coontie, Smooth cordgrass, Marsh hay, and Sand cordgrass.

Vines: Yellow jessamine.

Wildflowers: Butterfly weed, Golden aster, Blazing star, Horsemint, Pennyroyal, Black-eyed Susan, Blue-eyed grass, Ironweed.

The following plant list will be used to restore Mesic hammocks and enhance the existing Hydric hammocks

Canopy: Sugarberry, Red maple, Bald cypress, Sweetbay, Laurel oak, Cabbage palm, Water oak, Live oak, Pignut hickory, Florida elm, Dahoon holly, and Southern red cedar.

Shrubs: Buttonbush, Shiny lyonia, Wax myrtle, Saw palmetto, Willow, Gamagrass, Highbush blueberry, Walter viburnum, Beautyberry, Yaupon holly, Wild Azalea, Bluestem palmetto, Saltbush.

Ground Cover: Swamp fern, Southern shield fern, Cinnamon fern, Royal fern, Chain fern, Dichanthelium spp., Coontie.

The following plant list will be used to restore the Coastal Upland Fringes next to the Tidal marshes and marginal Tidal swamps:

Canopy: Sugarberry, Persimmon, Southern red cedar, Live oak, Cabbage palm, American holly, Myrtle oak.

Shrubs: Beautyberry, Yaupon holly, White stopper, Wild coffee, Wax myrtle, Tough bumelia.

Ground Cover: Coontie.

The continuation of nuisance-exotic removal and the revegetation of the cleared areas will be the most important management goals upon acquisition of the property. In addition, the following plant list will be used to restore and enhance the Tidal marshes and marginal tidal swamps:

Canopy: Buttonwood, White mangrove, Black mangrove, red mangrove.

Shrubs: Leather fern, Saltbush, Christmas berry, marsh elder.

Ground Cover: Seaside heliotrope, Black needle rush, Sea purslane, Smooth cordgrass, Marsh hay, Seaside drop seed, Seashore paspalum, Saltgrass, Sea-oxeye daisy, glasswort.

There are several small freshwater lakes (borrow pits) on the project site as well as a tidal marsh which covers 33 acres of the project site. The water quality of the tidal marsh area and the fresh water lake water quality are fair due to the disturbed conditions of the property. The acquisition and management of the property as a public park will ensure the improvement of water quality and aquatic habitat by eliminating the historic agricultural uses, such as row crops and cattle grazing. The use of fertilizers and herbicides will be severely restricted to limited noxious plant control. This will effectively minimize pollutant loads to the maximum extent possible and will result in immediate natural systems and surface groundwater quality enhancement.

A survey of the natural resources on the project site was completed in the summer of 2001 by Daniel Somadi, Conservation Planner, Agriculture and Natural Resources, Soil and Water Division of Manatee County, working in the U.S.D.A. Natural Resources Conservation Service Field Office in Sarasota. Mr. Somadi made two visits to the project site during which he identified the previously mentioned vegetative communities, past and present uses, as well as the current condition of the site. Additionally, due to the degraded condition of the project site, few natural occurring species were found on the site other than those already mentioned in previous sections. However, Mr. Somadi prepared a list of animal and plant species which would normally be found on the site.

The following plant list will be referenced to restore the flatwoods community:

- Canopy:** South Florida Slash pine, Redbay, Sweetbay, Water oak, Cabbage palm, Dahoon holly.
- Shrubs:** Pawpaw, Tartflower, Beautyberry, St. John's wort, Gallberry, Rusty lyonia, Shiny lyonia, Wax myrtle, Shining sumac, Saw palmetto, Walter viburnum.
- Ground Cover:** Wiregrasses, gopher apple, Muhly grass, Lop-sided indiangrass, Blueberry, Shiny blueberry, Coontie, Smooth cordgrass, Marsh hay, and Sand cordgrass.
- Vines:** Yellow jessamine.
- Wildflowers:** Butterfly weed, Golden aster, Blazing star, Horsemint, Pennyroyal, Black-eyed Susan, Blue-eyed grass, Ironweed.

The following plant list will be referenced to restore Mesic hammocks and enhance the existing Hydric hammocks:

- Canopy:** Sugarberry, Red maple, Bald cypress, Sweetbay, Redbay, Laurel oak, Cabbage palm, Water oak, Live oak, Pignut hickory, Florida elm, Dahoon holly, Southern red cedar.
- Shrubs:** Buttonbush, Shiny lyonia, Wax myrtle, Saw palmetto, Willow, Gamagreass, Highbush blueberry, Walter viburnum, Beautyberry, Yaupon holly, Wild Azalea, Bluestem palmetto, Saltbush.
- Ground Cover:** Swampfern, Southern shield fern, Cinnamon fern, Royal fern, Chain fern Dichantherium ssp., Coontie.

The following plant list will be referenced to restore Coastal upland fringes next to the Tidal marshes and marginal Tidal swamps:

- Canopy:** Sugarberry, Persimmon, Southern red cedar, Live oak, Cabbage palm, American holly, Myrtle oak.
- Shrubs:** Beautyberry, Yaupon holly, White stopper, Wild coffee, Wax myrtle, Tough bumelia.
- Ground Cover:** Coontie.

The following plant list will be referenced to enhance the Tidal marshes and marginal tidal swamps:

- Canopy:** Buttonwood, White mangrove, Black mangrove, red mangrove.
- Shrubs:** Leather fern, Saltbush, Christmas berry, marsh elder.
- Ground Cover:** Seaside heliotrope, Black needle rush, Sea purslane, Smooth cordgrass, Marsh hay, Seaside drop seed, Seashore paspalum, Saltgrass, Sea-oxeye daisy, glasswort.

The following species potentially utilize the property:

- | | | |
|-----------------|------------------------|---------------|
| Animals: | Egretta rufescens | Reddish egret |
| | Chradrius melodus | Piping plover |
| | Egretta thula | Snowy egret |
| | Pelecanus occidentalis | Brown pelican |

Eudocimus albus
Grus canadensis paratensis
Alligator mississippiensis

White ibis
Florida sand hill crane
American alligator

The monitoring activities previously identified will be performed on a once a year cycle with the first monitoring scheduled to be performed six (6) months after transfer of deed to the project site. During the monitoring, the County will notify Florida Natural Areas Inventory (FNAI) if any new species are identified which are listed in the FNAI inventory by utilizing the FNAI field report forms provided by FNAI.

The County has notified the Florida Fish & Wildlife Conservation Commission (FFWCC) that a copy of the proposed management plan will be forwarded to them to assist the County with guidance, recommendations and necessary permits to avoid impacts to listed species. If comments from the FFWCC have been received by the County prior to submittal of this management plan, those comments will be attached. If they are received after submittal of the plan, said comments will be forwarded to FCT along with the County's comments.

Resource Enhancement

This 179-acre property has a long agricultural history of cattle grazing and row crop operations. However, there are three distinct plant communities within the site as follows: A) flatwood/uplands (greatly disturbed 125 acres); B) hydric hammock (8 acres); and C) wetland communities (tidal marsh/ponds 46) acres).

The acquisition and management of the Bennett Property as a public park will ensure the water quality of the creek and borrow pit lakes will be protected and enhanced through the implementation of appropriate water shed and lake management techniques. Specifically, the elimination of all historic, agricultural uses (new crops and cattle grazing) will reduce the need for fertilizers, herbicides and the negative impact for cattle waste. This, effectively, minimizes pollutant loads to the maximum extent possible and will result in immediate natural systems and surface groundwater improvements.

Upon purchase of the property, the following work will take place to enhance the resources of the site:

- A) Eradication of nuisance exotic species utilizing the Exotic Pest Plant Councils List Of Florida's Most Invasive Species as a reference tool. The following exotics were found on the site: *Schinus terebinthifolius* (Brazilian pepper), *Casuarina equisetifolia* (Australian Pine), *Malaluca leucadendra* (Punk tree), and *Cupaniopsis anacardiopsis* (Carrotwood); and

- B) Revegetation of the property with native plant such as: South Florida Slash Pine, Water oak, Saw palmetto, Wiregrasses, Marsh hay, Yellow jessamine and Blue-eyed grass. Approximately 67 50 acres of degraded upland and 41 25 acres of degraded wetlands will be restored to natural conditions per requirement of FCT.

The restoration effort and future domestic landscaping will be guided by a historical perspective and recommendations from the Division of Forestry, Florida Fish and Wildlife Conservation Commission and the Florida Yards and Neighborhood Program. Furthermore, restoration plans for the wetland areas will be a joint effort among Manatee County; the Tampa Bay Estuary Program (TBEP); the Department of Environmental Protection (DEP); and Southwest Florida Water Management District (SWFWMD) which will provide assistance in obtaining grant funding through the Surface Water Improvement & Management (SWIM) program.

Removal of the exotic plants is scheduled to occur after archeological and/or historical surveys have been performed. Removal will be by cutting and treating the stumps with an approved herbicide to prevent new shoots from sprouting. In some cases, exotic vegetation with a shallow root system will be removed and the area treated to minimize the potential for regrowth through a maintenance program.

The Sheriff's Department Road Gang, guided by the Florida Yards and Neighborhood Coordinator or other individual(s) skilled in plant identification, will be used to conduct the first removals in areas infested with exotics. Quarterly inspections of the site under the Florida Yards and Neighborhood Coordinator's direction will be made until all exotics have been removed and replanting has occurred. After the work is completed, the site will be inspected once a year. During the inspections, a number of parameters for measuring the success of the restoration will be used: 1) number of invasive exotic seedlings that have appeared; 2) survival rate of the replacement native vegetation; and 3) natural recruitment of native species. If exotics are found, they will be removed either by manual techniques or application of an herbicide approved for aquatic habitat. This periodic maintenance is required as a continuing obligation of property management in light of nearby seed sources on other private property. When the inspections are conducted, the Exotic Pest Plant Council's List of Florida's Most Invasive Species will be used as a reference in their identification. A copy of the list is included in the Supporting Documents section of this plan.

Additionally, the County will landscape the areas around the user oriented recreational facilities, parking areas and along the road right-of-ways with native plant species to provide wildlife habitat and enhance the function and appearance of the Project Site.

Several site visits by Manatee County staff have given no indication that there are any feral animals on the project site. The only animals on the site excluding native wildlife is a herd of beef cattle and two (2) horses which will be removed from the site shortly after transfer of deed to the property.

Periodic monitoring of the site by the Parks and Recreation staff will determine the presence of feral animals in the future. Should feral animals be identified as a target for removal, Manatee County Animal Services, a division of the Public Safety Department, will coordinate their removal.

As the project site is almost entirely cleared pastureland with only a few small strands of oaks/palmettos or tidal marsh, there are no plans to conduct controlled burns. Additionally, future proposed development precludes the need for controlled burns.

The entire parcel is located within the 100 Year Flood Plain ("A" flood zone) and the Coastal Planning Area (CPA-Zone 1, 2, and 3 of the Hurricane Evacuation Date). Approximately half of the site is within the coastal high hazard/coastal storm area (CSVA-area seaward of the 5' contour zone). See Exhibit J. (Flood Plain Map of Florida Communities Trust Application) Form FF-1, Manatee County #01-004-FF-1, which depicts the 100 year Flood Plain and CSVA area.

The user orientated recreation facilities, softball fields, multi-purpose building, tennis courts, splash park, etc., will be located outside the CSVA area. However, these facilities will be within the 100-Year Flood Plain. Manatee County will follow all State of Florida mandated management principles in design and construction of the facilities. This will include environmental safeguards as well as local and state building code/engineering requirements for construction within coastal high hazard areas. Furthermore, the location and design of the parking and other site improvements shall have minimal impact on material resources. The parking areas shall incorporate pervious material wherever feasible. Stormwater management facilities on the Project Site will be designed to provide recreational open space or wildlife habitat.

Archeological and Historical Resource Protection

Currently, no archeological or historical sites have been found on the project site. This is based on a survey of the site and a subsequent report (Exhibit O - Archeological Probability Assessment) dated June 29, 2001 submitted to the County by Bill Burger, M.A.R.P.A., Archeologist. However, a cultural resources assessment survey will be conducted prior to any land clearing or ground disturbance. If archeological or historic sites are identified in the future, such sites will be immediately protected by a physical barrier to prevent any further site

degradation. Additionally, the Division of Historical Resources will be contacted for guidance on the protection of the site.

The County acknowledges that the collection of artifacts or the disturbance of archeological and historic sites on the project site will be prohibited unless prior authorization has been obtained from the Department of State, Division of Historical Resources and that the management of archeological and historic resources will comply with the provisions of Chapter 267, Florida Statutes, specifically Sections 267.061(2)(a) and (b). A copy of the management plan will be forwarded to the Division of Historical Resources for their input. Any comments received will be included and become a part of the management plan.

Education Program

The project site offers a great diversity of habitat within a relatively small area and lends itself to environmental study. Environmental education will be developed through a concerted effort between the Manatee County School Board's Environmental Education Program and Manatee County Parks and Recreation, Conservation Lands Management, Agriculture and Natural Resources, and Environmental Management Departments.

The target group will be elementary school students with the objective of the project site visits being the interrelationship between various habitats and plant and animal identification. These visits will provide students with an outdoors experience and opportunity to increase their knowledge of the environment and their parks system.

A minimum of three interpretive signs will be placed in the park describing the natural features (salt marches and flatwoods) and wildlife as well as a directional kiosk (Blueways connections).

Maintenance

Maintenance of the project site subsequent to purchase but prior to development will be limited to mowing the pasture areas to prevent further encroachments of non-native plant species, as well as removal of some of the existing non-native plant species.

Maintenance of the project site during and after development will be the responsibility of the Manatee County Parks and Recreation Department. Maintenance activities necessary for the project site and proposed improvements as well as the specific county department or service contractor assigned to that maintenance are as follows:

Landscape Maintenance - Manatee County Parks and Recreation Department
Custodial Maintenance - Manatee County Parks and Recreation Department

Building/Shelter Maintenance - Manatee County Facilities Management Department/Manatee County Parks and Recreation Department
Athletic Field Maintenance - Manatee County Parks and Recreation Department
Tennis Court Maintenance - Manatee County Parks and Recreation Department
Sign Maintenance - Manatee County Parks and Recreation Department
Fishing Pier/Canoe Launch Maintenance - Manatee County Parks and Recreation Department
Vegetative Restoration Management - Manatee County Parks and Recreation Department.

Security

Security within the park will be the responsibility of the Parks and Recreation Department. Prior to development of the site, the County will post the boundaries of the property as well as reference the east and south boundaries, if necessary. The north boundary is already fenced (I-75 boundary fencing) and the west is primarily tidal marsh wetlands. Additionally, arrangements will be made with the Manatee County Sheriff's Department to patrol the project site on a regular basis (a Sheriff's Department substation is located less than one mile from the project site). Subsequent to development, Parks and Recreation will be on site and/or available to enforce the County's park rules and regulations. To decrease the incidence of vandalism, the County will use construction materials that are less prone to vandalism.

Greenways and Blueways Management

Manatee County incorporates the philosophy of developing Greenways and Blueways which protect open space, complement conservation lands and provide recreation opportunities. Efforts are made to develop Greenways along extended open space areas and water features, linking conservation lands, parks, cultural/historic sites with each other and populated urban areas.

The addition of a canoe/kayak launch along the Manatee River tributary of approximately 1/4 mile and the associated public facilities (parking and restrooms) will serve as a rest stop and center point between the well known Braden River paddle trail and the state designated Upper Manatee River canoe trail, a distance of over eight miles. The launch area will provide a canoe/kayak element of Manatee County Blueways Trail System.

The Manatee County Board of County Commissioners adopted the "Manatee County Greenways - Action Plan 1997" which provided a framework for the development of a greenways and blueways system. In 2000, Manatee County received a grant from the Florida Department of Community Affairs, Coastal Management Program to develop the Blueways Component. On July 24, 2001, the Board of County Commissioners accepted the countywide blueways system map, which includes this site as a trailhead.

The park will contain a 1.5 mile nature trail along the western boundary (Manatee River tributary) and continue across the northeast boundary around the major freshwater pond. The bike path through the park will lead to the canoe launch as well as bisect the nature trail.

In addition, the Florida Department of Environmental Protection has designated a portion of the Upper Manatee River as a canoe trail, as indicated on FDEP's Greenway and Blueway website. The addition of this site on the Blueways trail will provide a stopping point along an eight mile stretch of the Manatee River and the Upper Manatee River Canoe Trail.

The project will enhance the existing Blueways system by providing both trailhead and trail site facilities, including a launch site and parking with restrooms nearby. The 1/4 mile trail on the Manatee River tributary will extend the canoeing experience provided by the existing trail.

Coordinated Management

Manatee County Parks and Recreation will work with the State of Florida Department of Environmental Protection, Division of Forestry, Florida Greenways & Trails Council, Southwest Florida Water Management District, and Sarasota/Manatee Metropolitan Planning Organization, Manatee Greenways and Blueways Committee and various Manatee County Departments to coordinate/implement our Comprehensive Plan policies and objectives related to Greenway and Blueways protection and management. In addition, Manatee County confers with Florida Fish & Wildlife Conservation Commission to insure sensitive environments are managed to enhance the quality of wildlife.

The Parks and Recreation Department will insure all required permitting will be done in a coordinated manner with other County Departments and appropriate State and Federal agencies, including but not limited, to FDEP and SWFWMD. In addition, utilizing the field report forms for rare plants and animals, staff will inform the Florida Natural Areas Inventory (FNAI) of any newly-identified listed species found on the project site.

Staffing

Staffing of the park will require the hiring of five (5) full-time maintenance personnel as well as additional personnel (six full-time and four part-time) to staff the splash park and multi-purpose building. Hiring of operations and maintenance personnel would be phased to coincide with the development of the Park. By the time the park is fully developed, additional staff will be hired to operate the improvements located on the parcel purchased by the County. Additionally, existing resources from the Manatee County Sheriff's Road Gang will be used on major maintenance projects and vegetative restoration in the park.

Section IV (a) – Key Management Activities – Revision 1, Additional Information

Natural Resource Protection

There are no major changes to the previously stated Natural Resource Protection program for Bennett Park. The deleted acres for the entrance road were primarily disturbed agricultural lands. The additional acres and conservation easement area generally correspond to the previously stated communities. The northwest additional area and the conservation easement area are composed of hydric flatwoods and salt marsh. The southern addition is fallow agricultural land with exotics, primarily Brazilian pepper, and was historically a flatwoods community.

Attached as Exhibit E (1) is an endangered and threatened species survey completed by ECo Consultants, Inc. for Ruben-Holland that includes the Additional Areas and the Conservation Easement area. A Baseline Study for the Conservation Easement Area is attached as Exhibit Q.

The Conservation Easement seeks to preserve and protect the existing natural areas from future impacts, and to some extent maintain and enhance the site where and as needed. The baseline ecological study is incorporated and referred to in the Conservation Easement Agreement between Cypress Creek Investments, LLC, and Manatee County. FCT requested a baseline study be completed so that it would be possible to track and manage the values of the natural systems within the easement's boundaries. Manatee County has the responsibility to monitor future uses of the land to ensure compliance with the terms of the easement and to enforce the terms if a violation occurs.

Resource Enhancement

There are no major changes to the previously stated resource enhancement program for Bennett Park. The deleted acres for the entrance road were primarily disturbed agricultural lands.

The Conservation Easement area is described in detail in Exhibit Q -- Baseline Study. Monitoring of this area will be conducted on an annual basis by Manatee County and reported to FCT. Those areas requiring maintenance of exotic or nuisance species will be the responsibility of the Grantor of the easement.

Within the additional acres, there appears to be less disturbance or invasive exotics in the northwest corner. The southern addition is similar to the adjacent area and consists of fallow agricultural land with encroaching exotics – primarily Brazilian pepper. Maintenance and enhancement of the additional areas are as committed to and specified in Section IV above.

Archaeological and Historical Resource Protection

Attached as Exhibit O (1) is the “Addendum to Technical Memorandum on Cultural resources Assessment of Proposed Bennett Park parcel, Manatee County, Florida (T 34S, Rg 18E, Sec 27): Additional parcels” dated March 2007 and prepared by archaeologist B.W. Burger, M.A., R.P.A. The survey indicated that there were no important cultural resources on the additional areas.

There are no other changes to the originally stated Archaeological and Historical Resource Protection plan as stated in the approved Management Plan.

Education Program

There are no changes to the Education Program due to the additional acres added or deleted, nor will the Conservation Easement area be a part of the Education Program at this time.

Maintenance

There are no changes to the proposed maintenance program due to the additional acres added or deleted, nor will the Conservation Easement area be a part of the maintenance program at this time.

Security

There are no changes to the management of security due to the additional acres added or deleted, nor will the Conservation Easement area be a part of security management at this time.

Greenways and Blueways Management

There are no significant changes to the Greenways and Blueways management due to the additional acres added or deleted, nor will the Conservation Easement area be a part of the Greenways and Blueways management at this time.

The additional area added in the northwest corner will compliment the already planned Blueways trail from the park through the extra tidal marsh and channel ownership. This additional ownership will allow Manatee County to preserve and enhance a larger area of navigable channel and associated tidal marsh.

Coordinated Management

There are no changes to Coordinated Management due to the additional acres added or deleted, nor will the Conservation Easement area be a part of any interagency management or permitting at this time.

Staffing

There are no planned changes to staffing due to the additional acres added or deleted, nor will additional staff be required to monitor the Conservation Easement area.

Section V - Cost Estimate and Funding Source -- Original Text, January 2003

Structures and Improvements

1.	Picnic Shelters (3) 24' x 36'	\$ 90,720
2.	Picnic Shelters/Restrooms (3) 40 x 70	378,000
3.	Multi-purpose Building 10,000 sq. ft.	1,250,000
4.	Splash Park/Restroom.....	500,000
5.	Amphitheater	75,000
6.	Playground (ADA Components and Surfacing)	100,000
7.	Sand Volleyball Courts (2)	14,000
8.	Tennis Courts (6 lighted).....	210,000
9.	Softball Fields (4 lighted).....	800,000
10.	Concession/Restroom/Press Box Building.....	350,000
11.	Football/Soccer Field.....	40,000
12.	Maintenance Building 40' x 60'	144,000
13.	Fencing (east and south perimeters)	40,000
14.	Signage	35,000
15.	Entry and Circulation Road	300,000
16.	Parking Areas.....	200,000
17.	Utilities	200,000
18.	Site Amenities (picnic tables/grills/benches/water fountains).....	131,000
19.	Landscape and Irrigation.....	175,000
20.	Nature Trail (1.5 miles)	15,000
21.	Canoe Launch	24,000
22.	Fishing Piers (3).....	120,000
	Total	\$5,241,720

Resources Enhancement Activities

1.	Invasive/Exotic Plant Removal	200,000
2.	Restoration of Flatwoods Area	100,000
3.	Restoration of Hydric Hammock Area	100,000
4.	Restoration of Tidal Marsh/Swamp Area	100,000
	Estimated Total.....	\$500,000

Educational Program

Signage \$30,000

Maintenance Staffing/Equipment

1.	Parks Maintenance Supervisor I	\$32,000/yr.
2.	Senior Groundskeeper	26,000/yr.
3.	Recreation Maintenance Worker (3)	73,200/yr.
4.	Athletic Field Reel Mower (1).....	24,000
5.	72" Rotary Mower (1).....	20,000
6.	Utility Carts (1).....	15,000
7.	42" Walk Behind Rotary Mower	4,500
8.	Sand Pro/field Groomer.....	10,000
9.	Tractor/Lift Bucket/Bush Hog.....	45,000
10.	Paint Sprayer (Field Lining)	4,400
11.	Pick-up truck.....	12,000
12.	Equipment Trailer.....	7,000
13.	Radios (5)	8,500
14.	Weedeaters (2).....	500
15.	Edger.....	390
16.	Blower	450
17.	Chain Saw.....	300
18.	Back Pack Sprayer	650
	Total	\$283,890

Funding Sources: Florida Recreation Development & Assistance Program, Land and Water Conservation Fund, Recreational Trails Program, Tampa Bay Estuary Program, Southwest Florida Water Management District - SWIM grant, Natural Resources Restoration Fund, user fees, County impact fees, and County general fund dollars. All revenues received from activities, located on land purchased with FCT funds will be accounted for in a separate account(s) and go towards the upkeep and maintenance of the project site.

Section V (a) – Cost Estimate and Funding Source Park – Revision 1, Additional Information

There are no significant changes to the Cost Estimate and Funding Source estimates due to the additional acres added or deleted, nor will the Conservation Easement area be a part of the cost

estimates because exotic or nuisance species maintenance will be borne by the Grantor. At this time, there are no improvements proposed for any of the additional areas.

Changes to the proposed improvements are based on a recent (unfunded) CIP and revises the following line item, "Picnic Shelters/Restrooms (3) 40 x 70" to two (2). There are no changes to the original budget estimate, since costs have increased since 2003 and would necessitate a complete re-estimation of the original budget preparation.

Additions to the proposed improvements are based on a recent (unfunded) CIP and adds the following line item "Swimming Pool..... \$438,750"

Section VI - Priority Schedule -- Original Text, January 2003

See Exhibit J for timeline

Completion Dates

1.	Install Required FCT signage	8/03
2.	Cultural Resource Assessment Survey	8/03
3.	Post and fence property	12/03
4.	Grade site	12/04
5.	Exotic plant removal	3/05
6.	Construct trails	12/05
7.	Construct shell parking areas (pasture areas only)	12/05
8.	Install utilities/irrigation chase pipes	12/05
9.	Install roads and stormwater retention	12/05
10.	Install signage	12/05
11.	Construct maintenance building	12/06
12.	Construct picnic shelter/restrooms	12/06
13.	Construct canoe launch and fishing piers	12/06
14.	Install grills, picnic tables, benches, trash receptacles, and water fountains	12/06
15.	Construct volleyball courts and horseshoe pits	12/06
16.	Construct playground	12/06
17.	Construct amphitheater	12/06
18.	Install landscaping/irrigation	12/06
19.	Native plant restoration plan	9/07
20.	Construct softball complex, football/soccer field and associated irrigation and landscaping	7/08
21.	Construct tennis courts and parking lot.	10/09
22.	Construct multi-purpose building/landscaping and irrigation	3/11
23.	Construct splash park/landscaping and irrigation	4/12

Section VI (a) – Priority Schedule – Revision 1, Additional Information

The Priority Schedule has been modified to reflect changes to recent budgetary constraints, and the delay of all non-FCT required improvements until the final years of development. The revised schedule is attached as Exhibit J and replaces the previously approved schedule from January 2007. There are no significant changes to the schedule due to the additional acres added or deleted, nor will the Conservation Easement area be a part of the priority schedule at this time.

Section VII - Monitoring and Reporting -- Original Text, January 2003

Manatee County will prepare an annual Stewardship Report that evaluates progress on the project and submit the report on or before the anniversary date that the Project Plan was approved by FCT. The annual report will discuss the implementation of all projects and plans. Input will be requested from those entities or individuals who have participated in implementing the previous years' activities. Adjustments to timelines will be made as necessary.

Any proposed modifications to the Management Plan will be submitted to FCT for review and approval prior to any changes in the plan or procedures.

Section VII (a) - Monitoring and Reporting – Revision 1, Additional Information

Manatee County will complete a yearly evaluation on the additional acres and Conservation Easement area in the annual Stewardship Report that evaluates progress on the project and submit the report to FCT on or before January 31.

Any proposed modifications to the Management Plan with respect to the additional added areas will be submitted to FCT for review and approval prior to any changes in the plan or procedures. There are no other changes for monitoring and reporting to FCT at this time.

Section VIII - Supporting Documents -- Original Text, January 2003

- Master Site Plan (current and proposed)
- Resource Enhancement Plan
- Special Management Conditions
- Priority Schedule
- Florida Natural Areas Inventory listed species form (animals and plants)
- Manatee County Ordinance No. 82-19 (conduct in Public Parks)

All other documents, reports, and comments from coordinating agencies described in this Management Plan will be added and submitted upon their receipt by Manatee County.

Recorded Deed

The management plan shall include a copy of the recorded deed when it becomes available.

Grant Award Agreement

The management plan shall include a copy of the Grant Award Agreement when it becomes available.

Section VIII (a) - Supporting Documents – Revision 1, Additional Information

The documents either revised or added to the Management Plan as a result of the Entry Road Agreement additions and deletions are provided as the following Exhibits:

- Exhibit A – Revised 6/07 Existing Features
- Exhibit B – ~~Revised 6/07~~, Revised 6/08 Proposed Physical Improvements/Master Site Plan
- Exhibit C – Revised 6/07 Boundary Map
- Exhibit D – Revised 6/07 100-Year Flood Plain Map
- Exhibit E (1) Endangered and Threatened Species Review – Additional Area
- Exhibit G – Revised 6/07 Natural Communities Map
- Exhibit J – Revised 6/07 Priority Schedule
- Exhibit L (1) Copy of Bennett Park Entry Road Agreement
- Exhibit O (1) Cultural Resource Assessment, Additional Area
- Exhibit Q – Conservation Easement Baseline Study

Exhibit A
Existing Features Map
Revised 6/07

Bennett Park

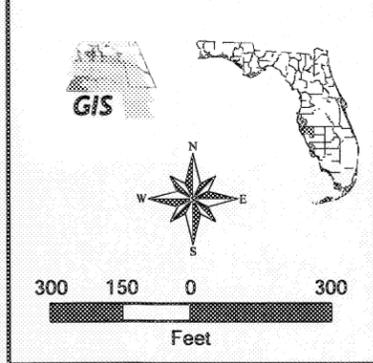


Manatee County, FL

Exhibit A - Revised 6/07 Existing Features

- Conservation Easement
- Revised Boundary
- Fence Line
- County Owned Parcel
- Cleared Disturbed Pastureland (Approx. 118 Acres)
- Powerline
- A** Borrow Pit
- B** Cattle Pen
- C** Entrance Road & Gate
- D** Right of Way
- FCT Sign

Manatee County, FL.



This map was developed using the Manatee County Land Information System. It is provided for general reference, is subject to change, and is not warranted for any particular use or purpose. The information contained within is derived from several sources of varying quality and accuracy. Errors from non-coincidence of features from different sources may be present. The Manatee County Land Information System and the Manatee County County Commissioners do not warrant and are not liable for inappropriate or unintended uses of the information.

Source:
The data depicted in this map was provided by the Manatee County Board of County Commissioners and is a digital representation of Exhibit A Resolution R 91-284.

Exhibit B
Proposed Physical Improvements/
Master Site Plan Map
Revised ~~6/07~~ 6/08

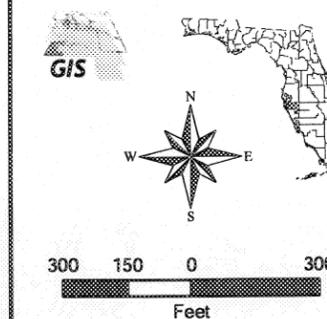
Bennett Park

Manatee County, FL

Exhibit B - Revised 6/07 Proposed Physical Improvements Master Site Plan

- Area of Proposed Road
- Revised Boundary
- Conservation Easement
- Coastal High Hazard Area
- Bicycle
- Blueway Connection
- Fitness Trail
- Power Line
- Roadway
- County Owned Parcel
- Small Picnic Shelter / Restrooms (3)
- Large Picnic Shelter / Restrooms (2)
- Interpretive Education Sign

Manatee County, FL



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Source:
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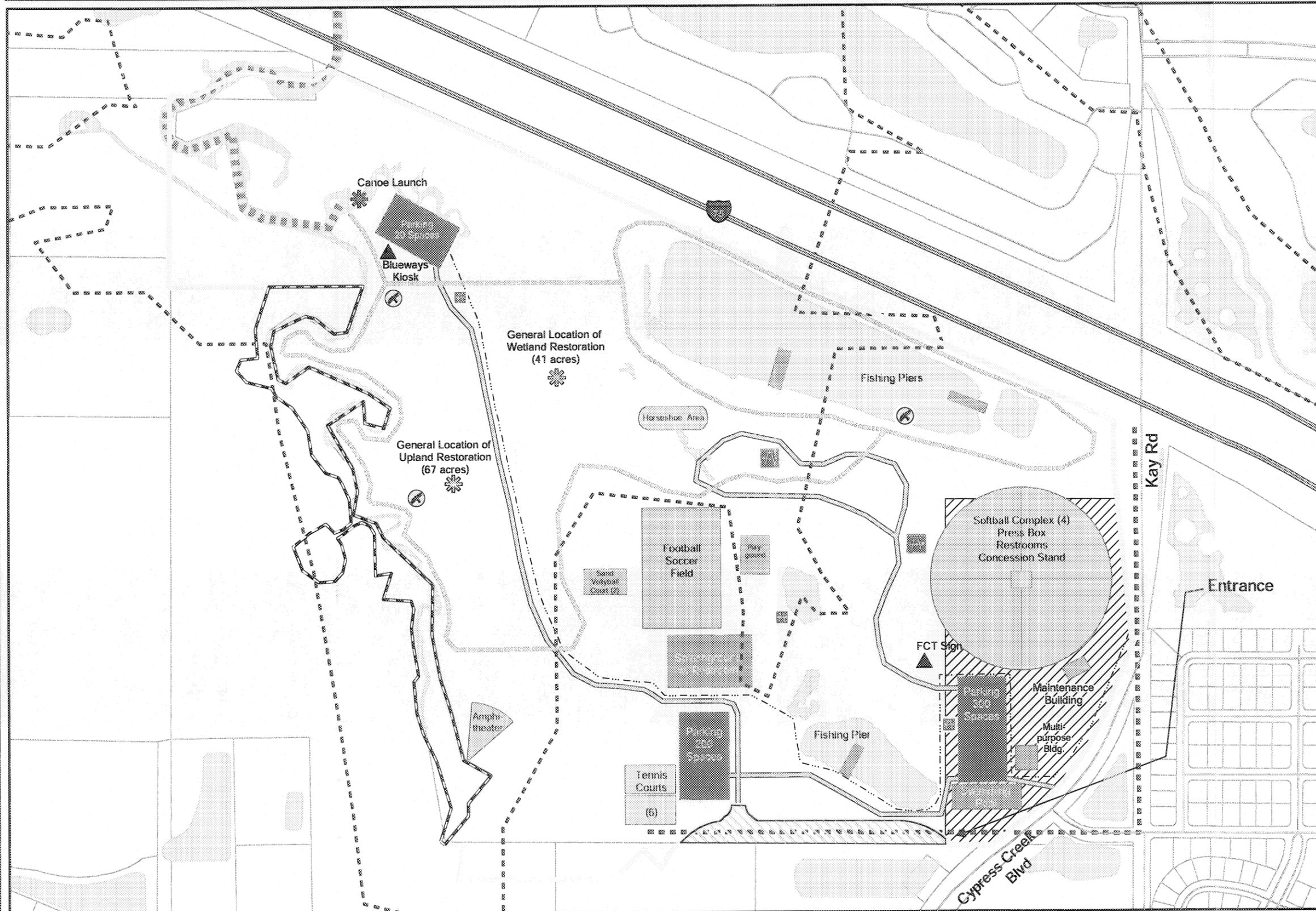


Exhibit C
Boundary Map
Revised 6/07

Bennett Park

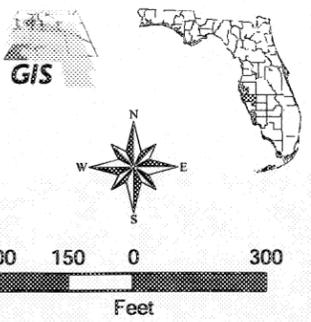


Manatee County, FL

Exhibit C - Revised 6/07 Boundary Map

-  Revised FTC Boundary
-  County Owned Parcel
-  Additional Area
9.17 Acres
-  Entrance Road Area
Deleted - 2.37 Acres
-  Conservation Easement

Manatee County, FL.



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Source:
The data depicted in this map was provided by the Manatee County Board of County Commissioners and is a digital representation of Exhibit A Resolution R 91-284.

Exhibit D
100-Year Floodplain Map
Revised 6/07

Bennett Park

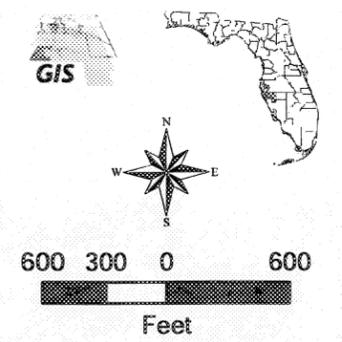


Manatee County, FL

Exhibit D - Revised 6/07 100 Year Flood Plain

-  Conservation Easement
-  Revised Boundary
-  County Owned Parcel
-  100 Year Flood Plain
-  Coastal High Hazard

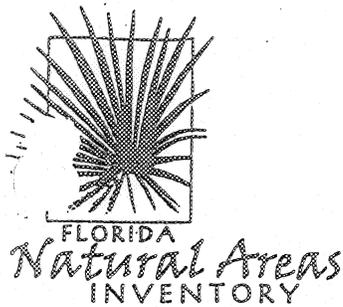
Manatee County, FL



This map was developed using the Manatee County Land Information System. It is provided for general reference, is subject to change, and is not warranted for any particular use or purpose. The information contained within is derived from several sources of varying quality and accuracy. Errors from non-coincidence of features from different sources may be present. The Manatee County Land Information System and the Manatee County County Commissioners do not warrant and are not liable for inappropriate or unintended uses of the information.

