

2022
BIENNIAL MONITORING REPORT
September 2018 to August 2022

TRIBUTARY DRI

(FORMERLY THREE RIVERS)

Submitted to:

Nassau County

Submitted by:

GREENPOINTE DEVELOPERS, LLC

Prepared by:

England-Thims & Miller, Inc.

Contact:

Raymond Spofford

April 23, 2024

Ms. Elizabeth Backe, AICP
Director of Planning Department
Nassau County Planning Department
96161 Nassau Pl.
Yulee, Florida 32097

**Re: 2018-2022 Biennial Monitoring Report
Tributary DRI (Formerly Three Rivers)
ETM No: 23-163**

Dear Ms. Backe:

Pursuant to General Condition 8 (Biennial Reports) of the Tributary Development of Regional Impact (DRI) Development Order Resolution 2006-126, we are pleased to submit this Biennial Monitoring Report covering the period from September 1, 2018, to August 31, 2022, on behalf of GreenPointe Developers, LLC.

The Development of Regional Impact Biennial Report Form (RPM-BSP-Biennial Report-1) issued by the Department of Community Affairs has been completed and is enclosed together with all required attachments.

Please let us know if you require any additional information.

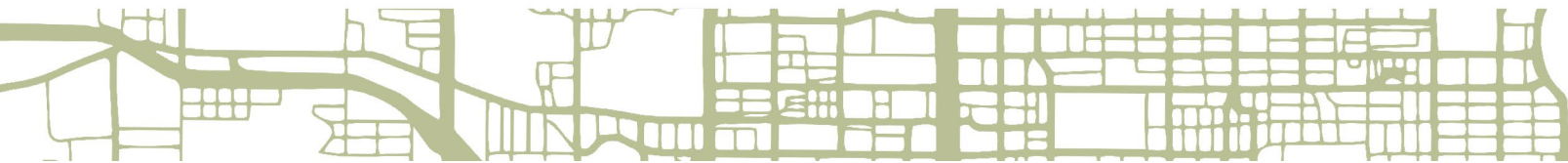
Regards,

ENGLAND-THIMS & MILLER, INC.



Ray Spofford, AICP
Vice President, Director of Planning/Shareholder

cc: Gregg kern, Greenpointe
Emily Pierce, Roger Towers
Scott Wild, ETM
Casey Dendor, ETM



TRIBUTARY DRI
2018-2022 BIENNIAL
MONITORING REPORT

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STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF COMMUNITY PLANNING & DEVELOPMENT
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399

**TRIBUTARY DRI
(Formerly Three Rivers)
DEVELOPMENT OF REGIONAL IMPACT
BIENNIAL REPORT**

Subsection 380.06(18), Florida Statutes, (F.S.) places the responsibility on the developer of an approved development of regional impact (DRI) for submitting an biennial report to the local government, the regional planning agency, the Department of Economic Opportunity, and to all affected permit agencies, on the date specified in the development order. The failure of a developer to submit the report on the date specified in the development order may result in the temporary suspension of the development order by the local government until the biennial report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. If you have any questions about this required report, call the DRI Planner at (850) 717-8475.

Send the original completed annual report to the designated local government official stated in the development order with one copy to each of the following:

- a) The regional planning agency of jurisdiction;
- b) All affected permitting agencies;
- c) Division of Community Development
Bureau of Comprehensive Planning
107 East Madison
Caldwell Building, MSC 160
Tallahassee, Florida 32399

BIENNIAL STATUS REPORT

Reporting Period: 09/01/2018 to 08/31/2022
Month/Day/Year Month/Day/Year

Development: Tributary DRI f.k.a. Three Rivers DRI
Name of DRI

Location: Yulee, Nassau
City County

Developer Name: GreenPointe Developers, LLC
Company Name

Address: 7807 Baymeadows Road E, Suite 205
Street Location

Jacksonville, FL 32256
City, State, Zip

1. Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.

Note: If a response is to be more than one sentence, attach as Exhibit A, a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items if applicable:

- a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;

See Exhibit A.

- b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

There were no substantial deviations filed during this reporting period.

- c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), FS.

See Exhibit A-3, Exhibit A-4, and Exhibit A-6.

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

government adopted a new DRI development order for the project? Provide a copy of the order adopted by the annexing local government.

No.

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

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

The master plan was revised during the reporting period. The current, approved Conceptual Master Plan Map H is provided in Exhibit B.

4. Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response is to be more than one sentence, attach as Exhibit C.

See Exhibit C.

5. Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps that show the tracts involved.

Note: If a response is to be more than one sentence, attach as Exhibit D.

See Exhibit D.

6. Describe any lands purchased or optioned adjacent to the original DRI site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

Note: If a response is to be more than one sentence, attach as Exhibit E.

No additional lands were purchased or optioned during the reporting period.

7. List any substantial local, state, and federal permits that have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

Note: If a response is to be more than one sentence, attach as Exhibit F.

See Exhibit F.

8. Provide a list specifying each development order condition and each developer commitment as continued in the ADA and state how and when each condition or commitment has been complied with during the reporting period.

Note: Attach as Exhibit G.

See Exhibit G.

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

General Condition 8.(j) of the Development Order requires an analysis demonstrating there will be adequate water, wastewater, and solid waste capacity to serve the projected development in the ensuring reporting period. General Condition 8.(l) requires the acreage of uplands and wetlands placed under recorded conservation easements. General Condition 8.(m) requires a description of any change to the previously reported stormwater plans, design criteria, or planting and maintenance plans.

10. Provide a statement certifying that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), FS.

The above referenced statutory references have been eliminated and the Tributary DRI Development Order as amended by Resolution 2021-172 only requires submitting a Biennial Report to Nassau County.

Person completing the questionnaire: Ray Spofford, AICP – England-Thims & Miller, Inc.

Title: Vice President/ Director of Planning

Representing: GreenPointe Developers, LLC

EXHIBIT A

CHANGES IN PLAN OF DEVELOPMENT

Exhibit A

CHANGES IN PLAN OF DEVELOPMENT

Changes during 2018-22 reporting period:

a. List any proposed changes in the plan of development or phasing of the project.

There were four (4) changes to the development plan during this reporting period and three (3) Notice of Permit Extension. The changes include:

- **Exhibit A-1: Resolution 2018-122 dated October 22, 2018. The amendment removes a 56.17± acre parcel from the DRI; amends the legal description of the DRI; finding that the proposed changes do not constitute a substantial deviation.**
- **Exhibit A-2: Resolution 2019-14 dated February 11, 2019. The amendment acknowledges the modification of the phasing schedule dates, build-out date, expiration date and downzoning protection date (General Condition 2, 3, 6) previously extended pursuant to State Statute; modification of Map H; and modification of Special Condition 29 regarding education.**
- **Exhibit A-3: September 13, 2019 letter acknowledged by Doug McDowell on January 9, 2020 extending the phasing, build-out, termination and downzoning protection dates.**
- **Exhibit A-4: November 9, 2020 letter sent to Thad Crowe extending the phasing, build-out, termination and downzoning protection dates.**
- **Exhibit A-5: Resolution 2021-172 dated August 23, 2021. The amendment modifies the phasing schedule dates, build-out date, expiration date, and downzoning protection date; changing the name to Tributary Development of Regional Impact; modifies Map H; and modifies Special Condition 27 regarding Fire Protection.**
- **Exhibit A-6: September 3, 2021 letter sent to Thad Crowe extending the phasing, build-out, termination and downzoning protection dates.**
- **Exhibit A-7: Resolution 2022-127 dated June 13, 2022. The amendment changes the name of the DRI; modifies the phasing schedule dates, build-out date, expiration date, and downzoning protection date; and modifies Special Condition 29 regarding Education.**

EXHIBIT A-1

Resolution 2018-122

RESOLUTION NO. 2018 - 122

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA CONSTITUTING THE FOURTH AMENDMENT TO THE THREE RIVERS DEVELOPMENT OF REGIONAL IMPACT (DRI); SPECIFICALLY AMENDING THE DEVELOPMENT ORDER TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT PURSUANT TO THE NOTIFICATION OF A PROPOSED CHANGE (NOPC) FILED BY CLINTON R. AND CHRISTINA D. MCLAUGHLIN, AND DATED AUGUST 10, 2018; REMOVING A 56.17+/- ACRE PARCEL FROM THE DRI; AMENDING THE LEGAL DESCRIPTION OF THE DRI; FINDING THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 28, 2006 Nassau County adopted Resolution No. 2006-126 constituting the development order (Development Order) for the Three Rivers Development of Regional Impact (DRI); and amended in Resolutions 2008-77, 2012-93A, and 2015-64 and:

WHEREAS, on August 10, 2018, Clinton R. and Christina D. McLaughlin, with the permission of the Developer of Three Rivers, Three Rivers Timber, LLC filed an Amendment to the Development Order (Amendment) pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Amendment proposes to remove a 56.17+/- acre parcel from the DRI and to amend the legal description of the DRI to delete this parcel from the DRI; and

WHEREAS, at a public hearing on September 18, 2018 the Nassau County Planning and Zoning Board reviewed said amendment and determined that the proposed changes do not constitute a substantial deviation, nor do they conflict with the remaining terms and conditions of the DRI/PUD or the County's Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has reviewed the said amendment, conducted a public hearing on October 22, 2018 at which all parties were afforded the opportunity to present evidence and testimony on this matter, and any member of the public requesting to do so was given an opportunity to present written or oral communication consistent with the adopted rules of procedure; and

WHEREAS, public notice of said hearing was provided in accordance with Chap. 380.06, F.S. and Chap. 125, F.S.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. FINDINGS

The Board of County Commissioners finds that the changes set forth in the NOPC application dated August 10, 2018 do not constitute a substantial deviation; as such term is defined in Section 380.06, Florida Statutes and are generally consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. AMENDMENT

1. The Three Rivers Development of Regional Impact Development Order is hereby amended to remove the 56.17+/- acre parcel identified in the legal description attached hereto as Exhibit "A" from the DRI.
2. The revised legal description of the property comprising the Three Rivers Development of Regional Impact is incorporated herein as Exhibit "B".
3. Except as amended hereby, Resolution 2006-126, as amended, shall remain in full force and effect, binding in accordance with its terms on all parties thereto. This amended Development Order shall take precedence over any of the applicable provisions of previous of development orders which are in conflict therewith.

SECTION 3. EXISTING DEVELOPMENT ORDER

All terms and conditions of the existing Summer Beach DRI Development Order as amended remain in full force and effect except as specifically amended by Section 2 of this Resolution.

SECTION 4. RECORDATION AND RENDITION

A copy of this Resolution shall be recorded in the Public Records of Nassau County. Nassau County will render a recorded copy of this Nineteenth Amendment of the Development Order to the Florida Department of Economic Opportunity, the Northeast Florida Regional Council, and the Developer.

SECTION 5. EFFECTIVE DATE:

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED THIS 22ND DAY OF OCTOBER, 2018.

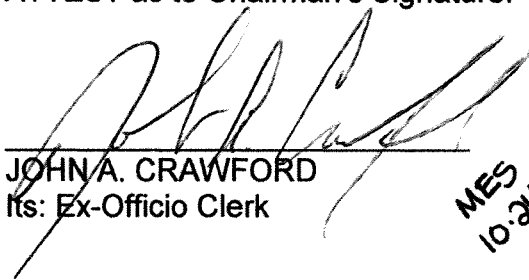
BOARD OF COUNTY COMMISSIONERS

NASSAU COUNTY, FLORIDA



PAT EDWARDS,
Its: Chairman

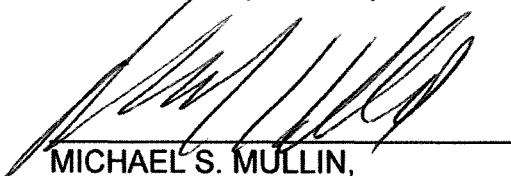
ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
10-24-18

**Approved as to form and legality by the
Nassau County Attorney:**



MICHAEL S. MULLIN,
County Attorney

EXHIBIT A

PARCEL A (ANN DEKAY EVANS)

A PORTION OF SECTION 16, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 16; THENCE SOUTH 00°12'35" EAST ALONG THE EASTERLY LINE OF SAID SECTION 16 AND THE EASTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1166, PAGE 1351 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, 2600 FEET, MORE OR LESS, TO THE NORTHERLY BANK OF BOGGY CREEK AND THE SOUTHERLY AND WESTERLY LINE OF SAID LANDS; THENCE WESTERLY AND NORTHERLY ALONG SAID NORTHERLY BANK AND THE MEANDERINGS THEREOF, 5020 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY LINE OF SAID SECTION 16 AND THE NORTHERLY LINE OF SAID LANDS; THENCE NORTH 88°54'55" EAST, ALONG SAID NORTHERLY LINES, 290 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 53.2 ACRES, MORE OR LESS.

PARCEL B (ANN DEKAY EVANS)

A PORTION OF SECTIONS 10 AND 15, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE NORTH 01°04'10" WEST, ALONG THE WEST LINE OF SAID SECTION 10 AND ALONG THE WEST LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 720, PAGE 1953 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, 792.19 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF LOGAN ROAD (A 60-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 51°03'16" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY, 76.68 FEET TO THE EASTERLY LINE OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 720, PAGE 1963; THENCE SOUTH 01°01'45" WEST, ALONG SAID EASTERLY LINE, 899.20 FEET TO THE SOUTHERLY LINE OF SAID LANDS; THENCE SOUTH 88°42'51" WEST, ALONG SAID SOUTHERLY LINE, 60.80 FEET TO THE WESTERLY LINE OF SAID SECTION 15 AND THE AFORESAID WESTERLY LINE OF SAID LANDS; THENCE NORTH 00°12'35" WEST ALONG SAID WESTERLY LINES, 60.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.2 ACRES, MORE OR LESS.

EXHIBIT B

PARCEL A

A PORTION OF SECTIONS 9 AND 10, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 88°33'22" WEST, ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 974.83 FEET TO THE SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 200 (A1A) (A VARIABLE WIDTH RIGHT-OF-WAY AS CURRENTLY ESTABLISHED) AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°33'22" WEST, ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 1549.02 FEET TO THE EASTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1080, PAGE 800 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE SOUTH 08°04'20" EAST, ALONG SAID EASTERLY LINE, 296.32 FEET TO THE SOUTHERLY LINE OF SAID LANDS; THENCE SOUTH 88°33'22" WEST, ALONG SAID SOUTHERLY LINE, 299.55 FEET TO THE WESTERLY LINE OF SAID LANDS; THENCE NORTH 06°04'20" WEST, ALONG SAID WESTERLY LINE, 296.32 FEET TO THE AFORESAID NORTH LINE OF SECTION 9; THENCE SOUTH 88°33'22" WEST, ALONG SAID NORTH LINE, 410.80 FEET; THENCE SOUTH 26°32'28" WEST, 110.54 FEET; THENCE SOUTH 27°17'20" EAST, 112.08 FEET; THENCE SOUTH 65°09'20" EAST, 171.14 FEET; THENCE SOUTH 26°57'15" EAST, 189.89 FEET; THENCE SOUTH 15°47'00" EAST, 305.12 FEET; THENCE SOUTH 83°54'48" EAST, 174.52 FEET; THENCE SOUTH 05°49'27" EAST, 198.02 FEET; THENCE SOUTH 81°13'39" EAST, 144.06 FEET; THENCE SOUTH 49°48'29" EAST, 126.95 FEET; THENCE SOUTH 21°07'20" EAST, 130.97 FEET; THENCE SOUTH 38°10'00" EAST, 189.46 FEET; THENCE SOUTH 77°24'58" EAST, 180.06 FEET; THENCE SOUTH 56°38'19" EAST, 95.96 FEET; THENCE SOUTH 23°18'40" EAST, 79.92 FEET; THENCE SOUTH 20°27'40" WEST, 101.47 FEET; THENCE SOUTH 42°31'10" WEST, 208.76 FEET; THENCE SOUTH 31°39'09" EAST, 780 FEET MORE OR LESS, TO THE MEAN HIGH WATER LINE OF TOM MANN CREEK; THENCE SOUTHEASTERLY ALONG SAID MEAN HIGH WATER LINE AND THE MEANDERINGS THEREOF, AND ALONG THE MEAN HIGH WATER LINE OF BOBBY CREEK AND THE MEANDERINGS THEREOF, 3780 FEET, MORE OR LESS, TO THE MOST NORTHERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 716, PAGE 3833, SAID PUBLIC RECORDS; THENCE SOUTH 57°36'07" EAST, ALONG THE NORTHEASTERLY LINE OF SAID LANDS, 387.89 FEET TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 58°10'17" EAST, CONTINUING ALONG SAID NORTHEASTERLY LINE, 72.47 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF LOBAN ROAD (A 60 FOOT RIGHT-OF-WAY AS ESTABLISHED); THENCE NORTH 51°19'32" EAST, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, 433.20 FEET TO AN ANGLE POINT; THENCE NORTH 51°08'18" EAST, CONTINUING ALONG SAID NORTHWESTERLY LINE, 595.67 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF POLICE LODGE ROAD (A 60 FOOT RIGHT OF WAY AS NOW ESTABLISHED, BEING MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORDS BOOK 711, PAGE 1706, SAID PUBLIC RECORDS); THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES AND DISTANCES: COURSE NO. 1: NORTH 20°29'45" WEST, 3282.42 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING NORTHERLY; COURSE NO. 2: NORTHERLY ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 886.86 FEET, AN ARC DISTANCE OF 343.00 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 10°38'19" WEST, 341.31 FEET TO THE POINT OF TANGENCY; COURSE NO. 3: NORTH 00°46'53" WEST, 723.06 FEET TO THE AFORESAID SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 200 (A1A); THENCE NORTH 82°48'55" WEST, ALONG LAST SAID LINE, 275.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 200 ACRES, MORE OR LESS

EXHIBIT B

PARCEL B

A PORTION OF SECTIONS 9, 10, 11, 14, 15, THE W. LOFTON GRANT, SECTION 44, AND THE ROBERT HARRIS GRANT, SECTION 46, TOWNSHIP 2 NORTH, RANGE 36 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 01°04'10" EAST, ALONG THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 148.29 FEET TO THE SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 200 (A1A) (A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED) AND THE POINT OF BEGINNING; THENCE NORTH 82°46'55" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 648.24 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF POLICE LODGE ROAD (A 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES; COURSE NO. 1: SOUTH 00°46'33" EAST, 714.82 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHERLY; COURSE NO. 2: SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 886.86 FEET, AN ARC DISTANCE OF 822.36 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 10°38'18" EAST, 320.77 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 3: SOUTH 20°29'43" EAST, 3815.67 FEET; THENCE SOUTH 89°30'15" WEST, 80.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SAID POLICE LODGE ROAD WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LOGAN ROAD (A 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 51°09'16" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 489.11 FEET TO THE EASTERLY BOUNDARY OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 720, PAGE 1963, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 01°01'45" EAST, ALONG SAID EASTERLY BOUNDARY, 889.30 FEET TO THE SOUTHEASTERLY CORNER OF SAID LANDS; THENCE SOUTH 86°42'31" WEST, 80.80 FEET TO A POINT ON THE WESTERLY LINE OF SECTION 15, SAID POINT HEREINAFTER REFERRED TO AS REFERENCE POINT "A"; THENCE SOUTHEASTERLY ALONG A TRAVERSE LINE FOLLOWING THE MEANDERINGS OF BOBBY CREEK RUN THE FOLLOWING SIX (6) COURSES AND DISTANCES; COURSE NO. 1: SOUTH 86°44'30" EAST, 1108.97 FEET; COURSE NO. 2: SOUTH 73°13'20" EAST, 923.84 FEET; COURSE NO. 3: SOUTH 84°18'04" EAST, 1282.84 FEET; COURSE NO. 4: SOUTH 62°34'44" EAST, 1004.12 FEET; COURSE NO. 5: SOUTH 48°44'48" EAST, 913.35 FEET; COURSE NO. 6: SOUTH 16°11'38" EAST, 1646.63 FEET TO A POINT HEREINAFTER REFERRED TO AS REFERENCE POINT "B"; THENCE RETURN TO THE POINT OF BEGINNING; THENCE EASTERLY AND NORTHERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 200, RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES; COURSE NO. 1: SOUTH 82°46'55" EAST, 1763.48 FEET; COURSE NO. 2: NORTH 07°18'05" EAST, 34.00 FEET; COURSE NO. 3: SOUTH 82°46'55" EAST, 4306.10 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 1523, PAGE 1051 OF SAID PUBLIC RECORDS; THENCE SOUTHERLY, NORTHEASTERLY AND EASTERLY, ALONG THE WESTERLY AND SOUTHERLY LINES OF LAST SAID LANDS, RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES; COURSE NO. 1: SOUTH 08°37'30" WEST, 128.86 FEET; COURSE NO. 2: SOUTH 12°29'20" EAST, 472.58 FEET; COURSE NO. 3: SOUTH 27°43'52" EAST, 582.37 FEET; COURSE NO. 4: NORTH 51°40'36" EAST, 402.26 FEET; COURSE NO. 5: NORTH 89°37'51" EAST, 768.95 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD (AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES; COURSE NO. 1: SOUTH 08°10'18" EAST, 48.88 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHERLY; COURSE NO. 2: SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 4086.81 FEET, AN ARC DISTANCE OF 888.35 FEET, SAID ARC BEING

EXHIBIT B

SUSTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 14°15'58" EAST, 867.71 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 3: SOUTH 20°21'38" EAST, 168.46 FEET TO THE NORTHWESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 1521, PAGE 1321 OF SAID PUBLIC RECORDS; THENCE SOUTHWESTERLY, SOUTHERLY, EASTERLY, NORTHERLY AND NORTHEASTERLY, ALONG THE NORTHWESTERLY, WESTERLY, SOUTHERLY AND SOUTHEASTERLY LINES OF LAST SAID LANDS, RUN THE FOLLOWING EIGHT (8) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 61°05'54" WEST, 287.48 FEET; COURSE NO. 2: SOUTH 29°25'03" WEST, 66.67 FEET; COURSE NO. 3: SOUTH 22°34'38" WEST, 97.74 FEET; COURSE NO. 4: SOUTH 06°26'34" EAST, 148.74 FEET; COURSE NO. 5: NORTH 80°27'24" EAST, 188.89 FEET; COURSE NO. 6: NORTH 00°03'21" EAST, 93.86 FEET; COURSE NO. 7: NORTH 55°40'08" EAST, 116.85 FEET; COURSE NO. 8: NORTH 28°06'20" EAST, 140.53 FEET TO THE AFORESAID WESTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD AND THE ARC OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES: COURSE NO. 1: SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 3775.72 FEET, AN ARC DISTANCE OF 981.38 FEET, SAID ARC BEING SUSTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 18°08'12" EAST, 929.03 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 2: SOUTH 08°58'38" EAST, 2635.19 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE; COURSE NO. 3: SOUTH 06°28'24" EAST, 1354.14 FEET TO THE NORTHERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 518, PAGE 1228, SAID PUBLIC RECORDS; THENCE SOUTH 88°52'12" WEST, ALONG SAID LINE, 203.88 FEET; THENCE NORTH 79°50'18" WEST, 13.73 FEET; THENCE SOUTH 80°11'02" WEST, 57.36 FEET; THENCE SOUTH 88°52'12" WEST, 367.49 FEET; THENCE SOUTH 02°15'50" WEST, 180 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF NASSAU RIVER; THENCE SOUTHWESTERLY, WESTERLY, NORTHWESTERLY, SOUTHWESTERLY, AND SOUTHERLY, FOLLOWING THE MEANDERINGS OF SAID MEAN HIGH WATER LINE, 3920 FEET MORE OR LESS TO A POINT ON SAID MEAN HIGH WATER LINE, SAID POINT LYING NORTH 72°32'01" EAST, 1170 FEET MORE OR LESS FROM THE AFOREMENTIONED REFERENCE POINT "B"; THENCE SOUTH 72°32'01" WEST, THROUGH SAID REFERENCE POINT "B", 1215 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF BOGGY CREEK; THENCE WESTERLY, NORTHWESTERLY, NORTHERLY, NORTHEASTERLY, EASTERLY, SOUTHERLY, AND SOUTHEASTERLY, FOLLOWING THE MEANDERINGS OF SAID BOGGY CREEK, 11465 FEET MORE OR LESS TO ITS INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 15, SAID POINT LYING SOUTH 00°12'35" EAST, 270 FEET MORE OR LESS FROM THE AFOREMENTIONED REFERENCE POINT "A"; THENCE NORTH 00°12'35" WEST, 270 FEET MORE OR LESS TO THE SOUTHERLY BOUNDARY OF AFOREMENTIONED LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 720, PAGE 1963 OF THE OFFICIAL RECORDS OF SAID COUNTY AND SAID REFERENCE POINT "A" TO CLOSE.

CONTAINING 1346 ACRES, MORE OR LESS.

EXHIBIT A-2

Resolution 2019-14

RESOLUTION NO. 2019- 14

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA CONSTITUTING THE FIFTH AMENDMENT TO THE THREE RIVERS DEVELOPMENT OF REGIONAL IMPACT (DRI); AMENDING RESOLUTION 2006-126, AS AMENDED BY RESOLUTION 2008-77; AS AMENDED BY RESOLUTION 2012-93A; AS AMENDED BY RESOLUTION 2015-64; AS AMENDED BY RESOLUTION 2018-122; ACKNOWLEDGING THE MODIFICATION OF THE PHASING SCHEDULE DATES, BUILDOUT DATE, EXPIRATION DATE AND DOWNZONING PROTECTION DATE (GENERAL CONDITIONS 2, 3 AND 6) PREVIOUSLY EXTENDED PURSUANT TO STATE STATUTE; MODIFYING MAP H; MODIFYING SPECIAL CONDITION 29 REGARDING EDUCATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 28, 2006, Nassau County adopted Resolution No. 2006-126 constituting the development order (Development Order) for the Three Rivers Development of Regional Impact (DRI); and

WHEREAS, on February 25, 2008, Nassau County adopted Resolution 2008-77, constituting the first amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on June 25, 2012, Nassau County adopted Resolution 2012-93A, constituting the second amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on April 27, 2015, Nassau County adopted Resolution 2015-64, constituting the third amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on October 22, 2018, Nassau County adopted Resolution 2018-122, constituting the fourth amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on June 26, 2018, the Developer of Three Rivers, Three Rivers timber, LLC, through Emily G. Pierce, Esq., filed a Notice of Proposed Change/Amendment to the Development Order pursuant to Sections 380.06(7), Florida Statutes, and

WHEREAS, the Board of County Commissioners has reviewed the said amendment, conducted a public hearing on February 11, 2019 at which all parties were afforded the opportunity to present evidence and testimony on this matter, and any member of the public requesting to do so was given an opportunity to present written or oral communications consistent with the adopted rules of procedure; and

WHEREAS, public notice of said hearing was provided in accordance with Section 380.06, Florida Statutes, and Chapter 125, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

1. The Three Rivers Development of Regional Impact development order is hereby amended by this Resolution in that General Conditions 2, 3 and 6 are being updated as set forth below, Map H is being revised as attached hereto, Special Condition 29 is being deleted in its entirety and being replaced as set forth below and approximately 56.17 acres of property is being removed from the DRI. Unless specifically amended by the Resolution, all other terms and conditions of Resolution 2006-126, as amended by Resolution 2008-77, as amended by Resolution 2012-93A, and as amended by Resolution 2015-64 and the attachments incorporated by reference thereto remain in full force and effect.
2. The Findings of Fact and Conclusions of Law stated in Resolution 2006-126, as amended by Resolution 2012-93A, remain true and correct and are restated as if fully set forth herein.
3. The Nassau County Board of County Commissioners has reviewed the proposed changes to the Three River Development of Regional Impact development order and has determined that the changes proposed to the Three River DRI by this fifth amendment, as conditioned

herein, are consistent with the Nassau County Comprehensive Plan and Land Development Code.