Source:
The data depicted in this map was provided by the Manatee County Board of County Commissioners and is a digital representation of Exhibit A Resolution R 91-284.

Exhibit E
Florida natural Areas Inventory Listed Form
Animals and Plants



1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
850-224-8207
fax 850-681-9364
www.fnai.org

April 23, 2002

Greg Fagan
Manatee County Parks and Recreation Department
5502 33rd Avenue Drive West
Bradenton, FL 34209

Dear Mr. Fagan:

Thank you for your request for information from the Florida Natural Areas Inventory (FNAI). We have compiled the following information for your project area.

Project: Bennett property
Date Received: April 16, 2002
Location: Township 34 S, Range 18 E, Section 27, Manatee County

Element Occurrences

A search of our maps and database indicates that currently we have no Element Occurrences mapped within one mile of the study area (see enclosed map and table). Please be advised that a lack of element occurrences in the FNAI database is not a sufficient indication of the absence of rare or endangered species on a site.

The Element Occurrences data layer includes occurrences of rare species and natural communities. The map legend indicates the precision of the element occurrence location, defined as second (within about 300 feet of the point), minute (within about one mile), or general (within about 5 miles). For animals and plants, Element Occurrences generally refer to more than a casual sighting; they usually indicate a viable population of the species. Note that some element occurrences represent historically documented observations which may no longer be extant.

Potential Natural Areas

Portions of the site appear to be located on or near Potential Natural Areas (PNA). This PNA is a priority 5 and may include the following community types: upland mixed forest, xeric hammock, hydric hammock, dome swamp, depression marsh, estuarine tidal marsh, floodplain swamp/marsh, mesic flatwoods, blackwater stream.

Potential Natural Areas are lands which appear to be relatively intact areas of natural vegetation based on aerial photography, as determined by FNAI scientists. Please see the enclosed explanation sheet for more information. PNAs are not a regulatory designation; they are intended for conservation planning purposes. The maps show a revised version of the PNAs, based on 1995 land use land cover data from the water management districts.



Florida Resources
and Environmental
Analysis Center

Institute of Science
and Public Affairs

Greg Fagan
April 23, 2002
Page 2

Potential Habitat for Rare Species

Portions of the site appear to be located on or near Potential Habitat for Rare Species. The potential habitat on this site is associated with a known occurrence in the vicinity of: bald eagle, *Haliaeetus leucocephalus*.

FNAI Potential Habitat for Rare Species indicates areas which, based on landcover type, offer suitable habitat for one or more rare species which is known to occur in the vicinity. Potential habitat layers have been developed for approximately 250 of the rarest species tracked by the inventory, including all federally listed species. Note that not all potential habitat is identified as a Potential Natural Area. This may represent lands which are somewhat disturbed (such as pine plantation or pasture), but nevertheless may serve as functional habitat for some rare species.

Potential Habitat is not a regulatory designation, and should not be confused with "critical habitat", which is an official designation made by the U.S. Fish and Wildlife Service. Information on critical habitats can be found in the Code of Federal Regulations, 50 CFR 17.95, which lists all critical habitats which have been designated. The Code of Federal Regulations can be accessed through the following website: "www.access.gpo.gov/nara/cfr/cfr-table-search.html".

The Inventory always recommends that a site specific survey be conducted to determine the current presence or absence of rare, threatened, or endangered species. Surveys should be conducted by persons familiar with Florida's flora and fauna. For your convenience, a summary of the elements recorded for Manatee County is enclosed.

The database maintained by the Florida Natural Areas Inventory is the single most comprehensive source of information available on the locations of rare species and other significant ecological resources. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. Inventory data are designed for the purposes of conservation planning and scientific research, and are not intended for use as the primary criteria for regulatory decisions.

Information provided by this database may not be published without prior written notification to the Florida Natural Areas Inventory, and the Inventory must be credited as an information source in these publications. FNAI data may not be resold for profit.

Thank you for your use of FNAI services. If I can be of further assistance, please give me a call at (850) 224-8207. 205

Sincerely,



Jonathan Oetting
Information Coordinator

encl
jo/kb



Natural Areas

Florida Natural Areas Inventory

1018 Thomasville Road, Suite 200-C
Tallahassee, FL 32303
(850) 224-8207

Township 34 S, Range 18 E, Section 27, Manatee County



LEGEND

Element Occurrences:

Precision:
sec min gen

- Animals
- Plants
- ▲ Natural Communities
- Other

● FL Game & Fresh Water Fish Breeding Bird Atlas Project

● US Fish & Wildlife Service Scrub Jay Survey

Managed Areas:

- Federal
- ▨ State
- ▨ Local
- ▨ Private
- ▨ Aquatic Preserves

Land Acquisition Projects:

- ▨ Florida Forever BOT Projects

Non-managed Natural Areas:

- ▨ Potential Natural Areas
- ▨ FNAI Potential Habitat for Rare Species

▨ Principal highways

▨ Secondary highways

▨ Local roads

▨ County boundaries

▨ Water



Prepared by J. Oetting
23 April 2002
Source: FNAI 10/01



NOTE: Map should not be interpreted without accompanying documents.

FVAI ELEMENT OCCURRENCE RECORDS ON OR NEAR SITE

MAP LABEL	SCIENTIFIC NAME	COMMON NAME	GLOBAL RANK	STATE RANK	FEDERAL STATUS	STATE STATUS	DATE OBSERVED	DESCRIPTION	COMMENTS
ACROAURE*0036	ACROSTICHUM AUREUM	GOLDEN LEATHER FERN	G5	S3	N	LT	1981-09-13	1981-09-13: Element occurrence in association with Fimbristylis castanea in shade of Schinus terebinthifolius and Sabal palmetto along upland edge of Distichlis spicata-Juncus roemerianus marsh crossed with mosquito control ditches dominated by mangrove	1981-09-13: Specimen taken (S81SHJFGFLUS, S81SHUSFFLUS); [spores] (S81SHUSFFLUS).
ARDEALBA*0445	ARDEA ALBA	GREAT EGRET	G5	S4	N	N	1988-05-11	Mangrove island.	1988: 05/11 - K.J. McGowan, GFC, Est. breeding pairs. CAEG pairing, incubating. ANHI young flying/ready. BRPE young loafing on colony. Total = C (also includes GREG, GBHE, TCHE); 04/06 - B.A. Millsap, GFC; MA-R-04 Total = C (includes GREG, GBHE, BRPE, LR
EGRETRIC*0213	EGRETTA TRICOLOR	TRICOLORED HERON	G5	S4	N	LS	1988-05-11	Mangrove island.	1988/05/11: K.J. McGowan, GFC, Est. breeding pairs. CAEG pairing, incubating. ANHI young flying/ready. BRPE young loafing on colony. Total = C (also includes GREG, GBHE, TCHE).
GOPHPOLY*0256	GOPHERUS POLYPHEMUS	GOPHER TORTOISE	G3	S3	N	LS		NO GENERAL DESCRIPTION GIVEN	DEAD ON ROAD
HALILEUC*0277	HALIAEETUS LEUCOCEPHALUS	BALD EAGLE	G4	S3	LT	LT	1988	NO GENERAL DESCRIPTION GIVEN	NEST: 1974, 1976-1986, 1988 ACTIVE, 1987 INACTIVE. FLEDGED YOUNG 1974, 1976-1979, 1981, 1985-1986, 1988.
HALILEUC*0485	HALIAEETUS LEUCOCEPHALUS	BALD EAGLE	G4	S3	LT	LT	1988	NO GENERAL DESCRIPTION GIVEN	NEST: 1988 ACTIVE.

FNAI ELEMENT OCCURRENCE RECORDS ON OR NEAR SITE

MAP LABEL	SCIENTIFIC NAME	COMMON NAME	GLOBAL RANK	STATE RANK	FEDERAL STATUS	STATE STATUS	DATE OBSERVED	DESCRIPTION	COMMENTS
PELEOCCI*0124	PELECANUS OCCIDENTALIS	BROWN PELICAN	G4	S3	N	LS	1988-05-11	Mangrove island	1988: B.A. Millisap, GFC, observed 5 individuals on 4/06. MA-R-04 "Total" = C (includes GREG, GBHE, BRPE, LRGWHITE); K. J. McGowan - 15 adult pelicans loafing in colony on 5/11. 1987 and 1989: S. A. Nesbitt, GFC - see 1989 FGFWFC Ann. Rpt. for study 7519.

4/23/2002

FLORIDA NATURAL AREAS INVENTORY

1018 Thomasville Road, Suite 200-C, Tallahassee, FL 32303 (850) 224-8207

April, 1998

Page 1

Manatee County Summary Rare Species and Natural Communities

Occurrence		Global	State	Federal	State	
Scientific Name	Common Name	Rank*	Rank*	Status*	Status*	Status†
<u>FISH</u>						
<i>Microphis brachyurus</i>	opossum pipefish	G5	S2	N	N	P
<i>Rivulus marmoratus</i>	mangrove rivulus	G5	S3	N	LS	P
<u>AMPHIBIANS</u>						
<i>Rana capito</i>	gopher frog	G4	S3	N	LS	P
<u>REPTILES</u>						
<i>Alligator mississippiensis</i>	American alligator	G5	S4	T(S/A)	LS	C
<i>Caretta caretta</i>	loggerhead	G3	S3	LT	LT	C
<i>Chelonia mydas</i>	green turtle	G3	S2	LE	LE	N
<i>Crotalus adamanteus</i>	eastern diamondback rattlesnake	G5	S3	N	N	C
<i>Dermochelys coriacea</i>	leatherback	G3	S2	LE	LE	N
<i>Drymarchon corais couperi</i>	eastern indigo snake	G4T3	S3	LT	LT	C
<i>Gopherus polyphemus</i>	gopher tortoise	G3	S3	N	LS	C
<i>Lepidochelys kempii</i>	Kemp's ridley	G1	S1	LE	LE	P
<i>Pseudemys concinna suwanniensis</i>	Suwannee cooter	G5T3	S3	N	LS	P
<u>BIRDS</u>						
<i>Accipiter cooperii</i>	Cooper's hawk	G4	S37	N	N	P
<i>Aimophila aestivalis</i>	Bachman's sparrow	G3	S3	N	N	P
<i>Ajaia ajaja</i>	roseate spoonbill	G5	S2S3	N	LS	P
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	G3	S3	LT	LT	C
<i>Aramanus guarauna</i>	limpkin	G5	S3	N	LS	P
<i>Ardea alba</i>	great egret	G5	S4	N	N	C
<i>Ardea herodias occidentalis</i>	great white heron	G5T2	S2	N	N	P
<i>Buteo brachyurus</i>	short-tailed hawk	G47	S3	N	N	P
<i>Caracara plancus</i>	crested caracara	G5	S2	LT	LT	C
<i>Charadrius alexandrinus</i>	snowy plover	G4	S2	N	LT	C
<i>Charadrius melodus</i>	piping plover	G3	S2	LT	LT	C
<i>Coccyzus minor</i>	mangrove cuckoo	G5	S3	N	N	P
<i>Dendroica discolor paludicola</i>	Florida prairie warbler	G5T3	S3	N	N	P
<i>Egretta caerulea</i>	little blue heron	G5	S4	N	LS	C
<i>Egretta rufescens</i>	reddish egret	G4	S2	N	LS	C
<i>Egretta thula</i>	snowy egret	G5	S4	N	LS	C
<i>Egretta tricolor</i>	tricolored heron	G5	S4	N	LS	C
<i>Elanoides forficatus</i>	swallow-tailed kite	G4	S2S3	N	N	P
<i>Eudocimus albus</i>	white ibis	G5	S4	N	LS	C
<i>Falco columbarius</i>	merlin	G5	SU	N	N	P
<i>Falco peregrinus</i>	peregrine falcon	G4	S2	LE	LE	P
<i>Falco sparverius paulus</i>	southeastern American kestrel	G5T3T4	S37	N	LT	P
<i>Fregata magnificens</i>	magnificent frigatebird	G5	S1	N	N	P
<i>Grus canadensis pratensis</i>	Florida sandhill crane	G5T2T3	S2S3	N	LT	C
<i>Haematopus palliatus</i>	American oystercatcher	G5	S3	N	LS	P
<i>Haliaeetus leucocephalus</i>	bald eagle	G4	S3	LT	LT	C
<i>Ixobrychus exilis</i>	least bittern	G5	S4	N	N	C

FLORIDA NATURAL AREAS INVENTORY

1018 Thomasville Road, Suite 200-C, Tallahassee, FL 32303 (850) 224-8207

April, 1998

Page 2

Manatee County Summary Rare Species and Natural Communities

Occurrence		Global	State	Federal	State	
Scientific Name	Common Name	Rank*	Rank*	Status*	Status*	Status†
<i>Laterallus jamaicensis</i>	black rail	G4	S37	N	N	P
<i>Mycteria americana</i>	wood stork	G4	S2	LE	LE	P
<i>Nyctanassa violacea</i>	yellow-crowned night-heron	G5	S37	N	N	C
<i>Nycticorax nycticorax</i>	black-crowned night-heron	G5	S37	N	N	C
<i>Pandion haliaetus</i>	osprey	G5	S3S4	N	LS**	C
<i>Pelecanus occidentalis</i>	brown pelican	G4	S3	N	LS	C
<i>Picoides villosus</i>	hairy woodpecker	G5	S37	N	N	C
<i>Plegadis falcinellus</i>	glossy ibis	G5	S2	N	N	C
<i>Rallus longirostris scottii</i>	Florida clapper rail	G5T37	S37	N	N	P
<i>Rynchops niger</i>	black skimmer	G5	S3	N	LS	C
<i>Speotyto cunicularia floridana</i>	Florida burrowing owl	G4T3	S3	N	LS	C
<i>Sterna antillarum</i>	least tern	G4	S3	N	LT	C
<i>Sterna caspia</i>	Caspian tern	G5	S2?	N	N	P
<i>Sterna maxima</i>	royal tern	G5	S3	N	N	P
<i>Sterna sandvicensis</i>	sandwich tern	G5	S2	N	N	P
<i>Vireo altiloquus</i>	black-whiskered vireo	G5	S3	N	N	P
<u>MAMMALS</u>						
<i>Corynorhinus rafinesquii</i>	Rafinesque's big-eared bat	G3	S37	N	N	P
<i>Mustela frenata peninsulæ</i>	Florida long-tailed weasel	G5T3	S37	N	N	P
<i>Neofiber alleni</i>	round-tailed muskrat	G3	S3	N	N	P
<i>Podomys floridanus</i>	Florida mouse	G3	S3	N	LS	C
<i>Sciurus niger shermani</i>	Sherman's fox squirrel	G5T2	S2	N	LS	C
<i>Trichechus manatus</i>	manatee	G2?	S2?	LE	LE	C
<i>Ursus americanus floridanus</i>	Florida black bear	G5T2	S2	C	LT**	P
<u>VASCULAR PLANTS</u>						
<i>Acrostichum aureum</i>	golden leather fern	G5	S3	N	LE	C
<i>Andropogon arctatus</i>	pine-woods bluestem	G3	S3	N	N	C
<i>Asclepias curtissii</i>	Curtiss' milkweed	G3	S3	N	LE	R
<i>Bonamia grandiflora</i>	Florida bonamia	G3	S3	LT	LE	C
<i>Cheiroglossa palmata</i>	hand fern	G4	S2	N	LE	R
<i>Chrysopsis floridana</i>	Florida golden aster	G1	S1	LE	LE	C
<i>Eragrostis tracyi</i>	Sanibel lovegrass	G2	S2	N	LE	C
<i>Glandularia tampensis</i>	Tampa vervain	G1	S1	N	LE	C
<i>Gossypium hirsutum</i>	wild cotton	G4G5	S37	N	LE	C
<i>Gymnopogon chapmanianus</i>	Chapman's skeletongrass	G2	S2	N	N	C
<i>Helianthus debilis ssp vestitus</i>	hairy beach sunflower	G5T2	S2	N	N	C
<i>Ilex opaca var arenicola</i>	scrub holly	G5T3	S3	N	N	C
<i>Lechea cernua</i>	nodding pinweed	G3	S3	N	LT	C
<i>Lechea divaricata</i>	pine pinweed	G2	S2	N	LE	C
<i>Rudbeckia nitida</i>	St. John's Susan	G1G2	S1S2	N	LE	C
<i>Tillandsia flexuosa</i>	banded wild-pine	G4	S3	N	LE	C
<i>Zephyranthes simpsonii</i>	rain lily	G2G3	S2S3	N	LT	C

NATURAL COMMUNITIES

FLORIDA NATURAL AREAS INVENTORY

1018 Thomasville Road, Suite 200-C, Tallahassee, FL 32303 (850) 224-8207

April, 1998

Page 3

Manatee County Summary Rare Species and Natural Communities

Occurrence Scientific Name	Common Name	Global Rank*	State Rank*	Federal Status*	State Status*	Status†
Beach Dune		G4?	S2	N	N	C
Blackwater Stream		G4	S2	N	N	C
Coastal Interdunal Swale		G3	S2	N	N	C
Depression Marsh		G4?	S3	N	N	C
Dry Prairie		G2	S2	N	N	C
Estuarine Tidal Swamp		G3	S3	N	N	C
Flatwoods/Prairie Lake		G4?	S3	N	N	C
Maritime Hammock		G4	S2	N	N	C
Marsh Lake		G4	S4	N	N	C
Mesic Flatwoods		G7	S4	N	N	C
Prairie Hammock		G4	S4	N	N	C
Scrub		G2	S2	N	N	C
Slough		G4	S4?	N	N	C
Xeric Hammock		G7	S3	N	N	C
<u>OTHER</u>						
Bird rookery				N	N	C

* See attached *FNAI Rank Explanations* sheet for definitions of Global and State Ranks, and State and Federal Status

** See attached *FNAI Rank Explanations* sheet, *Special Animal Listings - State and Federal Status* section

† COUNTY OCCURRENCE STATUS

Vertebrates and Invertebrates:

C = (Confirmed) Occurrence status derived from a documented record in the FNAI data base.

P = (Potential) Occurrence status derived from a reported occurrence for the county, or the occurrence lies within the published range of the taxon.

N = (Nesting) For sea turtles only, occurrence status derived from documented nesting occurrences.

Plants, Natural Communities, and Other:

C = (Confirmed) Occurrence status derived from a documented record in the FNAI data base or from a herbarium specimen.

R = (Reported) Occurrence status derived from published reports.

**FLORIDA NATURAL AREAS INVENTORY
FIELD REPORT FORM FOR RARE PLANTS**

Thank you for taking the time to complete and mail this form. Information from knowledgeable individuals such as yourself makes an important contribution to the FNAI Biological Conservation Database. If you need help with this form, or would like additional information, please call the FNAI Botanist at 850-224-8207.

Scientific name: _____ Common name: _____

Basis for identification/manual used: _____ Date(s) seen: _____

Photograph taken? _____ Specimen deposited at a herbarium? _____ Name of herbarium: _____

Quad name: _____ County: _____ Site or managed area name: _____ Directions

(please mark site on copy of USGS 7.5 minute quad map and attach to this form, or draw a detailed map on back of this page, or give GPS coordinates): _____

Describe the site where the plant was seen: habitat/plant community; topography; hydrology; dominant species in tree, shrub, and ground layers: _____

Estimated Size of Population (no. of individuals & size of area occupied): _____

Flowering? Yes ___ No ___ Fruiting? Yes ___ No ___ In bud? Yes ___ No ___ In leaf? Yes ___ No ___ Dormant? Yes ___ No ___

Comments _____

Have you seen this species at the same location in the past? Yes ___ No ___ If yes, give dates: _____ If yes, describe changes, if any, to site and population since last visit _____

Are there disturbances or threats (e.g. vehicle use, trash dumping, fire suppression, exotic species invasion) to the population?

If yes, please describe: _____ Is there

evidence (e.g., fire breaks, scorching) of fire at the site? Yes ___ No ___ if yes, describe and give dates of recent fires, if known _____

Other useful information concerning the population, its ecological conditions, management history, management needs, names of individuals who might be helpful, etc.: _____

Your name: _____ Tel no.: _____ E-mail: _____

Address: _____

Please include any additional information on the back of this sheet. Please send this form to: Botanist, Florida Natural Areas Inventory, 1018 Thomasville Rd., Suite 200-C, Tallahassee, FL 32303. **THANK YOU!**

FLORIDA NATURAL AREAS INVENTORY

FIELD REPORT FORM - OCCURRENCES OF SPECIAL ANIMALS

Scientific Name: _____

County: _____

Common Name: _____

Date observed: _____

Basis for Identification: _____

Investigator: _____

Location of Animal (please attach map and give specific directions; if possible, mark site on copy of USGS 7.5 minute topo map or draw detailed map on back of this page):

Describe habitat/plant community, list dominant species:

Extent of this habitat at site that may support animal (e.g., acres, miles) _____

Number of individuals (or nests, burrows, etc.) seen: _____

Estimated no. of individuals in population: _____

Age/population structure (adults, young, etc.) _____

Ecological/behavioral notes (e.g., reproductive stage, activity type, feeding, flying, nesting):

Have you seen this species at the same location in the past? Yes _____ No _____

If yes, please give date(s): _____ Previous condition: _____

Is there evidence of disturbance at the site? Yes _____ No _____

If yes, please describe:

Owner(s) of site: _____

Is owner protecting this animal? Yes ___ No _____

Conservation/Management Needs _____

Comments (other useful information concerning this animal and site - e.g., names and addresses of individuals who might be helpful, publications, museum specimen numbers, etc) _____

(please include any additional information on the back of this sheet.)

Additional forms may be obtained upon request. Please send completed field report forms to:

Submitted by: _____

Affiliation: _____

Address: _____

Phone _____ Date: _____

Zoologist
Florida Natural Areas Inventory
1018 Thomasville Rd., Suite 200-C
Tallahassee, FL 32303; ph. (850) 224-8207
Fax (850) 681-9364; dhipes@fnai.org

** note: each form should include only one species, one locality, and one date

E(1)
Endangered and Threatened Species Review
Additional Area



MARCH 13, 2004

**TO: WAYNE RUBEN
RLH DEVELOPMENT
1 SOUTH SCHOOL AVE, SUITE 500
SARASOTA, FL. 34237**

**FROM: JOHN HENSLICK
ECO CONSULTANTS, INC.**

**RE: THREATENED & ENDANGERED SPECIES REVIEW and
GENERALIZED TREE COUNT: SITE ON SR 64, SEC. 27,
TWP 34 S, RGE 18 E, MANATEE COUNTY**

As per your request, staff from ECO Consultants, Inc. has completed a preliminary Listed Species Survey and a Generalized Tree Survey of the subject parcel: The results of these surveys are presented below:

Preliminary Listed Species Survey:

Pedestrian transects were performed on the subject parcel, delineated on the enclosed aerial photograph and Generalized Tree Survey Map, by staff field biologists and associate biologists during a period of 60 days, in January and February of 2005. Each of six (6) site visits consisted of the completion of multiple pedestrian transects covering more than 90 percent of the subject parcel.

Due to the type of habitats (Pine Flatwoods, Mixed Hardwood Wetlands, and Bays/Estuaries) and their relative location to existing land uses, the listed species determined to have the highest potential for nesting or breeding on or adjacent to the parcel were determined to be Gopher Tortoises (and commensal organisms), Bald Eagles, Indigo Snakes, Sherman's Fox Squirrel, and were the focus of the listed species surveys, while other less likely species were also considered.



The only listed species observed utilizing the subject parcel were, what appear to be two (2) gopher tortoises. Four (4) gopher tortoise burrows were identified during the listed species survey (their approximate locations are delineated on the Generalized Tree Survey Map). Two (2) burrows were determined to be “abandoned” (due the condition of the burrows, and to the amount of debris in the burrow openings), while two to other burrows were determined to be “active”. Although it is common for tortoises to excavate more than one burrow each, the locations of these two burrows relative to each other (a significant distance apart), suggest two separate tortoises currently utilize them.

As indicated on the enclosed graphic, the borrows are located in close proximity to the property boundary and as such will result in no significant difficulties relative to the development of the parcel as long as an adequate buffer (or set back) is provided along the property boundary.

Listed Species Survey Summary:

Two active gopher tortoise burrows located near the property boundaries, resulting in no significant difficulties relative to the development of the parcel (with appropriate buffers or setbacks).

No other listed species have been observed or are known to utilize the site.

As such, the site has no significant difficulties relative to impacts to listed (endangered, threatened or species of special concern).



Generalized Tree Count:

During the months of January and February 2005, staff biologists and associate biologists perform multiple site reviews for the purpose of counting, identifying and measuring all the trees on the parcel (excluding trees in the wetlands, as they are not located in areas proposed for development).

Please refer to the enclosed aerial photograph "Generalized Tree Count" showing the trees by dominant tree species.

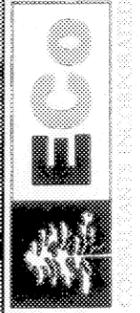
TOTAL TREE COUNT

Tree Species	Number with Diameter at Breast Height	
	4 -20 inch dbh	21 - 30 inch dbh
Pines (Slash and Longleaf)	2250	50
Live Oaks	410	20
Laurel Oaks	165	
Red Maples	20	
Elm	30	
Cabbage Palms	40	
TOTAL	2,915	70

No trees were identified during the tree survey that would meet the classification of a Grand or Majestic Tree. As can be seen in the above data table no trees were found on site with a diameter at breast height greater than the 30-inch category.



Client: RLH Development
 Project: SR 64 Parcel
 Title: Habitat Map
 Date: June 20, 2005
 File: E:\Sarasota\RLH\SR 64 Parcel\Habitat:062005.dwg



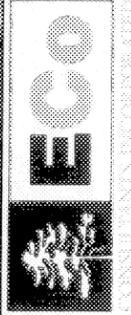
1523 8th Avenue West, Suite B, Palmetto, FL 34221 - Telephone 941.722.0901, Fax 941.722.4931
 7357 International Place, Suite 107, Sarasota, FL 34240 - Telephone 941.388.0505, Fax 941.373.6769
 233 East Park Avenue, Suite 101, Lake Wales, FL 33853 - Telephone 863.676.8996, Fax 863.676.9897

Sec: 27 Twp: 34S Rgr: 18E
 Scale: 1" = 400'
 Date Drawn: 06/20/05
 Drawn by: Craig Wolfe

Sheet:
 1 of 1

Approximate Wetland Delineation Map
 Approximate Wetland Boundary
 Approximate Other Surface Waters Boundary
 ● Active Gopher Tortoise Borrow
 ○ Inactive Gopher Tortoise Borrow
 ▨ Area of Pines
 ▩ Area of Oaks & Brazilian Pepper Mixed
 ▧ Area of Pine & Oak Mixed
 ▦ Area of Pine, Oak & Cabbage Palm Mixed

Client: RLLH Development
 Project: SR 64 Parcel
 Title: General Tree Survey Map
 Date: June 20, 2005
 File: E:\Sarasota\RLH\SR 64 Parcel\Tree Count 062005.dwg



1523 8th Avenue West, Suite B, Palmetto, FL 34221 - Telephone 941.722.0901, Fax .941.722.4931
 7357 International Place, Suite 107, Sarasota, FL 34240 - Telephone 941.388.0505, Fax 941.373.6769
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Sec: 27 Twp: 34S Rng: 18E

Scale: 1" = 400'

Date Drawn: 06/20/05

Drawn by: Craig Wolfe



Sheet:
1 of 1

Exhibit F
Exotic Pest Plant Council
List of Florida's Invasive Species

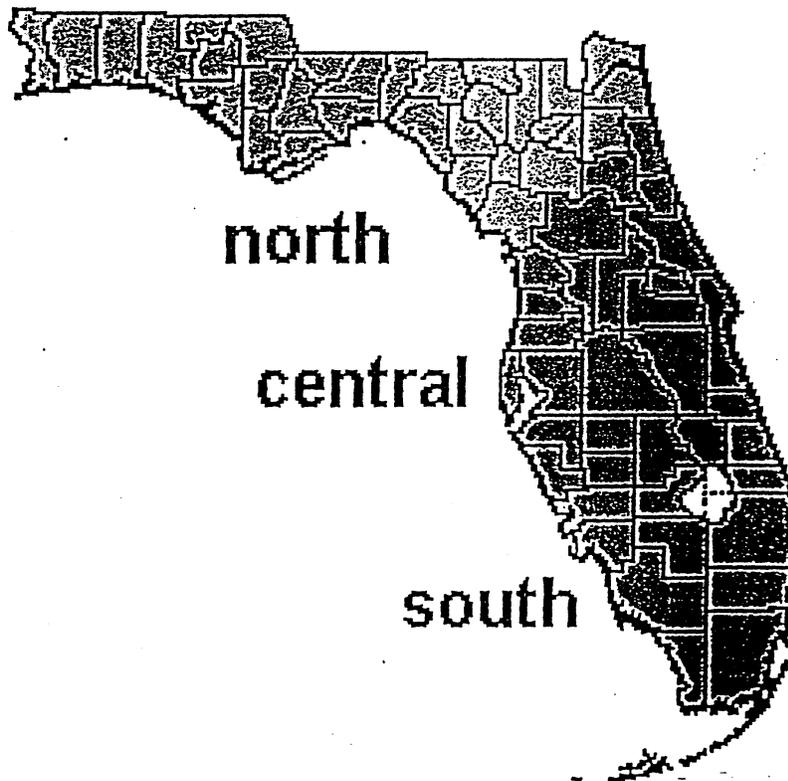
Florida Exotic Pest Plant Council's

2001

List of Invasive Species

Purpose of the List: *To focus attention on —*

- the adverse effects of exotic pest plants on Florida's biodiversity and ecosystems,
- the habitat losses from exotic pest plant infestations,
- the impacts on endangered species via habitat loss and alteration,
- the need to prevent habitat losses through pest-plant management,
- the socioeconomic impacts of these plants (e.g., increased wildfires in Melaleuca areas),
- changes in the seriousness of different pest plants over time,
- the need to provide information that helps managers set priorities for control programs.



DEFINITIONS:

Exotic—a species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida. *Native*—a species whose natural range included Florida at the time of European contact (1500 AD). *Naturalized exotic*—an exotic that sustains itself outside cultivation (it is still exotic; it has not "become" native). *Invasive exotic*—an exotic that not only has naturalized but is expanding on its own in Florida plant communities.

Abbreviations used:

for "Gov. list": P = Prohibited by Fla. Dept. of Environmental Protection, N = Noxious weed listed by Fla. Dept. of Agriculture & Consumer Services, U = Noxious weed listed by U.S. Department of Agriculture.

for "Reg. Dis.": N = north, C = central, S = south, referring to each species' current distribution in general regions of Florida (not its potential range in the state). See following map.

For additional information on distributions of particular species by county, visit the Atlas of Florida Vascular Plants web site, www.plantatlas.usf.edu

For other additional information on plants included in this list, see related links and pages at this web site on the [home page](#) menu.

Category I - Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. *This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.*

Scientific Name	Common Name	EPPC Cat.	Gov. list	Reg. Dist.
<i>Abrus precatorius</i>	rosary pea	I		C, S
<i>Acacia auriculiformis</i>	earleaf acacia	I		S
<i>Albizia julibrissin</i>	mimosa, silk tree	I		N, C
<i>Albizia lebbek</i>	woman's tongue	I		C, S
<i>Ardisia crenata</i> (= <i>A. crenulata</i>)	coral ardisia	I		N, C
<i>Ardisia elliptica</i> (= <i>A. humilis</i>)	shoebutton ardisia	I		S
<i>Asparagus densiflorus</i>	asparagus-fern	I		C, S
<i>Bauhinia variegata</i>	orchid tree	I		C, S
<i>Bischofia javanica</i>	bischofia	I		C, S
<i>Calophyllum antillanum</i> (= <i>C. calaba</i> ; <i>C. inophyllum</i> misapplied)	santa maria (names "mast wood," "Alexandrian laurel" used in cultivation)	I		S
<i>Casuarina equisetifolia</i>	Australian pine	I	P	N, C, S
<i>Casuarina glauca</i>	suckering Australian pine	I	P	C, S
<i>Cestrum diurnum</i>	day jessamine	I		C, S
<i>Cinnamomum camphora</i>	camphor-tree	I		N, C, S
<i>Colocasia esculenta</i>	wild taro	I		N, C, S
<i>Colubrina asiatica</i>	lather leaf	I		S
<i>Cupaniopsis anacardioides</i>	carrotwood	I	N	C, S
<i>Dioscorea alata</i>	winged yam	I	N	N, C, S
<i>Dioscorea bulbifera</i>	air-potato	I	N	N, C, S

<i>Eichhornia crassipes</i>	water-hyacinth	I	P	N,C,S
<i>Eugenia uniflora</i>	Surinam cherry	I		C, S
<i>Ficus microcarpa</i> (<i>F. nitida</i> and <i>F. retusa</i> var. <i>nitida</i> misapplied)	laurel fig	I		C, S
<i>Hydrilla verticillata</i>	hydrilla	I	P, U	N,C,S
<i>Hygrophila polysperma</i>	green hygro	I	P, U	N,C,S
<i>Hymenachne amplexicaulis</i>	West Indian marsh grass	I		C, S
<i>Imperata cylindrica</i> (<i>I. brasiliensis</i> misapplied)	cogon grass	I	N, U	N, C, S
<i>Ipomoea aquatica</i>	waterspinach	I	P, U	C
<i>Jasminum dichotomum</i>	Gold Coast jasmine	I		C, S
<i>Jasminum fluminense</i>	Brazilian jasmine	I		C, S
<i>Lantana camara</i>	lantana, shrub verbena	I		N,C,S
<i>Ligustrum lucidum</i>	glossy privet	I		N, C
<i>Ligustrum sinense</i>	Chinese privet, hedge privet	I		N,C,S
<i>Lonicera japonica</i>	Japanese honeysuckle	I		N,C,S
<i>Lygodium japonicum</i>	Japanese climbing fern	I	N	N,C, S
<i>Lygodium microphyllum</i>	Old World climbing fern	I	N	C, S
<i>Macfadyena unguis-cati</i>	cat's claw vine	I		N,C, S
<i>Manilkara zapota</i>	sapodilla	I		S
<i>Melaleuca quinquenervia</i>	melaleuca, paper bark	I	P, N, U	C, S
<i>Melia azedarach</i>	Chinaberry	I		N,C,S
<i>Mimosa pigra</i>	catclaw mimosa	I	P, N, U	C, S
<i>Nandina domestica</i>	nandina, heavenly bamboo	I		N
<i>Nephrolepis cordifolia</i>	sword fern	I		N,C,S

<i>Nephrolepis multiflora</i>	Asian sword fern	I		C, S
<i>Neyraudia reynaudiana</i>	Burma reed; cane grass	I	N	S
<i>Paederia cruddasiana</i>	sewer vine, onion vine	I	N	S
<i>Paederia foetida</i>	skunk vine	I	N	N,C,S
<i>Panicum repens</i>	torpedo grass	I		N,C,S
<i>Pennisetum purpureum</i>	Napier grass	I		C, S
<i>Pistia stratiotes</i>	water lettuce	I	P	N,C,S
<i>Psidium cattleianum</i> (=P. littorale)	strawberry guava	I		C, S
<i>Psidium guajava</i> *	guava	I		C, S
<i>Pueraria montana</i> (=P. lobata)	kudzu	I	N, U	N,C, S
<i>Rhodomyrtus tomentosa</i>	downy rose-myrtle	I	N	C, S
<i>Rhoeo spathacea</i> (see <i>Tradescantia spathacea</i>)				
<i>Ruellia brittoniana</i>	Mexican petunia	I		N, C, S
<i>Sapium sebiferum</i>	popcorn tree, Chinese tallow tree	I	N	N, C, S
<i>Scaevola sericea</i> (=Scaevola taccada var. sericea, S. frutescens)	scaevola, half-flower, beach naupaka	I		C, S
<i>Schefflera actinophylla</i> (=Brassaia actinophylla)	schefflera, Queensland umbrella tree	I		C, S
<i>Schinus terebinthifolius</i>	Brazilian pepper	I	P, N	N, C, S
<i>Senna pendula</i> (=Cassia coluteoides)	climbing cassia, Christmas cassia, Christmas senna	I		C, S
<i>Solanum tampicense</i> (=S. houstonii)	wetland night shade, aquatic soda apple	I	N, U	C, S
<i>Solanum viarum</i>	tropical soda apple	I	N, U	N, C, S
<i>Syngonium podophyllum</i>	arrowhead vine	I		C, S
<i>Syzygium cumini</i>	jambolan, Java plum	I		C, S

<i>Tectaria incisa</i>	incised halberd fern	I		S
<i>Thespesia populnea</i>	seaside mahoe	I		C, S
<i>Tradescantia fluminensis</i>	white-flowered wandering jew	I		N, C
<i>Tradescantia spathacea</i> (= <i>Rhoeo spathacea</i> , <i>Rhoeo discolor</i>)	oyster plant	I		S
<i>Urochloa mutica</i> (= <i>Brachiaria mutica</i>)	Pará grass	I		C, S

Category II - Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. *These species may become ranked Category I, if ecological damage is demonstrated.*

Scientific Name	Common Name	EPPC Cat.	Gov. list	Reg. Dist.
<i>Adenanthera pavonina</i>	red sandalwood	II		S
<i>Agave sisalana</i>	sisal hemp	II		C, S
<i>Aleurites fordii</i> (= <i>Vernicia fordii</i>)	tung oil tree	II		N, C
<i>Alstonia macrophylla</i>	devil-tree	II		S
<i>Alternanthera philoxeroides</i>	alligator weed	II	P	N, C, S
<i>Antigonon leptopus</i>	coral vine	II		N, C, S
<i>Aristolochia littoralis</i>	calico flower	II		N, C
<i>Asystasia gangetica</i>	Ganges primrose	II		C, S
<i>Begonia cucullata</i>	begonia	II		N, C
<i>Broussonetia papyrifera</i>	paper mulberry	II		N, C
<i>Callisia fragrans</i>	inch plant, spironema	II		C, S
<i>Casuarina cunninghamiana</i>	Australian pine	II	P	C, S
<i>Cordia dichotoma</i>	sebsten plum	II		S
<i>Cryptostegia madagascariensis</i>	rubber vine	II		C, S

<i>Cyperus involucratus</i> (<i>C. alternifolius</i> misapplied)	umbrella plant	II		C, S
<i>Cyperus prolifer</i>	dwarf papyrus	II		C
<i>Dalbergia sissoo</i>	Indian rosewood, sissoo	II		C, S
<i>Elaeagnus pungens</i>	thorny eleagnus	II		N, C
<i>Epipremnum pinnatum</i> cv. Aureum	pothos	II		C, S
<i>Ficus altissima</i>	false banyan	II		S
<i>Flacourtia indica</i>	governor's plum	II		S
<i>Flueggea virosa</i>	Chinese waterberry	II		S
<i>Hibiscus tiliaceus</i>	mahoe, sea hibiscus	II		C, S
<i>Hiptage benghalensis</i>	hiptage	II		S
<i>Jasminum sambac</i>	Arabian jasmine	II		S
<i>Koelreuteria elegans</i>	flamegold tree	II		C, S
<i>Leucaena leucocephala</i>	lead tree	II		N, C, S
<i>Limnophila sessiliflora</i>	Asian marshweed	II		N, C, S
<i>Melinis minutiflora</i>	molasses grass	II		S
<i>Merremia tuberosa</i>	wood-rose	II		S
<i>Murraya paniculata</i>	orange-jessamine	II		S
<i>Myriophyllum spicatum</i>	Eurasian water-milfoil	II	P	N, C, S
<i>Ochrosia elliptica</i> (= <i>O. parviflora</i>)	kopsia	II		C, S
<i>Oeceoclades maculata</i>	ground orchid	II		C, S
<i>Passiflora biflora</i>	twin-flowered passion vine	II		S
<i>Passiflora foetida</i>	stinking passion-flower	II		C, S
<i>Pennisetum setaceum</i>	green fountain grass	II		S

<i>Phoenix reclinata</i>	Senegal date palm	II		C, S
<i>Phyllostachys aurea</i>	golden bamboo	II		N, C
<i>Pteris vittata</i>	Chinese brake fern	II		N, C, S
<i>Ptychosperma elegans</i>	solitary palm	II		S
<i>Rhynchelytrum repens</i>	Natal grass	II		N, C, S
<i>Ricinus communis</i>	castor bean	II		N, C, S
<i>Sansevieria hyacinthoides</i>	bowstring hemp	II		C, S
<i>Sesbania punicea</i>	purple sesban, rattlebox	II		N, C, S
<i>Solanum diphyllum</i>	twingleaf nightshade	II		N, C, S
<i>Solanum jamaicense</i>	Jamaica nightshade	II		C
<i>Solanum torvum</i>	susumber, turkey berry	II	N, U	N, C, S
<i>Syzygium jambos</i>	rose-apple	II		C, S
<i>Terminalia catappa</i>	tropical almond	II		C, S
<i>Terminalia muelleri</i>	Australian almond	II		C, S
<i>Tribulus cistoides</i>	puncture vine, bur-nut	II		N, C, S
<i>Urena lobata</i>	Caesar's weed	II		N, C, S
<i>Wedelia trilobata</i>	wedelia	II		N, C, S
<i>Wisteria sinensis</i>	Chinese wisteria	II		N, C
<i>Xanthosoma sagittifolium</i>	malanga, elephant ear	II		N, C, S

Citation example:

FLEPPC. 2001. *List of Florida's Invasive Species*. Florida Exotic Pest Plant Council. Internet: <http://www.fleppc.org/01list.htm>

The 2001 list was prepared by the FLEPPC Plant List Committee:

Daniel F. Austin (CO-CHAIR)
Department of Biological Sciences
Florida Atlantic University
Boca Raton, FL 33431

Keith Bradley
Institute for Regional Conservation
22601 S.W. 152nd Ave.
Miami, FL 33170

Kathy Craddock Burks (CO-CHAIR)
Bureau of Invasive Plant Management
Florida Department of Environmental Protection
3915 Commonwealth Blvd., MS 710
Tallahassee, FL 32399

Nancy Craft Coile
Division of Plant Industry
Florida Department of Agriculture and Consumer
Services
P.O. Box 147100
Gainesville, FL 32614

James G. Duquesnel
Florida Park Service
Florida Department of Environmental Protection
P.O. Box 487
Key Largo, FL 33037

David W. Hall
Consulting botanist
6241 N.W. 23rd St.
Gainesville, FL 32653

Roger Hammer
Department of Parks and Recreation
Miami-Dade County
22200 S.W. 137th Ave.
Miami, FL 33170

Kenneth A. Langeland
Center for Aquatic and Invasive Plants, IFAS
University of Florida
7922 N.W. 71st St.
Gainesville, FL 32606

Robert W. Pemberton
Agricultural Research Station
U.S. Department of Agriculture
2305 College Ave.
Ft. Lauderdale, FL 33314

Daniel B. Ward
Department of Botany
University of Florida
220 Bartram Hall
Gainesville, FL 32611

Richard P. Wunderlin
Institute for Systematic Botany
Department of Biological Sciences
University of South Florida
Tampa, FL 33620

Exhibit G
Natural Communities Map
Revised 6/07

Bennett Park

Manatee County, FL Exhibit G - Revised 6/07 Natural Communities Map

-  Conservation Easement
-  Revised Boundary
-  County Owned Parcel
-  Flatwood Braz PepperB
-  Flatwood Braz PepperC
-  Flatwood Exist Pasture
-  Hydric Hammock
-  Pond
-  Tidal Marsh
-  Other Property Lines

Manatee County, FL.





300 150 0 300

Feet

This map was developed using the Manatee County Land Information System. It is provided for general reference, is subject to change, and is not warranted for any particular use or purpose. The information contained within is derived from several sources of varying quality and accuracy. Errors from non-coincidence of features from different sources may be present. The Manatee County Land Information System and the Manatee County Commissioners do not warrant and are not liable for inappropriate or unintended uses of the information.

Source:
The data depicted in this map was provided by the Manatee County Board of County Commissioners and is a digital representation of Exhibit A Resolution R 91-284.

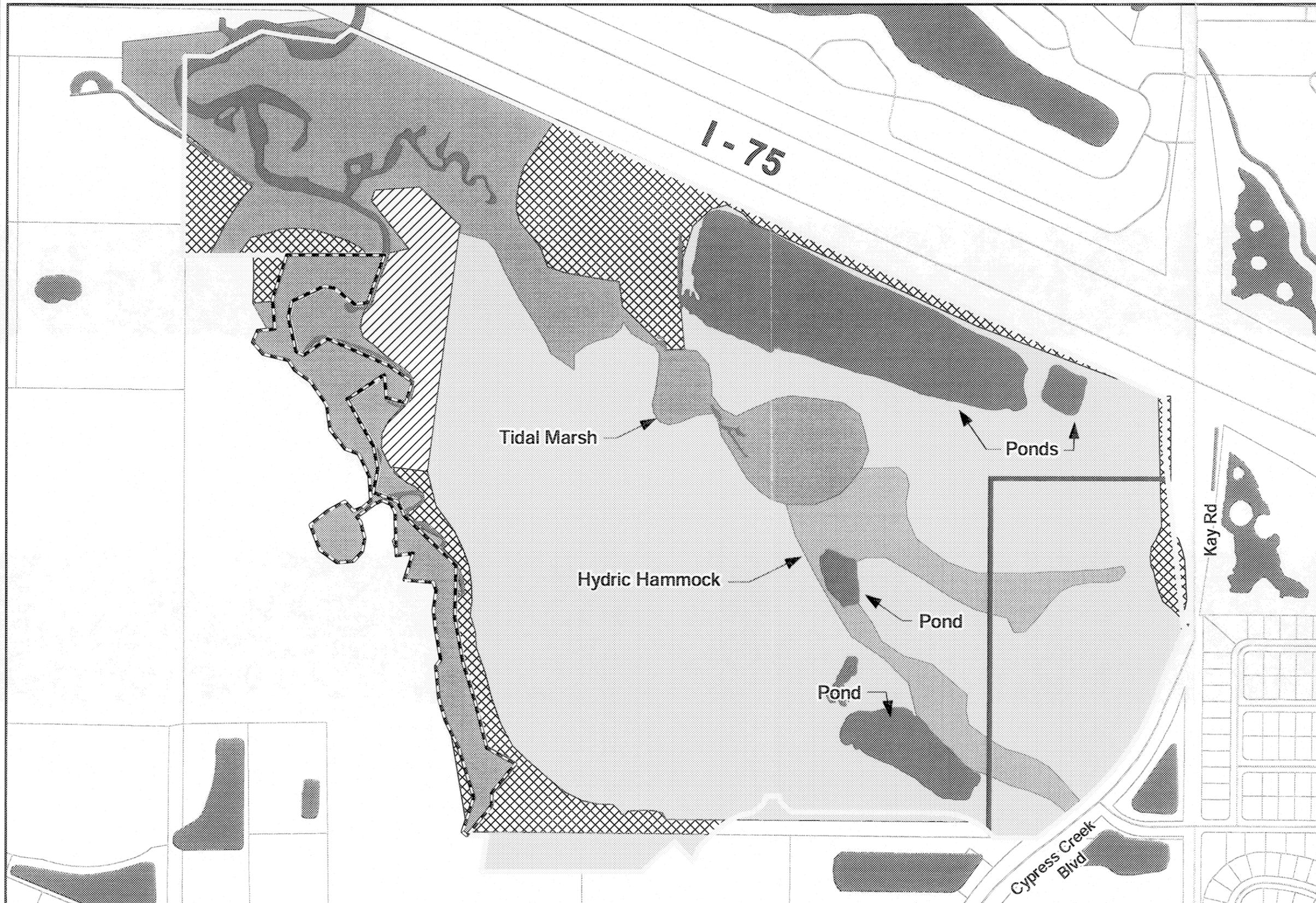
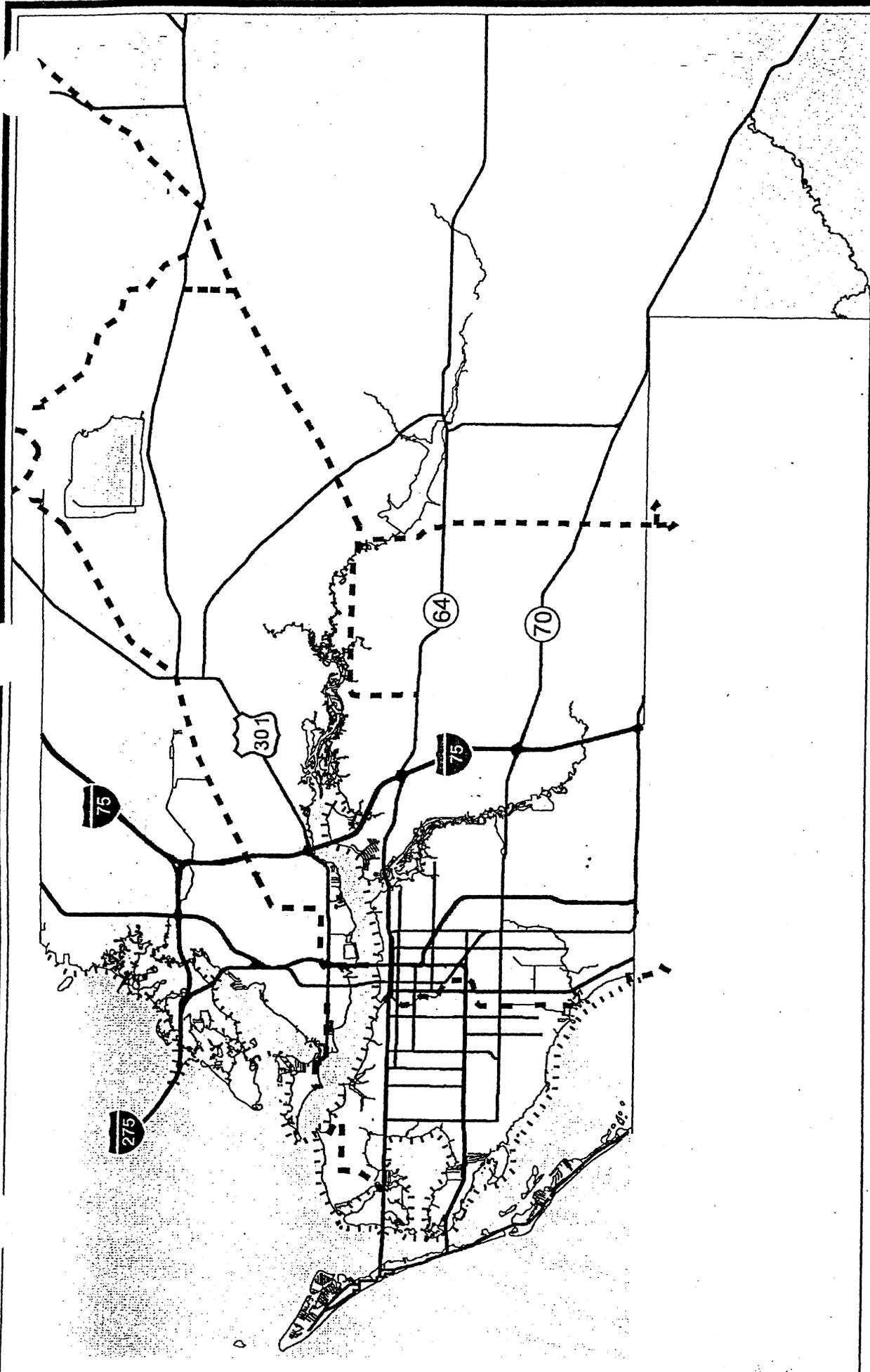


Exhibit H
Manatee County
Greenway Trail System



Manatee County - Proposed Greenway Trail System

Manatee County, FL
Legend

- Greenway Trails
- Blueway Trail
- Major Thoroughfare
- Medium Thoroughfare
- Water
- Land



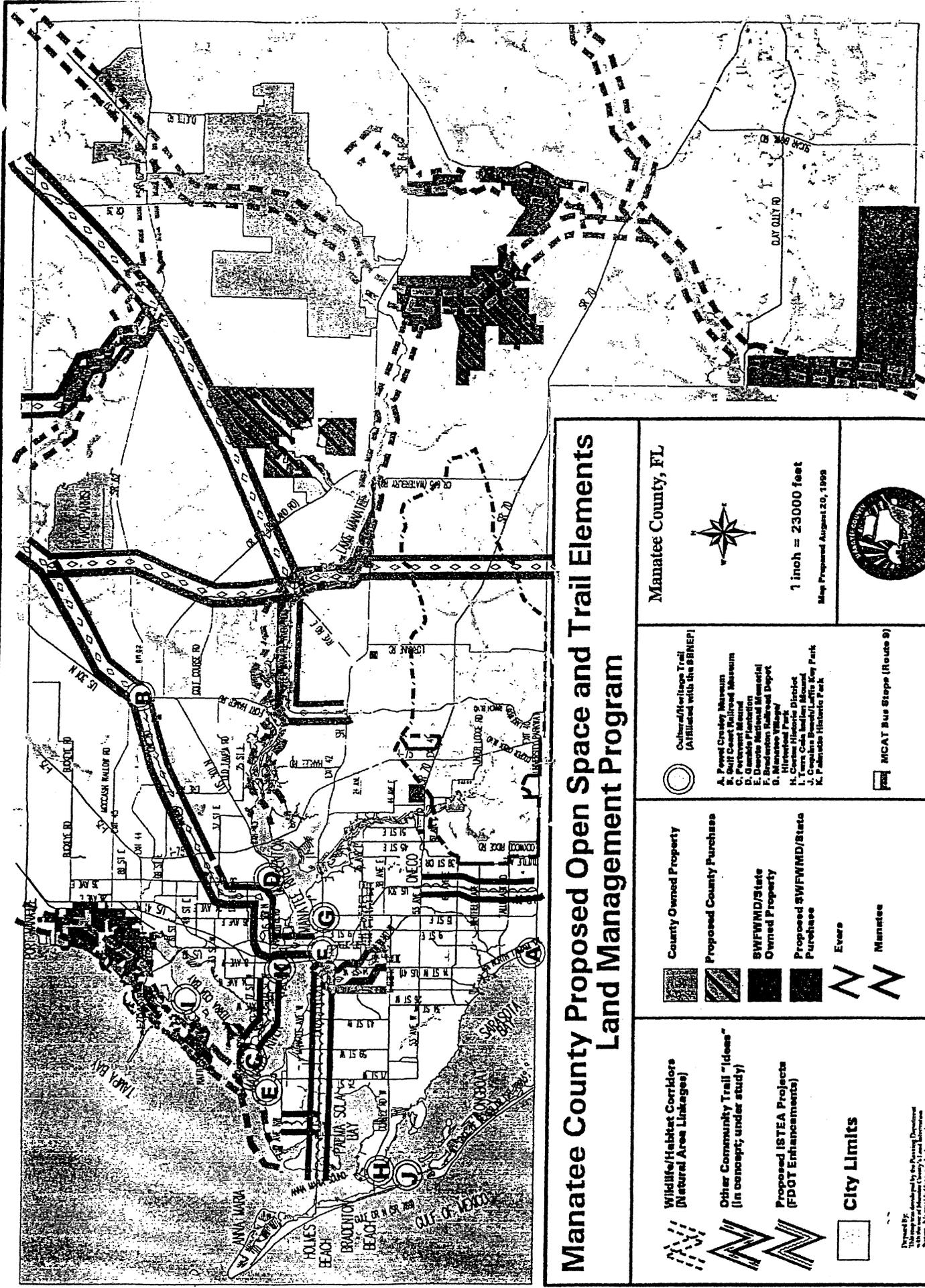
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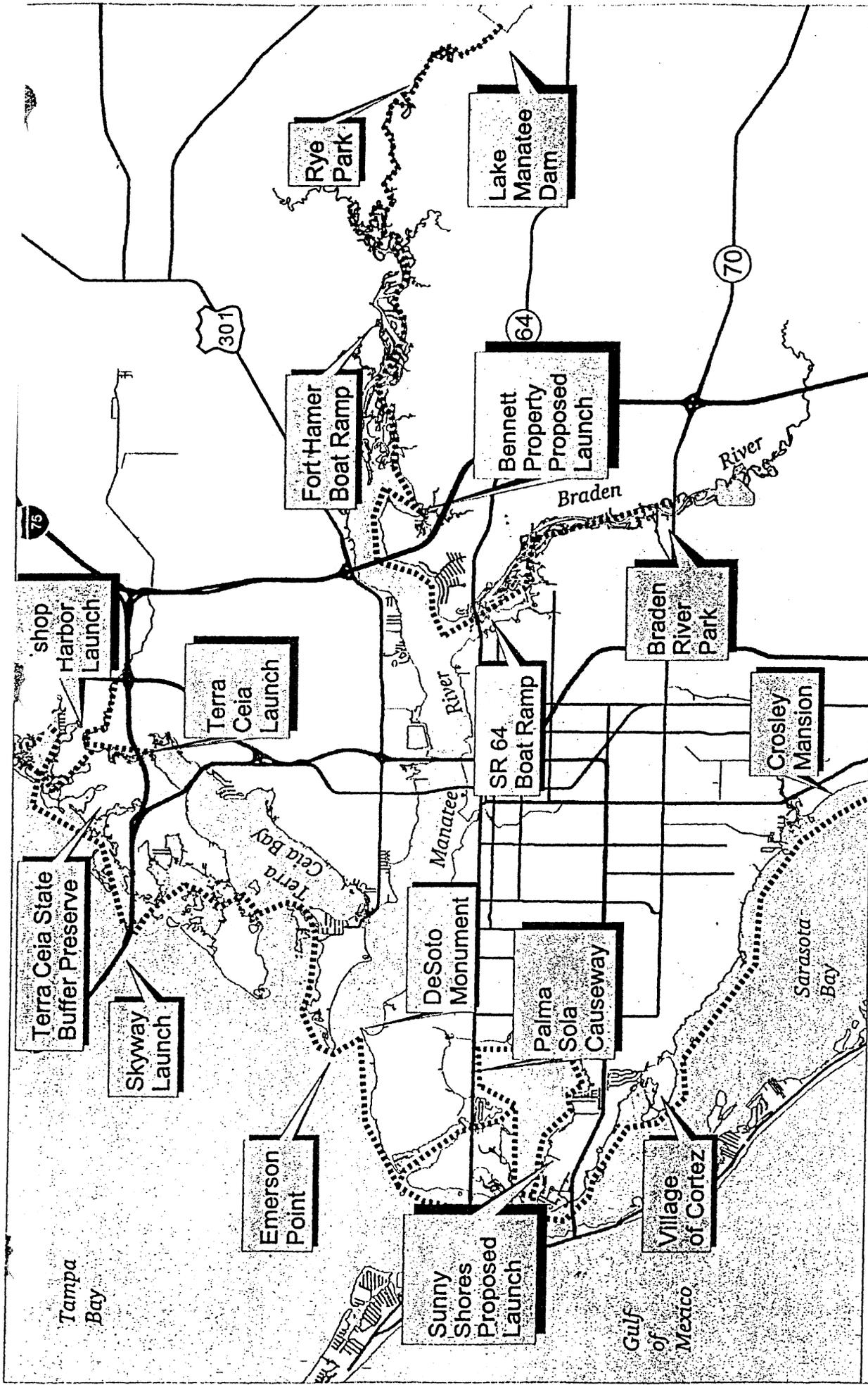
Source:
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<p>Wildlife/Habitat Corridors (Natural Area Linkages)</p> <p>Other Community Trail "Ideas" (in concept; under study)</p> <p>Proposed ISTEPA Projects (FDOT Enhancements)</p> <p>City Limits</p>	<p>County Owned Property</p> <p>Proposed County Purchases</p> <p>SWFWMD/State Owned Property</p> <p>Proposed SWFWMD/State Purchases</p> <p>Eves</p> <p>Manatee</p>	<p>Cultural/Heritage Trail (Affiliated with the SBNEFI)</p> <p>A. Fossil Creekly Museum B. Shell Coast Railroad Museum C. Gandy Bridge Memorial D. Gandy Bridge Memorial E. Gandy Bridge Memorial F. Bradenton Railroad Depot G. Manatee Village Historical Park H. Central Manatee District I. Central Manatee District J. Central Manatee District K. Palmetto Historic Park</p> <p>MCAT Bus Stops (Route 9)</p>	<p>Manatee County, FL</p> <p>1 inch = 23000 feet</p> <p>Map Prepared August 20, 1999</p>
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Exhibit I
Paddle Manatee
Manatee County Blueways



PADDLE MANATEE - MANATEE COUNTY BLUEWAYS

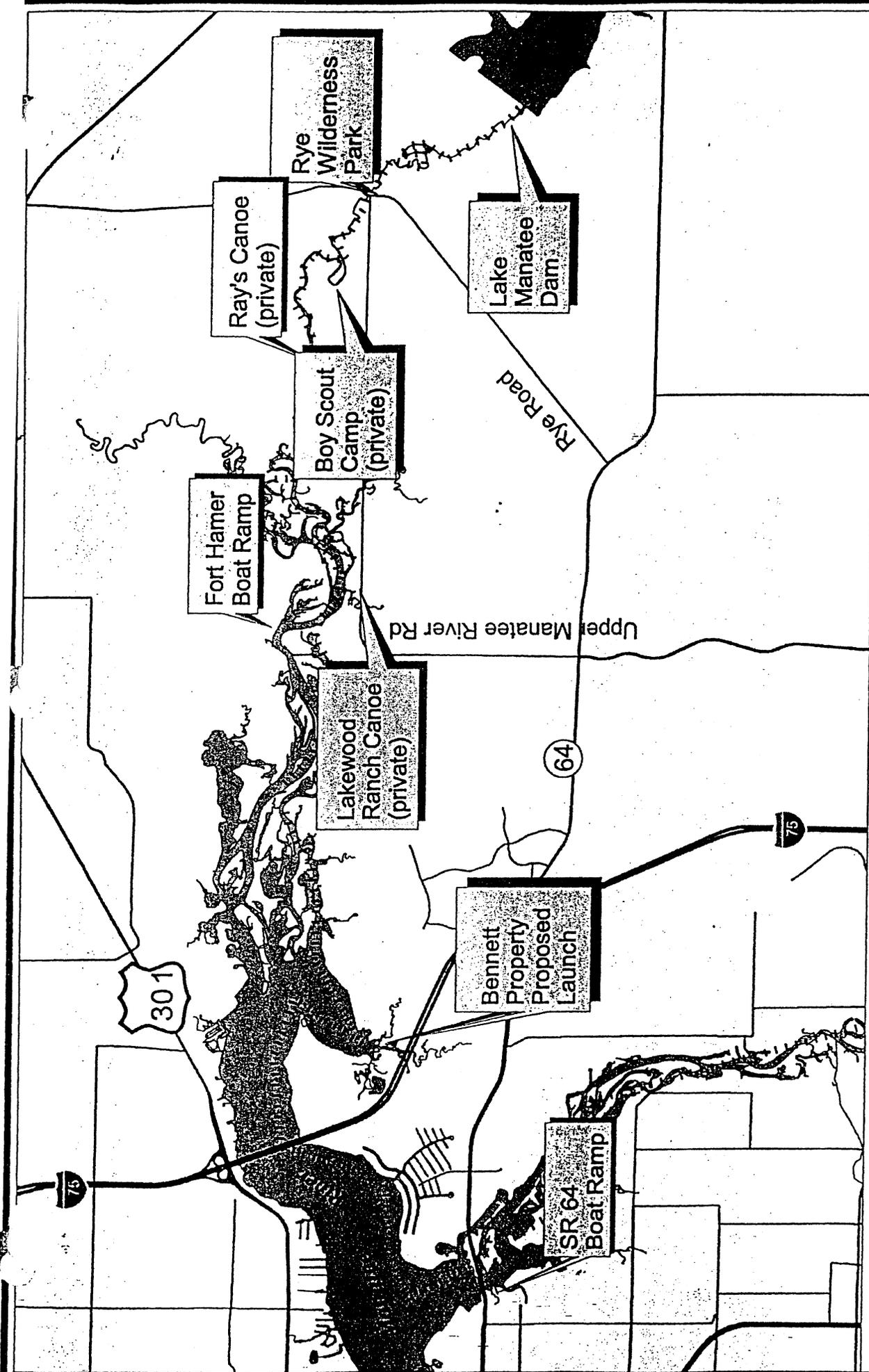
Manatee County, FL

- Legend**
- Medium Thoroughfares
 - Major Thoroughfare
 - Blue_routes.shp
 - Water
 - Land



This map was developed using the Manatee County Land Information System. It is provided for general reference, is subject to change, and is not warranted for any particular use or purpose. The information contained within is derived from several sources of varying quality and accuracy. Errors from non-coincidence of features from different sources may be present. The Manatee County Land Information System and the Manatee County Commissioners do not warrant and are not liable for inappropriate or unintended uses of the information.

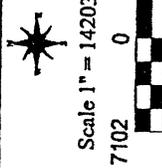
Source:
The data depicted in this map was provided by various entities of the Land Information System Department.



PADDLE MANATEE - UPPER MANATEE & BRADEN RIVER BLUEWAY TRAILS

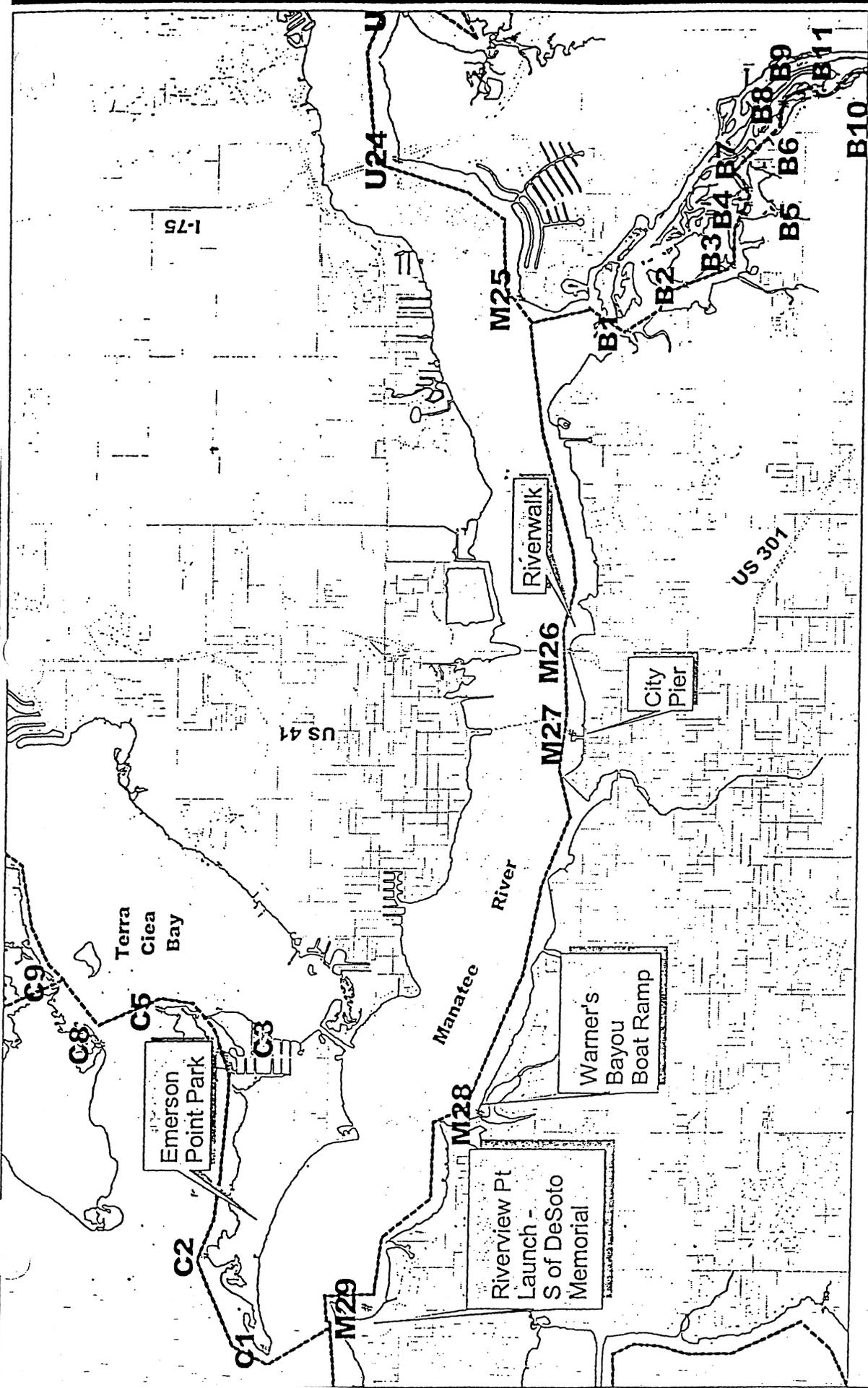
Manatee County, FL

- Legend**
- Minor Thoroughfares
 - Medium Thoroughfares
 - Major Thoroughfare
 - Blueway Trails
 - Water
 - Land



Source:
The data depicted in this map was provided by special needs of the Land Information System Department.

This map was developed using the Manatee County Land Information System. It is provided for general reference, is subject to change, and is not warranted for any particular use or purpose. The information contained within is derived from several sources of varying quality and accuracy. Errors from non-coincidence of features from different sources may be present. The Manatee County Land Information System and the Manatee County Commissioners do not warrant and are not liable for inappropriate or unintended uses of the information.



PADDLE MANATEE - MANATEE RIVER

Manatee County, FL

- Legend
- A_pls.shp
 - Roads
 - Blueway Trails
 - Water
 - Land

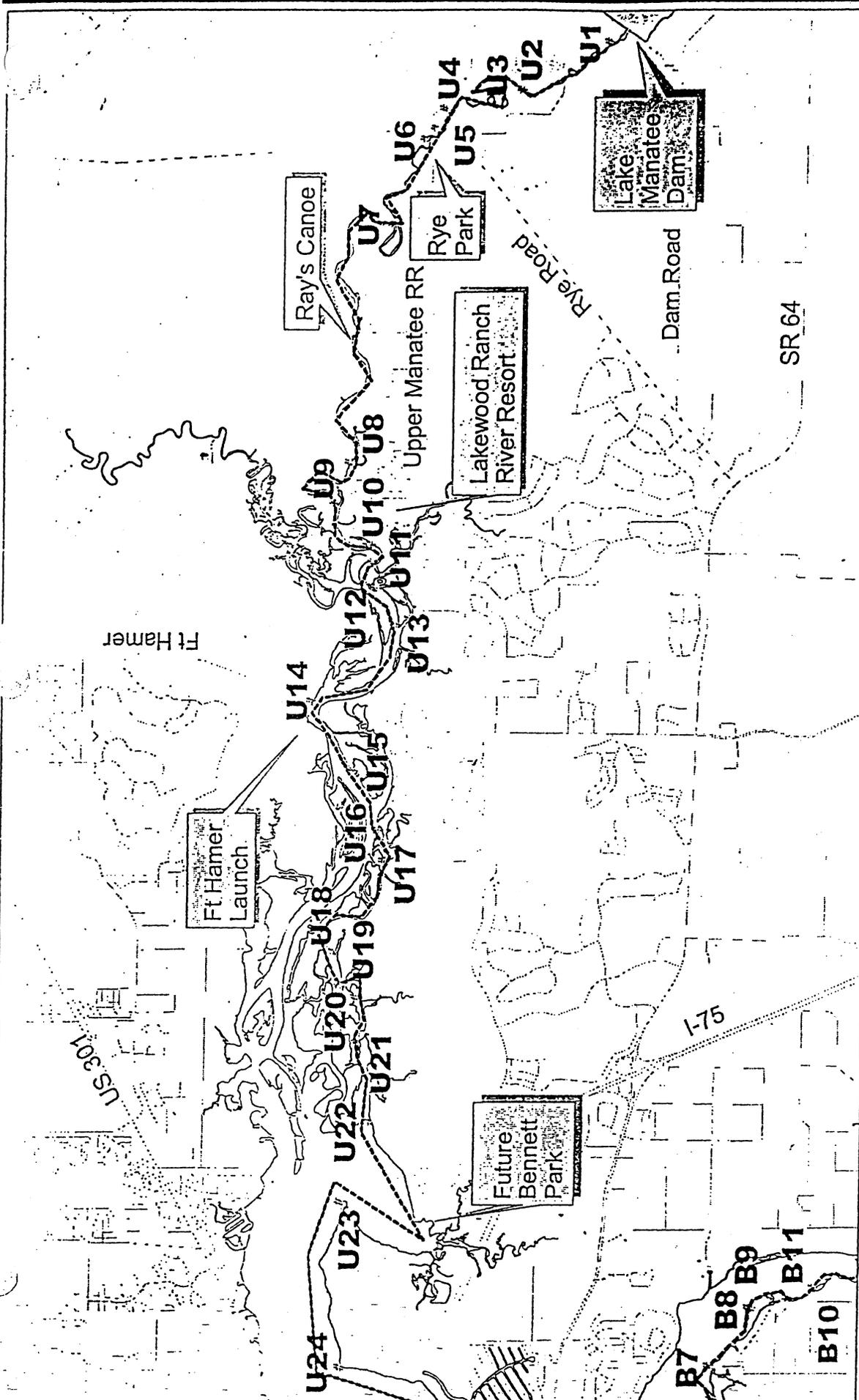


Scale 1" = 15946 Feet
7973 0 7973



Source:
The data depicted in this map was provided by agencies outside of the Land Information Systems Department.