4. The revised legal description of the property comprising the Three Rivers Development of Regional Impact is incorporated herein as Exhibit "A" (the DRI Parcel).
5. The Land Use Totals table found in General Condition 2 is modified to reflect the new phasing schedule dates as follows:

Land Use Totals. The DRI may be developed with the following improvements:

Type	Phase 1 2008-2025	Phase 2 2021-2030	Total
Retail	200,000 s.f.	300,000 s.f.	500,000 s.f.
Industrial	50,000 s.f.	200,000 s.f.	250,000 s.f.
Dry Storage	300 slips	0 slips	300 slips
Office	0 s.f.	50,000 s.f.	50,000 s.f.
Residential	1,400 units	1,800 units	3,200 units

The remainder of General Condition 2 will remain unchanged.

6. General Conditions 3 and 6 are modified to reflect revised buildout, expiration and downzoning protection dates as shown:

3. **Build-out and Expiration of DRI.** The build-out date for all development is December 8, 2030. The DRI termination and DRI Development Order expiration dates are established as December 8, 2035. Any extension of the DRI build-out, termination or expiration dates shall be governed by the provisions of Section 380.06, F.S. (2018), as amended from time to time. The foregoing notwithstanding, the time periods stated above and the phasing periods shall be tolled during the period of any appeal pursuant to the Nassau County Land Development Regulations, or during the pendency of any administrative or judicial proceedings relating to development permits.

6. **Downzoning Protection.** The Three Rivers DRI as approved in this Development Order shall not be subject to downzoning or reduction of approved land uses before December 8, 2030 unless the Developer consents to such change or Nassau County demonstrates that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the changes clearly established by Nassau County are essential to the public health, safety and welfare.

The remainder of General Conditions 3 and 6 will remain the same.

7. Special Condition 29 is deleted in its entirety and replaced as follows:

29. **Education.** The Developer shall convey approximately twenty seven and one-half (27 ½) acres of developable land free of any environmental burdens located within hurricane evacuation zone C or higher for the purpose of constructing a school. In the event there are wetlands on the site, Developer shall mitigate and eliminate the wetlands at no cost to the School Board. Developer will provide a metes and bounds survey and title insurance to the School Board. Developer has also provided the School Board with an environmental site assessment prepared by Aerostar SES LLC concluding that there are no recognized, observed, or known environmental conditions, activities, or sites located in the vicinity of the subject property which would pose a hazard, risk or liability to the proposed site. All utilities shall be available at the boundary of the site. The final site location will be mutually agreed upon between the Developer and the School Board. The site will be located as generally shown on Map H, attached hereto as Exhibit B. The site shall be donated within thirty (30) days of the School Board's request for donation. Excess dirt from development of the site shall be the property of Developer. The site shall be deemed to have a value of \$825,000.

The Developer agrees to pay the School Board the greater of either \$3,727 per each residential unit (single family home or multifamily unit) or the current Educational Facilities impact fee; which fee will be paid prior to the issuance of a building permit

consistent with Section 7.01 of the Ordinance 2016-02, Nassau County, or any such successor Impact Fee system as may be adopted by Nassau County from time to time. This fee shall be paid for every residential unit constructed within the Three Rivers DRI, regardless of whether said unit is designated as age restricted.

8. The revised Map H dated June 27, 2018 comprising the Three Rivers DRI is incorporated herein as Exhibit "B" (the Revised Map H of the DRI).
9. Except as amended hereby, Resolution 2006-126, as amended, shall remain in full force and effect, binding in accordance with its terms on all parties thereto. This amended Development Order shall take precedence over any of the applicable provisions of previous development orders which are in conflict therewith.
10. Nassau County will render a copy of this Fifth Amendment to the Development Order to the Developer.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA, THIS 11th DAY OF February, 2019.**

**BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA**



**JUSTIN M. TAYLOR
CHAIRMAN**

**ATTEST AS TO CHAIRMAN'S
SIGNATURE:**



**JOHN A. CRAWFORD
EX-OFFICIO CLERK**

MES
02.12.19

**Approved as to form by the
Nassau County Attorney:**



MICHAEL S. MULLIN

Exhibit "A"

Legal Description of the DRI Parcel

PARCEL A

A PORTION OF SECTIONS 9 AND 10, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 88°33'22" WEST, ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 974.33 FEET TO THE SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 200 (A1A) (A VARIABLE WIDTH RIGHT-OF-WAY AS CURRENTLY ESTABLISHED) AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°33'22" WEST, ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 1549.02 FEET TO THE EASTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1050, PAGE 800 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE SOUTH 06°04'20" EAST, ALONG SAID EASTERLY LINE, 296.32 FEET TO THE SOUTHERLY LINE OF SAID LANDS; THENCE SOUTH 88°33'22" WEST, ALONG SAID SOUTHERLY LINE, 299.55 FEET TO THE WESTERLY LINE OF SAID LANDS; THENCE NORTH 06°04'20" WEST, ALONG SAID WESTERLY LINE, 296.32 FEET TO THE AFORESAID NORTH LINE OF SECTION 9; THENCE SOUTH 88°33'22" WEST, ALONG SAID NORTH LINE, 410.50 FEET; THENCE SOUTH 26°32'28" WEST, 110.54 FEET; THENCE SOUTH 27°17'20" EAST, 112.08 FEET; THENCE SOUTH 83°09'20" EAST, 171.14 FEET; THENCE SOUTH 26°57'15" EAST, 189.89 FEET; THENCE SOUTH 13°47'00" EAST, 305.12 FEET; THENCE SOUTH 83°54'46" EAST, 174.52 FEET; THENCE SOUTH 05°49'27" EAST, 199.02 FEET; THENCE SOUTH 81°13'39" EAST, 144.06 FEET; THENCE SOUTH 49°49'29" EAST, 126.55 FEET; THENCE SOUTH 21°07'20" EAST, 130.97 FEET; THENCE SOUTH 38°10'00" EAST, 189.46 FEET; THENCE SOUTH 77°24'55" EAST, 130.05 FEET; THENCE SOUTH 36°38'15" EAST, 95.96 FEET; THENCE SOUTH 23°18'40" EAST, 79.92 FEET; THENCE SOUTH 20°27'40" WEST, 101.47 FEET; THENCE SOUTH 42°31'10" WEST, 208.76 FEET; THENCE SOUTH 31°39'09" EAST, 780 FEET MORE OR LESS, TO THE MEAN HIGH WATER LINE OF TOM MANN CREEK; THENCE SOUTHEASTERLY ALONG SAID MEAN HIGH WATER LINE AND THE MEANDERINGS THEREOF, AND ALONG THE MEAN HIGH WATER LINE OF BOGGY CREEK AND THE MEANDERINGS THEREOF, 3780 FEET, MORE OR LESS, TO THE MOST NORTHERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 716, PAGE 1633, SAID PUBLIC RECORDS; THENCE SOUTH 57°36'07" EAST, ALONG THE NORTHEASTERLY LINE OF SAID LANDS, 397.69 FEET TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 58°10'17" EAST, CONTINUING ALONG SAID NORTHEASTERLY LINE, 72.47 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF LOGAN ROAD (A 60 FOOT RIGHT-OF-WAY AS ESTABLISHED); THENCE NORTH 51°19'32" EAST, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, 433.20 FEET TO AN ANGLE POINT; THENCE NORTH 51°03'16" EAST, CONTINUING ALONG SAID NORTHWESTERLY LINE, 595.67 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF POLICE LODGE ROAD (A 60 FOOT RIGHT OF WAY AS NOW ESTABLISHED, BEING MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORDS BOOK 711, PAGE 1706, SAID PUBLIC RECORDS); THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES AND DISTANCES: COURSE NO. 1: NORTH 20°29'45" WEST, 3252.42 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING NORTHERLY; COURSE NO. 2: NORTHERLY ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 996.86 FEET, AN ARC DISTANCE OF 343.00 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 10°38'19" WEST, 341.31 FEET TO THE POINT OF TANGENCY; COURSE NO. 3: NORTH 00°46'53" WEST, 723.06 FEET TO THE AFORESAID SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 200 (A1A); THENCE NORTH 82°46'55" WEST, ALONG LAST SAID LINE, 275.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 200 ACRES, MORE OR LESS

PARCEL B

A PORTION OF SECTIONS 9, 10, 11, 14, 15, THE W. LOFTON GRANT, SECTION 44, AND THE ROBERT HARRIS GRANT, SECTION 45, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 01°04'10" EAST, ALONG THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 148.29 FEET TO THE SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 200 (A1A) (A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED) AND THE POINT OF BEGINNING; THENCE NORTH 82°46'55" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 648.24 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF POLICE LODGE ROAD (A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES; COURSE NO. 1: SOUTH 00°46'53" EAST, 714.62 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHERLY; COURSE NO. 2: SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 936.86 FEET, AN ARC DISTANCE OF 322.36 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 10°38'19" EAST, 320.77 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 3: SOUTH 20°29'45" EAST, 3315.67 FEET; THENCE SOUTH 69°30'15" WEST, 60.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SAID POLICE LODGE ROAD WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LOGAN ROAD (A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 51°03'16" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 499.11 FEET TO THE EASTERLY BOUNDARY OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 720, PAGE 1963, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 01°01'45" EAST, ALONG SAID EASTERLY BOUNDARY, 899.20 FEET TO THE SOUTHEASTERLY CORNER OF SAID LANDS; THENCE SOUTH 88°42'51" WEST, 60.80 FEET TO A POINT ON THE WESTERLY LINE OF SECTION 15, SAID POINT HEREINAFTER REFERED TO AS REFERENCE POINT "A"; THENCE SOUTHEASTERLY ALONG A TRAVERSE LINE FOLLOWING THE MEANDERINGS OF BOGGY CREEK RUN THE FOLLOWING SIX (6) COURSES AND DISTANCES; COURSE NO. 1: SOUTH 65°44'20" EAST, 1108.97 FEET; COURSE NO. 2: SOUTH 73°13'20" EAST, 923.84 FEET; COURSE NO. 3: SOUTH 34°18'04" EAST, 1252.54 FEET; COURSE NO. 4: SOUTH 62°34'44" EAST, 1004.12 FEET; COURSE NO. 5: SOUTH 48°44'48" EAST, 913.35 FEET; COURSE NO. 6: SOUTH 18°11'58" EAST, 1646.63 FEET TO A POINT HEREINAFTER REFERED TO AS REFERENCE POINT "B"; THENCE RETURN TO THE POINT OF BEGINNING; THENCE EASTERLY AND NORTHERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 200, RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES; COURSE NO. 1: SOUTH 82°46'55" EAST, 1763.43 FEET; COURSE NO. 2: NORTH 07°13'05" EAST, 34.00 FEET; COURSE NO. 3: SOUTH 82°46'55" EAST, 4306.10 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 1533, PAGE 1651 OF SAID PUBLIC RECORDS; THENCE SOUTHERLY, NORTHEASTERLY AND EASTERLY, ALONG THE WESTERLY AND SOUTHERLY LINES OF LAST SAID LANDS, RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES; COURSE NO. 1: SOUTH 03°57'30" WEST, 128.96 FEET; COURSE NO. 2: SOUTH 12°29'20" EAST, 472.58 FEET; COURSE NO. 3: SOUTH 27°41'52" EAST, 582.37 FEET; COURSE NO. 4: NORTH 51°40'36" EAST, 402.26 FEET; COURSE NO. 5: NORTH 89°57'51" EAST, 763.55 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD (AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES; COURSE NO. 1: SOUTH 08°10'18" EAST, 49.68 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHERLY; COURSE NO. 2: SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 4086.51 FEET, AN ARC DISTANCE OF 869.35 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 14°15'58" EAST, 867.71 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 3: SOUTH 20°21'38" EAST, 168.46 FEET TO THE NORTHWESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 1521, PAGE

1321 OF SAID PUBLIC RECORDS; THENCE SOUTHWESTERLY, SOUTHERLY, EASTERLY, NORTHERLY AND NORTHEASTERLY, ALONG THE NORTHWESTERLY, WESTERLY, SOUTHERLY AND SOUTHEASTERLY LINES OF LAST SAID LANDS, RUN THE FOLLOWING EIGHT (8) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 61°05'54" WEST, 287.49 FEET; COURSE NO. 2: SOUTH 29°25'03" WEST, 66.67 FEET; COURSE NO. 3: SOUTH 22°36'39" WEST, 97.74 FEET; COURSE NO. 4: SOUTH 06°26'34" EAST, 148.74 FEET; COURSE NO. 5: NORTH 80°27'24" EAST, 188.89 FEET; COURSE NO. 6: NORTH 00°03'21" EAST, 95.86 FEET; COURSE NO. 7: NORTH 55°40'09" EAST, 116.85 FEET; COURSE NO. 8: NORTH 28°06'20" EAST, 140.53 FEET TO THE AFORESAID WESTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD AND THE ARC OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES; COURSE NO. 1: SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 3779.72 FEET, AN ARC DISTANCE OF 931.38 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°03'12" EAST, 929.03 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 2: SOUTH 05°59'38" EAST, 2635.19 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE; COURSE NO. 3: SOUTH 06°28'24" EAST, 1354.14 FEET TO THE NORTHERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 518, PAGE 1229, SAID PUBLIC RECORDS; THENCE SOUTH 88°52'12" WEST, ALONG SAID LINE, 203.68 FEET; THENCE NORTH 79°50'18" WEST, 13.73 FEET; THENCE SOUTH 86°11'02" WEST, 57.36 FEET; THENCE SOUTH 88°52'12" WEST, 367.49 FEET; THENCE SOUTH 02°15'50" WEST, 160 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF NASSAU RIVER; THENCE SOUTHWESTERLY, WESTERLY, NORTHWESTERLY, SOUTHWESTERLY, AND SOUTHERLY, FOLLOWING THE MEANDERINGS OF SAID MEAN HIGH WATER LINE, 3920 FEET MORE OR LESS TO A POINT ON SAID MEAN HIGH WATER LINE, SAID POINT LYING NORTH 72°32'01" EAST, 1170 FEET MORE OR LESS FROM THE AFOREMENTIONED REFERENCE POINT "B"; THENCE SOUTH 72°32'01" WEST, THROUGH SAID REFERENCE POINT "B", 1215 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF BOGGY CREEK; THENCE WESTERLY, NORTHWESTERLY, NORTHERLY, NORTHEASTERLY, EASTERLY, SOUTHERLY, AND SOUTHEASTERLY, FOLLOWING THE MEANDERINGS OF SAID BOGGY CREEK, 11465 FEET MORE OR LESS TO ITS INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 15, SAID POINT LYING SOUTH 00°12'35" EAST, 270 FEET MORE OR LESS FROM THE AFOREMENTIONED REFERENCE POINT "A"; THENCE NORTH 00°12'35" WEST, 270 FEET MORE OR LESS TO THE SOUTHERLY BOUNDARY OF AFOREMENTIONED LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 720, PAGE 1963 OF THE OFFICIAL RECORDS OF SAID COUNTY AND SAID REFERENCE POINT "A" TO CLOSE.