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PADDLE MANATEE - UPPER MANATEE RIVER

Manatee County, FL

Legend

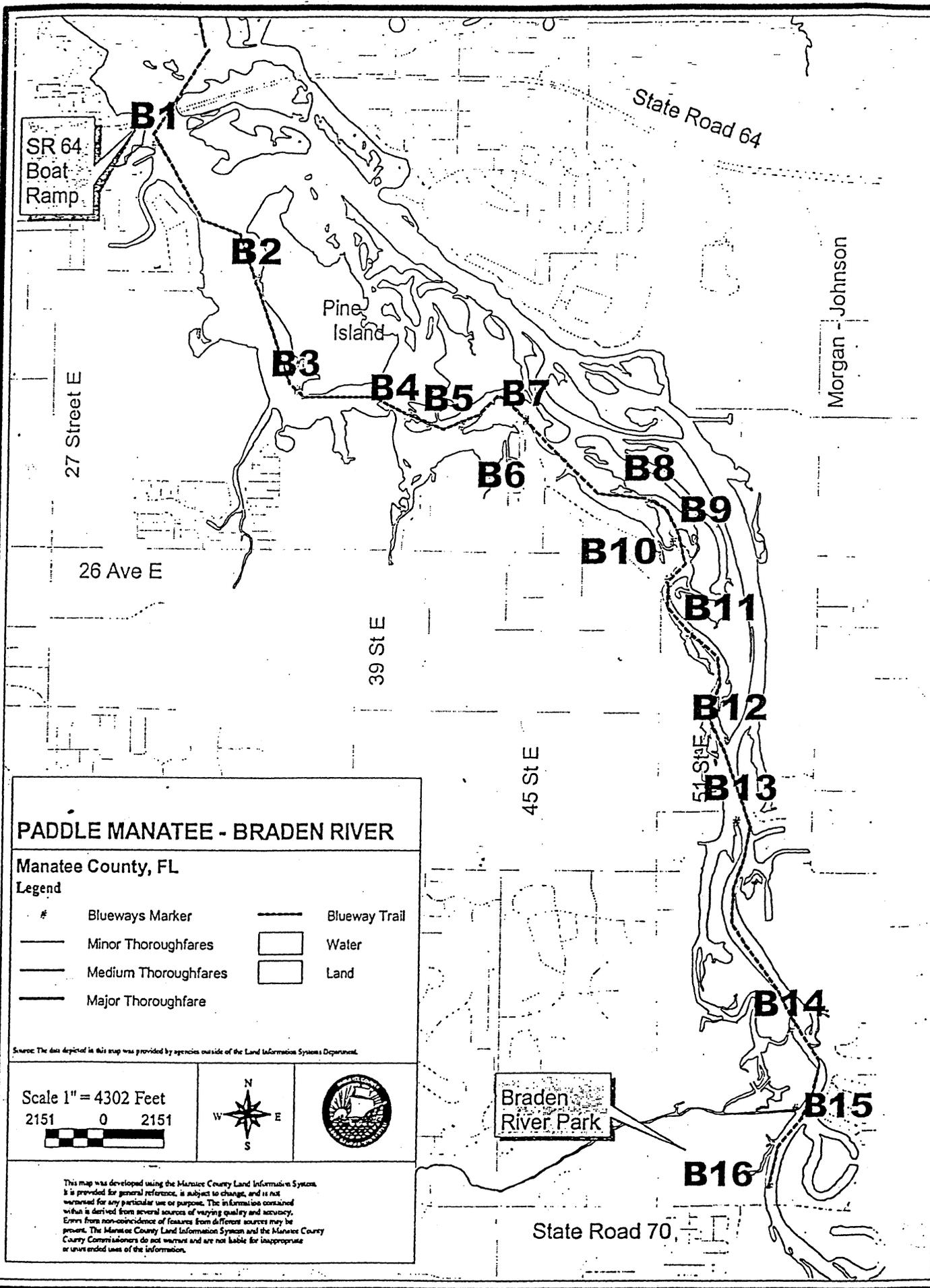
- A_pls.shp
- Roads
- Blueway Trails
- Water
- Land

Scale 1" = 10929 Feet

5465 0 5465

Source:
The data displayed in this map was provided by the Manatee County Land Information System Department.

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SR 64
Boat
Ramp

State Road 64

Morgan - Johnson

Pine
Island

27 Street E

26 Ave E

39 St E

45 St E

51 St E

PADDLE MANATEE - BRADEN RIVER

Manatee County, FL

Legend

- | | | | |
|---|----------------------|---|---------------|
| # | Blueways Marker | — | Blueway Trail |
| — | Minor Thoroughfares | □ | Water |
| — | Medium Thoroughfares | □ | Land |
| — | Major Thoroughfare | | |

Source: The data depicted in this map was provided by agencies outside of the Land Information Systems Department.

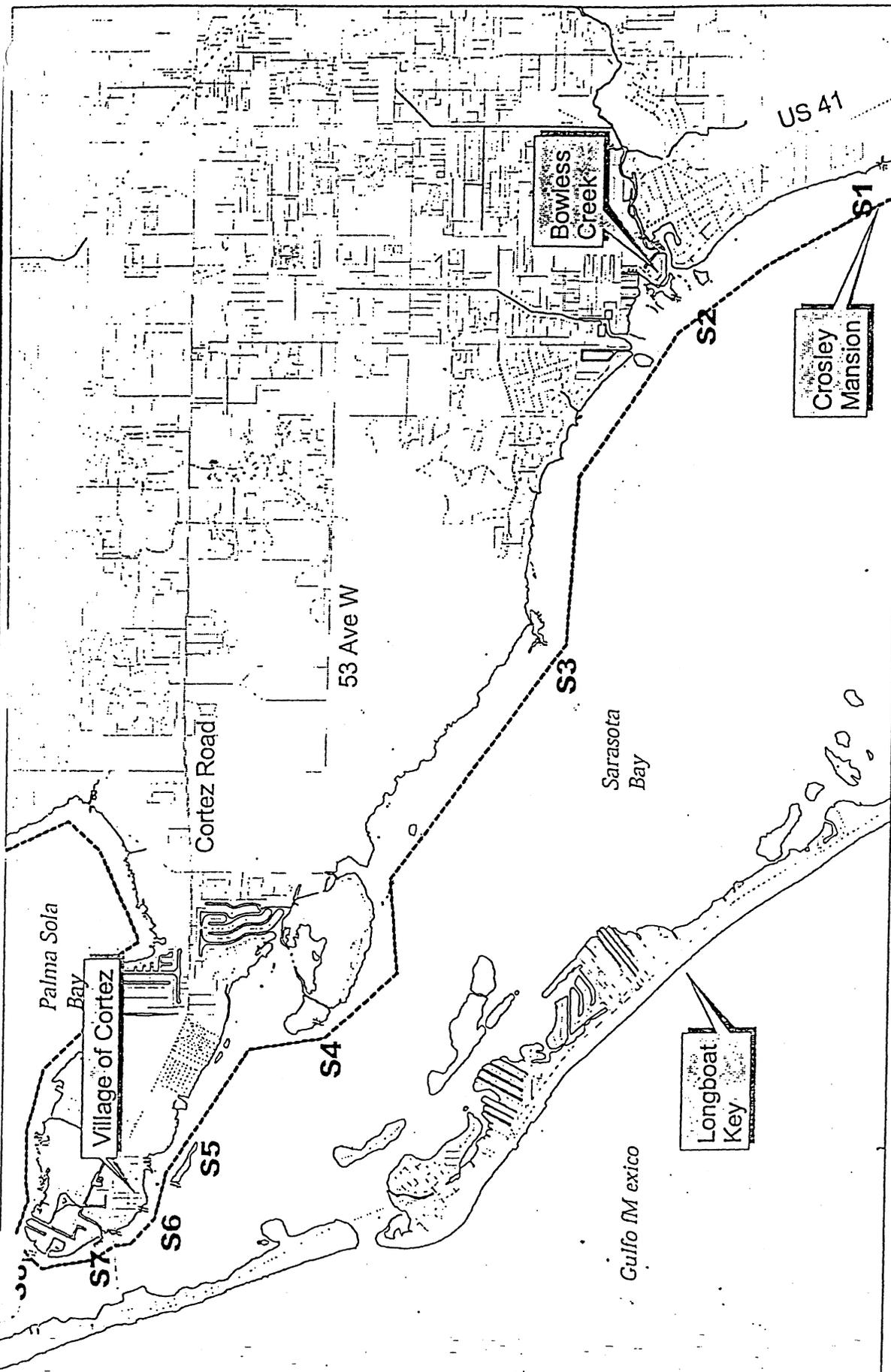
Scale 1" = 4302 Feet
2151 0 2151



Braden
River Park

State Road 70

This map was developed using the Manatee County Land Information System. It is provided for general reference, is subject to change, and is not warranted for any particular use or purpose. The information contained within is derived from several sources of varying quality and accuracy. Errors from non-occurrence of features from different sources may be present. The Manatee County Land Information System and the Manatee County County Commissioners do not warrant and are not liable for inappropriate or unintended uses of the information.



PADDLE MANATEE - SARASOTA BAY

Manatee County, FL

- Legend
-  Blueway Markers
 -  Roads
 -  Bluway Trail
 -  Water
 -  Land

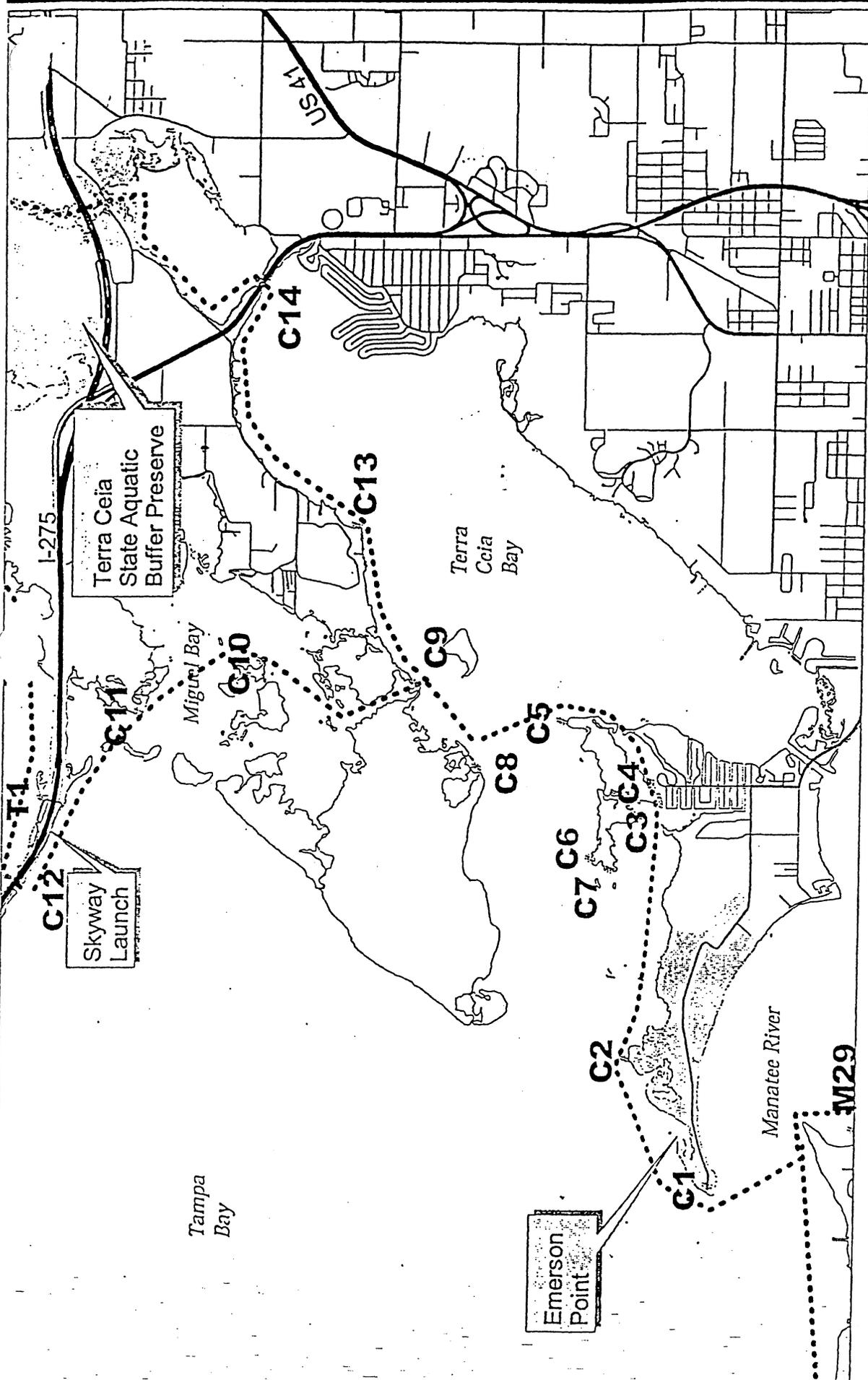


Scale 1" = 13578 feet
6789 0 6789



Source:
The data depicted in this map was provided by agencies outside of the Land Information System Department

This map was developed using the Manatee County Land Information System. It is provided for general reference, is subject to change, and is not warranted for any particular use or purpose. The information contained within is derived from several sources of varying quality and accuracy. Errors from non-coincidence of features from different sources may be present. The Manatee County Land Information System and the Manatee County Commissioners do not warrant and are not liable for inappropriate or unintended uses of the information.



PADDLE MANATEE - TERRA CEIA

Manatee County, FL

- Legend**
- Conservation Easement
 - Paddle Manatee
 - Terra Ceia
 - Water
 - Wetland
 - Road
 - Other



Scale 1" = 6263 Feet



Source:
The data depicted in this map was provided by agencies outside of the Land Information Systems Department.

This map was developed using the Manatee County Land Information System. It is provided for general reference, is subject to change, and is not warranted for any particular use or purpose. The information contained within is derived from several sources of varying quality and accuracy. Errors from non-coincidence of features from different sources may be present. The Manatee County Land Information System and the Manatee County County Commissioners do not warrant and are not liable for inappropriate or unintended uses of the information.

Note: Unlabeled marker points are not being applied for permits at this time. Only labeled markers are part of this permit application.

Tampa Bay

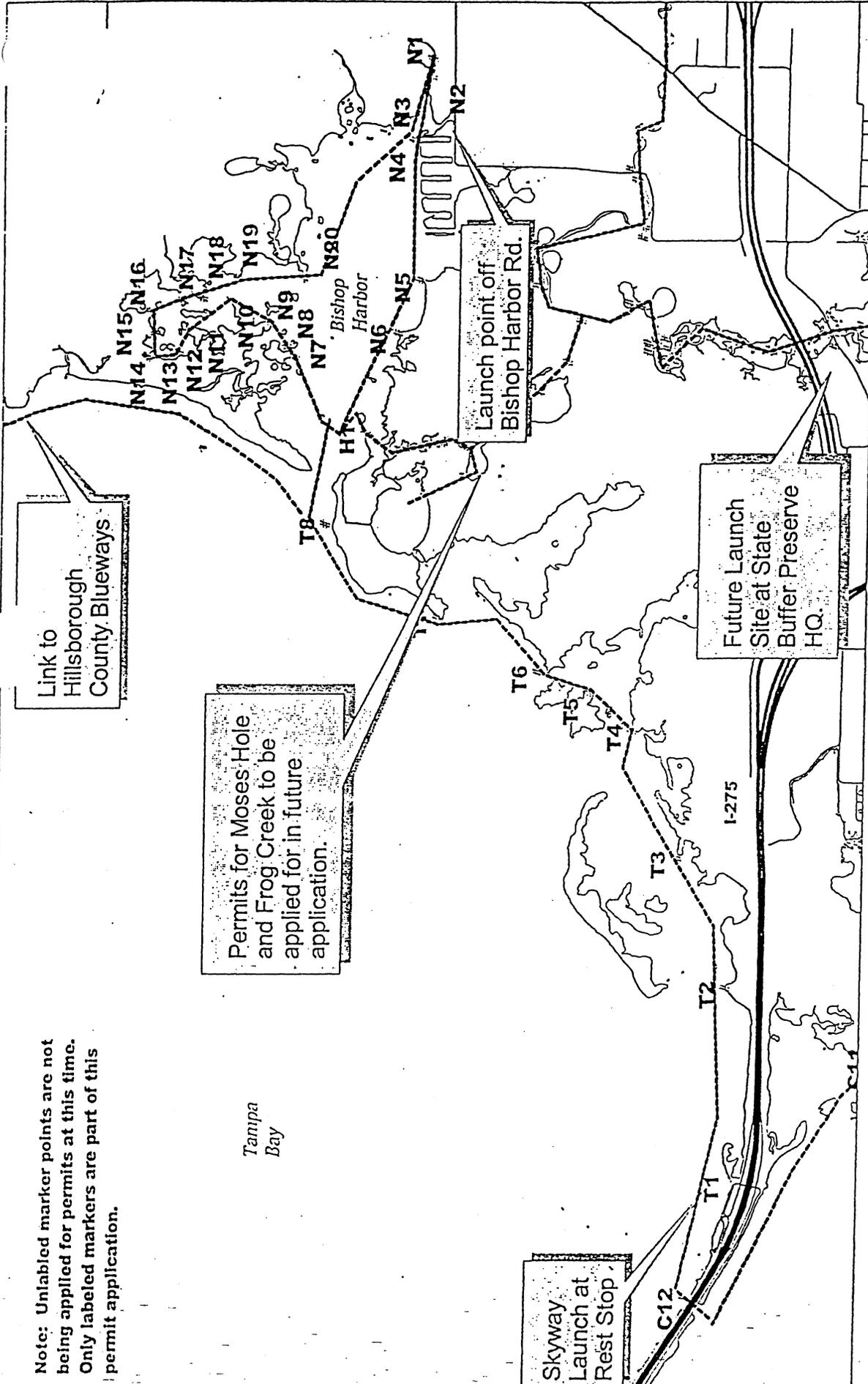
Permits for Moses Hole and Frog Creek to be applied for in future application.

Link to Hillsborough County Blueways

Launch point off Bishop Harbor Rd.

Future Launch Site at State Buffer Preserve HQ.

Skyway Launch at Rest Stop



PADDLE MANATEE - TAMPA BAY & BISHOP HARBOR

Manatee County, FL

- Blueway Markers
- Blueway Trail
- Water
- Land

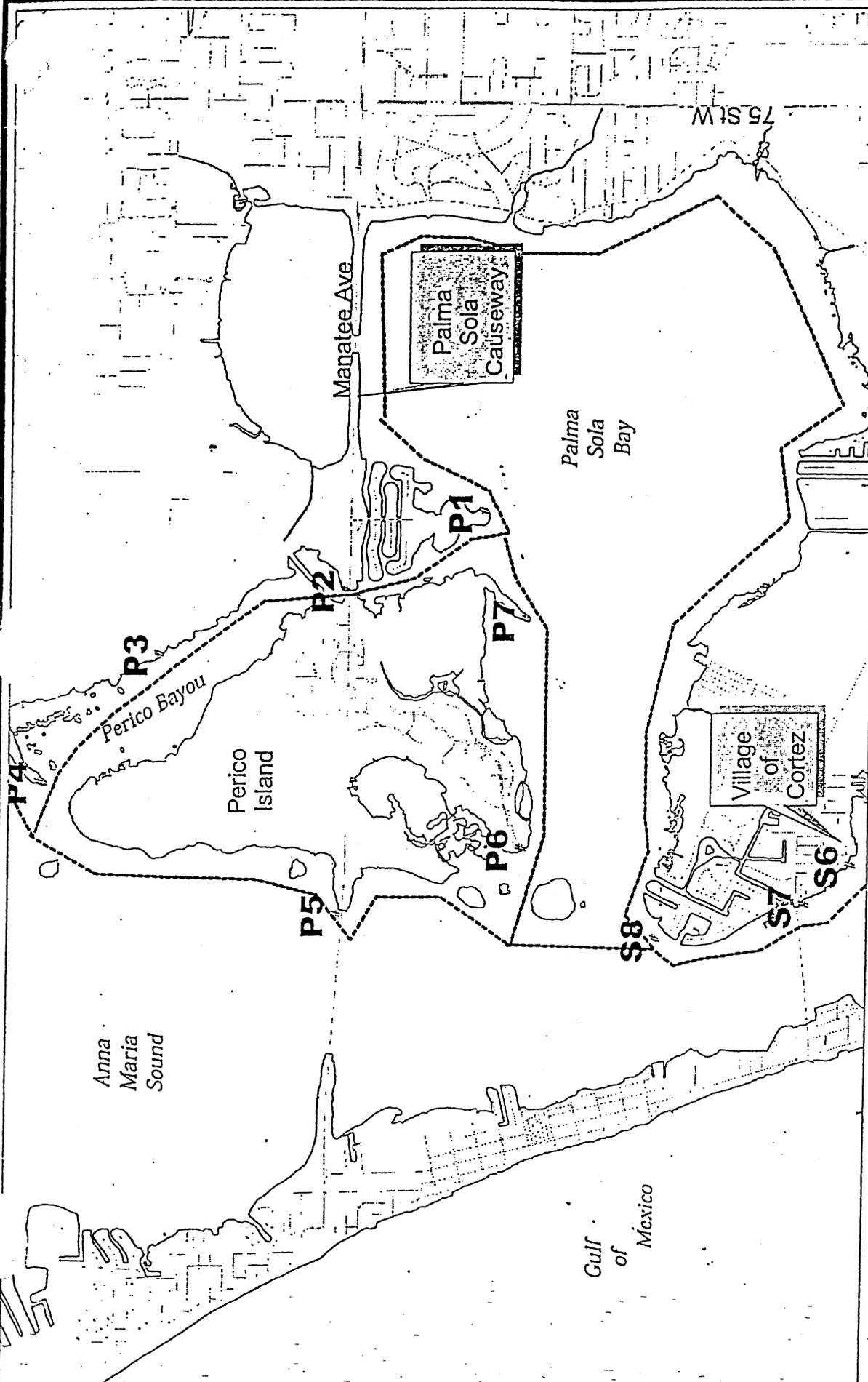


Scale 1" = 4062 Feet
2031 0 2031



Source: The data depicted in this map was provided by geographic units of the Land Information System Department.

This map was developed using the Manatee County Land Information System. It is provided for general reference. It is subject to change, and is not warranted for any particular use or purpose. The information contained within is derived from several sources of varying quality and accuracy. Errors from non-coincidence of features from different sources may be present. The Manatee County Land Information System and the Manatee County Commissioners do not warrant and are not liable for inappropriate or unintended uses of the information.



PADDLE MANATEE - PALMA SOLA BAY

Manatee County, FL

- Legend
- Blueway Markers
 - Roads
 - Blueway Trail
 - Water
 - Land



Scale 1" = 6729 Feet
 3365 0 3365



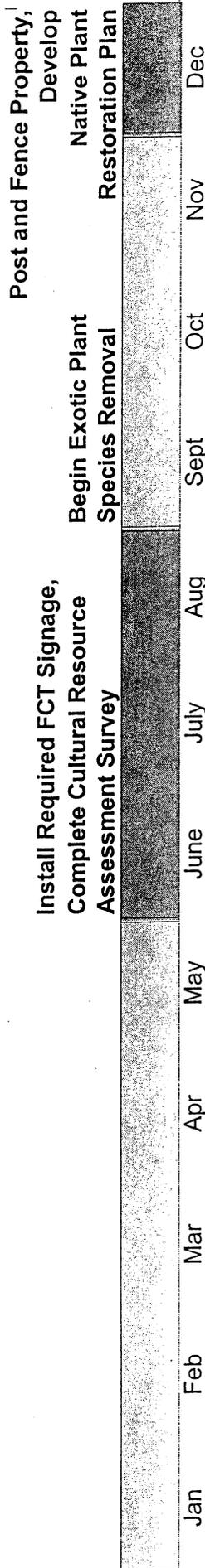
Source:
 The data depicted in this map was provided by agencies outside of the Land Information System Department.

This map was developed using the Manatee County Land Information System. It is provided for general reference, is subject to change, and is not warranted for any particular use or purpose. The information contained within is derived from several sources of varying quality and accuracy. Errors from non-coincidence of features from different sources may be present. The Manatee County Land Information System and the Manatee County Commissioners do not warrant and are not liable for inappropriate or unintended uses of the information.

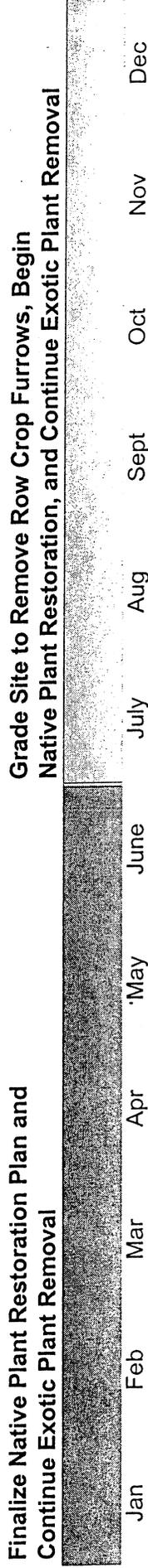
Exhibit J
Management Plan Priority Schedule

BENNETT PARK MANAGEMENT PLAN PRIORITY SCHEDULE

2003



2004



2005



2006

Construct/Install Picnic Shelters/Restrooms, Canoe Launch, Fishing Piers, Volleyball Courts, Maintenance Building, Fencing, Picnic Tables, Grills, Benches, Trash Receptacles, Water Fountains, Playground, Amphitheater, Continue Native Plant Restoration, Complete Nature Trail, Horseshoe Pits, Irrigation & Landscaping

Jan Feb Mar Apr May June July Aug Sept Oct Nov Dec

2007

Complete Native Plant Restoration

Construct Softball Complex, Parking Lot and Soccer Field

Jan Feb Mar Apr May June July Aug Sept Oct Nov Dec

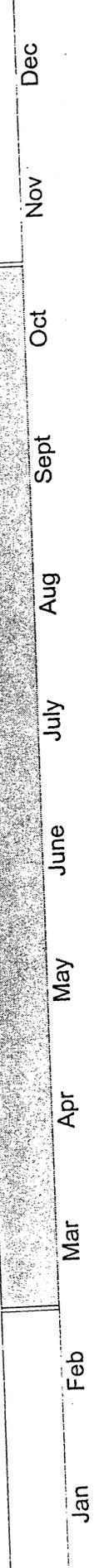
2008

Construct Softball Complex, Parking Lot, and Soccer Field

Jan Feb Mar Apr May June July Aug Sept Oct Nov Dec

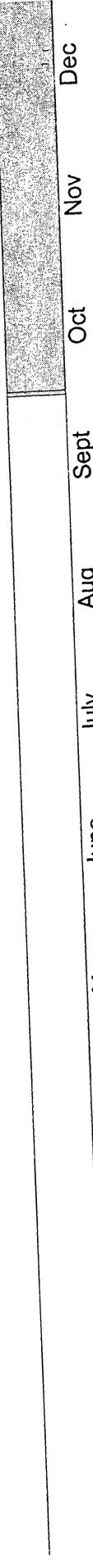
2009

Construct Tennis Courts and Parking Lot



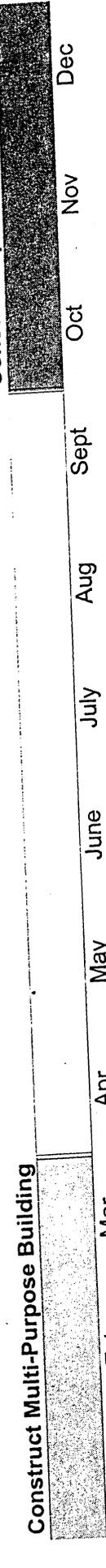
2010

Construct Multi-Purpose Bldg



2011

Construct Splashpark



2012

Construct Splashpark, Building and Irrigation/Landscaping

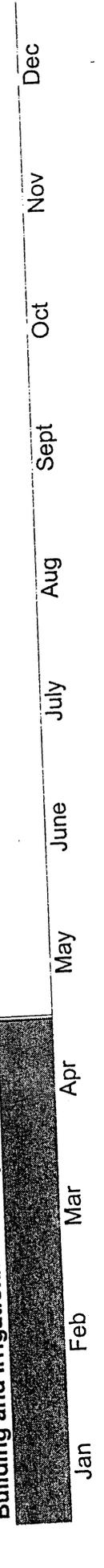


Exhibit K
Manatee County Ordinance No. 82-19
Conducts Public Parks

ORDINANCE NO. 82-19

AN ORDINANCE REGULATING CONDUCT IN PUBLIC PARKS WITHIN MANATEE COUNTY; PROVIDING FOR ENFORCEMENT; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

*Done
6/8/00*

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

WHEREAS, Manatee County, Florida owns and operates lands and facilities within Manatee County, Florida for the use and enjoyment of the general public for recreational purposes, and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, deems it advisable that rules and regulations governing the conduct of all persons using said facilities be adopted in order that said facilities may serve the public in a more effective manner.

NOW, THEREFORE, BE IT ORDAINED that in order to promote the public health, safety and welfare of the citizens of Manatee County, Florida the following ordinance is hereby enacted:

SECTION I. DEFINITIONS. As used in this Ordinance:

- (1) "County" is the County of Manatee.
- (2) "Supervisor" is a person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.
- (3) "Park" is a park, golf course, playground, beach, recreational center or any other area in the County, owned or used by the County, and devoted to active or passive recreation.
- (4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) "Vehicle" is any wheeled conveyance whether motor powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the County parks.
- (6) "Director" is the Director of the Manatee County Department of Parks and Recreation.

FILED
JUN 14 2 27 PM '00
CLERK OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

SECTION II. PARK PROPERTY. No person in the park shall:

(1) Building and other Property.

(a) Disfiguration and Removal. Wilfully mark, deface, disfigure, injure, tamper with, inhibit the function of, or remove, any building, bridge, table, bench, fireplace, railing, paving or paving material, water line or other public utility or part or appurtenance thereof, sign, notice or placard, whether temporary or permanent, monument, stake, post, or other boundary marker, or other structure of equipment, facility or park property or appurtenance whatsoever, either real or personal.

(b) Restrooms and Washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the rest rooms and washrooms designated for the opposite sex.

(c) Removal of Natural Resources. Dig, remove, or displace any beach sand, whether submerged or not, or any soil, rock, stone, tree, shrub or plant, down-timber or other wood or material, or make any excavation by tool, equipment, blasting, or other means or agency.

(d) Erection of Structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder by the Director.

(2) Trees, Shrubby, Lawns.

(a) Injury and Removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person

in any other way injure or impair the natural beauty or usefulness of any area.

(b) Climbing Trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or guncarriages or upon any other property not designated or customarily used for such purposes.

(c) Hitching of Animals. Tie or hitch a horse or other animal to any tree or plant.

(3) Wild Animals, Birds, Etc.

(a) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw objects at any animal, reptile or bird, nor shall any person remove or have in his possession the young, or the eggs, or nest, of any wild animal, reptile or bird.

Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, moccasins, coral snakes, or other deadly reptiles, may be killed on sight.

(b) Feeding. Give or offer, or attempt to give to any animal, bird or reptile, any tobacco, alcohol or other known noxious substances.

SECTION III. SANITATION. No person in a park shall:

(1) Pollution of Waters. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters or which does not naturally occur or appear there.

(2) Refuse and Trash. Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such materials shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are

provided; where receptacles are not so provided, all such materials shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

SECTION IV. TRAFFIC. No person in a park shall:

(1) State Motor Vehicle Laws Apply. Fail to comply with all applicable provisions of the State motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this and other ordinances.

(2) Enforcement of Traffic Regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets, or roads immediately adjacent thereto in accordance with the provisions of these or other applicable regulations.

(3) Obey Traffic Signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control of vehicles.

(4) Speed of Vehicles. Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles an hour, except upon such roads as the director may designate, by posted signs, for speedier travel.

(5) Operation Confined to Roads. Drive any vehicle on any area except the paved or graded park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

(6) Repair or Wash Vehicles. Repair or wash vehicles, except to make minor repairs in the event of a breakdown.

(7) Parking.

(a) Designated Areas. Park a vehicle other than in an established or designated parking

area, or otherwise than in accordance with any posted directions and with the instructions of any attendant who may be present.

(b) Night Parking. Leave a vehicle standing or parked at night without lights clearly visible for at least 500 feet from both front and rear on any driveway or road area except when properly parked in legally established parking areas.

(c) Double-Parking. Double-park any vehicle on any road or parkway unless so directed by a park official.

(8) Bicycles.

(a) Confined to Roads. Ride a bicycle on other than a paved vehicular road or a path designated for that purpose.

(b) Operation. Ride a bicycle other than on the right-hand side of the road, as close to the edge thereof as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

(c) Rider Prohibited. Ride any other person on a bicycle which is designed for use by only one person.

(d) Designated Racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(e) Innobile. Leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

(f) Night Operation. Ride a bicycle on any road between 20 minutes after sunset or before 20

minutes before sunrise without an attached headlight plainly visible at least two hundred (200) feet in front of or without a red tail-light or red reflector plainly visible from at least 30 feet from the rear of, such bicycle.

SECTION V. RECREATIONAL ACTIVITIES. No person in a park shall:

(1) Bathing and Swimming.

(a) Designated Areas. Swim, bathe, or wade in any waters or water-ways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate there, when such activity is prohibited by the Director upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(b) Certain Hours. Frequent any waters or places designated for the purpose of swimming or bathing, or congregate there, except between such hours of the day as shall be designated by the Director for such purposes for each individual area.

(c) Structure on Beach. Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind, except by special written permit granted by the Director.

(d) Costume. Allow himself to be so covered with a bathing suit as to indecently expose his person or call forth merited criticism.

(e) Bath-Houses. Dress or undress on any beach, or other public place, or in any vehicle.

toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(f) Fail to abide by the instructions of the lifeguard or attendant on duty concerning (i) the playing of games, and (ii) fishing from the beaches or other waterfront areas.

(2) Boating.

(a) Designated Areas. Bring into or operate any boat, raft, or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating. Such activity shall be in accordance with applicable regulations as are now or may hereafter be established.

(b) Public Docks. Use the public docks for dockage or other purpose without first making arrangements for such accommodation with the Director, who shall assign space and collect reasonable rental charges in conformity with established regulations and rates.

(c) Operation of Boats. Navigate, direct, or handle any boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any other boat.

(d) Prohibition During Closing Hours. Launch, dock, or operate any boat of any kind on any waters between the closing hour of the park at night and opening hour the following morning, except as may be permitted at specific park locations.

(3) Fishing.

(a) Commerce Prohibited. Engage in commercial fishing, or the buying or selling of fish caught in any waters.

(b) General Prohibition. Fish in any waters, whether fresh or salt, and whether by the use of hook-and-line, net, trap, or other device,

that use and under such regulations and restrictions as have been or may be prescribed by the Director.

(c) Off-shore. Fish off-shore from any type of boat within 300 feet of a public beach, pier, or authorized fishing groin or pier. Nor shall any person at any time fish in any area where bathing is permitted.

(4) Hunting and Firearms. Hunt, trap or pursue wild life at any time. No person shall use, carry, or possess firearms of any description, or air-rifles, spring-guns, bow-and-arrows, slings or any other form of weapon potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(5) Picnic Areas and Use.

(a) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(b) Availability. Violate the regulation that use of the individual fireplaces together with tables and benches, follows generally the rule of "first come, first served."

(c) Non-exclusive. Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

Address
Dwelle
Hunt +
Picnic

(c) Duty of Picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

*Ryk
Dette*

(6) Camping. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp-trailer, camp-wagon, or the like, except by special written permit granted by the Director.

(7) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and soccer is prohibited except on the fields and courts or areas provided therefor. Roller-skating shall be confined to those areas specifically designated for such activity.

(8) Horseback Riding. Ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

SECTION VI. BEHAVIOR. No person in a park shall:

(1) Intoxicating Beverages.

(a) Prohibition. Possess or drink alcoholic beverages, except as follows:

At certain specifically designated recreation centers where meals or lunches are served under concession privileges the sale of alcoholic beverages by such concessionaire may be permitted under the strict regulation and control of the Director. Sales of alcoholic beverages shall be made only in individual drinks (not in original packages or otherwise in bulk) and shall be consumed only on the immediate premises of the concession.

(b) Intoxication. Enter or remain in a park while under the influence of intoxicating liquor.

(2) Fireworks and Explosives. Bring, possess, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(3) Domestic Animals. Be responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs plainly indicating that dogs or other domestic animals are permitted in the immediate area. Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall

be restrained at all times on adequate leashes not greater than five (5) feet in length. No animal is allowed on public bathing beaches at any time.

(4) Reservation of Facilities. Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated by the Director for the use of the opposite sex. Exception is made for children under six years of age. Nor shall any person occupy an area designated and set aside for the exclusive use of the handicapped, except for those persons attending said handicapped persons.

(5) Alms. Shall solicit alms or contributions for any purpose, whether public or private, without the express written permission of the Director.

(6) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

(7) Closed Areas. Enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.

(8) Games of Chance. Gamble, or participate in or abet any game of chance.

(9) Surf or Ski. Surf or ski at any public beach not designated specifically for that purpose.

(10) Signs. Carry on or engage in any activity which is expressly prohibited by a posted sign.

(11) Loitering and Boisterousness. Sleep or protractedly lounge on the seats, or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of

(12) Exhibit Permits. Fail to produce and exhibit any permit from the Director that he claims to have upon request of any authorized person who shall desire to inspect the same.

(13) Interference with Permittees. Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

SECTION VII. MERCHANDISING, ADVERTISING AND SIGNS.

No person in a park shall:

(1) Vending and Peddling. Expose or offer for sale any services, article or thing; nor shall any person station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire or other person engaging in such activities by and under the authority and regulation of the Board of County Commissioners or the Director.

(2) Advertising. Announce, advertise, or call the public attention in any way to any article or service for sale or hire.

(3) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever; nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

(4) Handbills. Distribute any handbills or circulars, except by special written permit granted by the Director.

SECTION VIII. PARK OPERATING POLICY.

(1) Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information. Curfew at all parks within Manatee County shall be twelve o'clock midnight, except as otherwise permitted by the Director.

(2) Closed Areas. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(3) Other Regulations. Any other rule or regulation designed to enhance the public's enjoyment of a paid area or to assist in its orderly operation may be established by the Director with respect to particular parks or park areas by the posting of signs stating such additional rule or regulation.

(4) Exceptions. The Director may waive enforcement or application of any of the regulations or restrictions contained herein, with respect to particular park areas or in connection with the issuance of permits for particular activities, upon determining that such action will not interfere with the public's health and safety or its full enjoyment of park areas and facilities.

(5) Permit. A permit shall be obtained from the Director before participating in any activity within a park for which a permit is required hereunder. A permit must be obtained for all types of special events held on park or beach property.

(a) Application. A person seeking issuance of a permit hereunder shall file an application with the Director. The application shall state:

(a-1) The name and address of the applicant;

(a-2) The name and address of the person, persons, corporation or association sponsoring the activity, if any;

(a-3) The day and hours for which the permit is desired;

(a-4) The park or portion thereof for which such permit is desired;

(a-5) An estimate of the anticipated attendance;

(a-6) Any other information which the Director shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

(b) Standards for Issuance. The Director shall issue a permit hereunder when he finds:

(b-1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(b-2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

(b-3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.

(b-4) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the County or by any city within which the park is located.

(b-5) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(c) Effect of Permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(d) Liability of Permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any

person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(e) Revocation. The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

SECTION IX. ENFORCEMENT AND PENALTIES.

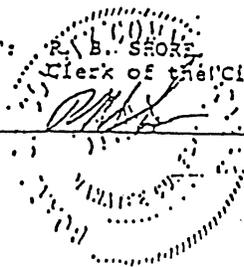
(1) Any person violating any of the provisions of this ordinance shall be subject to expulsion from the park and, further, shall be subject to any penalty prescribed by general or local law which is applicable to such conduct or activity.

(2) The provisions of this ordinance are not intended to abrogate any laws of the United States, the State of Florida, or any municipality or political subdivision of the State of Florida wherein the park is located, but are intended to be merely supplemental thereto.

SECTION X. EFFECTIVE DATE. This ordinance shall take effect immediately upon receipt of official notice from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, this 26th day of October, 1982.

ATTEST: R. B. SHORE,
Clerk of the Circuit Court



BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA.

By: Vernon E. Vickers
Vernon E. Vickers, Chairman
10/26/82

Exhibit L
Copy of Recorded Deed

This document prepared by:

William C. Robinson, Jr., Esquire
Grimes Goebel Grimes Hawkins
Gladfelter & Galvano, P.A.
P.O. Drawer 1550
Bradenton, Florida 34206
Parcel ID #:
Grantee's EIN # _____

WARRANTY DEED

THIS WARRANTY DEED, is made this 1st day of July, 2003, by and between Thomas C. Bennett, Jr., individually and as Trustee, as to an undivided 2/3 interest whose address is 6144 9th Avenue Circle East, Bradenton, Florida 34202, and as to the remaining undivided 1/3 interest ("1/3 Interest"): Thomas Michael Bennett, a married man as to a one quarter (1/4) interest of the said 1/3 Interest whose address is 1697 Edith Esplande, Cape Coral, Florida 33904, and Richard Charles Bennett, a married man as to a one quarter (1/4) interest of the said 1/3 Interest whose address is 2020 Wellon Ranch Road, Parrish, Florida 34219, and Rosemary Bealle, a married woman as to a one quarter (1/4) interest of the said 1/3 Interest whose address is 15709 Lake St. Omaha, Nebraska 68116, and Richard Charles Bennett, individually and as Trustee of the Irrevocable Bennett Family Trust dated April 30, 2003 as to a one quarter (1/4) interest of the said 1/3 Interest with full power and authority, either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property described herein, as tenants in common as to the said 1/3 Interest, whose address is 2020 Wellon Ranch Road, Parrish, Florida 34219 (collectively referred to herein as "Grantor"), and Manatee County, a political subdivision of the State of Florida, whose post office address is P.O. Box 1000, Bradenton, Florida 34206-1000 ("Grantee").

W I T N E S S E T H

That the Grantor, in consideration of the sum of Ten Dollars and other valuable consideration paid by the Grantee, receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to the Grantee, its successors and assigns forever, real property in Manatee County, Florida, described on **Exhibit "A"** attached hereto and made a part hereof by reference ("Property").

By acceptance of this warranty deed, Grantee herein hereby agrees that the use of the Property described herein shall be subject to the covenants and restrictions as set forth in the Grant Award Agreement attached hereto as **Exhibit "B."** These covenants and restrictions shall run with the Property herein described. If any of the covenants and restrictions of the Grant Award Agreement are violated by the Grantee or by some third party with the knowledge of the Grantee, fee simple title to the Property described herein shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida in accordance with the Grant Award Agreement without further notice to Grantee, its successors

and assigns, and Grantee, its successors and assigns shall forfeit all right, title and interest in and to the Property described herein.

To have and to hold the same in fee simple forever.

The benefits and obligations hereunder shall inure to and be binding upon the successors and assigns of the respective parties hereto, and the Grantor does hereby fully warrant title to the Property and will defend the same against the lawful claims of all persons whomsoever. This Property is not the homestead property of the Grantor, nor contiguous to homestead property, as such homestead is defined under Florida law.

This conveyance is subject to zoning and other prohibitions and regulations imposed by governmental authorities, and the additional matters set forth on Exhibit "C" hereto.

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument as of the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Print name: WILLIAM C. ROBINSON, JR.

[Signature]
Thomas C. Bennett, Jr., Individually and as Trustee

[Signature]
Print name: CAROL E. DIMON

STATE OF FLORIDA)
COUNTY OF MANATEE)

The foregoing instrument was acknowledged before me this 15th day of JULY, 2003, by Thomas C. Bennett, Jr., Individually and as Trustee, who is personally known to me or has produced _____ as identification.

[Signature]
Notary Public
CAROL E. DIMON
Print Name

My Commission Expires:



Carol E Dimon
My Commission DD178445
Expires March 21, 2007

[Handwritten Signature]

Print name: WILLIAM L. ROBINSON, JR.

[Handwritten Signature]

Print name: CAROL E. DIMON

[Handwritten Signature]

Thomas C. Bennett, Jr., as attorney-in-fact for Richard Charles Bennett, individually and as Trustee of the Irrevocable Bennett Family Trust dated April 30, 2003, under Durable Limited Power of Attorney dated April 30, 2003

STATE OF FLORIDA)
COUNTY OF MANATEE)

The foregoing instrument was acknowledged before me this 15th day of JULY, 2003, by Thomas C. Bennet, Jr., as attorney-in-fact for Richard Charles Bennett, individually and as Trustee of the Irrevocable Bennett Family Trust dated April 30, 2003, under Durable Limited Power of Attorney dated April 30, 2003, who is personally known to me or has produced _____ as identification.

[Handwritten Signature]

Notary Public

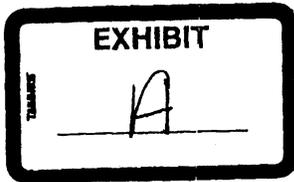
[Handwritten Signature]

Print Name

My Commission Expires:



Carol E Dimon
My Commission DD178445
Expires March 21, 2007



DESCRIPTION: PARCEL "A"

COMMENCE AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN S 00°08'31" W ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 3075.18 FEET; THENCE N 89°42'41" W, A DISTANCE OF 810.00 FEET TO THE POINT OF BEGINNING; THENCE N 89°42'41" W, A DISTANCE OF 2085.00 FEET TO THE CENTERLINE OF A SMALL STREAM; THENCE NORTHERLY ALONG THE CENTERLINE OF SAID STREAM TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 (STATE ROAD 93, SECTION 13075-2404) SAID POINT LYING N 08°16'32" W AT A DISTANCE OF 3231.50 FEET; THENCE S 65°45'33" E ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 3563.00 FEET; THENCE S 00°05'03" W CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 206.54 FEET; THENCE S 05°56'19" E CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 121.49 FEET; THENCE N 89°42'41" W, A DISTANCE OF 707.50 FEET; THENCE S 00°08'31" W, A DISTANCE OF 1421.67 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 152.83 ACRES.

This document prepared by:
Ann J. Wild
Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

FLORIDA COMMUNITIES TRUST
FF AWARD# 01-004-FF1
FCT Contract# 03-CT-2P-01-FI-JI-004

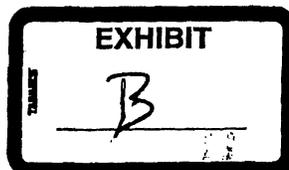
GRANT AWARD AGREEMENT

THIS AGREEMENT is entered into this 27th day of APRIL, 2003, by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, a nonregulatory agency within the State of Florida Department of Community Affairs, and MANATEE COUNTY, a local government of the State of Florida (Recipient), in order to impose terms, conditions, and restrictions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds and as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), as shall be necessary to ensure compliance with applicable Florida Law and federal income tax law and to otherwise implement provisions of Chapters 259.105, 259.1051, and 380, Florida Statutes.

WHEREAS, Part III Chapter 380, Florida Statutes, the Florida Communities Trust Act, creates a nonregulatory agency within the Department of Community Affairs, which will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, Section 259.105(3)(c), F.S., of the Florida Forever Act provides for the distribution of twenty-two percent (22%) less certain reductions of the net Florida Forever Revenue Bond proceeds to the Department to provide land acquisition grants to local governments and nonprofit environmental organizations through the FCT for acquisition of community-based projects, urban open spaces, natural resource conservation areas, parks, greenways and outdoor recreation areas to implement local comprehensive plans;

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WHEREAS, the Bonds were issued as tax-exempt bonds, meaning that the interest on the Bonds is excluded from the gross income of Bondholders for federal income tax purposes;

WHEREAS, Rule Chapter 9K-7, Florida Administrative Code (F.A.C.), authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding in accordance with Rule Chapter 9K-7, F.A.C.;

WHEREAS, the FCT has approved the terms under which the Project Site is acquired and the deed whereby the Recipient acquires title to the Project Site shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund upon the failure of the Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, such covenants and restrictions shall be imposed by an agreement which shall describe with particularity the real property which is subject to the agreement and shall be recorded in the county in which the real property is located; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Florida Forever Bond award.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and Recipient do hereby contract and agree as follows:

I. GENERAL CONDITIONS.

1. Upon execution and delivery by the parties hereto, the Recipient shall cause this Agreement to be recorded and filed in the official public records of Manatee County, Florida, and referenced in the warranty deed vesting fee simple title to the Project Site in the Recipient, and in such manner and in such other places as FCT may reasonably request, and shall pay all fees and charges incurred in connection therewith.

2. The Recipient and FCT agree that the State of Florida Department of Environmental Protection will forward this Agreement to Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax exempt status of the Florida Forever Bonds is not jeopardized, FCT and Recipient shall amend the Agreement accordingly.

3. This Agreement may be amended at any time. Any amendment must be set forth in a written instrument and agreed to by both the Recipient and FCT.

4. This Agreement and the covenants and restrictions contained herein shall run with the Property herein described and shall bind, and the benefits shall inure to, respectively, the FCT and the Recipient and their respective successors and assigns.

5. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, with respect to both substantive rights and with respect to procedures and remedies.

6. Any notice required to be given hereunder shall be given by personal delivery, by registered mail or by registered expedited service at the addresses specified below or at such other addresses as may be specified in writing by the parties hereto, and any such notice shall be deemed received on the date of delivery if by personal delivery or expedited delivery service, or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
ATTN: Executive Director

Recipient: Manatee County
P O Box 1000
Bradenton, FL 34206
ATTN: County Administrator

7. If any provision of the Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

II. PROJECT SITE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375, AND CHAPTER 380, PART III, FLORIDA STATUTES.

1. If any essential term or condition of this grant agreement is violated by the Recipient or by some third party with the knowledge of the Recipient and the Recipient does not correct the violation within 30 days of notice of the violation, fee simple title to all interest in the Project Site shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund. The FCT shall treat such property in accordance with Section 380.508(4)(e), Florida Statutes.

2. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee, containing such covenants, clauses, or other restrictions as are sufficient to protect the interest of the people of Florida.

3. The interest, if any, acquired by the Recipient in the Project Site will not serve as security for any debt of the Recipient unless FCT approves the transaction.

4. If the existence of the Recipient terminates for any reason, title to all interest in real property it has acquired with the FCT award shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund, unless FCT negotiates an agreement with another local government or nonprofit organization which agrees to accept title to all interest in and to manage the Project Site.

5. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the Recipient shall deposit with the FCT any insurance proceeds or any condemnation award, and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. The FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from the FCT, the FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT will have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

III. PROJECT SITE OBLIGATIONS IMPOSED BY FCT ON THE Recipient.

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for passive, natural resource-based public outdoor recreation which is compatible with the conservation, protection and enhancement of the Project Site, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Project Plan as approved by FCT.

2. The Recipient shall prepare and submit to FCT an annual stewardship report as required by Rule 9K-7.013, F.A.C.

3. The Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation, or outdoor recreation uses as appropriate. If an amendment to the Recipient's comprehensive plan is required to comply with this paragraph, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the Recipient.

4. Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

5. The Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the FCT approved project plan.

6. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the Recipient at the Project Site.

7. All buildings, structures, improvements, and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and/or major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably with-held by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. The approval by FCT of the Recipient's management plan addressing the items mentioned herein shall be considered written approval from FCT.

8. If archaeological and historic sites are located on the Project Site, the Recipient shall comply with Chapter 267, Florida Statutes. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site will be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

9. The Recipient shall ensure that the Project Site is identified as being publicly owned and operated as a passive, natural resource-based public outdoor recreational site in all signs, literature and advertising regarding the Project Site. The Recipient shall erect a sign(s) identifying the Project Site as being open to the public and as having been purchased with funds from FCT and Recipient.

IV. OBLIGATIONS INCURRED BY RECIPIENT AS A RESULT OF BOND PROCEEDS BEING UTILIZED TO PURCHASE THE PROJECT SITE.

1. If the Project Site is to remain subject, after its acquisition by the State and the Recipient, to any of the below listed activities or interests, the Recipient shall provide at least 60 days written notice of any such activity or interest to FCT prior to the activity taking place, and shall provide to FCT such

information with respect thereto as FCT reasonably requests in order to evaluate the legal and tax consequences of such activity or interest:

- a. any lease of any interest in the Project Site to a non-governmental person or organization;
- b. the operation of any concession on the Project Site to a non-governmental person or organization;
- c. any sales contract or option to buy things attached to the Project Site to be severed from the Project Site, with a non-governmental person or organization;
- d. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;
- e. a management contract of the Project Site with a non-governmental person or organization; and
- f. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

2. Recipient agrees and acknowledges that the following transaction, events, and circumstances may not be permitted on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law:

- a. a sale of the Project Site or a lease of the Project Site to a non-governmental person or organization;
- b. the operation of a concession on the Project Site by a non-governmental person or organization;
- c. a sale of things attached to the Project Site to be severed from the Project Site to a non-governmental person or organization;

- d. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of bonds from which the disbursement is to be made;
- e. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;
- f. a management contract of the Project Site with a non-governmental person or organization; and
- g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE RECIPIENT AND OTHER GOVERNMENTAL BODIES, NOT FOR PROFIT ENTITIES, OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

V. CONDITIONS THAT ARE PARTICULAR TO THE PROJECT SITE AS A RESULT OF THE FCT APPROVED MANAGEMENT PLAN.

1. Two or more resource-based outdoor recreational facilities including fishing/observation piers and a canoe/kayak launch and two or more user-oriented outdoor recreation facilities including a sand volleyball court, playground and soccer fields shall be provided at the Project Site. The facilities shall be designed and located with minimal impact to natural resources on the Project Site.
2. A permanent recognition sign shall be maintained in the entrance area of the Project Site. The sign shall acknowledge that the Project Site is open to the public and was purchased with funds from the Florida Communities Trust Program and Manatee County.
3. Interpretive signage shall be provided to educate visitors about the natural environment of the Project Site.
4. A biological inventory of the natural communities found on the Project Site, including the dominant and listed plant and animal species, shall be conducted prior to any site development. The inventory shall be used to ensure the protection of biological resources and be updated periodically.
5. The wetland communities and hardwood strands that occur on the Project Site shall be preserved, enhanced, and appropriately managed to ensure the long-term viability of these communities.

6. The Project Site shall be managed in a manner that will protect and enhance the habitat for native wildlife species that utilize or could potentially utilize the site. The development of the Management Plan shall be coordinated with the Fish and Wildlife Conservation Commission's Office of Environmental Services to ensure the preservation and viability of listed and non-listed native wildlife species and their habitat.
7. The water quality of the creek and borrow pit lakes on the Project Site shall be protected and enhanced through the implementation of appropriate watershed and lake management techniques.
8. The location and design of the parking and other site improvements shall have minimal impact on natural resources. The parking area shall incorporate pervious material wherever feasible. Stormwater management facilities on the Project Site shall be designed to provide recreational open space or wildlife habitat.
9. Areas around the user-oriented recreational facilities, parking areas and along the road right-of-ways shall be landscaped with native plant species to provide wildlife habitat and enhance the function and appearance of the Project Site.
10. Approximately 67 acres of degraded uplands and 41 acres of degraded wetlands shall be restored to a natural condition in terms of biological composition and ecological function.
11. An ongoing monitoring and control program for invasive vegetation including exotic (non-native) and nuisance native plant species shall be implemented at the Project Site. The objective of the control program shall be the elimination of invasive exotic plant species and the maintenance of a diverse association of native vegetation. The Management Plan shall reference the Exotic Pest Plant Council's List of Florida's Most Invasive Species to assist in identifying invasive exotics on the Project Site.
12. A feral animal removal program shall be developed and implemented for dogs, cats, ducks, pigs, and other non-native wildlife that may be found on the Project Site.
13. Prior to the commencement of any proposed development activities, measures will be taken to determine the presence of any archaeological sites. All planned activities involving known archaeological sites or potential site areas shall be closely coordinated with the Department of State, Division of Historic Resources in order to prevent the disturbance of significant sites.

14. Pedestrian and bicycle access to the Project Site shall be promoted through the provision of pedestrian oriented walkways and bicycle facilities that link the Project Site with adjacent residential neighborhoods. Bike parking stands shall be installed at the Project Site to provide an alternative to automobile transportation to the Project Site.

15. The Project Site shall be protected and managed as part of linked conservation lands and recreation opportunities within the County's designated Manatee County Blueway.

16. Proposed site improvements shall be designed and located to minimize or eliminate the long term risk of storm damage or flooding in conjunction with appropriate hazard mitigation agencies or experts.

17. The requirements imposed by other grant program funds that may be sought for activities associated with the Project Site shall not conflict with the terms and conditions of this award. This Agreement including Exhibit "A", if required, embodies the entire agreement between the parties.

THIS GRANT AWARD AGREEMENT embodies the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

Diane Loccisano
Print Name: Diane Loccisano

Patricia L. Hennen
Print Name: PATRICIA L. HENNEN

MANATEE COUNTY

By: *Ernie Padgett*
Print Name: Ernie Padgett
Title: County Administrator
Date: 4/15/03

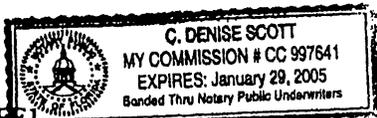
Approved as to Form and Legality:

By: NA
Print Name: _____

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 15 day of APRIL, 2003, by ERNIE PADGETT as Co. AD M and who is personally known to me.

C. Denise Scott
Notary Public
Print Name: C. DENISE SCOTT
Commission No. CC 997641
My Commission Expires: 1-29-05



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02/27/03

Witness:

[Signature]
Print Name: BRIAN WISEK

[Signature]
Print Name: Rebecca Tager

FLORIDA COMMUNITIES TRUST

By: [Signature]
Janice Browning,
Executive Director

Date: 4/23/03

Approved as to Form and Legality:

By: [Signature]
Print Name: C. Erica White

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 23rd day of April, 2003, by CAROLINE SUTTON, as Acting Executive Director. She is personally known to me.

[Signature]
Notary Public
Print Name: _____
Commission No. _____
My Commission Expires: _____



EXHIBIT "A"

PARCEL "A"

Commence at the Northeast Corner Of Section 27, Township 34 South, Range 18 East, Manatee County, Florida; thence run S 00°08'31" W along the East line of said Section 27, a distance of 3075.18 Feet; Thence N 89° 42'41" W, a distance of 810.00 Feet to the point of beginning; thence N 89° 42'41" W, a distance of 2085.00 feet to the centerline of a small stream; thence Northerly along the centerline of said stream to a point on the Southwesterly right of way line of Interstate 75 (State Road 93, Section 13075-2404) said point lying N 08°16'32" W at a distance of 3231.50 feet; thence S 65°45'33" E along said Southwesterly right of way line, a distance of 3563.00 feet; thence S 00°05'03" W continuing along said right of way line, a distance of 206.54 feet; thence S 05°56'19" E continuing along said right of way line, a distance of 121.49 feet; thence N 89°42'41" W, a distance of 707.50 feet; thence S 00°08'31" W, a distance of 1421.67 feet to the Point Of Beginning.

TOGETHER WITH

A twenty foot (20') easement commencing at the Southeast corner of Parcel A, a parcel of land lying and being in Section 27, Township 34 South, Range 18 East, Manatee County, Florida. Parcel A being more particularly described as follows:

PARCEL "A"

Commence at the Northeast Corner Of Section 27, Township 34 South, Range 18 East, Manatee County, Florida; thence run S 00°08'31" W along the East line of said Section 27, a distance of 3075.18 Feet; Thence N 89° 42'41" W, a distance of 810.00 Feet to the point of beginning; thence N 89° 42'41" W, a distance of 2085.00 feet to the centerline of a small stream; thence Northerly along the centerline of said stream to a point on the Southwesterly right of way line of Interstate 75 (State Road 93, Section 13075-2404) said point lying N 08°16'32" W at a distance of 3231.50 feet; thence S 65°45'33" E along said Southwesterly right of way line, a distance of 3563.00 feet; thence S 00°05'03" W continuing along said right of way line, a distance of 206.54 feet; thence S 05°56'19" E continuing along said right of way line, a distance of 121.49 feet; thence N 89°42'41" W, a distance of 707.50 feet; thence S 00°08'31" W, a distance of 1421.67 feet to the Point Of Beginning.

Then continuing East along the Southern boundary of Parcel B, a parcel of land lying and being in Section 27, Township 34 South, Range 18 East, Manatee County, Florida. Parcel B being more particularly described as follows:

PARCEL "B"

Commencing at the Northeast corner of Section 27, Township 34 South, Range 18 East, Manatee County, Florida; thence run S 00°08'31" W along the East line of said Section 27, a distance of 3075.18 feet; thence N 89°42'41" W, a distance of 627.90 feet to the Point Of Beginning; thence continuing N 89°42'41" W, a distance of 182.09 feet; thence N 00°08'31" E, a distance of 1421.67 feet; thence S 89°42'41" E, a distance of 707.50 feet; thence S 05° 56'19" E along the Southerly limited access right of way line of Interstate 75 (State Road 93, Section 13075-2404) a distance of 582.28 feet; thence S 89°51'29" E along the Westerly right of way line of Kay Road, a distance of 8.82 feet; thence S 23°16'33" W, a distance of 223.80 feet to a point on the arc of a non-tangential curve to the right whose radius point lies N 71°31'49" W, a distance of 1110.00; thence Southerly along the arc of said curve to the right, a distance of 641.21 feet through a central angle of 33°05'53" to the point of tangency; thence S 51°34'04" W, a distance of 187.26 feet to the Point Of Beginning.

And intersecting with Parcel C, a parcel of land lying and being in Section 27, Township 34 South, Range 18 East, Manatee County, Florida. Parcel C being more particularly described as follows:

PARCEL "C"

Commence at the Northeast corner of Section 27, Township 34 South, Range 18 East, Manatee County, Florida; thence S 00°08'31" W along the East line of said Section 27, a distance of 3075.18 feet; thence N 89°42'41" W, a distance of 468.04 feet to the Point Of Beginning; thence continuing N 89°42'41" W, a distance of 159.87 feet; thence N 51°34'04" E, a distance of 187.26 feet to the point of curvature of a curve to the left whose radius point lies N 38°25'56" W, a distance of 1110.00; thence Northerly along the arc of said curve to the left, a distance of 641.21 feet through a central angle of 33°05'53" to the end of said curve and a point of non-tangency with a line lying N 23°16'33" E, a distance of 223.80 feet; thence S 89°51'29" E along the Westerly right of way line of Kay Road, a distance of 7.00 feet; thence S 00°08'31" W along said Westerly right of way line of Kay Road, a distance of 237.25 feet to a point on the arc of a curve to the right whose radius point lies N 71°31'49" W, a distance of 1210.00 feet; thence Southerly along the arc of said curve to the right, a distance of 698.98 feet through a central angle of 33°05'53" to the point of tangency; thence S 51°34'04" W, a distance of 62.53 feet to the Point Of Beginning.

PERMITTED EXCEPTIONS
EXHIBIT "C"

1. Reservation of 1/16th interest of oil and mineral rights and royalties as set forth in Deeds recorded in Deed Book 239, Page 368, of the Public Records of Manatee County, Florida.

2. Rights of ingress, egress, light, air and view between the insured land and limited access right-of-way of State Road 93 (I-75), acquired by the State of Florida by Order of Taking recorded in Official Record Book 862, Page 111, of the Public records of Manatee County, Florida.

BK 1842 PG 1136 FILED AND RETURNED 7/2/2003 4:17:51 PM 20 of 20
R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL.

Exhibit L(1)
Copy of Bennett Park Entry Road Agreement

BENNETT PARK ENTRY ROAD AGREEMENT

THIS BENNETT PARK ENTRY ROAD AGREEMENT ("Agreement") is made and entered into by and between the COUNTY OF MANATEE, a political subdivision of the State of Florida ("Manatee County" or "County") and Ruben-Holland Development, LLC ("Ruben-Holland").

WHEREAS, the Wal-Mart Stores East, L.P. (Wal-Mart) is the owner of certain real property located in Manatee County, Florida, said property lying adjacent to Cypress Creek Boulevard whose DP# is 1111300439; and

WHEREAS, Ruben-Holland facilitated Wal-Mart granting Manatee County an easement over its land for the construction of a public Entry Road (the Entry Road) to serve Ruben-Holland's development as well as Bennett Park adequate to connect the FCT release acreage to Cypress Creek Boulevard, this easement will be delivered to Manatee County as provided in this Agreement; and

WHEREAS, Manatee County has purchased property to the north of property owned by Ruben-Holland in part with a grant from Florida Communities Trust (FCT); and

WHEREAS, Manatee County intends to develop a Regional Park on this land known as Bennett Park; and

WHEREAS, Manatee County desires to have an Entry Road to this park off Cypress Creek Boulevard; and

WHEREAS, Ruben-Holland will construct an Entry Road to serve both its property and Bennett Park across this easement and the County's land; and

WHEREAS, The County purchased the land where the Entry Road is proposed to be constructed in part with funding from the Florida Community Trust; and

WHEREAS, The County and Ruben-Holland acknowledge that this property will need to be released from FCT's restrictions prior to the construction of the Entry Road; and

WHEREAS, Ruben-Holland has proposed the conveyance of approximately 9.17 acres of its property contiguous to the Bennett Park for the County's use as part of the Park to accomplish this release of the FCT restrictions on the 2.37 acres proposed for use as the Entry Road; and

WHEREAS, installation of the Project improvements will benefit the community by allowing the dollars previously budgeted for this infrastructure to expedite the construction of other park infrastructure, thereby allowing the use and enjoyment of the park to occur earlier than what may have otherwise occurred and by providing an access point to Bennett Park closer to the planned amenities within the park site allowing the County to better utilize its property; and

WHEREAS, the parties desire to memorialize their agreement in writing, all as more fully set forth herein.

NOW, THEREFORE, in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **The Entry Road Design.** Ruben-Holland will provide and furnish all services necessary to design the Entry Road as described in Exhibit "B," within the FCT release acreage shown on Exhibit "A" (the Release Acreage) including preparation of construction drawings and technical specifications required in connection therewith. Such services include, without implied limitation, engineering investigation, surveys, geotechnical testing, utility data (including relocation plans, if necessary), drainage system design, preliminary and final design services, preparation of working drawings and quantity and cost estimates. Ruben-Holland has retained an engineer of record, Kimley-Horn and Associates, Inc. which is acceptable to County, who shall sign, seal and date the design calculations, technical specifications and construction drawings and review and approve shop drawings. Engineers shall meet all requirements of Florida Law pertaining to the design of the Project. Ruben-Holland represents to Manatee County that all of the design services described in this paragraph have been, and any additional service will be, accomplished in accordance with rules, regulations and policies of Manatee County and are subject to final approvals and authorizations of Manatee County, and any other governmental agency exercising jurisdiction.
2. **Permits and Permitting.** Ruben-Holland is preparing, in its name, all application forms and permit materials necessary to obtain construction permits and authorizations from all governmental agencies exercising jurisdiction, including, but not limited to, Manatee County and the Southwest Florida Water Management District (the "Project Permits"), as are necessary to construct the Entry Road. Ruben Holland shall be the applicant and permittee for all Project Permits. The County shall cooperate to obtain all necessary Project Permits including the execution of any applications by the County's designated representative. Upon receipt of all Project Permits, Ruben-Holland's engineer of record shall certify to Manatee County that all required Project Permits have been obtained. Ruben-Holland shall use its best efforts to obtain all of the Project permits within one hundred and fifty (150) days following the approval of the zoning and preliminary site plan and the expiration of any appeal period for its project Park Plaza/The Landings at Park Plaza PDMU-05-46(Z)(P) or the release of the property by FCT which ever occurs later. The County's designated representative shall extend this one hundred and fifty (150) day period for and additional sixty (60) days by written notification, provided Ruben-Holland has demonstrated reasonable progress in obtaining the Project Permits.
3. **Construction.** Within forty-five (45) days following receipt of all required Project Permits and FCT's release of the Release Acreage, the County's official designation of such acreage as a public right of way and acceptance of the Wal-Mart Easement, Ruben-Holland shall commence construction of the Project and complete construction within a reasonable time following commencement thereof (not to exceed 300 days). Neither party shall be responsible for any delay or failure in performance under this Agreement to the extent that such delay or failure is caused by contractor delay, fire, flood, explosion, war, or other similar cause beyond its control.
4. **Project Costs.** Ruben- Holland shall be responsible for construction of the proposed Entry Road at its sole cost and expense. The County shall, at its cost and expense, pay for the cost of the roundabout as provided in Section 5 below.

5. **Manatee County Contribution.** The Manatee County shall be responsible for providing the right of way on property already owned by Manatee County necessary for construction of the Project upon release by FCT and the financial contribution for the Project Costs for the roundabout which shall be in the agreed to amount of \$101,090.00 and shall be payable upon completion of the Entry Road and the County's receipt of (i) the engineer's final completion certification, and acceptance of construction of the Entry Road and; (ii) acceptable as-built plans. Acceptance of construction by Manatee County shall not be unreasonably withheld or delayed. Payment by the County subject to the Local Government Prompt Payment Act.

6. **Florida Communities Trust.** FCT has agreed to release restrictions on the Release Acreage in exchange for the Bennett Park Expansion Property shown in Exhibit "A" (the Expansion Property) pursuant to conditions for approving the exchange of lands as outlined in their August 1, 2006 letter to the County attached hereto and incorporated by reference as Exhibit "C". As part of the conditions for their release of this property, the County will conduct appraisals of all the property involved in the land exchange. The County will use an approved FCT appraiser to do this work. A survey of all the property involved in the exchange, complete with legal descriptions, will be commissioned by the County. The survey and legal descriptions, once completed, will be provided to FCT. Ruben-Holland has performed an Environmental Site Assessment for the property involved in the land exchange which has been provided to the County. Ruben Holland will be responsible for the costs involved in surveying, the appraisal and an environmental site assessment of the property to be exchanged. Additionally, Ruben Holland has agreed to grant a conservation easement over all the wetlands on the western boundary of Bennett Park, shown on Exhibit "A" (Conservation Easement). Ruben Holland will procure a title insurance policy for the property it is conveying, insuring marketable title free of liens, claims and encumbrances, except those acceptable to FCT and the County.

7. **Conveyance to County.** Upon the last to occur of final approval of the zoning and preliminary site plan and the expiration of any appeal period for its project Park Plaza/The Landings at Park Plaza PDMU-05-46(Z)(P), and approval by FCT that all conditions precedent have been met, Ruben-Holland shall deliver to the County Attorney's Office a special warranty deed conveying the Expansion Property, the Conservation Easement and the Wal-Mart Easement to be held in trust until the documents releasing the restrictions from the Release Acreage, acceptable to the County and Ruben-Holland have been delivered by FCT to the County Attorney. The County Attorney's Office shall record all documents as necessary to effectuate the purposes of this Agreement promptly upon receipt of all required documents.

8. **County's Remedies.** Should Ruben-Holland fail to promptly pursue the Project Permits and complete construction of the Project within the time periods provided in Paragraph 4 or any time extension approved in writing by Manatee County, then Manatee County shall have the right to complete the improvements and recover any Project Costs from Ruben-Holland other than the Project Costs to be paid by Manatee County under this Agreement. In addition, Manatee County shall have the right to compel specific performance of the obligation to convey the Expansion Property, Conservation Easement and delivery of the Wal-Mart Easement to Manatee County if the conditions of this Agreement have been met.

9. **Ruben-Holland's Remedies.** Should the County not approve the project known as Park Plaza/ The Landings at Parkview PDMU-05-46(Z)(P) in a form acceptable to Ruben-Holland. Ruben Holland shall not be under any obligation to construct the Entry Road or convey the Expansion Property, the Wal-Mart Easement or Conservation Easement and may at its option terminate this agreement. Should the Entry Road be completed and turned over to the County and the County fails to take the actions necessary designate the Entry Road a public road Ruben-Holland shall have the right to compel specific performance of the obligation to so designate the Release Acreage.

10. **Indemnity.** Ruben-Holland shall indemnify, defend, save and hold harmless Manatee County, its officers, agents and employees, from and against all suits, actions, claims, demands, costs, penalties, fines or liability of any nature whatsoever arising out of, because of, or due to any act or occurrence of omission or commission of Ruben-Holland, its consultants, contractors, officers, agents or employees, in the performance of this Agreement. Neither Ruben-Holland, its consultants, contractors, nor any of its officers, agents or employees, will be liable under this paragraph for damages arising out of injury or damage to persons or property directly caused or resulting from the negligence of Manatee County, its officers, agents or employees.

11. **Choice of Law.** This Agreement shall be governed and construed in accordance with the laws of the State of Florida. Venue for any dispute shall be located in a civil court of competent jurisdiction of Manatee County, Florida.

12. **Partial Invalidity.** If any part of this Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect, provided that the part of this Agreement thus invalidated or declared unenforceable is not material to the intended operation of this Agreement.

13. **Integration.** This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained herein. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written. It is further agreed that no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

14. **Designation of Representatives.** The County and Ruben-Holland hereby designate the persons set forth below as their agents and each party agrees that its agents shall be responsible for the administration of this Agreement and shall be duly authorized to perform and request all acts necessary for the administration and performance of this Agreement. Every notice, request or other communication provided for in this Agreement, if in writing, shall be deemed to have been given or served at the time that the same is received, if had delivered, or at the time the same shall be deposited in the United States mail, postage prepaid, addressed to the County or Ruben-Holland, signed by the designated representatives and addressed as provided below, until either party provides written notice of a different agent or address:

If to the County:

Manatee County
c/o Timothy Hochuli, Director and Designated Representative
Project Management Department
1026 26th Avenue East
Bradenton, Florida 34208

with a copy to:

Manatee County Attorney
P.O. Box 1000
Bradenton, Florida 34206

If to Ruben-Holland:

Mr. Wayne Ruben
Ruben Holland Development, LLC
1991 Main Street
Suite 208
Sarasota, Florida 34236

with a copy to:

Jeffrey N. Steinsnyder, Esq.
Kirk Pinkerton, P.A.
1301 Sixth Avenue West, Suite 401,
Bradenton, Florida 34205

15. **No Development Rights Conferred.** The parties understand, acknowledge and agree that no approval is given hereby for any development beyond the Project. Nothing contained in this Agreement shall (i) create any development rights in favor of Ruben-Holland or the Property not already approved by the Board of County Commissioners; (ii) create, or otherwise acknowledge the existence of, any vested development rights by reason of estoppel, detrimental reliance, or otherwise; or (iii) authorize, permit, or otherwise allow any construction and/or development of or on Ruben-Holland's property unless separately approved by the Board of County Commissioners pursuant to County Ordinances. All land use authorizations, development and construction rights and authorizations, shall be obtained by Ruben-Holland upon proper application and in compliance with all standards and requirements of the Manatee County Comprehensive Plan, the Manatee County Land Development Code, any approved general development plan, preliminary or final site plan, and all conditions or stipulations thereto. The County acknowledges that the property to be conveyed for the use and benefit of County subject to FCT restrictions, as part of Bennett Park, will continue to be counted as open space for the Park Plaza/Landings at Parkview Site Plan, PDMU-05-46(Z)(P) for purposes of density and open space requirements.

16. No Assignment. Ruben-Holland shall not be authorized to assign this Agreement, or any portion hereof, without the prior written consent of Manatee County, which consent may be withheld in Manatee County's solely exercised discretion.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year set forth below.

WITNESS:

RUBEN-HOLLAND DEVELOPMENT, LLC.
a Florida limited liability company

Miki Riehle
Print Name: MIKI RIEHLE

By: [Signature]
Print Name: Wayne Ruben

Carolynn Garcia
Print Name: CAROLYNN GARCIA

Its: Manager
Date: 8/28/06

**STATE OF FLORIDA
COUNTY OF SARASOTA**

The foregoing instrument was acknowledged before me this 28th day of August 2006 by Wayne Ruben, as Manager of Ruben-Holland Development, LLC., a Florida limited liability company, to me known to be the person described in and who executed the foregoing instrument, and he acknowledged that he executed the foregoing instrument for and on behalf of the corporation as such officer for the purposes therein expressed and that he was duly authorized by the corporation to do so.