CONTAINING 1346 ACRES, MORE OR LESS.

Exhibit "B"



EXHIBIT A-3

**Notice of Permit Extension
September 13, 2019**



Courtney P. Gaver

904 . 824 . 0879 . x5388
CGaver@rtlaw.com

100 Whetstone Place • Suite 200
St. Augustine, Florida 32086

904 . 396 . 0663 Fax
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September 13, 2019

VIA E-MAIL

Doug McDowell, Strategic Planner
Planning & Economic Opportunity Department
96161 Nassau Place
Yulee, Florida 32097
dmcowell@nassaucountyfl.com

Re: Notice of Extension of the Three Rivers PUD and DRI
PUD: Ordinance No. 2006-68
DRI: Resolution No. 2006-126, as Amended by Resolution Nos. 2006-81,
2008-77, 2012-93A, 2015-64, 2018-122, and 2019-14

Dear Mr. McDowell:

On behalf of Three Rivers Developers, LLC ("Three Rivers"), I am writing to extend the expiration dates of the Three Rivers PUD and DRI pursuant to Section 252.363, Florida Statutes. As you are aware, this statute provides that a declaration of a state of emergency by the Governor tolls specified permits and authorizations, including local development orders,¹ for the duration of the emergency declared plus an additional six (6) months. Notification of the intent to exercise the extension must be made by the applicant/developer to the issuing agency within 90 days after the termination of the emergency order.

On August 28, 2019, by virtue of Executive Order No. 2019-189, Governor DeSantis declared a state of emergency for 26 counties including Nassau County due to the threat of Hurricane Dorian. On August 29, 2019, the Governor amended and reaffirmed the Order as a statewide emergency for 60 days or through October 27, 2019. Accordingly, as of the date of this letter, the total extension provided under the foregoing Executive Order is 6 months and 60 days.

Pursuant to Resolution No. 2019-14, Three Rivers extended the Three Rivers DRI build-out date to December 8, 2030; the DRI termination and DRI Development Order expiration dates to December 8, 2035; and the downzoning protection date to December 8, 2030. Based upon the provisions of Section 252.363, Florida Statutes, and the terms of the DRI Development Order,

¹ Section 163.3164(15), Florida Statutes, defines the term "development order" as any order granting, denying or granting with conditions an application for development permit. In turn, Section 163.3164(16), Florida Statutes, defines the term "development permit" to mean any *building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land*. Thus, both the PUD and DRI are classified as development orders that qualify for extensions under the statute.

Mr. Doug McDowell
September 13, 2019
Page 2

we hereby notify Nassau County of Three Rivers' intent to exercise the tolling and extensions as follows:

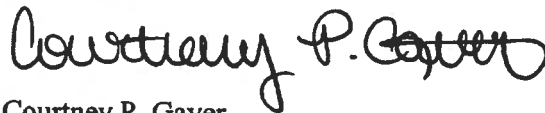
- The DRI build-out date is extended to August 6, 2031.
- The termination and expiration dates for the DRI are extended to August 6, 2036.
- The DRI downzoning protection date is extended to August 6, 2031.

The Three Rivers PUD deadlines are likewise extended pursuant to the downzoning protection afforded through the DRI and the PUD will remain valid until such time as the downzoning protection expires on August 6, 2031.

I would appreciate your confirmation of the revised expiration date by your acceptance below and by returning this to me in the enclosed addressed, stamped envelope. As always, your attention in this matter is appreciated. If you would like any additional information, please do not hesitate to contact me.

Sincerely,

ROGERS TOWERS, P.A.



Courtney P. Gaver

Acknowledged and agreed to this 9th day of January, 2019.20



Doug McDowell, AICP

cc: Liam O'Reilly (LOReilly@GreenPointeLLC.com)
Michael S. Mullin, Esq. (MMullin@nassaucountyfl.com)
Anthony Robbins, AICP (TRobbins@prosserinc.com)
Donna Feldman, Esq. (DFeldman@dflaw.com)

EXHIBIT A-4

**Notice of Permit Extension
November 9, 2020**



Courtney P. Gaver

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C.Gaver@rtlaw.com

100 Whetstone Place • Suite 200
St. Augustine, Florida 32086

904 . 396 . 0663 Fax
www.rtlaw.com

November 9, 2020

VIA E-MAIL

Thad Crowe, AICP
Planning & Economic Opportunity Department
96161 Nassau Place
Yulee, Florida 32097
tcrowe@nassaucountyfl.com

Re: Notice of Extension of the Three Rivers PUD and DRI
PUD: Ordinance No. 2006-68
DRI: Resolution No. 2006-126, as Amended by Resolution Nos. 2006-81,
2008-77, 2012-93A, 2015-64, 2018-122, and 2019-14

Dear Mr. Crowe:

On behalf of Three Rivers Developers, LLC ("Three Rivers"), I am writing to extend the expiration dates of the Three Rivers PUD and DRI pursuant to Section 252.363, Florida Statutes. As you are aware, this statute provides that a declaration of a state of emergency by the Governor tolls specified permits and authorizations, including local development orders,¹ for the duration of the emergency declared plus an additional six (6) months. Notification of the intent to exercise the extension must be made by the applicant/developer to the issuing agency within 90 days after the termination of the emergency order.

On July 31, 2020, by virtue of Executive Order No. 20-181, Governor DeSantis declared a state of emergency for 19 counties, including Nassau County, due to the threat of Hurricane Isaias. On August 11, 2020, the Governor terminated the Order by virtue of Executive Order No. 20-195. Accordingly, the total extension provided under the foregoing Executive Order is 6 months and 11 days.

Pursuant to Resolution No. 2019-14, Phase I of the DRI is from 2008 to 2025 and Phase 2 is from 2021 to 2030. On January 9, 2020, Nassau County confirmed that the DRI build-out date was extended to August 6, 2031; the DRI termination and DRI Development Order expiration dates were extended to August 6, 2036; and the downzoning protection date was

¹ Section 163.3164(15), Florida Statutes, defines the term "development order" as any order granting, denying or granting with conditions an application for development permit. In turn, Section 163.3164(16), Florida Statutes, defines the term "development permit" to mean any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. Thus, both the PUD and DRI are classified as development orders that qualify for extensions under the statute.



extended to August 6, 2031, due to the state of emergency for Hurricane Dorian. A copy of the confirmation letter is enclosed. Based upon the provisions of Section 252.363, Florida Statutes, and the terms of the DRI Development Order, Three Rivers hereby notifies Nassau County of the following extension of the PUD and DRI DO:

- Completion of Phase I of the DRI is extended by 6 months and 11 days.
- Commencement of Phase II is extended by 6 months and 11 days.
- Completion of Phase II is extended by 6 months and 11 days.
- The DRI build-out date is extended from August 6, 2031 to February 17, 2032.
- The termination and expiration dates for the DRI are extended from August 6, 2036 to February 17, 2037.
- The DRI downzoning protection date is extended from August 6, 2031 to February 17, 2032.

The Three Rivers PUD deadlines are likewise extended pursuant to the downzoning protection afforded through the DRI and the PUD will remain valid until such time as the downzoning protection expires on February 17, 2032.

I would appreciate your confirmation of the revised expiration date by your acceptance below and by returning this to me in the enclosed addressed, stamped envelope. As always, your attention in this matter is appreciated. If you would like any additional information, please do not hesitate to contact me.

Sincerely,

ROGERS TOWERS, P.A.



Courtney P. Gaver
(signed electronically to avoid delay)

Thad Crowe, AICP
November 9, 2020
Page 3

Acknowledged and agreed to this _____ day of _____, 2020.

Thad Crowe, AICP

Enclosure

cc: Liam O'Reilly (LOReilly@GreenPointeLLC.com)
Michael S. Mullin, Esq. (MMullin@nassaucountyfl.com)
Anthony Robbins, AICP (TRobbins@prosserinc.com)
Donna Feldman, Esq. (DFeldman@djflaw.com)



ATTORNEYS AT LAW

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September 13, 2019

VIA E-MAIL

Doug McDowell, Strategic Planner
Planning & Economic Opportunity Department
96161 Nassau Place
Yulee, Florida 32097
dmcowell@nassaucountyfl.com

Re: Notice of Extension of the Three Rivers PUD and DRI
PUD: Ordinance No. 2006-68
DRI: Resolution No. 2006-126, as Amended by Resolution Nos. 2006-81,
2008-77, 2012-93A, 2015-64, 2018-122, and 2019-14

Dear Mr. McDowell:

On behalf of Three Rivers Developers, LLC ("Three Rivers"), I am writing to extend the expiration dates of the Three Rivers PUD and DRI pursuant to Section 252.363, Florida Statutes. As you are aware, this statute provides that a declaration of a state of emergency by the Governor tolls specified permits and authorizations, including local development orders,¹ for the duration of the emergency declared plus an additional six (6) months. Notification of the intent to exercise the extension must be made by the applicant/developer to the issuing agency within 90 days after the termination of the emergency order.

On August 28, 2019, by virtue of Executive Order No. 2019-189, Governor DeSantis declared a state of emergency for 26 counties including Nassau County due to the threat of Hurricane Dorian. On August 29, 2019, the Governor amended and reaffirmed the Order as a statewide emergency for 60 days or through October 27, 2019. Accordingly, as of the date of this letter, the total extension provided under the foregoing Executive Order is 6 months and 60 days.

Pursuant to Resolution No. 2019-14, Three Rivers extended the Three Rivers DRI build-out date to December 8, 2030; the DRI termination and DRI Development Order expiration dates to December 8, 2035; and the downzoning protection date to December 8, 2030. Based upon the provisions of Section 252.363, Florida Statutes, and the terms of the DRI Development Order,

¹ Section 163.3164(15), Florida Statutes, defines the term "development order" as any order granting, denying or granting with conditions an application for development permit. In turn, Section 163.3164(16), Florida Statutes, defines the term "development permit" to mean any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. Thus, both the PUD and DRI are classified as development orders that qualify for extensions under the statute.

Mr. Doug McDowell
September 13, 2019
Page 2

we hereby notify Nassau County of Three Rivers' intent to exercise the tolling and extensions as follows:

- The DRI build-out date is extended to August 6, 2031.
- The termination and expiration dates for the DRI are extended to August 6, 2036.
- The DRI downzoning protection date is extended to August 6, 2031.

The Three Rivers PUD deadlines are likewise extended pursuant to the downzoning protection afforded through the DRI and the PUD will remain valid until such time as the downzoning protection expires on August 6, 2031.

I would appreciate your confirmation of the revised expiration date by your acceptance below and by returning this to me in the enclosed addressed, stamped envelope. As always, your attention in this matter is appreciated. If you would like any additional information, please do not hesitate to contact me.

Sincerely,

ROGERS TOWERS, P.A.



Courtney P. Gaver

Acknowledged and agreed to this 9th day of January, 2020



Doug McDowell, AICP

cc: Liam O'Reilly (LOReilly@GreenPointeLLC.com)
Michael S. Mullin, Esq. (MMullin@nassaucountyfl.com)
Anthony Robbins, AICP (TRobbins@prosserinc.com)
Donna Feldman, Esq. (DFeldman@djflaw.com)

EXHIBIT A-5

Resolution 2021-172

RESOLUTION NO. 2021- 172

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA CONSTITUTING THE SIXTH AMENDMENT TO THE THREE RIVERS DEVELOPMENT OF REGIONAL IMPACT (DRI); AMENDING RESOLUTION 2006-126, AS AMENDED BY RESOLUTION 2008-77; AS AMENDED BY RESOLUTION 2012-93A; AS AMENDED BY RESOLUTION 2015-64; AS AMENDED BY RESOLUTION 2018-122; AS AMENDED BY RESOLUTION 2019-14; MODIFYING THE PHASING SCHEDULE DATES, BUILD-OUT DATE, EXPIRATION DATE AND DOWNZONING PROTECTION DATE; CHANGING THE NAME TO TRIBUTARY DEVELOPMENT OF REGIONAL IMPACT; MODIFYING MAP H; AND MODIFYING SPECIAL CONDITION 27 REGARDING FIRE PROTECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 28, 2006, Nassau County adopted Resolution No. 2006-126 constituting the development order (Development Order) for the Three Rivers Development of Regional Impact (DRI); and

WHEREAS, on February 25, 2008, Nassau County adopted Resolution 2008-77, constituting the first amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on June 25, 2012, Nassau County adopted Resolution 2012-93A, constituting the second amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on April 27, 2015, Nassau County adopted Resolution 2015-64, constituting the third amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on October 22, 2018, Nassau County adopted Resolution 2018-122, constituting the fourth amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on February 11, 2019, Nassau County adopted Resolution 2019-14, constituting the fifth amendment of Development Order for the Three Rivers DRI; and

WHEREAS, on April 22, 2021 the Developer of Three Rivers, Three Rivers Developers, LLC, through Emily G. Pierce, Esq., filed a modification to the Development Order pursuant to Section 380.06, Florida Statutes, and

WHEREAS, at a public hearing on August 23, _____, 2021 the Nassau County Planning and Zoning Board reviewed said amendment and determined that the proposed changes do not conflict with the remaining terms and conditions of the DRI/PUD or the County's Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has reviewed the said amendment, conducted a public hearing on August 23, _____, 2021 at which all parties were afforded the opportunity to present evidence and testimony on this matter, and any member of the public requesting to do so was given an opportunity to present written or oral communications consistent with the adopted rules of procedure; and

WHEREAS, public notice of said hearing was provided in accordance with Section 380.06, Florida Statutes, and Chapter 125, Florida Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. FINDINGS

The Board of County Commissioners finds that the changes set forth in the NOPC dated April 22, 2021 do not conflict with the remaining terms and conditions of the DRI and are generally consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan.