(Notary Seal)



Carolynn Garcia
Commission #DD321349
Expires: May 19, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Carolynn Garcia
Signature of Notary Public
CAROLYNN GARCIA
Print Name of Notary Public

I am a Notary Public of the State of Florida,
and my commission expires
on 5-19-08

ATTEST: R. B. SHORE



By: [Signature]
Deputy Clerk of the Circuit Court

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: [Signature]
Print Name: Joe McClash
Title: Chairman
Date: 8/29/06

EXHIBIT "B"

Project Description

Entry Road Design Description

Approximately 1215 l.f. shall be designed and constructed to Manatee County Urban Section standards. The roadway section shall include: 100' of right of way; design of a four (4)-lane urban section designed as a boulevard entrance, two twenty-four foot paved roads separated by a twenty-two foot landscaped median with a sidewalk on the southern side of the Entry Road.

Florida Communities Trust

August 1, 2006

Joe McClash, Chairman
Manatee County Board of County Commissioners
P. O. Box 1000
Bradenton, FL 34206-1000

RE: Bennett Park – Manatee County/Ruben-Holland Development,
LLC/FCT Land Exchange

Dear Chairman McClash:

As you are aware, Ruben-Holland Development, LLC (Ruben-Holland), approached Manatee County and Florida Communities Trust (FCT) seeking a land exchange of property that involves Bennett Park.

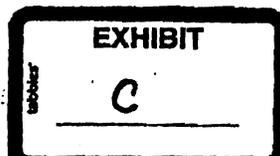
On June 29, 2006, the FCT Governing Board approved the land exchange provided that the following criteria were satisfied:

- 1) Appraisals were completed on all property proposed in the land exchange;
- 2) A conservation easement is granted to the County over the wetlands on the Western border of Bennett Park; and
- 3) The County approves the development proposed by Ruben-Holland.

The appraisal must be completed for each parcel involved in the land exchange and it must be completed pursuant to Uniform Standards of Professional Appraisal Practice (USPAP) and FCT standards by an approved FCT appraiser, after consultation with the FCT appraisal staff. The County will commission the appraisals and Ruben-Holland will incur the expense.

Once the above-referenced criteria are accomplished, FCT will review the appraisals and determine the monetary value of the exchange. If money is due to FCT it will be paid at the time the restrictions are released.

Furthermore, the following items must be provided before the land exchange can be completed:



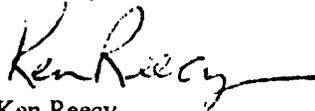
- 1) A survey of all the property involved in the exchange, complete with legal descriptions, will need to be completed and provided to FCT. The County will commission the survey and Ruben-Holland will incur the expense.
- 2) Upon receipt and approval of the survey, FCT will prepare the documents to release the FCT restrictions on the property and will place restrictions upon the property acquired by the County. FCT and the County will need to execute this document and the County will be responsible for recording the document.
- 3) The conservation easement granted to the County that encompasses the wetlands on the Western border of Bennett Park shall be developed by FCT in consultation with Manatee County and Ruben Holland. Once it is fully executed, it will be recorded in the Manatee County public records.
- 4) A title policy of the parcels to be acquired must be provided to FCT and the County, with Ruben-Holland commissioning the title agent and incurring the expense;
- 5) A Phase I Environmental Site Assessment of the parcels to be acquired must be completed and provided to FCT. The County will commission the ESA and Ruben-Holland will incur the expense;
- 6) Any other items that may be requested by FCT to properly effectuate the land exchange; and,
- 7) The management plan needs to be revised to address the management issues of the acquired land, document the natural communities and cultural features found on the site and include a revised master site plan.

The County will be responsible for the recording fees of the deed, conservation easement and declaration of restrictive covenants. Each party shall be responsible for their respective attorney's fees.

Once all these steps are satisfied, the land exchange will be complete.

Feel free to contact me at 850-922-2207 with any concerns on this matter.

Sincerely,



Ken Reecy
Community Program Manager

cc: Maggie Marr, Manatee County
Pat McVoy, Manatee County Attorney's Office
Jeffrey Steinsnyder, Esq., Kirk Pinkerton

Exhibit M
Grant Agreement

GRIMES GOEBEL GRIMES
HAWKINS GLADFELTER & GALVANO, PA

ATTORNEYS AT LAW

William C. Grimes
Caleb J. Grimes
John D. Hawkins
Leslie Horton Gladfelter
William S. Galvano
Douglas A. Peebles
Amy Donnelly Hall
Brenden S. Moriarty*
William C. Robinson, Jr.

E. Glenn Grimes 1888 - 1967
Clyde C. Goebel 1921 - 1991

Of Counsel For
Criminal Matters:
Neil G. Taylor

*LL.M in Taxation

June 26, 2003

Via Hand Delivery

Ms. Maggie Marr
Grants Coordinator
1112 Manatee Avenue West
Bradenton, Florida 34205

RE: Your File #01-004-FF1; Bennett Closing

Dear Ms. Marr:

Per your request via e-mail to attorney William C. Robinson, with regard to the above referenced matter, enclosed please find two copies of the Grant Award Agreement between Florida Communities Trust and Manatee County.

Sincerely,


Nicole Maury Fortson
Legal Assistant to Caleb J. Grimes

/nmf
Enclosures

cc: William C. Robinson

*copy to [unclear]
3/2*

P.O. Box 1550
Bradenton, FL 34206

www.grimesgoebel.com
1023 Manatee Avenue West
Bradenton, FL 34205

Tel: 941-748-0151
Fax: 941-748-0158

This document prepared by:
Ann J. Wild
Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

FLORIDA COMMUNITIES TRUST
FF AWARD# 01-004-FF1
FCT Contract# 02-07-2P-01-FL-J1-004

GRANT AWARD AGREEMENT

THIS AGREEMENT is entered into this 27th day of APRIL, 2003, by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, a nonregulatory agency within the State of Florida Department of Community Affairs, and MANATEE COUNTY, a local government of the State of Florida (Recipient), in order to impose terms, conditions, and restrictions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds and as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), as shall be necessary to ensure compliance with applicable Florida Law and federal income tax law and to otherwise implement provisions of Chapters 259.105, 259.1051, and 380, Florida Statutes.

WHEREAS, Part III Chapter 380, Florida Statutes, the Florida Communities Trust Act, creates a nonregulatory agency within the Department of Community Affairs, which will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, Section 259.105(3)(c), F.S., of the Florida Forever Act provides for the distribution of twenty-two percent (22%) less certain reductions of the net Florida Forever Revenue Bond proceeds to the Department to provide land acquisition grants to local governments and nonprofit environmental organizations through the FCT for acquisition of community-based projects, urban open spaces, natural resource conservation areas, parks, greenways and outdoor recreation areas to implement local comprehensive plans;

GAA\01-004-FF1
02/27/03

WHEREAS, the Bonds were issued as tax-exempt bonds, meaning that the interest on the Bonds is excluded from the gross income of Bondholders for federal income tax purposes;

WHEREAS, Rule Chapter 9K-7, Florida Administrative Code (F.A.C.), authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding in accordance with Rule Chapter 9K-7, F.A.C.;

WHEREAS, the FCT has approved the terms under which the Project Site is acquired and the deed whereby the Recipient acquires title to the Project Site shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund upon the failure of the Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, such covenants and restrictions shall be imposed by an agreement which shall describe with particularity the real property which is subject to the agreement and shall be recorded in the county in which the real property is located; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Florida Forever Bond award.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and Recipient do hereby contract and agree as follows:

I. GENERAL CONDITIONS.

1. Upon execution and delivery by the parties hereto, the Recipient shall cause this Agreement to be recorded and filed in the official public records of Manatee County, Florida, and referenced in the warranty deed vesting fee simple title to the Project Site in the Recipient, and in such manner and in such other places as FCT may reasonably request, and shall pay all fees and charges incurred in connection therewith.

2. The Recipient and FCT agree that the State of Florida Department of Environmental Protection will forward this Agreement to Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax exempt status of the Florida Forever Bonds is not jeopardized, FCT and Recipient shall amend the Agreement accordingly.

3. This Agreement may be amended at any time. Any amendment must be set forth in a written instrument and agreed to by both the Recipient and FCT.

4. This Agreement and the covenants and restrictions contained herein shall run with the Property herein described and shall bind, and the benefits shall inure to, respectively, the FCT and the Recipient and their respective successors and assigns.

5. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, with respect to both substantive rights and with respect to procedures and remedies.

6. Any notice required to be given hereunder shall be given by personal delivery, by registered mail or by registered expedited service at the addresses specified below or at such other addresses as may be specified in writing by the parties hereto, and any such notice shall be deemed received on the date of delivery if by personal delivery or expedited delivery service, or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
ATTN: Executive Director

Recipient: Manatee County
P O Box 1000
Bradenton, FL 34206
ATTN: County Administrator

7. If any provision of the Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

II. PROJECT SITE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375, AND CHAPTER 380, PART III, FLORIDA STATUTES.

1. If any essential term or condition of this grant agreement is violated by the Recipient or by some third party with the knowledge of the Recipient and the Recipient does not correct the violation within 30 days of notice of the violation, fee simple title to all interest in the Project Site shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund. The FCT shall treat such property in accordance with Section 380.508(4)(e), Florida Statutes.

2. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee, containing such covenants, clauses, or other restrictions as are sufficient to protect the interest of the people of Florida.

3. The interest, if any, acquired by the Recipient in the Project Site will not serve as security for any debt of the Recipient unless FCT approves the transaction.

4. If the existence of the Recipient terminates for any reason, title to all interest in real property it has acquired with the FCT award shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund, unless FCT negotiates an agreement with another local government or nonprofit organization which agrees to accept title to all interest in and to manage the Project Site.

5. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the Recipient shall deposit with the FCT any insurance proceeds or any condemnation award, and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. The FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from the FCT, the FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT will have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

III. PROJECT SITE OBLIGATIONS IMPOSED BY FCT ON THE Recipient.

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for passive, natural resource-based public outdoor recreation which is compatible with the conservation, protection and enhancement of the Project Site, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Project Plan as approved by FCT.

2. The Recipient shall prepare and submit to FCT an annual stewardship report as required by Rule 9K-7.013, F.A.C.

3. The Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation, or outdoor recreation uses as appropriate. If an amendment to the Recipient's comprehensive plan is required to comply with this paragraph, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the Recipient.

4. Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

5. The Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the FCT approved project plan.

6. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the Recipient at the Project Site.

7. All buildings, structures, improvements, and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and/or major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably with-held by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. The approval by FCT of the Recipient's management plan addressing the items mentioned herein shall be considered written approval from FCT.

8. If archaeological and historic sites are located on the Project Site, the Recipient shall comply with Chapter 267, Florida Statutes. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site will be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

9. The Recipient shall ensure that the Project Site is identified as being publicly owned and operated as a passive, natural resource-based public outdoor recreational site in all signs, literature and advertising regarding the Project Site. The Recipient shall erect a sign(s) identifying the Project Site as being open to the public and as having been purchased with funds from FCT and Recipient.

IV. OBLIGATIONS INCURRED BY RECIPIENT AS A RESULT OF BOND PROCEEDS BEING UTILIZED TO PURCHASE THE PROJECT SITE.

1. If the Project Site is to remain subject, after its acquisition by the State and the Recipient, to any of the below listed activities or interests, the Recipient shall provide at least 60 days written notice of any such activity or interest to FCT prior to the activity taking place, and shall provide to FCT such

information with respect thereto as FCT reasonably requests in order to evaluate the legal and tax consequences of such activity or interest:

a. any lease of any interest in the Project Site to a non-governmental person or organization;

b. the operation of any concession on the Project Site to a non-governmental person or organization;

c. any sales contract or option to buy things attached to the Project Site to be severed from the Project Site, with a non-governmental person or organization;

d. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;

e. a management contract of the Project Site with a non-governmental person or organization; and

f. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

2. Recipient agrees and acknowledges that the following transaction, events, and circumstances may not be permitted on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law:

a. a sale of the Project Site or a lease of the Project Site to a non-governmental person or organization;

b. the operation of a concession on the Project Site by a non-governmental person or organization;

c. a sale of things attached to the Project Site to be severed from the Project Site to a non-governmental person or organization;

- d. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of bonds from which the disbursement is to be made;
- e. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;
- f. a management contract of the Project Site with a non-governmental person or organization; and
- g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE RECIPIENT AND OTHER GOVERNMENTAL BODIES, NOT FOR PROFIT ENTITIES, OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

V. CONDITIONS THAT ARE PARTICULAR TO THE PROJECT SITE AS A RESULT OF THE FCT APPROVED MANAGEMENT PLAN.

1. Two or more resource-based outdoor recreational facilities including fishing/observation piers and a canoe/kayak launch and two or more user-oriented outdoor recreation facilities including a sand volleyball court, playground and soccer fields shall be provided at the Project Site. The facilities shall be designed and located with minimal impact to natural resources on the Project Site.
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3. Interpretive signage shall be provided to educate visitors about the natural environment of the Project Site.
4. A biological inventory of the natural communities found on the Project Site, including the dominant and listed plant and animal species, shall be conducted prior to any site development. The inventory shall be used to ensure the protection of biological resources and be updated periodically.
5. The wetland communities and hardwood strands that occur on the Project Site shall be preserved, enhanced, and appropriately managed to ensure the long-term viability of these communities.

6. The Project Site shall be managed in a manner that will protect and enhance the habitat for native wildlife species that utilize or could potentially utilize the site. The development of the Management Plan shall be coordinated with the Fish and Wildlife Conservation Commission's Office of Environmental Services to ensure the preservation and viability of listed and non-listed native wildlife species and their habitat.
7. The water quality of the creek and borrow pit lakes on the Project Site shall be protected and enhanced through the implementation of appropriate watershed and lake management techniques.
8. The location and design of the parking and other site improvements shall have minimal impact on natural resources. The parking area shall incorporate pervious material wherever feasible. Stormwater management facilities on the Project Site shall be designed to provide recreational open space or wildlife habitat.
9. Areas around the user-oriented recreational facilities, parking areas and along the road right-of-ways shall be landscaped with native plant species to provide wildlife habitat and enhance the function and appearance of the Project Site.
10. Approximately 67 acres of degraded uplands and 41 acres of degraded wetlands shall be restored to a natural condition in terms of biological composition and ecological function.
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15. The Project Site shall be protected and managed as part of linked conservation lands and recreation opportunities within the County's designated Manatee County Blueway.

16. Proposed site improvements shall be designed and located to minimize or eliminate the long term risk of storm damage or flooding in conjunction with appropriate hazard mitigation agencies or experts.

17. The requirements imposed by other grant program funds that may be sought for activities associated with the Project Site shall not conflict with the terms and conditions of this award. This Agreement including Exhibit "A", if required, embodies the entire agreement between the parties.

THIS GRANT AWARD AGREEMENT embodies the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

Diane Loccisano
Print Name: Diane Loccisano

Patricia L. Hennen
Print Name: PATRICIA L. HENNEN

MANATEE COUNTY

By: *Ernie Padgett*
Print Name: Ernie Padgett
Title: County Administrator
Date: 4/15/03

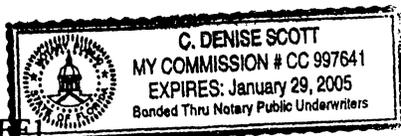
Approved as to Form and Legality:

By: NA
Print Name: _____

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 15 day of APRIL, 2003, by ERNIE PADGETT as Co. ADM and who is personally known to me

C. Denise Scott
Notary Public
Print Name: C. DENISE SCOTT
Commission No. CC 997641
My Commission Expires: 1-29-05



GAA01-004-R-1
02/27/03

Witness:

[Signature]
Print Name: BIBIAN WISE

[Signature]
Print Name: Rebecca Tager

FLORIDA COMMUNITIES TRUST

By: [Signature]
Janice Browning,
Executive Director

Date: 4/23/03

Approved as to Form and Legality:

By: [Signature]
Print Name: C. Erica White

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 23rd day of April, 2003, by CAROLINE SUTTON, as Acting Executive Director. She is personally known to me.

[Signature]
Notary Public
Print Name: _____
Commission No. _____
My Commission Expires: _____



EXHIBIT "A"

DESCRIPTION: PARCEL "A"

COMMENCE AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE RUN S 00° 08' 31" W ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 3075.18 FEET; THENCE N 89° 42' 41" W, A DISTANCE OF 810.00 FEET TO THE POINT OF BEGINNING; THENCE N 89° 42' 41" W, A DISTANCE OF 2085.00 FEET TO THE CENTERLINE OF A SMALL STREAM; THENCE NORTHERLY ALONG THE CENTERLINE OF SAID STREAM TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 (STATE ROAD 93, SECTION 13075-2404) SAID POINT LYING N 08° 16' 32" W AT A DISTANCE OF 3231.60 FEET; THENCE S 65° 45' 33" E ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 3563.00 FEET; THENCE S 00° 05' 03" W CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 206.54 FEET; THENCE S 05° 56' 19" E CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 121.49 FEET; THENCE N 89° 42' 41" W, A DISTANCE OF 707.50 FEET; THENCE S 00° 08' 31" W, A DISTANCE OF 1421.67 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

Exhibit N
Special Management Conditions

d. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of bonds from which the disbursement is to be made;

e. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;

f. a management contract of the Project Site with a non-governmental person or organization; and

g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

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GAA\01-004-FF1
02/27/03

6. The Project Site shall be managed in a manner that will protect and enhance the habitat for native wildlife species that utilize or could potentially utilize the site. The development of the Management Plan shall be coordinated with the Fish and Wildlife Conservation Commission's Office of Environmental Services to ensure the preservation and viability of listed and non-listed native wildlife species and their habitat.
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THIS GRANT AWARD AGREEMENT embodies the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

Diane Loccisano
Print Name: DIANE LOCCISANO

Patricia L. Heanen
Print Name: PATRICIA L. HEANEN

MANATEE COUNTY

By: *Ernie Padgett*
Print Name: Ernie Padgett
Title: County Administrator

Date: 4/15/03

Approved as to Form and Legality:

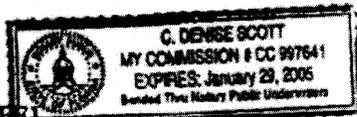
By: NA

Print Name: _____

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 15 day of APRIL, 2003, by ERNIE PADGETT as Co. ADM and who is personally known to me.

C. Denise Scott
Notary Public
Print Name: C. DENISE SCOTT
Commission No. CC 997641
My Commission Expires: 1-29-05



GAA\01-004-F
02/27/03

MIKE
PROPERTY MANAGEMENT
OCT 31 2008
ADMINISTRATION DIVISION

Exhibit O

Archeological Probability Assessment



**MANATEE COUNTY
GOVERNMENT**
PARKS & RECREATION DEPARTMENT

May 25, 2005

Grant Gelhardt, Environmental Administrator
Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399

RE: FCT Project Number: 01-004-FF1
Bennett Park – Cultural Resource Assessment
Manatee County

Dear Mr. Gelhardt,

Per your request, attached is a copy of the Cultural Resource Assessment for Bennett Park.

If you need any additional information, please contact me at 941-742-5923.

Sincerely,

Len Carswell, Operations Manager

xc Cindy Turner, Director, Parks & Recreation Department
Mike Sosadeeter, Parks Planner, Parks & Recreation Department

**Technical Memorandum: Cultural Resources Assessment of Proposed
Bennett Park parcel, Manatee County, Florida
(T 34S, Rg 18E, Sec 27)**

B.W. Burger, M.A., R.P.A.
Archaeologist

November, 2004

Introduction: The purpose of the present study was to determine if any significant or potentially significant cultural resources would be impacted by the proposed construction of "Bennett Park" on a parcel of land owned by Manatee County. This study was conducted in compliance with the provisions of the National Historic Preservation Act of 1966 (Public Law 89-665, as amended) and its implementing regulations (36 CFR 800, as amended), Executive Order 11593, the National Environmental Policy Act of 1969 (Public Law 91-190), the Department of Transportation Act of 1966 (Public Law 89-670), as well as with the provisions contained within Chapters 267 and 872, Florida Statutes (as amended).

Study Location: The proposed park parcel is located within the northeast portion of Section 27, Township 34 South, Range 18 East, and comprises approximately 174 acres. It is bounded on the north by I-75, on the east and south by Kay Road, and on the west by an unnamed tidal creek. (See Figure 1.).

Area of Potential Effects (APE): The cultural resource APE of the present study is confined to the limits of the Bennett Park parcel.

National Register of Historic Places: There are no listed properties or properties adjudged eligible for listing either on or immediately adjacent to the study parcel.

Florida Master Site File: Review of the Florida Master Site File, FDHR, indicated that no archaeological sites or historic structures have been recorded within Section 27 (FDHR response of July 8, 2004).

Previous Investigations: An inquiry directed to the Florida Master Site File, FDHR, requesting a listing of previous cultural resource surveys conducted within Section 27 proved negative (FDHR response of July 8, 2004). Thus, no CRM surveys with positive results have been conducted within Section 27.

Title and Lands Records: Using FDEP records, it was determined that exterior and interior lines of Township 34 South, Range 18 East, were surveyed in 1843 by Sam Reid. His plat map shows no cultural features. Reid's field notes characterize the upland areas of Section 27 as very poor, level, open, 3rd rate pine land, with lower areas characterized as level wet hammock and salt marsh. His notes do not indicate the presence of any homesteads.

Florida Tract Books indicate the first private owners of most of the acreage comprising the study parcel were the Jacksonville, Tampa, and Key West Railway (east ½ of the Northeast 1/4; deed: December 30, 1884) and Franklin Branch (west ½ of the Northeast 1/4 and the east ½ of the Northwest 1/4; both deeds: June 10, 1851). Dr. Franklin Branch was a physician, druggist, and Methodist minister who came to Tampa in the late 1840s and established a drug store. He and his wife then came to the settlement of Manatee in early 1849, initially buying acreage surrounding a flowing spring, the center of the growing community, where Branch planned a health sanitarium. To the east, he also acquired lands on both sides of the unnamed tidal creek that forms the western boundary of the present study parcel and had some of these lands cleared for cultivation. From the evidence given in the December, 1859, sale of his holdings, it appears that Branch used the cleared acreage for growing sugar cane. Given the susceptibility to salt water flooding of the north half of the west ½ of the Northeast 1/4 and the absence of any evidence of earthen dikes, it would appear that only the south half would have been suitable for Branch's sugar cane operations. Examination of historic aerials indicates that Branch had little clearing done in the adjacent east ½ of the Northwest 1/4 along the other side of the tidal creek. Given the high initial costs of establishing a complete sugar production mill, it is likely that Branch would have harvested his crop, then transported it by boats *via* the bordering tidal creek to the Manatee River, then west to the full facilities of the Bradens on Sugarhouse Creek, or across the Manatee River to the Gamble mill. A possible alternative could have been grinding the cane on-site, then transporting the juice elsewhere for sugar and molasses production. No historical documentation has been found to indicate that Branch had his own complete mill.

Other Sources: Examination of the 1914 Florida Grower's map shows no cultural features within Section 27. However, at that time, an unimproved road formed the south section line, then turned north to form approximately three-fourths of the west section line.

Physiography and Soils: Examination of a 1985 SWFWMD 1' contour-overlaid aerial indicates parcel elevations rise from approximately 1.3 feet along the bordering tidal creek at the northwest to approximately 10 feet within the southeast uplands, with most of the parcel elevations averaging less than 4 feet. Examination of SCS soils maps (1947) shows a discontinuous wetland system ran diagonally across the parcel from northwest to southeast that included a small branch of the tidal creek, a fresh water pond, and areas of seasonal wetland soils (Ruskin fine sand, Bradenton fine sand, and Manatee fine sandy loam-loamy fine sand). The adjacent, low uplands to either side largely consist of Leon fine sand, heavy substratum phase, and to the southwest, an area of Keri fine sand. Drainage of these upland soil types is imperfect to poor (See Figure 2.) Prior to recent improvements, this diagonal system provided discontinuous drainage for the parcel during the wet season.

Present Conditions: Prior to 1947, most of the upland acreage was cleared for agricultural use and ditches were excavated through the subareas of wet soils for flow to the small tidal creek branch. More recently, two borrow pits were excavated adjacent to

the ditch system within the wet soils subareas. With the construction of Interstate 75 adjacent/north, a very large borrow pit was excavated within uplands adjacent to the right-of-way. The deep borrow pit excavations reached shelly, Miocene deposits and unconsolidated limestones. The shell/limestone interface is also seen along some stretches of the interior drainage ditches. Natural vegetation is largely limited to mesic hammock associations in the linear drainage zones, and salt barrens, cabbage palm and oak hammocks proximal to the tidal creek system.

Research Design: The chief predictive indicators used in cultural resource assessment modeling are relative elevation, proximity to fresh water sources, presence of optimal resource habitats, and presence of previously recorded cultural features; thus chiefly: higher ground to occupy and/or proximity to fresh water and food resources. When a number of these indicators coexist, the probability for cultural resource presence is greatly increased. The present study parcel may be characterized as low relief tidal marsh and salt barrens gently grading upward toward the southeast through only slightly higher relief pine flatwoods. Running diagonally across the parcel was a discontinuous wetland system that provided slow and imperfect drainage. None of the interior wetlands had accentuated downslopes: Accentuated downslopes can provide adjacent, at least seasonally drier conditions near such wetlands in otherwise wet flatwoods. While flatwoods offer subsistence resources, these are largely patchy and seasonal in availability. Thus, when present, prehistoric occupation sites in flatwoods have been found to be chiefly of a minor and temporary nature, i.e. short term use, low content campsites, often of indeterminate cultural/temporal placement.

In contrast to the low, generally wet uplands, the bordering tidal creek system and extensive salt marshes would have been a rich source of subsistence resources. The "Eagle Nest" site (8MA132), a prehistoric marsh clam midden, is located approximately one mile north of the present study parcel within comparable tidal marsh bordering the Manatee River.

Expectations: The informed expectation generated by research and professional experience in comparable environments was for the potential discovery of prehistoric shell midden sites bordering the tidal creek, small prehistoric lithic debitage scatter sites in the slightly higher upland subareas, and/or evidence of historic era use.

Field Methods and Results: There was a considerable delay in the commencement of field work due to the extremely wet conditions resulting from a very active hurricane season. Even after extended relief from the rains, much of the study parcel retained sizeable areas of standing water. Initial field work consisted of a pedestrian survey along the margins of the bordering tidal creek system and the interior drainage/wetland system. Results were negative, with the exception of the discovery near one of the drainage ditches of a sawn-off, *in situ* slash pine stump showing "cat facing." This provides evidence the acreage was used in historic turpentine and lumbering activities. However, Surveyor Reid's 1843 notes characterizing much of the tract as 3rd rate pine land would indicate only a limited potential for naval stores existed. A subarea north/adjacent to the

interior drainage system was found to contain a small number of old citrus trees that likely reflect a previous grove operation in this east/central portion of the property. Extensive surface disturbance of this subarea by the rooting of feral pigs did not reveal any material evidence for the presence of an associated historic homestead, nor did the adjacent drainage ditch cut.

The generally wet conditions served to accentuate those slightly higher subareas of the parcel considered suitable for subsurface testing. Sixty FDHR-standard shovel tests were excavated at 25-meter intervals within selected subareas adjudged to be of moderate probability for cultural resource presence (See Figure 3.). Some of the increased surface elevation apparent to the south of the FDOT borrow pit bordering I-75 proved to be due to the presence of 50 centimeters of overlying fill produced from that excavation. Very few shovel tests reached 100 centimeter depths due to the elevated water table. Results of subsurface testing were negative for the presence of cultural remains.

Conclusions and Recommendations: As no cultural resources were discovered as a result of the present study, it is professionally concluded that the proposed development of "Bennett Park" by Manatee County will have no effect upon any significant cultural resources.

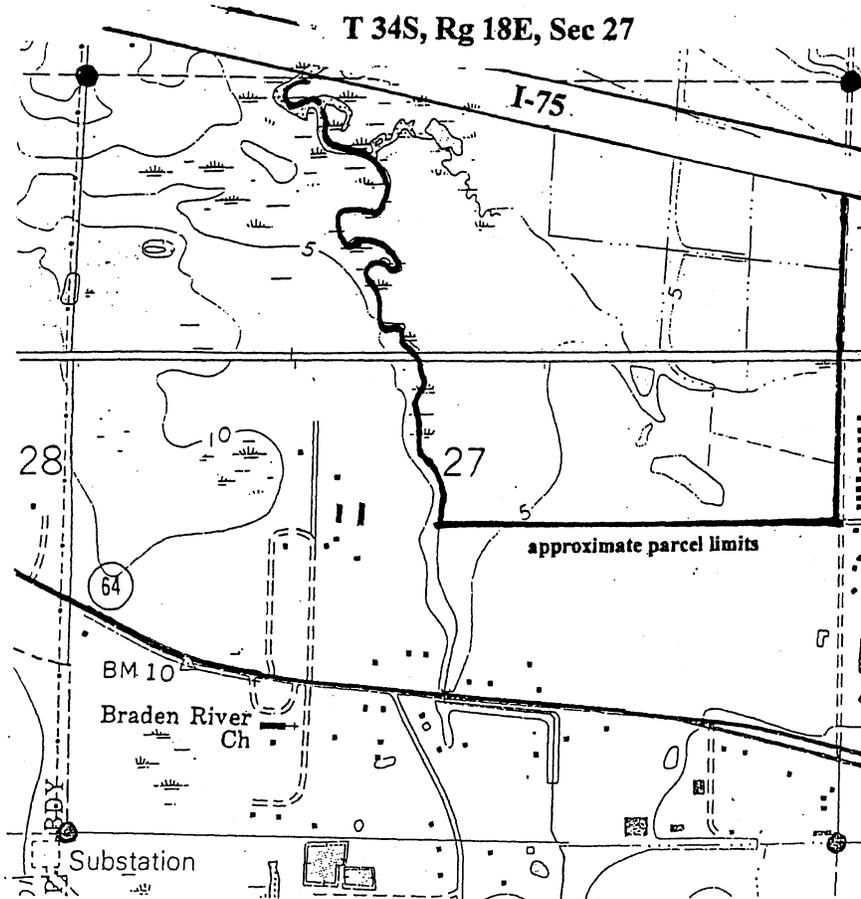
References:

Caldwell, R.E., O.C. Olson, J.B. Cromrite, R.G. Leighty, and I.L. Martin
1958 Soil Survey of Manatee County, Florida. USDA, SCS, Washington, D.C.

Florida Tract Books.
On file, FDEP, Tallahassee, Fl.

Reid, S.
1843 Plat maps and field notes. On file, FDEP, Tallahassee, Fl.

Attachments: 3 figures, FMSF Survey Log Sheet



PARRISH, FLA.
N2730—W8222.5/7.5

1973

AMS 4539 III SW—SERIES V847

LORRAINE, FLA.
27082-D4-TF-024

1973

PHOTOREVISED 1987
DMA 4538 IV NW—SERIES V847

Figure 1. Project location.

T 34S, Rg 18E, Sec 27

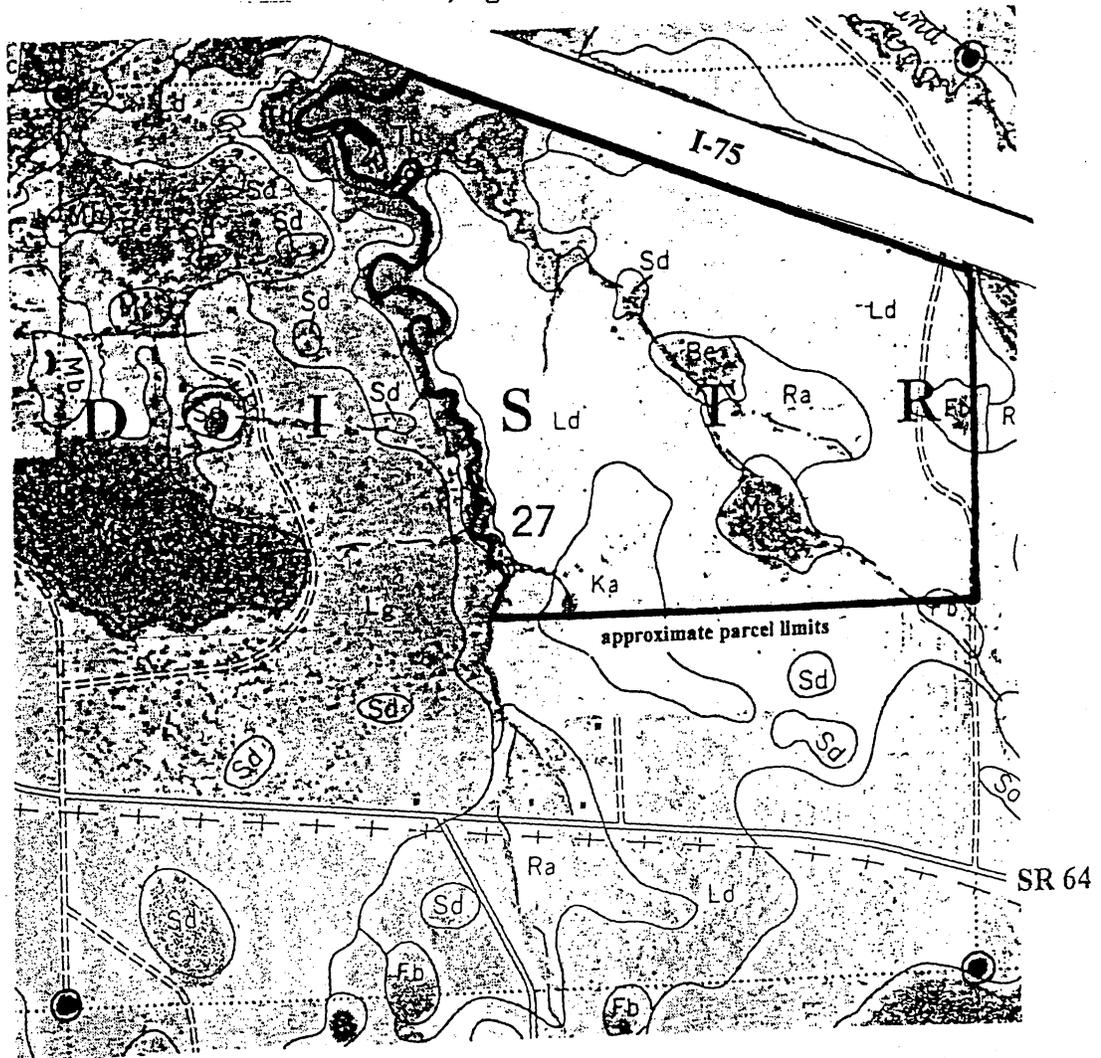


Figure 2. Soils map (after Caldwell, *et al.*, 1958).

Encl D (FMSF only)



Survey Log Sheet

Florida Master Site File
Version 2.0 9/97

Survey # (FMSF only)

Consult *Guide to the Survey Log Sheet* for detailed instructions.

Identification and Bibliographic Information

Survey Project (Name and project phase) PHASE I CRAS, BENNETT PARK, MANATEE COUNTY

Report Title (exactly as on title page) TECHNICAL MEMORANDUM: CULTURAL RESOURCES ASSESSMENT OF PROPOSED BENNETT PARK PARCEL, MANATEE COUNTY, FLORIDA (T34S, R9 18E, SEC 27)

Report Author(s) (as on title page— individual or corporate; last names first) BURGER, B.W.

Publication Date (year) 2004 Total Number of Pages in Report (Count text, figures, tables, not site forms) 7

Publication Information (If relevant, series and no. in series, publisher, and city. For article or chapter, cite page numbers. Use the style of *American Antiquity*; see *Guide to the Survey Log Sheet*.) B.W. BURGER, TERRACEIA ISLAND, FL.

Supervisor(s) of Fieldwork (whether or not the same as author(s); last name first) BURGER, B.W.

Affiliation of Fieldworkers (organization, city) _____

Key Words/Phrases (Don't use the county, or common words like *archaeology, structure, survey, architecture*. Put the most important first. Limit each word or phrase to 25 characters.) PHASE I CRAS, NEGATIVE RESULTS

Survey Sponsors (corporation, government unit, or person who is directly paying for fieldwork)

Name MILLER, LEGG, & ASSOCIATES

Address/Phone WINTER PARK (407) 629-8880

Recorder of Log Sheet B.W. BURGER

Date Log Sheet Completed 11/1/04

Is this survey or project a continuation of a previous project? No Yes: Previous survey # (s) (FMSF only)

Mapping

Counties (List each one in which field survey was done - do not abbreviate; use supplement sheet if necessary) MANATEE

USGS 1:24,000 Map(s): Map Name/Date of Latest Revision (use supplement sheet if necessary):

PARRISH, FLA 1973

LORRAINE, FLA 1973 (PR 1987)

Description of Survey Area

Dates for Fieldwork: Start 10/9/04 End 10/31/04 Total Area Surveyed (fill in one) _____ hectares 174 acres

Number of Distinct Tracts or Areas Surveyed _____

If Corridor (fill in one for each): Width _____ meters _____ feet Length _____ kilometers _____ miles

Research and Field Methods

Types of Survey (check all that apply): archaeological architectural historical/archival underwater other:

Preliminary Methods (Check as many as apply to the project as a whole. If needed write others at bottom).

- Florida Archives (Gray Building)
Florida Photo Archives (Gray Building)
FMSF site property search
FMSF survey search
other (describe)
library research- local public
library-special collection - nonlocal
Public Lands Survey (maps at DEP)
local informant(s)
local property or tax records
newspaper files
literature search
Sanborn Insurance maps
windshield
aerial photography

Archaeological Methods (Describe the proportion of properties at which method was used by writing in the corresponding letter. Blanks are interpreted as "None.")

F(-ew: 0-20%), S(-ome: 20-50%); M(-ost: 50-90%); or A(-ll, Nearly all: 90-100%). If needed write others at bottom.

Check here if NO archaeological methods were used.

- surface collection, controlled
surface collection, uncontrolled
shovel test-1/4" screen
shovel test-1/8" screen
shovel test 1/16" screen
shovel test-unscreened
other (describe):
other screen shovel test (size:)
water screen (finest size:)
posthole tests
auger (size:)
coring
test excavation (at least 1x2 M)
block excavation (at least 2x2 M)
soil resistivity
magnetometer
side scan sonar
unknown

Historical/Architectural Methods (Describe the proportion of properties at which method was used by writing in the corresponding letter. Blanks are interpreted as "None.")

F(-ew: 0-20%), S(-ome: 20-50%); M(-ost: 50-90%); or A(-ll, Nearly all: 90-100%). If needed write others at bottom.

Check here if NO historical/architectural methods were used.

- building permits
commercial permits
interior documentation
other (describe):
demolition permits
exposed ground inspected
local property records
neighbor interview
occupant interview
occupation permits
subdivision maps
tax records
unknown

Scope/Intensity/Procedures FDHR STANDARD SHOVEL TESTS, 1/4" MESH, 25M INTERVALS IN SELECTED PROBABILITY SUBAREAS.

Survey Results (cultural resources recorded)

Site Significance Evaluated? Yes No If Yes, circle NR-eligible/significant site numbers below.

Site Counts: Previously Recorded Sites 0 Newly Recorded Sites 0

Previously Recorded Site #'s with Site File Update Forms (List site #'s without "8." Attach supplementary pages if necessary)

Newly Recorded Site #'s (Are you sure all are originals and not updates? Identify methods used to check for updates, ie, researched the FMSF records. List site #'s without "8." Attach supplementary pages if necessary.)

Site Form Used: SmartForm FMSF Paper Form Approved Custom Form: Attach copies of written approval from FMSF Supervisor.

DO NOT USE SITE FILE USE ONLY DO NOT USE

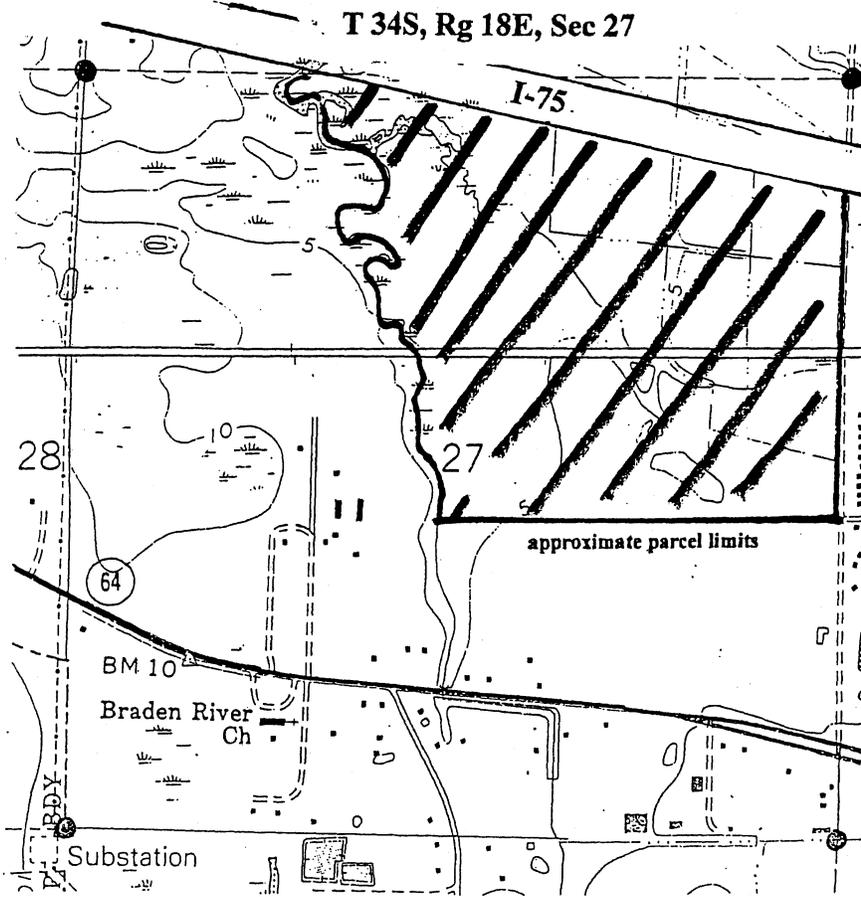
BAR Related

- 872
CARL
1A32
UW

BHP Related

- State Historic Preservation Grant
Compliance Review: CRAT #

ATTACH PLOT OF SURVEY AREA ON PHOTOCOPIES OF USGS 1:24,000 MAP(S)



PARRISH, FLA.
N2730—W8222.5/7.5

1973

AMS 4539 III SW—SERIES V847

LORRAINE, FLA.
27082-D4-TF-024

1973

PHOTOREVISED 1987
DMA 4538 IV NW—SERIES V847

Figure 1. Project location.

Exhibit O(1)
Cultural Resource Assessment
Additional Area

**Addendum to Technical Memorandum on Cultural Resources Assessment of
Proposed Bennett Park parcel, Manatee County, Florida (T 34S, Rg 18E, Sec 27):
Additional parcels**

B.W. Burger, M.A., R.P.A.
Archaeologist

March, 2007

Justification: Subsequent to the initial cultural resources assessment study made by this author in November, 2004, two small acreages were obtained by Manatee County adjoining the original 174-acre tract. These are hereafter referred to as the Southwest Parcel (2.37 acres) and the Northwest Parcel (6.8 acres). (See attached figure.) Since the background data presented in the 2004 memorandum are inclusive of these two parcels, they are not repeated here. As with the initial study, the purpose of the present study was to determine whether any significant or potentially significant cultural resources were present.

Southwest Parcel: This parcel of approximately 2.37 acres comprises uplands located east/adjacent to the unnamed tidal creek that forms most of the western margin of the total Bennett Park tract. Soils consist of Leon fine sand, heavy substratum phase, and Keri fine sand. The normally imperfect to poor drainage of these soil types is somewhat improved in the present case by a low terrace topography that downslopes westerly to the bordering unnamed tidal creek: Examination of a 1985 SWFWMD 1' contour-overlaid aerial indicates a 6'+ elevation easterly that downslopes gradually westerly to a 4'+ elevation along the creek's eastern bank. Original native ground cover would have consisted of predominately pine and palmetto flatwoods, possibly with small stands of cabbage palms and live oaks, depending upon the frequency of fire.

Field examination consisted of the excavation of a single, east/west transect of standard shovel tests placed at 25-meter intervals. The only "cultural materials" recovered were pieces of black plastic sheeting, the "mulch" remaining subsequent to previous agricultural use of this and the adjacent acreage.

Northwest Parcel: This parcel of approximately 6.8 acres comprises low uplands and bordering wetlands that form part of the western bank of the unnamed tidal creek. Soils consist of Leon fine sand, heavy substratum phase, and bordering Tidal marsh soils. Upland drainage is improved by the slight downslope to the creek. The acreage is bisected by a shallow northeast/southwest wetland trough, historically ditched, that connects an interior freshwater pond (outside the parcel to the southwest) with the creek. Upland elevations range from 2' to 3'. The upland acreage is largely covered in native vegetation, consisting of oaks, palms, pines, and palmetto, though also including invasive Brazilian peppers. Bordering wetlands contain mangroves and needle rush.

Access to the parcel was made from the south by boat *via* the tidal creek. This allowed an examination of the creek banks. While the creek presently supports populations of both

marsh clams and oysters, no shell midden deposits were found. Presently, the only recorded archaeological site within the creek system is 8Ma38, a marsh clam midden, located well downstream near the Manatee River.

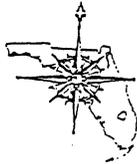
Judgmental examinations were conducted within a slightly elevated subarea within the eastern portion of the acreage with negative results.

Conclusions and Recommendations: As no cultural resources were discovered as a result of the present study, it is professionally concluded that development of the two parcels, as with the total body of the Bennett Park acreage, will have no effect upon any significant cultural resources.

Attachments:

- Location figure
- FMSF Survey Log Sheet

Ent. D (FMSF only)



Survey Log Sheet

Florida Master Site File
Version 2.0 9/97

Survey # (FMSF only)

Consult *Guide to the Survey Log Sheet* for detailed instructions.

Identification and Bibliographic Information

Survey Project (Name and project phase) PHASE I CRAS, BENNETT PARK ADDITIONS, MANATEE COUNTY

Report Title (exactly as on title page) ADDENDUM TO TECHNICAL MEMORANDUM ON CULTURAL RESOURCES
ASSESSMENT OF PROPOSED BENNETT PARK PARCEL, MANATEE COUNTY, FLORIDA (T34S, R9, 18E, SEC 27)
ADDITIONAL PARCELS.

Report Author(s) (as on title page— individual or corporate; last names first) BURGER, B.W.

Publication Date (year) 2007 Total Number of Pages in Report (Count text, figures, tables, not site forms) 3

Publication Information (If relevant, series and no. in series, publisher, and city. For article or chapter, cite page numbers. Use the style of *American Antiquity*; see *Guide to the Survey Log Sheet*.) B.W. BURGER, TERRA CEIA ISLAND, FL.

Supervisor(s) of Fieldwork (whether or not the same as author(s); last name first) BURGER, B.W.

Affiliation of Fieldworkers (organization, city) _____

Key Words/Phrases (Don't use the county, or common words like *archaeology, structure, survey, architecture*. Put the most important first. Limit each word or phrase to 25 characters.) PHASE I CRAS, NEGATIVE RESULTS

Survey Sponsors (corporation, government unit, or person who is directly paying for fieldwork)

Name MANATEE COUNTY PARKS & RECREATION DEPT.

Address/Phone BRADENTON, FL (941) 742-5923

Recorder of Log Sheet B.W. BURGER

Date Log Sheet Completed 3/22/07

Is this survey or project a continuation of a previous project? No Yes: Previous survey #(s) (FMSF only) _____

Mapping

Counties (List each one in which field survey was done - do not abbreviate; use supplement sheet if necessary) MANATEE

USGS 1:24,000 Map(s) : Map Name/Date of Latest Revision (use supplement sheet if necessary): _____

PARRISH, FLA 1973

LORRAINE, FLA 1973 (PR 1987)

Description of Survey Area

Dates for Fieldwork: Start 3/20/07 End 3/21/07 Total Area Surveyed (fill in one) _____ hectares 9+ acres

Number of Distinct Tracts or Areas Surveyed _____

If Corridor (fill in one for each): Width _____ meters _____ feet Length _____ kilometers _____ miles

Research and Field Methods

Types of Survey (check all that apply): archaeological architectural historical/archival underwater other:

Preliminary Methods (Check as many as apply to the project as a whole. If needed write others at bottom).

- Florida Archives (Gray Building) library research - local public local property or tax records windshield
 Florida Photo Archives (Gray Building) library-special collection - nonlocal newspaper files aerial photography
 FMSF site property search Public Lands Survey (maps at DEP) literature search
 FMSF survey search local informant(s) Sanborn Insurance maps
 other (describe) BOAT

Archaeological Methods (Describe the proportion of properties at which method was used by writing in the corresponding letter. Blanks are interpreted as "None.")

F(-ew: 0-20%), S(-ome: 20-50%); M(-ost: 50-90%); or A(-ll, Nearly all: 90-100%). If needed write others at bottom.

Check here if NO archaeological methods were used.

- surface collection, controlled other screen shovel test (size:) block excavation (at least 2x2 M)
 surface collection, uncontrolled water screen (finest size:) soil resistivity
 shovel test-1/4" screen posthole tests magnetometer
 shovel test-1/8" screen auger (size:) side scan sonar
 shovel test 1/16" screen coring unknown
 shovel test-unscreened test excavation (at least 1x2 M)
 other (describe):

Historical/Architectural Methods (Describe the proportion of properties at which method was used by writing in the corresponding letter. Blanks are interpreted as "None.")

F(-ew: 0-20%), S(-ome: 20-50%); M(-ost: 50-90%); or A(-ll, Nearly all: 90-100%). If needed write others at bottom.

Check here if NO historical/architectural methods were used.

- building permits demolition permits neighbor interview subdivision maps
 commercial permits exposed ground inspected occupant interview tax records
 interior documentation local property records occupation permits unknown
 other (describe):

Scope/Intensity/Procedures FDR STANDARD SHOVEL TESTS, 1/4" MESH, 25m INTERVALS IN SELECTED PROBABILITY SUBAREAS.

Survey Results (cultural resources recorded)

Site Significance Evaluated? Yes No If Yes, circle NR-eligible/significant site numbers below.

Site Counts: Previously Recorded Sites 0 Newly Recorded Sites 0

Previously Recorded Site #'s with Site File Update Forms (List site #'s without "8." Attach supplementary pages if necessary)

Newly Recorded Site #'s (Are you sure all are originals and not updates? Identify methods used to check for updates, ie, researched the FMSF records. List site #'s without "8." Attach supplementary pages if necessary.)

Site Form Used: SmartForm FMSF Paper Form Approved Custom Form: Attach copies of written approval from FMSF Supervisor.

DO NOT USE SITE FILE USE ONLY DO NOT USE

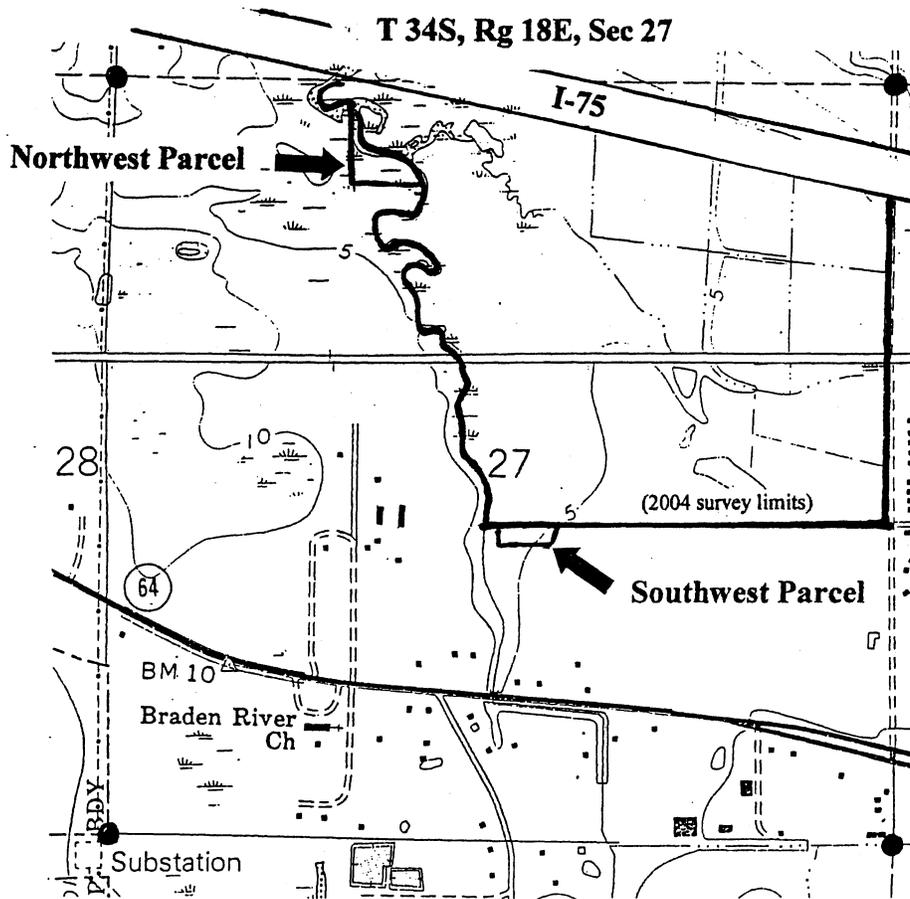
BAR Related

BHP Related

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 CARL UW

- State Historic Preservation Grant
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27082-D4-TF-024

1973

PHOTOREVISED 1987
DMA 4538 IV NW—SERIES V847

Exhibit P
Resolution No. R-02-246 Fee Schedule

RESOLUTION NO. R-02-246

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING PARAGRAPHS A. AND B. OF PART III OF RESOLUTION NO. R-02-72 TO PROVIDE A REVISED FEE SCHEDULE FOR THE MANATEE COUNTY PARKS AND RECREATION DEPARTMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County has previously adopted Resolution No. R-02-72 establishing policies and a fee schedule for the use of Manatee County Parks and Recreation facilities under the Manatee County Parks and Recreation Department (hereinafter "Parks and Recreation Facilities"); and

WHEREAS, Parks and Recreation facilities are used for planned recreational programs, special events, field trips, and numerous activities reflecting the interest and desires of the residents of Manatee County; and

WHEREAS, the Parks and Recreation programs are funded in part by fees generated to cover the cost of providing such programs; and

WHEREAS, in consideration of the budget required for the continuation and development of Parks and Recreation programs, it is necessary to adjust the fees as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

1. Paragraphs A. and B. of Section III of Resolution No. R-02-72 are amended to provide as follows:

III. FEE SCHEDULE:

A. Fees for Manatee County Parks and Recreation Department equipment, facilities and programs shall be as enumerated in Exhibit A, which is attached hereto and incorporated herein.

B. The fees do not include sales tax. Sales tax shall be charged in addition to the fees where no tax exemption applies and the tax has been imposed by law.

2. Except as provided herein, all other provisions of Resolution No. R-02-72 shall remain in full force and effect.

3. This Resolution shall take effect upon adoption and shall apply to all fees paid on or after September 18, 2002.

ADOPTED with a quorum present and voting this 17th day of September, 2002.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: *Amy Steier*
Chairman

ATTEST: R.B. SHORE
Clerk of the Circuit Court

By: *Susan J. Kormanik*
Deputy Clerk



Exhibit Q
Conservation Easement Baseline Study

BENNETT PARK CONSERVATION EASEMENT

BASELINE STUDY



Prepared by Manatee County for Florida Communities Trust

June 2007

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INTRODUCTION

On August 29, 2006, Manatee County and Ruben-Holland Development Corporation entered into an agreement whereby the entrance road to Bennett Park would be a shared commodity and would be constructed by the developer. In consideration for that common access point, Cypress Creek Investment, LLC would donate additional lands adjacent to the park boundary, and provide a conservation easement over the wetlands abutting the park and within the boundaries of the proposed adjacent subdivision. The principals of Ruben-Holland Development Corporation and Cypress Creek Investments, LLC are the same individuals. The land swap and conservation easement will be approved by Florida Communities Trust (FCT).

The Conservation Easement seeks to preserve and protect the existing natural areas from future impacts, and to some extent maintain and enhance the site where and as needed. The baseline ecological study is incorporated and referred to in the Conservation Easement Agreement between Cypress Creek Investments, LLC, and Manatee County. FCT requested a baseline study be completed so that it would be possible to track and manage the values of the natural systems within the easement's boundaries. Manatee County has the responsibility to monitor future uses of the land to ensure compliance with the terms of the easement and to enforce the terms if a violation occurs.

The purpose of the Baseline Study is to characterize the existing natural resource and its current state of vitality or degradation. The report will provide a record of the existing communities and observed wildlife and vegetation on the conservation easement site, evaluate its current condition with respect to coverage by exotic and nuisance biota, and serve to indicate the summation of environmental conditions within the ecosystems over the duration of one year, and cumulative over successive annual events. The initial report will provide a means for an annual comparison to identify and make subsequent recommendations to preserve and protect, or repair the area from future stressors as a result of the construction of the proposed development, or any other unplanned events that may occur. Recovery of the site through control and elimination of negative factors will also be tracked through the Baseline Study as an annual evaluation process.

The Conservation Easement area is outlined on Map 1. The area is located within the Manatee River basin, adjacent to and west of Bennett Park.

STUDY APPROACH

A preliminary site assessment on March 29, 2007, allowed the area to be traversed and a cursory appraisal to be completed. It was decided that a qualitative vegetation assessment would provide the best methodology for a basic evaluation that would allow direct comparison from year to year.

Since the site has no established permitting or monitoring parameters, a qualitative rather than a quantitative approach was chosen. Qualitative monitoring includes area-wide

vegetative coverage estimations, general observations, and invasive weed evaluations. Additionally, permanent photographic stations were established at vantage points.

In order to be able to contrast any changes from year to year, photographs will be taken annually from these survey points. These photographs will be used to make future comparisons of the vegetation communities. Should a visible loss occur from the trending photographic analysis, management and protective strategies can then be evaluated and devised. The qualitative monitoring for the Conservation Easement will be presented with the annual stewardship report to FCT every January.

A decision was made, based on the size and nature of the site, that erecting four photo stations in appropriate locations would be representative of the entire Conservation Easement area given the length, width, and existing community types. A list of the plants found in each stratum in the area visually surrounding the four photo stations is presented in table form. A visual estimate of the percent coverage or relative dominance of a plant is provided in the narrative. Additionally, a pedestrian survey provides an overall qualitative evaluation of the entire site and includes discussions about current and future water quality impacts, wildlife, aesthetic and scenic values, and recreation values.

Existing published information and historical data was collected about the site and surrounding area, and pertinent information has been included as part of this report. A wildlife survey conducted by the Grantor of the Conservation Easement is attached as Appendix I. An analysis of historical aerials and impacts to the area is included as Appendix II.

Two field visits were conducted by Manatee County staff in order to evaluate and define the values and characteristics of the Conservation Easement area. The first and second field visits were to determine access, identify major ecosystems and surrounding communities, and determine study method and best placement for photo stations. These field reconnaissance surveys were conducted on March 29, and April 5, 2007. The pedestrian surveys also catalogued general vegetation compositions and wildlife signs and sightings.

The third field visit concluded the baseline evaluation in the field and was conducted on May 30, 2007. Activities for this site visit included erecting photo stations at areas chosen to be most representative of each vegetative community or having high potential for future impacts, completing a qualitative evaluation of the area surrounding each photo station, and locating the stations with GPS coordinates.

RESULTS

The qualitative evaluation of the vegetation at each photo station area was completed on May 30, 2007. Four permanent photo stations were erected. The photo stations are identified by GPS coordinates with an erected structure of re-bar and 10' PVC pole for ease of identification from year to year. A total of four photographs, corresponding to

compass points, were taken and will be used as one means to compare and contrast changes in following years.

The landscape is composed of two primary ecosystems within the boundary of the Conservation Easement. Using the Florida Natural Areas Inventory definitions, the systems are as follows: estuarine tidal marsh, coastal maritime hammock.

Water Quality

The site includes a tidal creek to the Manatee River. Certain goals and objectives for water quality protection in the Manatee River watershed were incorporated into the Manatee County Comprehensive Plan (1995) and included, "Maintenance and enhancement of water quality and transparency of surface waters and protection of groundwater quality through natural resource and land use programs to: contribute to continued cleanup of Tampa Bay and Sarasota Bay; ensure clean water for passive recreation; maintain water quality for potable wells; and enhance natural aquatic habitat."

The area is considered a Class III water, and is part of an overall initiative described by the Southwest Florida Water Management District in a publication titled "Manatee River Comprehensive Watershed Management Plan," April 26, 2001. The plan discussed the significant alteration of the river's original habitats and the importance of preserving remaining natural systems and prudent management of altered and degraded natural systems.

Having the tidal creek, floodplain, and associated hammock under a conservation easement agreement will assist in the protection of the future water quality provided to the Manatee River from this site.

Wildlife

An ecological evaluation was performed in 2004 for the entire development area. No listed species were remarked on the site, nor were any known to be utilizing the area. There have been no changes to the habitat, existing, or potential wildlife usage based on the information provided. Please refer to Exhibit II for the complete report.

Although the Conservation Easement area has not been identified as critical habitat, it does provide important habitat and has a high potential to be utilized. Restoration of the Bennett Park area will increase the contiguous available habitat. The site is somewhat degraded as habitat due to recent clearing along the western boundary and its future as a housing development.

No endangered, threatened, or species of special concern were observed during any of the three field visits. An active gopher tortoise burrow was found outside the Conservation Easement. Some rabbit scat was found and numerous unidentified songbirds were seen in the upper hammock during the third site inspection.

Aesthetic and Scenic Values

The site has high scenic value because of its proximity to the Manatee River and its connection to the future Blueways Trail addition for Bennett Park. The salt marsh vegetative structure is, for the most part, intact and there is high potential for wildlife viewing. However, the proximity of Interstate 75 is a visual and aural negative aspect of the location. Also detracting from the experience is the fact that the upper edges of the salt marsh have been invaded by Brazilian pepper.

Recreation Values

Recreation potential for the Conservation Easement area is low due to the size and location of the site. The site is preserved and monitored for disturbance or degradation, and as such, any recreation should be passive, to include only those types of activities such as non-trail hiking or bird watching. The site has limited accessibility because it is across a tidal creek and bounded on the west side by a housing development.

Vegetation

Utilizing the Florida Natural Areas Inventory "Guide to the Natural Communities of Florida", the regions within the Conservation Easement were defined as: coastal hardwood hammock, estuarine tidal marsh.

Photographic Station Monitoring Points

The photo stations were geo-referenced to State plane coordinates and correspond to the points on Map 1. Each of the four photo stations has a pictorial representation with four photographs, a table of plants found in the immediate area, and is described with respect to relative coverage of exotic or nuisance species, and any other information considered significant to the qualitative evaluation.

PHOTOPOINT	State Plane Longitude	State Plane Latitude
station 1	497,169.098	1,150,686.579
station 2	496,756.622	1,151,424.307
station 3	496,428.597	1,152,169.359
station 4	496,510.154	1,152,535.198

Photo Station #1

Photo Station #1 is located on Map 1. The area was selected due to its proximity to the stormwater outfall and its intersection with the tidal creek. The photo station is situated at the edge of the hammock, tidal creek channel, and secondary wetland inflow that will be utilized to route stormwater from the development. This area had the most trash, with a tire lying in the low water channel, miscellaneous trash (cans, wrappers, etc.), and some concrete and metal residing in the upland buffer.

Leather fern, white mangrove, and Brazilian pepper in equal amounts, lined the high water line of the two channels. The oak/cabbage palm hammock had a relatively open understory, with leaf litter and a few scattered shrubs and vines as listed below.

Table 1 – Photo Station #1, List of Vegetation

OVERSTORY	Scientific name
Cabbage palm	<i>Sabal minor</i>
Live oak	<i>Quercus virginiana</i>
UNDERSTORY	
Brazilian pepper	<i>Schinus terebinthifolius</i> *
White mangrove	<i>Laguncularia racemosa</i>
Palmetto	<i>Serenoa repens</i>
Wild coffee	<i>Psychotria nervosa</i>
GROUND COVER	
Leather fern	<i>Acrostichum danaeifolium</i>
Cat briar	<i>Smilax spp.</i>
Rosary pea	<i>Abrus precatorius</i> *
Open ground > 40%	<i>Sandy with leaf litter</i>
Open water (within the main channel and swale intersection)	--

* Listed as a Category I invasive exotic

Photo Station #1 – Looking North



Photo Station #1 – Looking East



Photo Station #1 – Looking South



Photo Station #1 – Looking West



Photo Station #2

Photo Station #2 is located on Map 1. The area was selected due to its more isolated situation in the landscape and its mesohaline characteristics and connection with the tidal creek. The salt marsh is composed primarily of black needle rush (*Juncus roemerianus*) and less than ten percent leather fern with a mucky-bottom. The edge is dominated by Brazilian pepper with some remaining white mangrove (*Laguncularia racemosa*). The hardwood hammock transition contains cabbage palm and laurel oak with a small number of red cedar.

Table 2 – Photo Station #2, List of Vegetation

OVERSTORY	Scientific name
Cabbage palm (upper outside edge of marsh)	<i>Sabal minor</i>
Laurel oak (upper outside edge of marsh)	<i>Quercus laurifolia</i>
Red cedar (upper outside edge of marsh)	<i>Juniperus silicicola</i>
UNDERSTORY	
Brazilian pepper (lower outside edge of marsh)	<i>Schinus terebinthifolius</i> *
White mangrove (lower outside edge of marsh)	<i>Laguncularia racemosa</i>
False willow (lower outside edge of marsh)	<i>Baccharis angustifolia</i>
GROUND COVER	
Black needle rush	<i>Juncus roemerianus</i>
Leather fern	<i>Acrostichum danaeifolium</i>
Sea lavender	<i>Limonium carolinianum</i>
Goldenrod	<i>Solidago stricta</i>
Open water/bare ground <10%	

* Listed as a Category I invasive exotic

Photo Station #2 – Looking North



Photo Station #2 – Looking East



Photo Station #2 – Looking South



Photo Station #2 – Looking West



Photo Station #3

Photo Station #3 is located on Map 1. This area is representative of the upper zone of the salt marsh creek and hardwood hammock interface. The wetland line follows primarily along the downstream edge of the palmetto line. Leather fern and Brazilian pepper are very dense and make up approximately fifty percent each of the area surrounding the photo station. Ten-feet in and to the east, the open marsh begins with thick (>90%) cover by black needle rush.

Table 3 – Photo Station #3, List of Vegetation

OVERSTORY	Scientific name
Cabbage palm (in hammock)	<i>Sabal minor</i>
Laurel oak (in hammock)	<i>Quercus laurifolia</i>
UNDERSTORY	
Brazilian pepper (outside edge of marsh)	<i>Schinus terebinthifolius</i> *
Palmetto (in hammock)	<i>Serenoa repens</i>
GROUND COVER	
Leather fern	<i>Acrostichum danaeifolium</i>
Black needle rush	<i>Juncus roemerianus</i>

* Listed as a Category I invasive exotic

Photo Station #3 – Looking North



Photo Station #3 – Looking East



Photo Station #3 – Looking South



Photo Station #3 – Looking West



Photo Station #4

Photo Station #4 is located on Map 1. The area was selected due to its northernmost point on the Conservation Easement and its common point with the Bennett Park expansion area. This northernmost point is representative of the coastal hardwood hammock and the north end is the largest width of that community type. This monitoring point has few exotic or nuisance species until the outside edge of the salt marsh. Cabbage palm and laurel oak are co-dominant with a few scattered understory shrubs and vines.

Table 4 – Photo Station #4, List of Vegetation

OVERSTORY	Scientific name
Cabbage palm	<i>Sabal minor</i>
Laurel oak	<i>Quercus laurifolia</i>
UNDERSTORY	
Palmetto (defines the edge of the wetland line)	<i>Serenoa repens</i>
Brazilian pepper (outside edge of hammock)	<i>Schinus terebinthifolius</i> *
Spanish bayonet	<i>Yucca aloifolia</i>
GROUND COVER	
Coral bean	<i>Erythrina herbacea</i>
Cat briar	<i>Smilax spp.</i>
Carolina jessamine	<i>Gelsemium sempervirens</i>
Open ground > 80%	<i>Sandy with leaf litter</i>

* Listed as a Category I invasive exotic

Photo Station #4 – Looking North

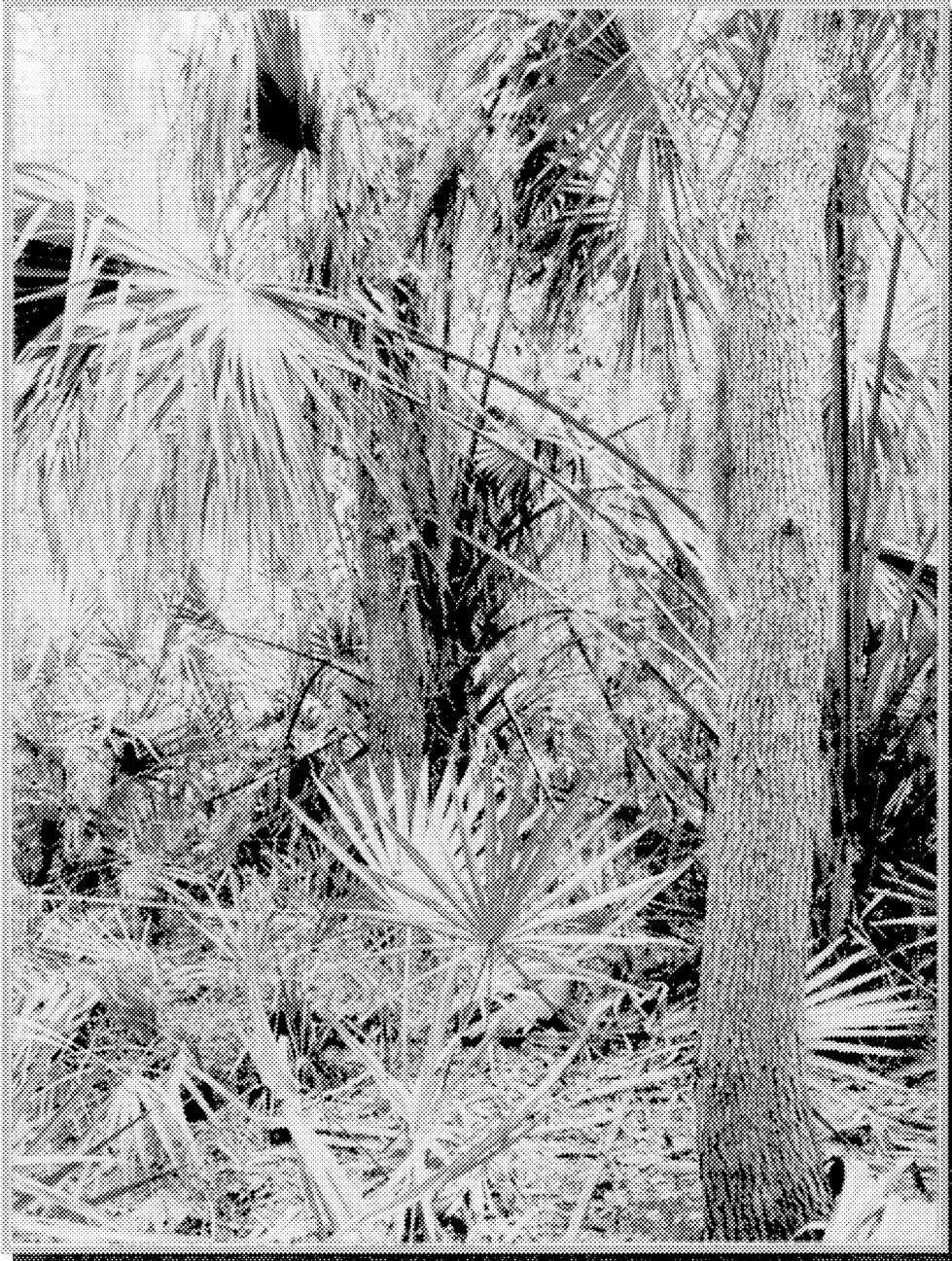


Photo Station #4 – Looking East



Photo Station #4 – Looking South



Photo Station #4 – Looking West



EXHIBIT I

Map 1 – Bennett park Conservation Easement – Photo Station Locations

EXHIBIT II

Threatened and Endangered Species Review, ECo Consultants, Inc.

March 13, 2004

(3 pages plus 2 "C" size figures)



MARCH 13, 2004

**TO: WAYNE RUBEN
RLH DEVELOPMENT
1 SOUTH SCHOOL AVE, SUITE 500
SARASOTA, FL. 34237**

**FROM: JOHN HENSLICK
ECO CONSULTANTS, INC.**

**RE: THREATENED & ENDANGERED SPECIES REVIEW and
GENERALIZED TREE COUNT: SITE ON SR 64, SEC. 27,
TWP 34 S, RGE 18 E, MANATEE COUNTY**

As per your request, staff from ECO Consultants, Inc. has completed a preliminary Listed Species Survey and a Generalized Tree Survey of the subject parcel: The results of these surveys are presented below:

Preliminary Listed Species Survey:

Pedestrian transects were performed on the subject parcel, delineated on the enclosed aerial photograph and Generalized Tree Survey Map, by staff field biologists and associate biologists during a period of 60 days, in January and February of 2005. Each of six (6) site visits consisted of the completion of multiple pedestrian transects covering more than 90 percent of the subject parcel.

Due to the type of habitats (Pine Flatwoods, Mixed Hardwood Wetlands, and Bays/Estuaries) and their relative location to existing land uses, the listed species determined to have the highest potential for nesting or breeding on or adjacent to the parcel were determined to be Gopher Tortoises (and commensal organisms), Bald Eagles, Indigo Snakes, Sherman's Fox Squirrel, and were the focus of the listed species surveys, while other less likely species were also considered.



The only listed species observed utilizing the subject parcel were, what appear to be two (2) gopher tortoises. Four (4) gopher tortoise burrows were identified during the listed species survey (their approximate locations are delineated on the Generalized Tree Survey Map). Two (2) burrows were determined to be "abandoned" (due the condition of the burrows, and to the amount of debris in the burrow openings), while two to other burrows were determined to be "active". Although it is common for tortoises to excavate more than one burrow each, the locations of these two burrows relative to each other (a significant distance apart), suggest two separate tortoises currently utilize them.