SECTION 2. AMENDMENT

The Three Rivers DRI Development Order is hereby amended, subject to the following terms and conditions, restated in full:

GENERAL CONDITIONS

1. **Application for Development Approval.** The DRI shall be developed on the Property described in **Exhibit A** in accordance with the information, plans and commitments contained in (1) the Three Rivers DRI ADA dated September 26, 2005, (2) the ADA first sufficiency response dated December 14, 2005, (3) the ADA second sufficiency response dated March 24, 2006, (4) the Master Plan, Map H, dated ~~September 1, 2005~~ August 9, 2021, attached as **Exhibit B**, and (submitted by the Developer as part of the DRI review prior to adoption of this Development Order). The aforementioned items shall be made part of this Development Order.
2. **Land Use Totals.** The DRI may be developed with the following improvements:

Type	Phase I 2008- 2025 - <u>June 30, 2026</u>	Phase II 2021-2030 - <u>2022-June 30, 2031</u>	Total
Retail	200,000 s.f.	300,000 s.f.	500,000 s.f.
Industrial	50,000 s.f.	200,000 s.f.	250,000 s.f.
Dry Storage	300 slips	0 slips	300 slips
Office	0 s.f.	50,000 s.f.	50,000 s.f.
Residential	1,400 units	1,800 units	3,200 units

The development rights contained in the table above may be utilized only within the boundaries of the Three Rivers DRI. Development in Phase II may be advanced prior to Phase II so long as all development order conditions for development in Phase II have been met. The Developer may increase or decrease the amount of a particular land use within the approved development program without filing a Notice of Proposed Change by using an exchange table that is based on equivalent peak hour directional trip ends. The use of the conversion factor shall be limited by the Minimum and Maximum Table for each land use as follows:

ITE Code	Land Use	Proposed Amount	Minimum Allowable	Maximum Allowable	Trip Rate PM Peak Hour ⁽¹⁾
254	Assisted Living (beds)	0	0	100	0.22 per bed
420	Marina (berths)	300	225	375	0.19 per birth
130	Industrial Park (square feet)	250,000	187,500	312,500	0.94 per 1,000 sf
710	Gen Office (square feet)	50,000	37,500	62,500	3.34 per 1,000 sf
820	Shopping Ctr (square feet)	500,000	375,000	625,000	3.62 per 1,000 sf
210	Residential (units)	3,200	1,658	3,200	0.82 per unit

Section 1.01 Land Use To Reduce						
Land Use To Increase	Assisted Living (beds)	Marina (berths)	Industrial (1,000 sf)	Office (1,000 sf)	Retail (1,000 sf)	Single Family (units)
Assisted Living (beds)	---	1.158	0.234	0.066	0.061	0.268
Marina (berths)	0.864	---	0.202	0.057	0.052	0.232
Industrial (1,000 sf)	4.273	4.947	---	0.281	0.260	1.146
Office (1,000 sf)	15.182	17.579	3.553	---	0.923	4.073
Retail (1,000 sf)	16.455	19.053	3.851	1.084	---	4.415
Residential (units)	3.727	4.318	0.872	0.246	0.227	---

(1) TIPS for Florida, Version 1.03

- (a) At any time of election of a land use trade-off under the Land Use Exchange Table, the Developer shall notify, in writing, Nassau County, ~~the Department of Community Affairs (DCA), Florida Department of Transportation District II Urban Office in Jacksonville (FDOT), and the Northeast Florida Regional Council (NEFRC)~~ of the election and shall provide the County, ~~DCA, and NEFRC~~ with cumulative land use totals and remaining allowable quantities. ~~Written notice of the trade-off election shall be given to the DCA and NEFRC at least thirty (30) days before the local government hearing or meeting, if required.~~
- (b) So long as the trade-off is consistent with the criteria contained in the exchange table and no change is made to the Master Plan, Map H, no additional DRI approvals shall be required for the trade-off. Trade-off elections shall be reported biennially as provided below. Use of the exchange table will be reported on an individual and cumulative basis

and project impacts documented in the biennial report. Any future NOPC shall incorporate any changes due to the use of the matrix.

3. **Build-out and Expiration of DRI.** The build-out date for all development is ~~August 6, 2031~~ February 17, 2032. The DRI termination and DRI Development Order expiration dates are established as February 17, 2037~~August 6, 2036~~. Any extension of the DRI build-out, termination or expiration dates shall be governed by the provisions of Section 380.06, F.S. (2018), as amended from time to time. The foregoing notwithstanding, the time periods stated above and the phasing periods shall be tolled during the period of any appeal pursuant to the Nassau County Land Development Regulations, or during the pendency of any administrative or judicial proceedings relating to development permits.
4. **Effective Date.** The Development Order shall take effect upon transmittal to the Department of Community Affairs, the Northeast Florida Regional Council and the Developer in accordance with Rule 9J-2.025(5) F.A.C. and Subsection 380.07(2), F.S. (2005).
5. **Monitoring Official.** The Director of the Nassau County ~~Planning Growth Management~~ Department or his/her designee shall be the local official responsible for monitoring the development for compliance by the Developer with this Development Order.
6. **Downzoning Protection.** The Three Rivers DRI as approved in this Development Order shall not be subject to downzoning or reduction of approved land uses before February 17, 2032~~August 6, 2031~~ unless the Developer consents to such change or Nassau County demonstrates that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the changes clearly established by Nassau County are essential to the public health, safety and welfare.
7. **Election Regarding Environmental Rules.** Pursuant to Section 380.06(5)(c), F.S. (2005), the Developer has elected to be bound by the rules adopted pursuant to Chapters 373 and 403 in effect as of the date of this Development Order, including, but not limited to, the provisions of Section 373.414(13), F.S. (2005). Such rules shall be applicable to all application for permits pursuant to those chapters which are necessary for and consistent with the development authorized in this Development Order, except that a later-adopted rule shall be applicable to an application if:
 - (a) The later-adopted rule is determined by the rule adopting agency to be essential to the public health, safety, or welfare; or
 - (b) The later-adopted rule is adopted pursuant to Section 403.061(27), F.S. (2005); or

- (c) The later-adopted rule is being adopted pursuant to a subsequently enacted statutorily mandated program; or
- (d) The later-adopted rule is mandated in order for the state to maintain delegation of a federal program; or
- (e) The later-adopted rule is required by state or federal law.

Further, to qualify for the benefits of this provision, the application must be filed within five (5) years from the issuance of this Development Order and the permit shall not be effective for more than ten (10) years from the issuance of the Development Order. Nothing in this General Condition shall be construed to alter or change any permitting agency's authority to approve permits or to determine applicable criteria for longer periods of time.

8. **Reporting.** The Developer or its successors or assigns, shall submit a biennial report [to Nassau County](#) no later than September 1 of every other year, commencing September 1, 2008, until build-out. ~~The report shall be submitted to Nassau County, the Northeast Florida Regional Council, Florida Department of Community Affairs, the Northeast District of the Florida Department of Environmental Protection, St. Johns River Water Management District, Florida Game and Fresh Water Fish Commission, and any other affected permit agencies. A form similar to~~ Form RPM-BSP-ANNUAL REPORT-1 of the Florida Department of ~~Community Affairs~~ [Economic Opportunity](#), as amended from time to time, may be used for the format of this report. ~~In conformance with Subsections 380.06(15) and (18), F.S. (2005),~~ Failure to file the report in a timely manner may result in the temporary suspension of this Development Order. The biennial report shall include the following:

- (a) A description of any changes made in the plan of development, phasing, or in the representations contained in the Application for Development Approval since the date of adoption of this Development Order, and any actions taken by Nassau County to address these changes. Copies of any approvals taken by the local government to address these changes including copies of any revised master plans not previously submitted will be attached to the monitoring report. Any trade-off elections permitted by the Land Use Exchange Table. Any actions (substantial or non-substantial deviation determinations) taken by the local government to address these changes, including a cumulative history of such changes since adoption of the Development Order;

- (b) A summary comparison of development activity proposed or conducted since the preceding monitoring report and activity projected for that period until submittal of the next regular monitoring report. The summary will include: a description of site improvements, number of residential lots platted, gross floor area of non-residential uses constructed by land use type, location, and phase, with appropriate maps and number of boat dock permits issued. A tabulation of the amount of acreage developed in the reporting period shall be provided by land use categories listed in Chapter 28-24, F.A.C.;
- (c) Identification of the name of the purchaser of any undeveloped tracts of land in the Three Rivers DRI, including the location and size of the tracts purchased, and the amount of development rights allocated to the purchaser, with map(s) which show the parcel(s) or sub-parcel(s) acquired. Also, to the extent known to the Developer, a description of any lands purchased or optioned within one (1) mile of the boundaries of the Three Rivers DRI by a person who has acquired a fee simple or lesser interest in the Three Rivers DRI subsequent to issuance of this Development Order (but excluding persons who have only acquired a leasehold interest in lands or improvements within the Three Rivers DRI), identifying such land, its size, and its intended use on a site plan and map;
- (d) A cumulative summary of all development that has taken place within the Three Rivers DRI by the land use categories listed in Chapter 28-24, F.A.C. including residential lots platted, gross floor area of non-residential uses constructed by land use type and location, together with a cumulative summary of location, size (acreage), development rights purchased (land use type and square footage), and the name of the purchaser of all parcels purchased within the Three Rivers DRI;
- (e) A specific assessment of the Developer, Developer' successor, if any, and Nassau County's compliance with conditions and commitments contained in this Development Order;
- (f) A description of any known incremental DRI applications for development approval or requests for a substantial deviation that were filed in the reporting period and to be filed during the next reporting period;
- (g) A description of any change in local government jurisdiction for any portion of the development since this Development Order was issued. A description of any moratorium imposed by a regulatory agency on development within the Three Rivers DRI, specifying the type, duration, cause, and remedy;

- (h) A listing of any significant local, state and federal permits which were obtained, applied for, or denied, during this reporting period, specifying the agency, type of permit, parcel, location(s), and activity for each permit;
- (i) A copy of the recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06 (15)(f), F.S. (2005);
- (j) Provide an analysis demonstrating there will be sufficient capacity of potable water, wastewater, and solid waste facilities serving the Three Rivers DRI for the anticipated development for the ensuing reporting period;
- (k) Traffic reports, which shall be submitted to the Florida Department of Transportation (FDOT) District Urban Office in Jacksonville, as well as to the Nassau County Planning ~~Growth Management~~ Department, ~~NEFRC, and DCA~~. The first traffic report shall be due concurrently with the first monitoring report and then biennially thereafter until project build-out, unless otherwise specified by the NEFRC. The following information shall be included:
 - (i) A description of current development by land use, type, location, number of residential units and amount of square footage of non-residential, along with the proposed construction schedule for the ensuing 24-month period, and appropriate maps. Actual trip generation data from the development and an estimate of project trip generation for the ensuing 24-month period shall be included. ITE Trip Generation Manual data shall be used to estimate project trip generation for the ensuing 24-month period.
 - (ii) The status of improvements to be pipelined by the Developer, including the status of the payment of the proportionate share and schedule for new and/or improved roadways, traffic control devices or other transportation facility improvements to be constructed or provided by the Developer or governmental entity to accommodate the total existing and anticipated traffic demands, any and all developer's agreements, and any other Developer's obligations required in the Development Order to meet transportation conditions.
- (l) The acreage of uplands and wetlands placed under recorded conservation easements;

- (m) A description of any change to the previously reported stormwater plans, design criteria, or planting and maintenance plans; and

~~(n) Each biennial report shall be accompanied by a statement certifying that the NEFRC (with appropriate filing fee), Florida Department of Community Affairs, Nassau County, Florida Department of Transportation, Florida Department of Environmental Protection and the St. Johns River Water Management District have been sent copies of the Biennial Monitoring Report in conformance with Subsections 380.06(15) and (18), F.S. (2005). It is the responsibility of the Developer to guarantee that all appropriate agencies receive a copy of the biennial report.~~

- 9. **Notice of Adoption.** Notice of the adoption of this Development Order, or any subsequent amendment to it, shall be recorded by the Developer in accordance with Sections 28.222 and

380.06(154)(f), F.S. (2005), with the Clerk of the Circuit Court of Nassau County, Florida. Recordation of this notice shall not constitute or provide actual or constructive notice of a lien, cloud or encumbrance of the DRI Property. The conditions of this Development Order shall run with the land and bind the successors and assigns of the Developer on the DRI Property. Any contract or agreement for sale of those interests by the Developer for all or any part of the property subject to this Development Order shall contain a legend substantially in the following form printed or stamped thereon:

THE PROPERTY DESCRIBED IN THIS AGREEMENT IS PART OF THE THREE RIVERS DEVELOPMENT OF REGIONAL IMPACT AND IS SUBJECT TO A DEVELOPMENT ORDER, NOTICE OF WHICH IS RECORDED IN THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, WHICH IMPOSES CONDITIONS, RESTRICTIONS AND LIMITATIONS UPON THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY WHICH ARE BINDING UPON EACH SUCCESSOR AND ASSIGN OF THREE RIVERS ~~TIMBER~~DEVELOPERS, LLC. THE DEVELOPMENT ORDER DOES NOT CONSTITUTE A LIEN, CLOUD OR ENCUMBRANCE OF REAL PROPERTY OR CONSTITUTE ACTUAL OR CONSTRUCTIVE NOTICE OF SAME. A COPY OF THE DEVELOPMENT ORDER MAY BE REVIEWED AT THE OFFICE OF THE ~~PLANNING GROWTH MANAGEMENT~~ DEPARTMENT, NASSAU COUNTY, FLORIDA.