As indicated on the enclosed graphic, the borrows are located in close proximity to the property boundary and as such will result in no significant difficulties relative to the development of the parcel as long as an adequate buffer (or set back) is provided along the property boundary.

Listed Species Survey Summary:

Two active gopher tortoise burrows located near the property boundaries, resulting in no significant difficulties relative to the development of the parcel (with appropriate buffers or setbacks).

No other listed species have been observed or are known to utilize the site.

As such, the site has no significant difficulties relative to impacts to listed (endangered, threatened or species of special concern).



Generalized Tree Count:

During the months of January and February 2005, staff biologists and associate biologists perform multiple site reviews for the purpose of counting, identifying and measuring all the trees on the parcel (excluding trees in the wetlands, as they are not located in areas proposed for development).

Please refer to the enclosed aerial photograph “Generalized Tree Count” showing the trees by dominant tree species.

TOTAL TREE COUNT

Tree Species	Number with Diameter at Breast Height	
	4 –20 inch dbh	21 – 30 inch dbh
Pines (Slash and Longleaf)	2250	50
Live Oaks	410	20
Laurel Oaks	165	
Red Maples	20	
Elm	30	
Cabbage Palms	40	
TOTAL	2,915	70

No trees were identified during the tree survey that would meet the classification of a Grand or Majestic Tree. As can be seen in the above data table no trees were found on site with a diameter at breast height greater than the 30-inch category.



MARCH 13, 2004

**TO: WAYNE RUBEN
RLH DEVELOPMENT
1 SOUTH SCHOOL AVE, SUITE 500
SARASOTA, FL. 34237**

**FROM: JOHN HENSLICK
ECO CONSULTANTS, INC.**

**RE: THREATENED & ENDANGERED SPECIES REVIEW and
GENERALIZED TREE COUNT: SITE ON SR 64, SEC. 27,
TWP 34 S, RGE 18 E, MANATEE COUNTY**

As per your request, staff from ECO Consultants, Inc. has completed a preliminary Listed Species Survey and a Generalized Tree Survey of the subject parcel: The results of these surveys are presented below:

Preliminary Listed Species Survey:

Pedestrian transects were performed on the subject parcel, delineated on the enclosed aerial photograph and Generalized Tree Survey Map, by staff field biologists and associate biologists during a period of 60 days, in January and February of 2005. Each of six (6) site visits consisted of the completion of multiple pedestrian transects covering more than 90 percent of the subject parcel.

Due to the type of habitats (Pine Flatwoods, Mixed Hardwood Wetlands, and Bays/Estuaries) and their relative location to existing land uses, the listed species determined to have the highest potential for nesting or breeding on or adjacent to the parcel were determined to be Gopher Tortoises (and commensal organisms), Bald Eagles, Indigo Snakes, Sherman's Fox Squirrel, and were the focus of the listed species surveys, while other less likely species were also considered.



The only listed species observed utilizing the subject parcel were, what appear to be two (2) gopher tortoises. Four (4) gopher tortoise burrows were identified during the listed species survey (their approximate locations are delineated on the Generalized Tree Survey Map). Two (2) burrows were determined to be "abandoned" (due the condition of the burrows, and to the amount of debris in the burrow openings), while two to other burrows were determined to be "active". Although it is common for tortoises to excavate more than one burrow each, the locations of these two burrows relative to each other (a significant distance apart), suggest two separate tortoises currently utilize them.

As indicated on the enclosed graphic, the borrows are located in close proximity to the property boundary and as such will result in no significant difficulties relative to the development of the parcel as long as an adequate buffer (or set back) is provided along the property boundary.

Listed Species Survey Summary:

Two active gopher tortoise burrows located near the property boundaries, resulting in no significant difficulties relative to the development of the parcel (with appropriate buffers or setbacks).

No other listed species have been observed or are known to utilize the site.

As such, the site has no significant difficulties relative to impacts to listed (endangered, threatened or species of special concern).



Generalized Tree Count:

During the months of January and February 2005, staff biologists and associate biologists perform multiple site reviews for the purpose of counting, identifying and measuring all the trees on the parcel (excluding trees in the wetlands, as they are not located in areas proposed for development).

Please refer to the enclosed aerial photograph “Generalized Tree Count” showing the trees by dominant tree species.

TOTAL TREE COUNT

Tree Species	Number with Diameter at Breast Height	
	4 –20 inch dbh	21 – 30 inch dbh
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EXHIBIT III

Land use and Vegetation History

Prepared by: Guillermo Alverio and John Noll

(1 page plus 6 "A" size aerials)

Bennett Park Easement

Land Use and Vegetation History

Based on our aerial photo collection we documented some changes in land uses and in vegetation that have occurred in the wetland easement and nearby area. Below is a chronological list of such changes:

- 1940 – Open pasture with no evidence of fences, artificial drainage is visible on west side of easement, no cropland on nearby properties. Vegetation appears to be mainly grasses all the way to edges of the wetland without many trees or shrubs visible in the wetland.
- 1951 – Pasture and cropland showing on nearby lands to the east and southeast. Vegetation appears to consist of more shrubs in the wetland.
- 1957 – More cropland showing on adjacent lands to the southwest and additional trees on west pasture. Wetland vegetation appears similar to 1951.
- 1965 – Land use similar to 1957. More shrubs are showing on west pasture. No clear changes on wetland vegetation. There is evidence of recent drainage upgrades on the south part of the wetland.
- 1975 – More trees on west pastures and wetland.
- 1980 – I -75 under construction. Two ponds are under construction on northeast. Pasture on east side has been cleared for cropland. More trees and shrubs are showing on west side and in the wetland.
- 1985 – I-75 and ponds on northeast finished. Vegetation on west side appears thicker.
- 1987 – Vegetation on west side is thinner, maybe with the use of brush control and/or burns.
- 1991 – Vegetation on west side getting thicker again (Shrubs). Land on east side is still crop/sod.
- 1995 – Vegetation is similar to 1991.
- 1999 – Small trees and shrubs appear to be abundant, especially on the east side of the wetland.
- 2006 – Small trees and shrubs, probably Brazilian Pepper, showing on cropland on east side of the wetland.

Aerial Photograph April 1, 1940



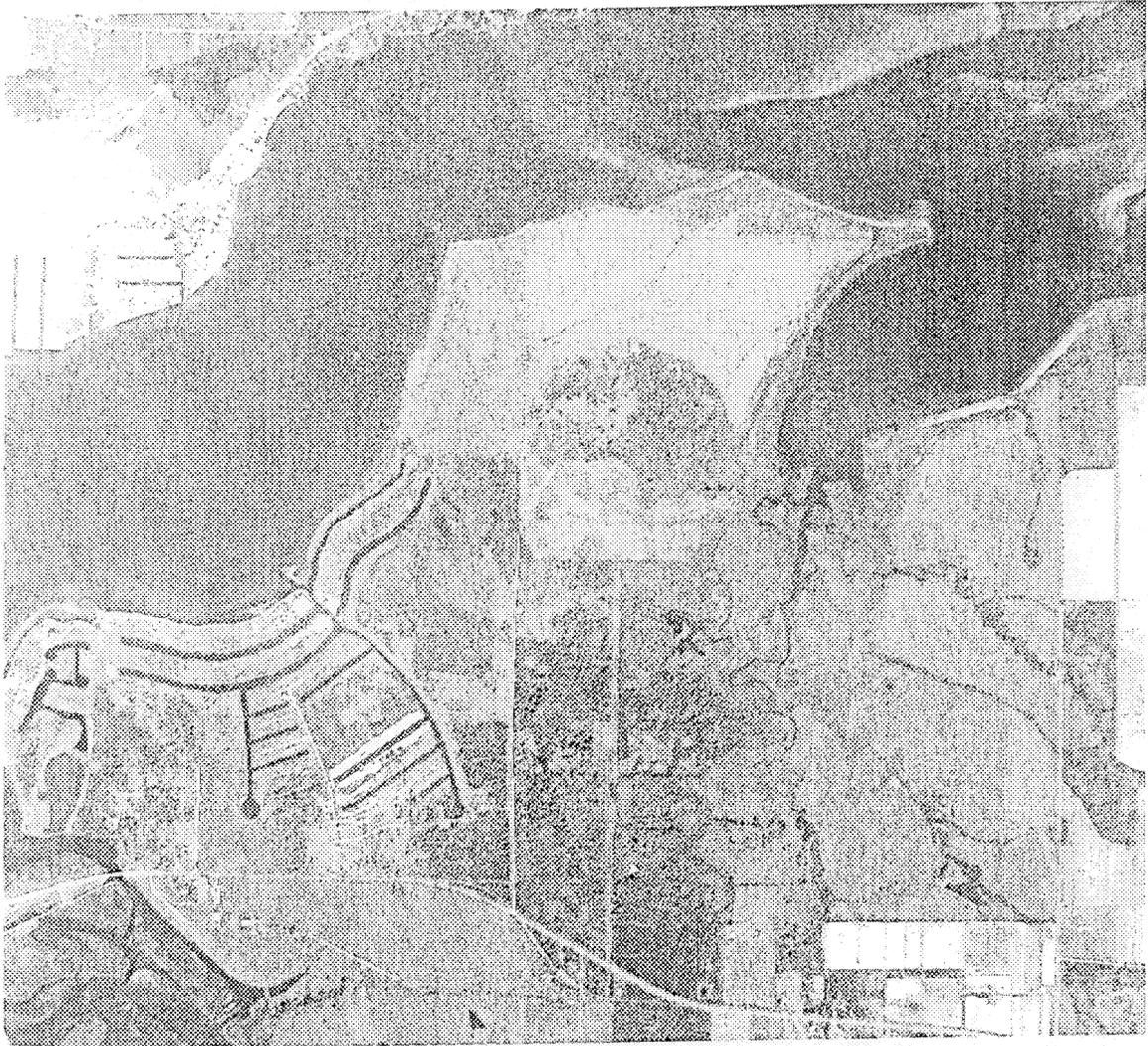
Aerial Photograph May 20, 1951



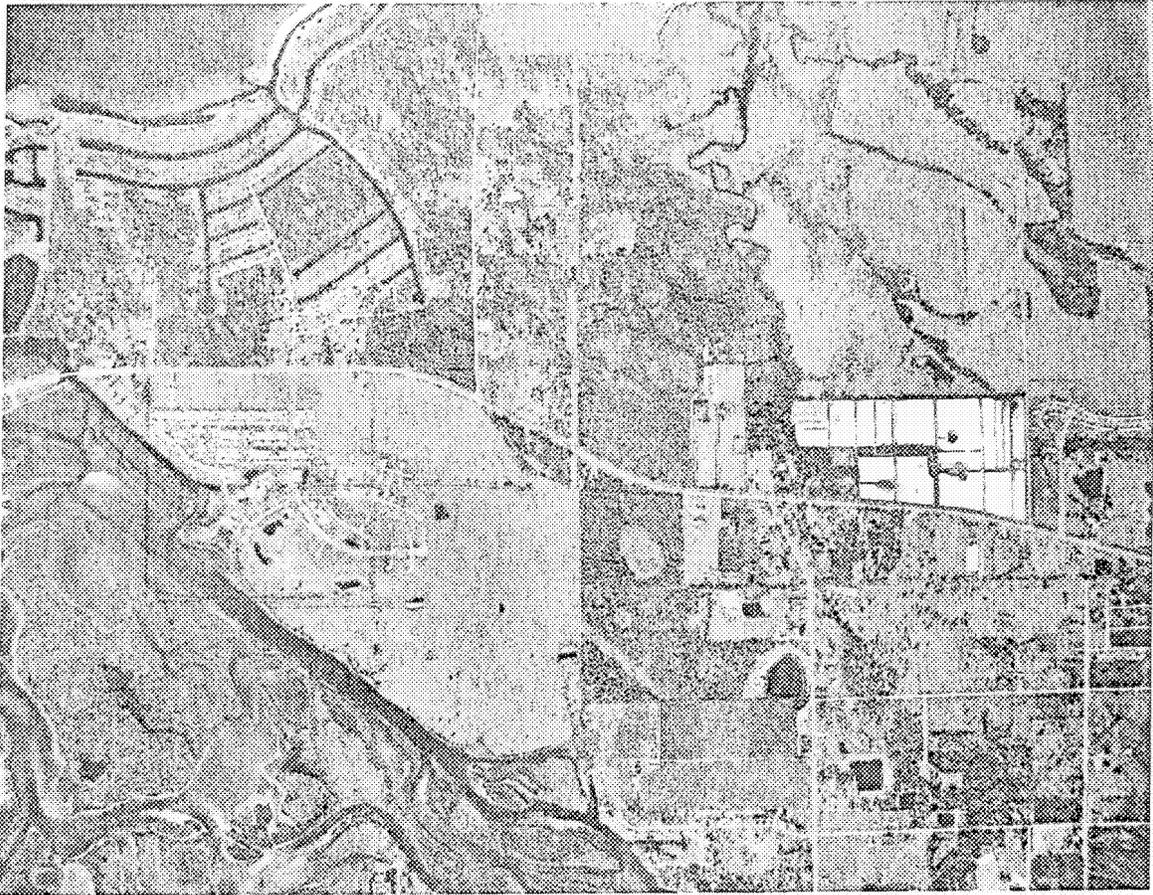
Aerial Photograph December 1957



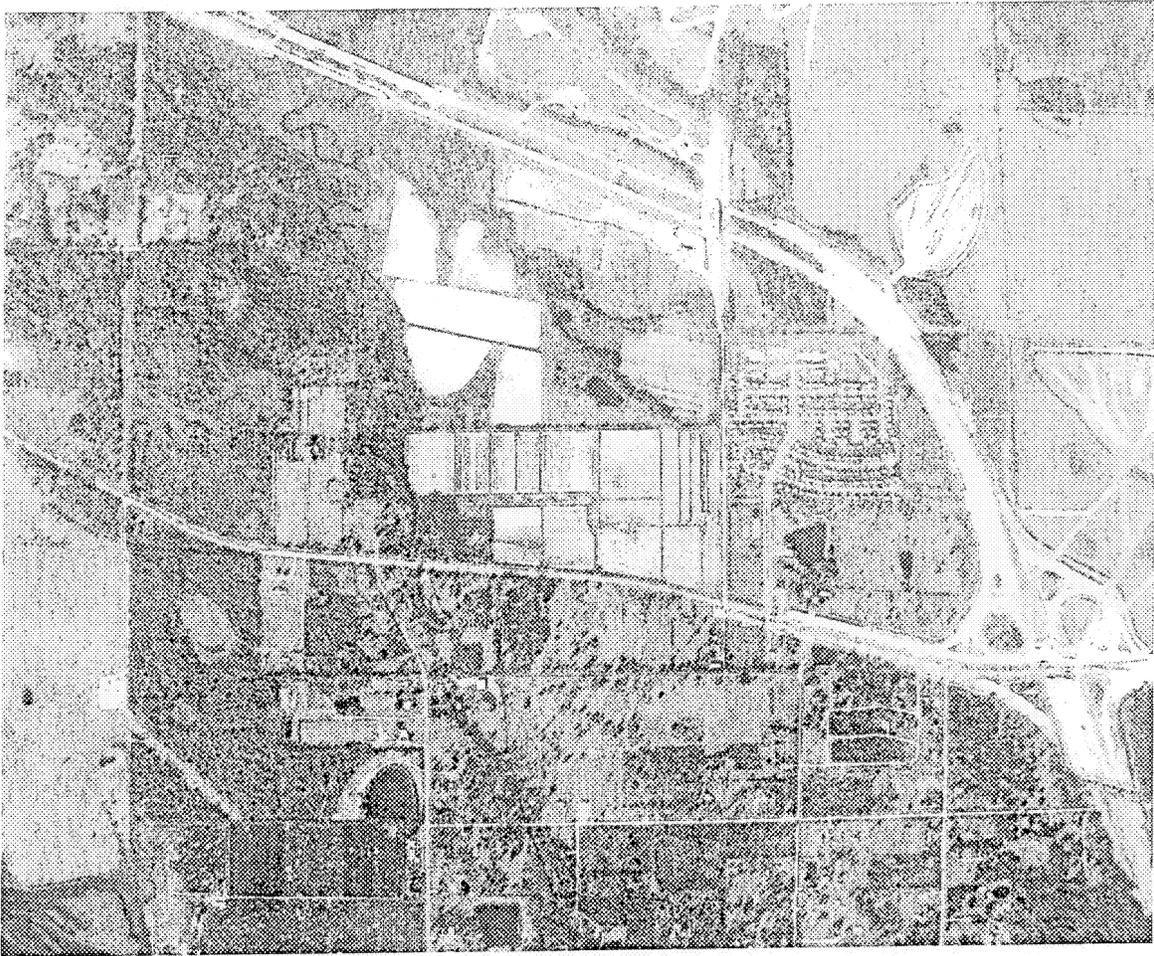
Aerial Photograph 1965

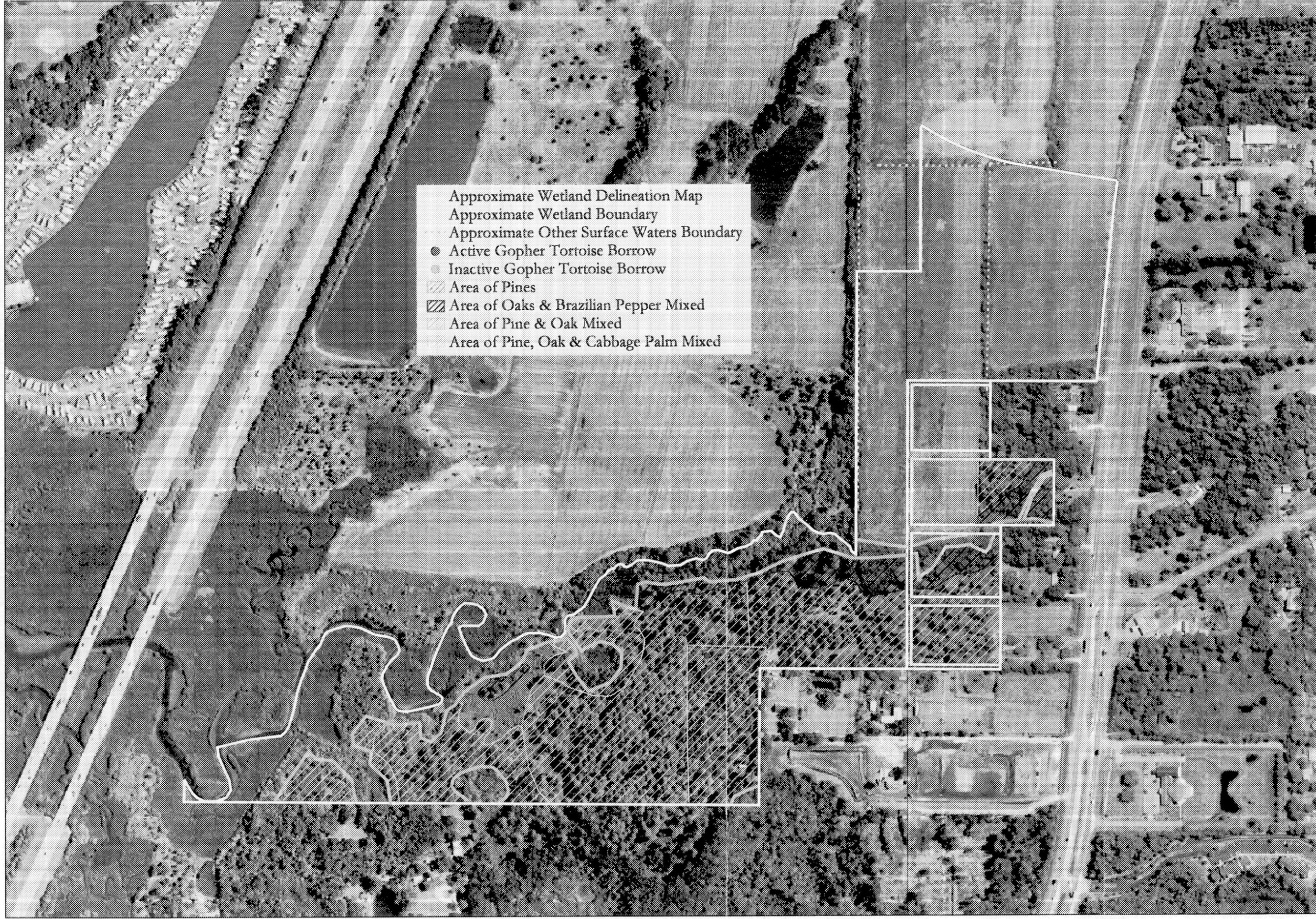


Aerial Photograph January 1975



Aerial Photograph 1980





Approximate Wetland Delineation Map
 Approximate Wetland Boundary
 Approximate Other Surface Waters Boundary
 ● Active Gopher Tortoise Borrow
 ○ Inactive Gopher Tortoise Borrow
 ▨ Area of Pines
 ▩ Area of Oaks & Brazilian Pepper Mixed
 ▧ Area of Pine & Oak Mixed
 ▦ Area of Pine, Oak & Cabbage Palm Mixed

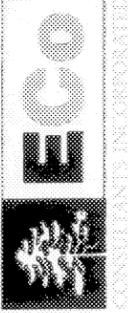
Client: RLH Development

Project: SR 64 Parcel

Title: General Tree Survey Map

Date: June 20, 2005

File: E:\Sarasota\RLH\SR 64 Parcel\Tree Count 062005.dwg



1523 8th Avenue West, Suite B, Palmetto, FL 34221 - Telephone 941.722.0901, Fax 941.722.4931
 7357 International Place, Suite 107, Sarasota, FL 34240 - Telephone 941.388.0505, Fax 941.373.6769
 233 East Park Avenue, Suite 101, Lake Wales, FL 33853 - Telephone 863.676.8996, Fax 863.676.9897

Sec: 27 Twp: 34S Rng: 18E

Scale: 1" = 400'

Date Drawn: 06/20/05

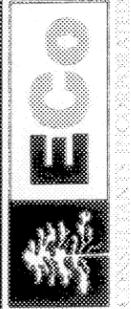
Drawn by: Craig Wolfe

Sheet:
1 of 1



Approximate Wetland Delineation Map
 — Approximate Wetland Boundary
 — Approximate Other Surface Waters Boundary
 110-Low Density Residential
 150-Industrial
 211-Improved Pasture
 411-Pine Flatwoods
 422-Brazilian Pepper
 438-Mixed Hardwoods
 441-Coniferous Plantation
 524-Lakes less than 10 acres
 540-Bays and Estuaries
 630-Wetland Forested Mixed
 814-Roads and Highways

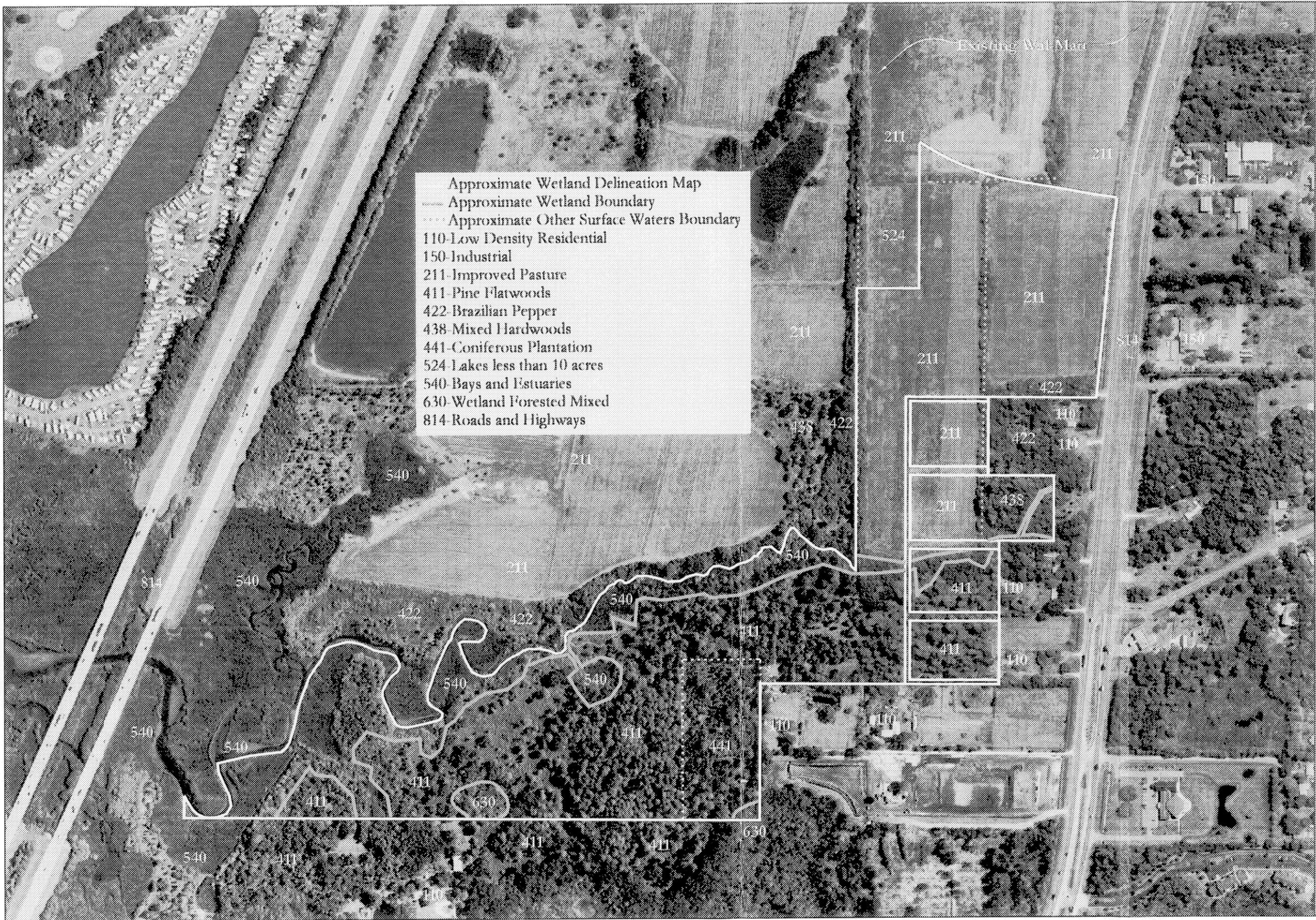
Client: RLH Development
 Project: SR 64 Parcel
 Title: Habitat Map
 Date: June 20, 2005
 File: E:\Sarasota\RLH\SR 64 Parcel\Habitat\062005.dwg



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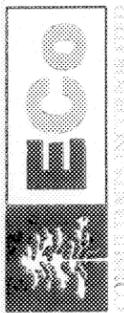
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 1 of 1

ATTACHMENT 'H'

DRAFT		ROS (Recreation Opportunity Spectrum)		DRAFT	
Manatee County					
Recreational Setting Class					
Semi-Primitive Rural		Suburban		Urban	
Land Based Activities					
A	view natural scenery	view pastoral & landscaped scenery (possibly natural in the background)	view wildlife (small) & domestic animals; occasional viewing of large wildlife like deer	view landscaped scenery	
B	view wildlife (large & small)	off-road motorized vehicle use (on road vehicles at the entrance to the site only)	motorized vehicle use (cars, trucks, scooters, motorcycles, etc.) in controlled, designated areas (roadways & parking lots)	view wildlife (small) & domestic animals	
C				motorized vehicle use (cars, trucks, scooters, motorcycles, etc.) in highly controlled, designated areas (roadways, parking lots & parking garages)	
D	hiking (marked trails)		walking/jogging (marked trails & moderately developed greenways)	walking/jogging (sidewalks & highly developed greenways)	
E	mountain biking (marked trails)		bicycling (bike lanes along streets, marked trails and greenways)	bicycling (bike lanes along streets & greenways)	
F	skateboards may be possible in a campground only		skateboard parks (outdoors)	skateboard parks (indoor/outdoor)	
G	playground using natural and/or natural appearing manufactured play structures/elements; "ropes" course is also possible		playground using colorful and/or natural-appearing manufactured play structures/elements	playground using colorful manufactured play structures/elements	
H	picnicking (informal at designated & undesignated sites)		picnicking (semi-formal at designated sites/facilities)	picnicking (informal at developed "brown bag business lunch" sites)	
I	cabins & camping (tent & rustic RV in designated areas)		camping (developed RV sites), hotels and lodges	hotels, vacation rentals, etc.	
J	nature study (informal or guided along rustic land and/or water trails)		nature study (informal or guided along moderately to highly developed land and/or water trails)	nature study (usually part of an indoor program and/or includes a field trip outside the urban setting)	
DRAFT		ROS (Recreation Opportunity Spectrum)		DRAFT	

Activity Characterization

ATTACHMENT 'H'

Manatee County			
Recreational Setting Class			
	Semi-Primitive Rural	Suburban	Urban
	Land Based Activities		
K	hunting (seasonal and regulated)	electronic 'hunting' and game board recreation areas	electronic 'hunting' and game board recreation areas
L	informal, self-guided recreation throughout the area	informal, passive outdoor play areas (i.e.: grass fields)	lawn areas in highly developed settings for passive recreation
M	shooting (target and skeet in designated areas)	shooting (in designated indoor ranges)	shooting (in designated indoor ranges)
N	gathering forest & nature products for sale or personal use (as permits allow)	gathering of nature products in landscaped settings prohibited (unless permits allow)	gathering of nature products in landscaped settings prohibited (unless permits allow)
O	rock climbing (natural setting)	rock climbing (developed indoor or outdoor facility)	rock climbing (developed indoor facility)
P	horseback riding (marked trails)	horseback riding (marked trails), field polo and/or public equestrian centers	in-stadium field polo and/or public equestrian centers
Q	trapping (seasonal & regulated)	no trapping	no trapping
R	no field sports	Field Sports (moderately to highly developed outdoor facilities; including but not limited to the following	Field Sport (housed in highly developed [sometimes indoor] facilities unless otherwise stated; including but not limited to the following)
S		baseball	baseball stadium
T		bocce	bocce
U		lawn bowling	lawn bowling
V		cricket	cricket
W		croquet	croquet
X		field hockey	field hockey
Y		football	football
	DRAFT	ROS (Recreation Opportunity Spectrum)	
		Manatee County	
			DRAFT

ATTACHMENT 'H'

Recreational Setting Class		
Semi-Primitive Rural	Suburban	Urban
Land Based Activities (cont.)		
Z	horseshoes	horseshoes (outdoor)
AA	lacrosse	lacrosse
BB	polo	polo
CC	rugby	rugby
DD	soccer	soccer
EE	softball	softball stadium
FF	no court games developed facilities either outdoors or indoors)	Court Games (housed in highly developed facilities usually indoors)
GG	badminton	badminton
HH	basketball	basketball
II	handball	handball
JJ	racquetball	racquetball
KK	shuffleboard	shuffleboard
LL	skating/roller blading (outdoor skate park)	skating/roller blading (indoor skate park)
MM	tennis	tennis
NN	volleyball	volleyball
Water Based Activities		
A	swimming (natural water bodies -- beaches, lakes, pond, rivers/streams, ocean; also could be a reservoir)	swimming (outdoor water bodies -- swimming pools and/or constructed lakes/ponds and/or semi-formally maintained natural water bodies [beaches, lakes/ponds,etc.]; also could be a reservoir)
B	no splash park	swimming (indoor & outdoor pools; could also be a beach at a highly developed resort)
	DRAFT	splash park
ROS (Recreation Opportunity Spectrum)		
Manatee County		
DRAFT		
DRAFT		

ATTACHMENT 'H'

Recreational Setting Class		
Semi-Primitive Rural	Suburban	Urban
Water Based Activities		
C	canoeing/kayaking (marked trails in moderately developed areas)	canoeing/kayaking (indoor instructional and/or outdoor urban waterways)
D	non-motorized watercraft (except for emergency watercraft and possible use of quiet electric motors); rustic 'docks/piers' or 'lake edge' entry/exit)	motorized watercraft with highly developed marinas
E	ferry boats unlikely	ferry boats
F	guided nature tours in individual non-motorized watercraft	tour boats for medium to large sized groups (15+ people)
G	snorkeling (natural water bodies)	snorkeling (instruction in indoor or outdoor swimming pools)
H	diving (skin & scuba in natural water bodies)	diving (skin & scuba in constructed indoor or outdoor water bodies & pools)
I	fishing (in natural water bodies in undeveloped areas; also could be a reservoir)	fishing (only if a natural body of water [i.e.: river] passes through the area)
J	water skiing unlikely	water skiing could be viewed in the middle ground and/or background but not performed in this setting
K		parasailing (only if the setting is immediately adjacent to a natural or constructed water body)
DRAFT		
ROS (Recreation Opportunity Spectrum)		
Manatee County		
Recreational Setting Class		
Semi-Primitive Rural	Suburban	Urban

ATTACHMENT 'H'

Management Activities		
L	general site and facility maintenance performed as needed; often contains a self-managed landscape.	moderate to very high amount of site and facility maintenance performed
M	recreationists are often self-managed with minimal site or personnel controls (except for "must stay on trails, etc." signs)	recreationists may or may not be self-managed; personnel, posted policies and site controls (sidewalks, raised planters, buildings, etc.) are substantial in number
N	possible on-site living quarters for personnel to ensure safety and security of site and users	temporary personnel activities for user, facility and site management/maintenance
O	possible natural resource cultivation, management and harvesting if recreation opportunities are not compromised	no natural resource cultivation or harvesting
Setting Characterization		
A	area is characterized by a predominantly natural or natural-appearing environment of moderate to large size, but may have small areas of moderate development (i.e.: primitive campgrounds)	area is characterized by a substantially built environment of small to moderate size (i.e.: plazas), although the background may have natural or natural-appearing elements.
B	resource modification and utilization practices are evident, but harmonize with the natural environment	resource modification is very high and is done to enhance specific recreation activities. Landscape is often exotic, manicured and complete with hardscape elements.
DRAFT		
ROS (Recreation Opportunity Spectrum)		
Manatee County		
Recreational Setting Class		
Semi-Primitive Rural		Urban
Suburban		Urban

ATTACHMENT 'H'

C	interaction between and concentrations of users is low, but there is often evidence of other users.	sights and sounds of humans are readily evident and the interaction between users is often moderate to high.	sights and sounds of humans on site are predominant. Large numbers of users can be expected both on site and nearby.
D	a minimum number of on-site controls and restrictions (facilities, signs, fences, sidewalks, ect.) may be present, but are designed and sited in such a way as to be visually subordinate to the surrounding landscape	a considerable number of facilities and other user management elements (sidewalks, fences, signs, etc.) are designed for use by a large number of people. Facilities are often provided for specific activities. Passive activities are provided separate from highly active sites.	facilities and other user management elements (sidewalks, fences, signs, etc.) dominate the landscape and are designed/sited in order to meet the functional and aesthetic needs of recreationists.
E	motorized vehicle use is permitted, but controlled to minimize interaction between motorized and non-motorized recreationists and to minimize impacts to natural systems.	facilities for intensified motorized use and parking are available, but do not dominate the landscape.	facilities for highly intensified motorized use and parking are available with forms of mass transit often available to carry people throughout the site.
F	signs (rustic; basic directional/informational/safety; only as needed)	signs (semi-formal in design; directional/informational/interpretive; moderate-high number)	signs (formal in design; directional/informational/interpretive; low to moderate)
G	roads (dirt/shell; for ORV use and as needed for emergency access and/or maintenance of this site)	roads (shell and/or paved to control traffic and meet moderate to high user impacts)	roads (paved to control traffic and meet very high user impacts)
DRAFT		ROS (Recreation Opportunity Spectrum)	
Manatee County			
Semi-Primitive Rural		Recreational Setting Class	
		Suburban	Urban

ATTACHMENT 'H'

Experience Characterization				
A	Moderate to high probability of experiencing isolation from the sights and sounds of people	high probability of experiencing the sights, sounds and opportunities of people in a convenient setting.	probability of experiencing the sights, sounds and interactions of people in a convenient setting is paramount.	
B	low to moderate probability of experiencing other people.	high probability of experiencing interactions with other individuals and user groups	very high probability of experiencing interactions with other individuals and user groups	
C	moderate to high probability of experiencing independence, closeness to nature and tranquility either as an individual or as a small group (<10 people).	active, user-oriented recreational opportunities are more important than the user's experience of the setting. These activities usually occur in outdoor facilities and spaces designed for moderate to large groups of people, including spectators	active, user-oriented recreational opportunities for individuals and groups are more important than the user's experience of the setting. These activities usually occur in indoor facilities and spaces designed for large numbers of people, including spectators.	
D	moderate to high probability of experiencing self-reliance by employing basic outdoor 'survival' skills that offer some challenge and risk	emphasis is usually on experiencing the challenge and risk of sports related skills/activities; most often outdoors. Experiencing and/or learning outdoor 'survival' skills would only occur in a designed setting/program possible complimented with a field trip to a Semi-Primitive Rural setting.	Emphasis is on experiencing the challenge and risk of sports related skills/activities; most often indoors. Experiencing and/or learning outdoor 'survival' skills would only occur in a designed setting/program complimented by a field trip to a Semi-Primitive Rural setting.	
E	Opportunity to utilize motorized equipment on dirt or 2-track roads while in the area, but not encouraged.	motorized vehicles are prevalent in controlled settings(driveways & parking lots).	Motorized vehicles are prevalent in controlled settings (driveways, parking lots & parking garages).	