- 10. **Application for Proposed Changes.** The Developer shall submit ~~simultaneously~~ to Nassau County, ~~the Northeast Florida Regional Council and Florida Department of Community Affairs~~ any applications for proposed changes to the DRI and shall comply with the requirements of Section 380.06(19), F.S. (2005), ~~concerning substantial deviations~~. In the event the Developer of record for the Three Rivers DRI changes from Three Rivers ~~Timber~~Developers, LLC, a Notice of Proposed Change must be approved identifying the new Developer of record for the DRI.

11. **Subsequent Requests for Development Permits.** Subsequent requests for DRI development permits for the development approved herein shall not require further review pursuant to Section 380.06, F.S. ~~(2005)~~, unless it is found by the Nassau County Board of County Commissioners, after due notice and hearing, that one or more of the following is present:
- (a) Substantial deviation from the terms or conditions of this Development Order, or other changes to the approved Development Plan which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Northeast Florida Regional Council; or
 - (b) An expiration of the period of effectiveness of this Development Order as provided in this Development Order.

Upon a finding that (a) is present, the Nassau County Board of County Commissioners shall order compliance with Section 380.06 ~~(19)(g) and (h)~~, F.S. ~~(2005)~~, and development within Three Rivers may continue, as approved, during the DRI review in those portions of the development that are not affected by the proposed change. Upon a finding that (b) is present, the Nassau County Board of County Commissioners shall order a termination of all development activity until such time as a new DRI application for development approval has been submitted, reviewed and approved in accordance with Section 380.06, F.S. ~~(2005)~~.

12. **Limitation of Approval.** The approval granted by this Development order is limited. Such approval shall not be construed to obviate the duty of the Developer to comply with all other applicable local or state permitting procedures.

SPECIAL CONDITIONS

13. **Vegetation and Wildlife.** Much of the project site has been and will continue to be used for agricultural and silvicultural purposes. Agricultural and silvicultural activities within a certain parcel may occur until the commencement of development of that parcel provided that an average 25- foot undisturbed upland buffer around the jurisdictional wetlands is maintained on that parcel. All such activities shall comply with the requirements of the Nassau County Comprehensive Plan, where applicable.
14. **Wetlands.** In connection with permit applications for the stormwater management system for the Three Rivers DRI, the Developer shall ensure maintenance of hydroperiods within conserved wetlands, unless otherwise permitted by the St. Johns River Water Management

District. No development activities, as defined in Section 380.04, F.S. (2005), except for activities permitted by the appropriate environmental permitting agencies, shall be allowed in any of the wetland areas within the Three Rivers DRI. Wetland impacts will be mitigated through the regulatory permitting process of the St. Johns River Water Management District and the U.S. Army Corp of Engineers. The exact boundaries of the areas to be conserved shall be determined in connection with wetland delineation and environmental resource permitting by the St. Johns River Management District. The limits of the conserved wetlands shall be delineated on the engineering plans submitted for approval by Nassau County. All engineering plans submitted to Nassau County shall be consistent with the requirements of applicable permits issued by the St. Johns River Water Management District. Prior to commencement of clearing, earth movement, construction or other development (including platting) within 500 feet of any wetlands within the jurisdiction of FDEP or SJRWMD, those wetlands shall be surveyed and the wetland boundaries shall be approved by the SJRWMD. All wetland and upland preservation areas required under this Development Order shall be protected by conservation easements meeting the requirements of Sec. 704.06, F.S. (2005).

15. **Upland Buffers.** All development shall comply with the St. Johns Water Management District requirements. An average twenty-five (25) foot averaged undisturbed upland buffer (minimum fifteen (15) feet) will be provided adjacent to contiguous wetlands. In no instance shall the upland buffer be less than fifteen (15) feet, except for those areas adjacent to unavoidable wetland impacts such as road crossings. An average twenty-five (25) foot building setback to the upland buffer will be provided measured from the landward edge of the undisturbed upland buffer. Approved accessory uses, except for buildings with a permanent foundation, are allowed in the building setback.
16. **Conservation Easements.** The Developer will record conservation easements covering the conserved wetlands and undisturbed upland buffers onsite meeting the requirements of Sec. 704.06, F.S. (2005). Conservation easements and the portions of the recorded covenants and restrictions that relate to preservation of wetlands and upland buffers shall be enforceable by the Developer, [community development district\(s\)](#), the property owners association, the St. Johns River Water Management District, Nassau County and the Northeast District of the Florida Department of Environmental Protection. The covenants and restrictions or conservation easement shall not permit variances from the minimum standards set forth in this Development Order. The covenants and restrictions or conservation easements shall not permit variances from the minimum standards set forth in this Development Order. Such conservation easements shall be recorded upon recordation of a plat containing the wetlands or undisturbed upland buffer areas.

17. **Stormwater Pollution Prevention.** Construction activity within the Three Rivers DRI shall be conducted in accordance with a stormwater pollution prevention plan developed pursuant to the EPA NPDES permit program. Prior to commencement of any construction which will be adjacent to a conserved wetland, the contractor shall be required to install silt fencing on the landward edge of the undisturbed upland buffer or landward of the undisturbed upland buffer at the physical limits of construction to protect the conserved wetlands. The silt fencing shall be inspected at least once a week and repairs to fallen or damaged sections shall be made immediately upon discovery. The provisions of this Development Order Special Condition shall be incorporated into all construction contracts for work within the Three Rivers DRI. All contractors working within the Three Rivers DRI shall be notified of the requirement for a stormwater pollution prevention plan developed pursuant to the EPA NPDES Permit Program and shall be advised of the requirements set forth above concerning silt fencing. Copies of the stormwater pollution prevention plans shall be provided to Nassau County and the Northeast District office of the Florida Department of Environmental Protection. In addition, the Developer agrees to incorporate practices such as the use of slow release fertilizer and other Best Management Practices into its property management contracts to further improve surface water quality.
18. **Surface Water Quality Monitoring Plan.** Prior to commencement of construction activity within the DRI, the Developer will develop and secure FDEP approval of a Surface Water Quality Monitoring Plan which will provide, at a minimum, for collection of background data for six (6) consecutive months prior to construction and quarterly thereafter for an appropriate length of time. If the Surface Water Quality Monitoring Program identifies variations in water quality of receiving waters from established background water quality attributable to discharges from the Project, then the Northeast District of the Florida Department of Environmental Protection shall promptly notify the Developer of such conditions. In such event, the Developer shall cooperate with the Northeast District of the Florida Department of Environmental Protection to develop a plan to address the problem. The actions required to address the problem, including the means of payment by the Developer for the costs of such plan and actions required, and the timeframe within which to implement the corrective action shall be agreed upon by the Northeast District of the Florida Department of Environmental Protection, Nassau County, and the Developer. If agreement is not reached within one (1) month from the time FDEP notifies the Developer of a variation in water quality, no further permits shall be issued until agreement is reached. Failure to implement the agreed-upon plan of action within the timeframe agreed upon will be a violation of this Development Order Special Condition.
19. **Floodplain.** All construction within the 100-year floodplain, shall comply with applicable federal, state, and local laws and regulations. In connection with review of the management

and storage of surface waters permit or permits for the Project, the St. Johns River Water Management District shall review plans for fill within the 100-year floodplain to ensure there is no measurable increase in flood elevations off-site. No permits for residential, commercial or public buildings will be issued for construction within any portion of the 100-year floodplain where the base flood elevation has not been established until the Developer has provided to Nassau County data on the site-specific base flood elevation. All road crossings and finished floor elevations of buildings within the 100-year floodplain shall be developed in accordance with the Nassau County Comprehensive Plan and land development regulations.

20. Water Supply.

- (a) Development within the Three Rivers DRI shall occur concurrent with the provision of adequate central potable water supply meeting the adopted level of service in the Nassau County Comprehensive Plan. Provision of central water supply shall be provided by JEA.
- (b) The commercial, industrial, recreational and community service parcel landscaped areas shall be irrigated with available stormwater as the primary (first) source. Shallow (surficial aquifer) irrigation wells will serve as backup (secondary) source for irrigation. No ground water, excluding surficial aquifer, shall be utilized for surface water level maintenance or decorative uses.
- (c) Water conservation strategies, including the encouragement of xeriscape landscaping techniques and low-flow plumbing fixtures shall be incorporated into the construction, operation, and maintenance phases of the development and shall be included in the covenant and deed restrictions.
- (d) The Developer shall display information on xeriscaping and/or native vegetation and/or drought tolerant vegetation, water conservation guides and IFAS Cooperative Extension Services' "Florida Yards and Neighborhoods" in a prominent location in the Three Rivers sales offices.
- (e) The Developer shall implement a customer and employee water conservation education program as specified in Sec. 12.2.5.1(e) of the SJRWMD Consumption Use Permitting Developer's Handbook. The curriculum of the education program shall be supplied with the first DRI Monitoring Report and each subsequent report until build-out. This condition may be satisfied by the water utility provider with approval of the St. Johns River Water Management District.

- (f) On or before the first DRI Monitoring Report, Developer shall evaluate irrigated turf acreage and establish limits in association with the consumptive use and/or Environmental Resources Permit.
- (g) Prior to the initiation of Phase 2 of the Three Rivers development, the Developer will reanalyze the availability of reclaimed water for use in irrigation. If reclaimed water is available to the site, the Developer will incorporate the utilization of reclaimed water into the project irrigation system for remaining undeveloped areas of the project where financially feasible.
- (h) At the time of site plan approval, the Developer will provide an overview of a comprehensive water conservation plan which addresses the following:
 - a. Specific percentage of water wise/native vegetation required throughout the development.
 - b. Limits on turf areas.
 - c. Use of water saving fixtures.
 - d. Sub metering multi-family units.
 - e. Requirements for use of non-potable water for outside irrigation.
 - f. Use of rain-sensor sprinklers.
 - g. Promoting or encouraging participation in Florida Water Star program.
 - h. Distribution of water conservation literature (such as information on water wise landscaping, native vegetation, and drought-tolerant vegetation) to residents and tenants.

This information will be provided to the SJRWMD and included in the biennial monitoring report.

21. Wastewater Management.

- (a) Development of the Three Rivers DRI shall proceed concurrent with the provision of adequate central sewer service meeting the adopted level of service standards in the Nassau County Comprehensive Plan. Provision of sanitary sewer service shall be provided by JEA.
- (b) Septic systems may only be used in connection with remote recreational amenities. When a central sewer system is installed to within two hundred (200) feet of a temporary septic system, the septic system shall be removed and central sewer and water service shall be provided to recreational amenity. A temporary septic or holding tank system may be utilized for construction and marketing trailers.

22. **Stormwater Management.** Development within the Three Rivers DRI shall proceed concurrent with a contiguous, functioning, permitted management and storage of surface waters system. The project shall meet the adopted drainage level of service standard in the Nassau County Comprehensive Plan. Roadway designs adjacent to conserved wetland areas will provide for the capture and diversion of design capacity stormwater runoff from the roadway surface to the stormwater treatment system for treatment.
23. **Solid Waste.** The Project shall meet the level of service standard established in the Nassau County Comprehensive Plan. Prior to the issuance of any permits for vertical construction in Phase 2, the Developer will consult with the County Administrator to reassess landfill capacity. In the event there is insufficient capacity, the Developer will work with the County to reach a mutually satisfactory solution for solid waste disposal.
24. **Transportation.** To meet concurrency requirements, pursuant to Section 163.3180(5), F.S. (2014), the Developer will contribute \$3,547,000 (proportionate-share contribution) in funded transportation improvements and/or cash payments to offset the impacts of the Three Rivers DRI development to the regional transportation system, as described below.
- (a) Developer has contributed \$50,000 to FDOT to be used for the preparation of an Interchange Operational Analysis Report.
 - (b) Construction of Phase 1 of Three Rivers will not result in any transportation deficiencies on significantly impacted roads or facilities. Thus, no proportionate share contributions are required for Phase 1. However, the Developer shall be responsible for any applicable Nassau County impact fees, mobility fees, or other transportation concurrency mitigation requirements associated with the development of Phase 1 and any such fees or mitigation will be paid in accordance with Nassau County's ordinances, rules, and regulations.
 - (c) Prior to issuance of any permits for vertical construction in Phase 2 of Three Rivers, the Developer will be responsible for contributing \$3,547,000 (in 2005 dollars) to FDOT or Nassau County as set forth below:
 - (1) If FDOT and/or Nassau County programs mobility improvements on any of the significantly and adversely impacted corridors/links set forth in Table 1 attached to Ordinance No. 2015-64, Developer shall contribute it proportionate share to the entity responsible for implementing such program (either FDOT or Nassau County).

- (2) If no mobility improvements are programmed on any of the significantly impacted and adversely impacted corridors/links set forth in Table 1 attached to Ordinance No. 2015-64 prior to the issuance of permits for Phase 2 of Three Rivers, then the proportionate share shall be contributed to Nassau County for the construction of improvements to a regionally significant facility(ies) as agreed upon by the County and Developer.
- (d) **Site Access Improvements.** The Developer shall be responsible for all necessary improvements at the project entrances, including but not limited to turn lanes, traffic signals, acceleration and deceleration lanes, etc., as determined necessary by Nassau County and FDOT, at both access points at S.R. 200.
- (e) **Transit.** In the event that public transit service is provided to Three Rivers, transit passenger shelters and transit bays shall be constructed, as determined necessary by the transit provider, to facilitate transit service.
- (f) **Bicycle and Pedestrian Connections.** In order to promote alternative forms of transportation, the Developer shall provide a comprehensive system of bicycle paths and pedestrian walkways or multi-use trails throughout the Three Rivers DRI. All residential development shall be connected to employment and shopping areas via this path system.
- (g) The ADA included off-site intersection and SR 200/A1A analyses and no additional study or mitigation beyond those items in the First Sufficiency Response (pages 21-23 and 21-34) shall be required by the Developer to obtain FDOT access permits.
- (h) Unused development rights from a particular phase carry over into subsequent phases until build-out.
25. **Air Quality.** The following fugitive dust control measures, as necessary, shall be undertaken during all construction activities throughout build-out of the project:
- (a) Contractors will moisten soil or use resinous adhesives on barren areas, which shall include, at a minimum, all roads, parking lots, and material stockpiles;
- (b) Contractors will use mulch, liquid resinous adhesives with hydro-seeding or sod on all landscape areas;

- (c) Contractors will remove soil and other dust-generating material deposited on paved streets by vehicular traffic, earth moving equipment, or soil erosion;
 - (d) Contractors will utilize the best operating practices in conjunction with any burning resulting from land clearing, which may include the use of air curtain incinerators if required by Nassau County Fire Department.
26. **Affordable Housing.** Within the Village Center, ancillary dwelling units will be allowed associated with single family units. These ancillary units are considered a part of the single-family unit and not an additional unit. They can be designed as garage apartments or small detached units which can provide affordable rental units for employees of the businesses located within the Village Center and other jobs within the Three Rivers project. The Developer will monitor and report, as part of the biennial report, the number of ancillary units developed within the Village Center. The Developer will guarantee, at a minimum, an additional one hundred (100) residential units be provided, scattered throughout the Three Rivers project that are affordable to moderate income households. At least fifty (50) of these units will be provided before the end of Phase 1. The price range of these units shall be less than \$165,000 and shall be constructed within the architectural style of the community. The price of units shall be indexed to the consumer price index (CPI). The Developer will coordinate with the Nassau County SHIP program to offer these units to eligible clients under the SHIP program with preference given to employees in the Three Rivers DRI.
27. **Fire Protection.**
- (a) The Parties (Nassau County and the Developer) shall work cooperatively in reviewing and identifying potential sites for a County fire station. ~~Within 24 months from the effective date of this Development Order, Developer shall design at its cost a three bay fire station on the fire station site provided in the Timbercreek subdivision with the input and approval of the Nassau County Fire Department and the County Administrator.~~ The Developer shall at its cost commence vertical construction on the fire station no later than January 24, 2023 and the fire station shall be operational and ready for occupancy on or before January 24, 2024~~prior to the issuance of the 100th residential building permit.~~ Ready for occupancy shall mean that a Certificate of Occupancy is issued indicating that the building meets the plans and the building has been inspected and approved. Prior to the opening of the fire station for operations, Developer shall provide a 75 foot Quint Fire Truck and a rescue unit ambulance for the fire station. Beginning with the effective date of this Development Order (i.e., August 28, 2006), Nassau County shall collect fire and EMS impact fees from the

Timbercreek, River Glen and Plummer Creek subdivisions, including the additional impact fee imposed on River Glen units, for refund to Developer up to the amount of fifty percent (50%) of the documented costs of the station and equipment. The Developer shall receive fire and EMS impact fee credits for up to 50% of the remaining documented costs of the station and equipment.

- (b) The Developer shall require all builders within the Project distribute to each prospective purchaser informative literature explaining the benefits of installing a sprinkler system in the purchaser's new home. The literature shall be developed in cooperation with the Nassau County Fire/Rescue Department.
- (c) All structures greater than two (2) stories in height within Three Rivers shall be protected with an automatic sprinkling system designed and installed in accordance with all applicable fire and building codes. The Developer may construct structures up to six (6) stories in height.

28. **Recreation and Open Space.** The development shall provide a minimum of three hundred (300) acres of overall Open Space. Individual residential neighborhoods within the development will include neighborhood parks. ~~The Developer will work with the Division of Forestry to try and secure access from the Community Park to the adjacent preserve so that the public may use the preserve to the extent allowed by the Division of Forestry.~~ The location of the community park is generally set forth on Map H, attached hereto as **Exhibit B**. The community park and recreational improvements to be provided pursuant to this Development Order are further described as follows:

- (a) One (1) community park, containing a minimum of forty (40) acres, with active recreation facilities, and containing a minimum of twenty-seven (27) acres of usable uplands, shall be provided by the Developer or, Community Development District and may be conveyed to Nassau County upon completion, with conveyance to be determined at the discretion of the Board of County Commissioners. The Developer, a Community Development District, property owners' association or Nassau County shall maintain the park for its intended active recreational uses. The Developer, a Community Development District or a property owners' association may provide enhanced maintenance or additional improvements if dedicated to Nassau County by agreement with the Nassau County Recreation Department. The Nassau County Parks and Recreation Department shall be consulted during the design of the park. Through an impact fee agreement adopted by the Board of County Commissioners, recreational impact fee credits shall be allowed for the Community Public Park conveyed to the County in accordance with the applicable Nassau County impact

fee ordinance. The credits shall be based on the value of the acreage in the park as set forth in an appraisal acceptable to the County plus the cost of all improvements made by the Developer to the park.

- (b) The neighborhood parks shall be private parks and shall be accessible to the residents of the Three Rivers DRI.
 - (c) The boat launch ramp identified near the Village Center on Map H will be open for public access. Car and trailer parking accommodations will be provided proximate to the ramp. The launch fee and other costs associated with the use of this boat ramp will be the same for all residents of Nassau County, whether or not they reside in Three Rivers.
29. **Education.** The Developer shall convey approximately twenty seven and one-half (27 ½) acres of developable land free of any environmental burdens located within hurricane evacuation zone C or higher for the purpose of constructing a school. In the event there are wetlands on the site, Developer shall mitigate and eliminate the wetlands at no cost to the School Board. Developer will provide a metes and bounds survey and title insurance to the School Board. Developer has also provided the School Board with an environmental site assessment prepared by Aerostar SES LLC concluding that there are no recognized, observed, or known environmental conditions, activities, or sites located in the vicinity of the subject property which would pose a hazard, risk or liability to the proposed site. All utilities shall be available at the boundary of the site. The final site location will be mutually agreed upon between the Developer and the School Board. The site will be located as generally shown on Map H, attached hereto as Exhibit B2. The site shall be donated within thirty (30) days of the School Board's request for donation. Excess dirt from development of the site shall be the property of the Developer. The site shall be deemed to have a value of \$825,000.

The Developer agrees to pay the School Board the greater of either \$3,727 per each residential unit (single family home or multifamily unit) or the current Educational Facilities impact fee; which fee will be paid prior to the issuance of a building permit consistent with Section 7.01 of the Ordinance 2016-02, Nassau County, or any such successor Impact Fee system as may be adopted by Nassau County from time to time. This fee shall be paid for every residential unit constructed within the Three Rivers DRI, regardless of whether said unit is designated as age restricted.

30. **Civic Space.** The non-residential development in the Three Rivers DRI shall contain space to be offered on a leaseback basis to Nassau County for such civic uses as a sheriff's stop station, branch library, and/or tax assessor/tag payment office. If Nassau County declines the

lease of the space after being offered it in writing from the Developer, this condition shall be deemed to have been met.

31. **Impact Fees.** Impact fee credits towards any present or future impact fees that may be adopted by Nassau County shall be allowed for any contribution of land, money (including, but not limited to, contributions or construction pursuant to “pipelining” responsibilities) or improvements made by the Developer or the Community Development District, as the case may be, for public facilities pursuant to the guidelines stipulated in Section 380.06(16), F.S.-(2005), and the Nassau County impact fee ordinance, as it may be amended. The Developer proposes and the County agrees that, in the event that any contributions of land, money (including contributions or construction pursuant to “pipelining” responsibilities), or improvements funded or constructed with funds from a Community Development District are required by then current law to give rise to impact fee credits to the Community Development District, then such impact fee credit shall be established in the name of the Community Development District.

32. **Community Development District.** The Developer intends to form one or more additional Community Development Districts within the DRI pursuant to Chapter 190, F.S.-(2005). Nothing in this section shall be construed as approval or consent by the County to the establishment of the Community Development District by the Developer pursuant to Chapter 190, F.S.-(2005), and the County expressly maintains all rights available to it pursuant to Chapter 190, F.S. (2005), related to the proposed establishment of a Community Development District by the Developer. Any Community Development District for Three Rivers approved pursuant to Chapter 190, F.S.-(2005) may finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain projects, systems and facilities for the purposes described in Section 190.012, F.S.-(2005), including, but not limited to, any other project required or authorized by this Development Order, and may be authorized and empowered to own and acquire property, both real and personal, by purchase, lease, lease-purchase, eminent domain, gift or transfer. Construction or funding by any such Community Development District of all such projects within or without the boundaries of the Community Development District required by this Development Order or necessary to serve the development approved by this Development Order is expressly approved. If the Developer is required by this Development Order to provide, pay for or otherwise cause to be provide, infrastructure, projects, systems or facilities set forth in Chapter 190, F.S. (2005), including, without limitation, those in Sec. 190.012(1) and (2) F.S.-(2005), then the Community Development District independently may satisfy such obligations. To the extent any such obligation under this Development order is met or performed by the Community Development District, then the Developer shall no longer be subject to the obligation. The Developer proposes and the County agrees that, in the event that any contributions of land, money (including contributions or construction pursuant to

“pipelining” responsibilities), or improvements funded or constructed with funds from a Community Development District are required by then current law to give rise to impact fee credits to the Community Development District, then such impact fee credits shall be established in the name of the Community Development District. The Board of County Commissioners may bestow the power of eminent domain to a CDD within Three Rivers limited for the purpose of acquiring right-of-way for the road improvements described in Special Condition 24.

SECTION 3. EXISTING DEVELOPMENT ORDER

All terms and conditions of the existing Three Rivers DRI Development Order as amended remain in full force and effect except as specifically amended by Section 2 of this Resolution.

SECTION 4. RECORDATION AND RENDITION


A copy of this Resolution shall be recorded in the Public Records of Nassau County. Nassau County will render a recorded copy of this Sixth Amendment of the Development Order to the Developer.

SECTION 5. EFFECTIVE DATE:

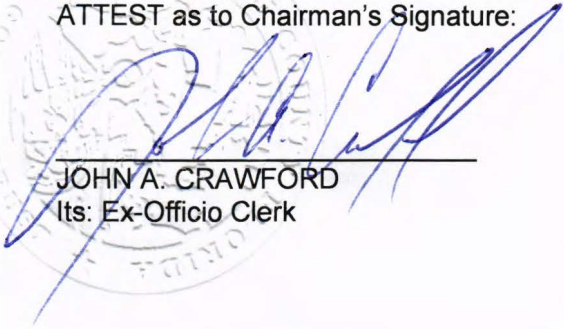
This Resolution shall become effective upon adoption.

PASSED AND ADOPTED THIS 23rd **DAY OF** August, **2021.**

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


~~THOMAS FORD,~~ Aaron C. Bell
Its: ~~Chair~~ Vice Chair

ATTEST as to Chairman's Signature:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form and legality by the
Nassau County Attorney:

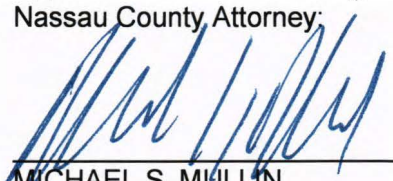

MICHAEL S. MULLIN,
County Attorney

Exhibit A Tributary DRI Legal Description

PARCEL A

A PORTION OF SECTIONS 9 AND 10, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 88°33'22" WEST, ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 974.33 FEET TO THE SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 200 (A1A) (A VARIABLE WIDTH RIGHT-OF-WAY AS CURRENTLY ESTABLISHED) AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°33'22" WEST, ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 1549.02 FEET TO THE EASTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1050, PAGE 800 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE SOUTH 06°04'20" EAST, ALONG SAID EASTERLY LINE, 296.32 FEET TO THE SOUTHERLY LINE OF SAID LANDS; THENCE SOUTH 88°33'22" WEST, ALONG SAID SOUTHERLY LINE, 299.55 FEET TO THE WESTERLY LINE OF SAID LANDS; THENCE NORTH 06°04'20" WEST, ALONG SAID WESTERLY LINE, 296.32 FEET TO THE AFORESAID NORTH LINE OF SECTION 9; THENCE SOUTH 88°33'22" WEST, ALONG SAID NORTH LINE, 430.50 FEET; THENCE SOUTH 26°32'28" WEST, 110.54 FEET; THENCE SOUTH 27°17'29" EAST, 112.08 FEET; THENCE SOUTH 83°09'20" EAST, 171.34 FEET; THENCE SOUTH 26°57'15" EAST, 189.89 FEET; THENCE SOUTH 13°47'00" EAST, 305.12 FEET; THENCE SOUTH 83°54'46" EAST, 174.52 FEET; THENCE SOUTH 05°49'27" EAST, 199.02 FEET; THENCE SOUTH 81°13'39" EAST, 144.06 FEET; THENCE SOUTH 49°49'29" EAST, 126.55 FEET; THENCE SOUTH 21°07'20" EAST, 130.97 FEET; THENCE SOUTH 38°10'00" EAST, 189.46 FEET; THENCE SOUTH 77°24'55" EAST, 130.05 FEET; THENCE SOUTH 36°38'15" EAST, 95.96 FEET; THENCE SOUTH 23°18'40" EAST, 79.92 FEET; THENCE SOUTH 20°27'40" WEST, 101.47 FEET; THENCE SOUTH 42°31'10" WEST, 208.76 FEET; THENCE SOUTH 31°39'09" EAST, 780 FEET MORE OR LESS, TO THE MEAN HIGH WATER LINE OF TOM MANN CREEK; THENCE SOUTHEASTERLY ALONG SAID MEAN HIGH WATER LINE AND THE MEANDERINGS THEREOF, AND ALONG THE MEAN HIGH WATER LINE OF BOGGY CREEK AND THE MEANDERINGS THEREOF, 3780 FEET, MORE OR LESS, TO THE MOST NORTHERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 716, PAGE 1633, SAID PUBLIC RECORDS; THENCE SOUTH 57°36'07" EAST, ALONG THE NORTHEASTERLY LINE OF SAID LANDS, 397.69 FEET TO AN ANGLE POINT IN SAID LINE; THENCE SOUTH 58°10'17" EAST, CONTINUING ALONG SAID NORTHEASTERLY LINE, 72.47 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF LOGAN ROAD (A 60 FOOT RIGHT-OF-WAY AS ESTABLISHED); THENCE NORTH 51°19'32" EAST, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, 433.20 FEET TO AN ANGLE POINT; THENCE NORTH 51°03'16" EAST, CONTINUING ALONG SAID NORTHWESTERLY LINE, 595.67 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF POLICE LODGE ROAD (A 60 FOOT RIGHT OF WAY AS NOW ESTABLISHED, BEING MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORDS BOOK 711, PAGE 1706, SAID PUBLIC RECORDS); THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES AND DISTANCES: COURSE NO. 1: NORTH 20°29'45" WEST, 3252.42 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING NORTHERLY; COURSE NO. 2: NORTHERLY ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 996.86 FEET, AN ARC DISTANCE OF 343.00 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 10°38'19" WEST, 343.31 FEET TO THE POINT OF TANGENCY; COURSE NO. 3: NORTH 00°46'53" WEST, 723.06 FEET TO THE AFORESAID SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 200 (A1A); THENCE NORTH 82°46'55" WEST, ALONG LAST SAID LINE, 275.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 200 ACRES, MORE OR LESS

PARCEL B

A PORTION OF SECTIONS 9, 10, 11, 14, 15, THE W. LOFTON GRANT, SECTION 44, AND THE ROBERT HARRIS GRANT, SECTION 45, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 01°04'10" EAST, ALONG THE EAST LINE OF SAID SECTION 9, A DISTANCE OF 148.29 FEET TO THE SOUTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 200 (A1A) (A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED) AND THE POINT OF BEGINNING; THENCE NORTH 82°46'55" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 648.24 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF POLICE LODGE ROAD (A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 00°46'53" EAST, 714.62 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHERLY; COURSE NO. 2: SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 936.86 FEET, AN ARC DISTANCE OF 322.36 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 10°38'19" EAST, 320.77 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 3: SOUTH 20°29'45" EAST, 3315.67 FEET; THENCE SOUTH 69°30'15" WEST, 60.00 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SAID POLICE LODGE ROAD WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LOGAN ROAD (A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 51°03'16" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 499.11 FEET TO THE EASTERLY BOUNDARY OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 720, PAGE 1963, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 01°01'45" EAST, ALONG SAID EASTERLY BOUNDARY, 899.20 FEET TO THE SOUTHEASTERLY CORNER OF SAID LANDS; THENCE SOUTH 80°42'51" WEST, 60.80 FEET TO A POINT ON THE WESTERLY LINE OF SECTION 15, SAID POINT HEREINAFTER REFERRED TO AS REFERENCE POINT "A"; THENCE SOUTHEASTERLY ALONG A TRAVERSE LINE FOLLOWING THE MEANDERINGS OF BOGGY CREEK RUN THE FOLLOWING SIX (6) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 65°44'20" EAST, 1308.97 FEET; COURSE NO. 2: SOUTH 73°13'20" EAST, 923.84 FEET; COURSE NO. 3: SOUTH 34°18'04" EAST, 1252.54 FEET; COURSE NO. 4: SOUTH 62°34'44" EAST, 1004.12 FEET; COURSE NO. 5: SOUTH 48°44'48" EAST, 913.35 FEET; COURSE NO. 6: SOUTH 18°11'58" EAST, 1646.63 FEET TO A POINT HEREINAFTER REFERRED TO AS REFERENCE POINT "B"; THENCE RETURN TO THE POINT OF BEGINNING; THENCE EASTERLY AND NORTHERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 200, RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 82°46'55" EAST, 1763.43 FEET; COURSE NO. 2: NORTH 07°13'05" EAST, 34.00 FEET; COURSE NO. 3: SOUTH 82°46'55" EAST, 4306.10 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 1533, PAGE 1651 OF SAID PUBLIC RECORDS; THENCE SOUTHERLY, NORTHEASTERLY AND EASTERLY, ALONG THE WESTERLY AND SOUTHERLY LINES OF LAST SAID LANDS, RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 03°57'30" WEST, 128.96 FEET; COURSE NO. 2: SOUTH 12°29'20" EAST, 472.58 FEET; COURSE NO. 3: SOUTH 27°41'52" EAST, 582.37 FEET; COURSE NO. 4: NORTH 51°40'36" EAST, 402.26 FEET; COURSE NO. 5: NORTH 89°57'51" EAST, 763.55 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD (AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 08°10'18" EAST, 49.88 FEET TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHERLY; COURSE NO. 2: SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 4086.51 FEET, AN ARC DISTANCE OF 889.35 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 14°15'58" EAST, 867.71 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 3: SOUTH 20°21'38" EAST, 188.46 FEET TO THE NORTHWESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 1521, PAGE 1321 OF SAID PUBLIC RECORDS; THENCE SOUTHWESTERLY, SOUTHERLY, EASTERLY, NORTHERLY AND NORTHEASTERLY, ALONG THE NORTHWESTERLY, WESTERLY, SOUTHERLY AND SOUTHEASTERLY LINES OF LAST SAID LANDS, RUN THE FOLLOWING EIGHT (8) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 61°05'54" WEST, 287.49 FEET; COURSE NO. 2: SOUTH 29°25'03" WEST, 66.67 FEET; COURSE NO. 3: SOUTH 22°36'39" WEST, 97.74 FEET; COURSE NO. 4: SOUTH 06°26'34" EAST, 148.74 FEET; COURSE NO. 5: NORTH 80°27'24" EAST, 188.89 FEET; COURSE NO. 6: NORTH 00°03'21" EAST, 95.86 FEET; COURSE NO. 7: NORTH 55°40'09" EAST, 116.85 FEET; COURSE NO. 8: NORTH 28°06'20" EAST, 140.53 FEET TO THE AFORESAID WESTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD AND THE ARC OF A CURVE LEADING SOUTHERLY; THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES: COURSE NO. 1: SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 3779.72 FEET, AN ARC DISTANCE OF 931.38 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°03'12" EAST, 929.03 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 2: SOUTH 05°59'38" EAST, 2635.19 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE; COURSE NO. 3: SOUTH 06°28'24" EAST, 1354.14 FEET TO THE NORTHERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 518, PAGE 1229, SAID PUBLIC RECORDS; THENCE SOUTH 80°52'12" WEST, ALONG SAID LINE, 203.68 FEET; THENCE NORTH 79°50'18" WEST, 13.73 FEET; THENCE SOUTH 86°11'02" WEST, 57.36 FEET; THENCE SOUTH 88°52'12" WEST, 367.49 FEET; THENCE SOUTH 02°15'50" WEST, 160 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF NASSAU RIVER; THENCE SOUTHWESTERLY, WESTERLY, NORTHWESTERLY, SOUTHWESTERLY, AND SOUTHERLY, FOLLOWING THE MEANDERINGS OF SAID MEAN HIGH WATER LINE, 3520 FEET MORE OR LESS TO A POINT ON SAID MEAN HIGH WATER LINE, SAID POINT LYING NORTH 72°32'01" EAST, 1170 FEET MORE OR LESS FROM THE AFOREMENTIONED REFERENCE POINT "B"; THENCE SOUTH 72°32'01" WEST, THROUGH SAID REFERENCE POINT "B", 1215 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF BOGGY CREEK; THENCE WESTERLY, NORTHWESTERLY, NORTHERLY, NORTHEASTERLY, EASTERLY, SOUTHERLY, AND SOUTHEASTERLY, FOLLOWING THE MEANDERINGS OF SAID BOGGY CREEK, 11465 FEET MORE OR LESS TO ITS INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 15, SAID POINT LYING SOUTH 00°12'35" EAST, 270 FEET MORE OR LESS FROM THE AFOREMENTIONED REFERENCE POINT "A"; THENCE NORTH 00°12'35" WEST, 270 FEET MORE OR LESS TO THE SOUTHERLY BOUNDARY OF AFOREMENTIONED LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 720, PAGE 1963 OF THE OFFICIAL RECORDS OF SAID COUNTY AND SAID REFERENCE POINT "A" TO CLOSE.

CONTAINING 1346 ACRES, MORE OR LESS.

EXHIBIT B

Three Rivers

Development of Regional Impact

aka *Tributary*

Map H Preliminary Concept Plan

LEGEND

- Pedestrian System
- Roadway
- Three Rivers Boundary
- ← Conceptual Access
- Right In/Right Out
- ← Conceptual Pedestrian Access
Subject to Army Corps of
Engineers and SJRWMD Approval

Notes:

- (1) Pedestrian connections from east to west of property shall be provided.
- (2) Roadway circulation and parcel configuration are subject to change based on final wetland and other surveys, permitting, and final site engineering.
- (3) Roadway and associated wetland impacts are not depicted on this map.

1/2 Mile



0 400' 800'

August 9, 2021

PROSSER

Creative Visionaries. Engineering Minds.™

120095.01

September 1, 2005 (Res. No. 2005-126)
Revised March 20, 2012 (Res. No. 2012-93A)
Revised August 16, 2018 (Res. No. 2019-14)

Resolution 2021-172

EXHIBIT A-6

**Notice of Permit Extension
September 3, 2021**

September 3, 2021

VIA E-MAIL

Thad Crowe, AICP
Planning & Economic Opportunity Department
96161 Nassau Place
Yulee, Florida 32097
tcrowe@nassaucountyfl.com

Re: Notice of Extension of the Three Rivers PUD and DRI
PUD: Ordinance No. 2006-68
DRI: Resolution No. 2006-126, as Amended by Resolution Nos. 2006-81, 2008-77, 2012-93A, 2015-64, 2018-122, and 2019-14

Dear Mr. Crowe:

On behalf of Three Rivers Developers, LLC ("Three Rivers"), I am writing to extend the expiration dates of the Three Rivers PUD and DRI pursuant to Section 252.363, Florida Statutes. As you are aware, this statute provides that a declaration of a state of emergency by the Governor tolls specified permits and authorizations, including local development orders,¹ for the duration of the emergency declared plus an additional six (6) months. Notification of the intent to exercise the extension must be made by the applicant/developer to the issuing agency within 90 days after the termination of the emergency order.

On March 9, 2020, by virtue of Executive Order No. 20-52, Governor DeSantis declared a state of emergency in the State of Florida due to the novel coronavirus disease (COVID-19). The Governor has continuously extended the emergency, with the final extension provided by Executive Order No. 21-94 which lapsed on June 26, 2021. Accordingly, the total extension provided under the foregoing Executive Order is 1 year, 9 months and 17 days. However, because Three Rivers previously extended the DRI and

¹ Section 163.3164(15), Florida Statutes, defines the term "development order" as any order granting, denying or granting with conditions an application for development permit. In turn, Section 163.3164(16), Florida Statutes, defines the term "development permit" to mean any *building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land*. Thus, both the PUD and DRI are classified as development orders that qualify for extensions under the statute.

PUD under the Hurricane Isaias emergency, which overlaps the COVID-19 emergency, the tolling provided under COVID-19 begins on August 11, 2020, providing 1 year, 4 months and 15 days.

In addition, on July 3, 2021, by virtue of Executive Order No. 21-150, Governor DeSantis declared a state of emergency for 15 counties for sixty (60) days due to the threat of Tropical Storm Elsa. On July 6, 2021, the Governor amended the Order to include Nassau County by virtue of Executive Order No. 21-152, which emergency currently lapses on August 2, 2021. Unless sooner terminated, as of the date of this letter, the extension provided for Tropical Storm Elsa is 6 months and 60 days. Based upon the provisions of Section 252.363, Florida Statutes, the tolling and extension currently provided for based upon the Emergency Orders COVID-19 and Tropical Storm Elsa is collectively, 2 years and 15 days.

Pursuant to notice sent to the County on November 20, 2020, pursuant to Section 252.363, a copy of which is attached hereto, Phase I of the DRI is from 2008 to June 30, 2026 and Phase II is from 2022 to June 30, 2031. Additionally, the DRI build-out date was extended to February 17, 2032; the DRI termination and DRI Development Order expiration dates were extended to February 17, 2037; and the downzoning protection date was extended to February 17, 2032, due to the state of emergency for Hurricane Isaias. Based upon the provisions of Section 252.363, Florida Statutes, and the terms of the DRI Development Order, Three Rivers hereby notifies Nassau County of the following extension of the PUD and DRI DO:

- Phase I is revised to run from 2008 – July 14, 2028
- Phase II is revised to run from 2022 – July 14, 2033
- The DRI build-out date is extended from February 17, 2032 to March 4, 2034.
- The termination and expiration dates for the DRI are extended from February 17, 2037 to March 4, 2039.
- The DRI downzoning protection date is extended from February 17, 2032 to March 4, 2034.

The Three Rivers PUD deadlines are likewise extended pursuant to the downzoning protection afforded through the DRI and the PUD will remain valid until such time as the downzoning protection expires on March 4, 2034.

I would appreciate your confirmation of the revised expiration date by your acceptance below and by returning this to me in the enclosed addressed, stamped envelope.

Mr. Thad Crowe
September 3, 2021
Page 3

As always, your attention in this matter is appreciated. If you would like any additional information, please do not hesitate to contact me.

Sincerely,

ROGERS TOWERS, P.A.



Emily G. Pierce

Acknowledged and agreed to this _____ day of _____, 2021.

Thad Crowe, AICP

Enclosure

cc: Liam O'Reilly (LOReilly@GreenPointeLLC.com)
Denise May (dmay@nassaucountyfl.com)
Anthony Robbins, AICP (TRobbins@prosserinc.com)
Patricia Nolan, Esq. (PNolan@GreenPointeLLC.com)
Donna Feldman, Esq. (DFeldman@djflaw.com)
Holly Coyle (hcoyle@nassaucountyfl.com)

EXHIBIT A-7

Resolution 2022-127

RESOLUTION NO. 2022- 127

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA CONSTITUTING THE SEVENTH AMENDMENT TO THE TRIBUTARY DEVELOPMENT OF REGIONAL IMPACT (DRI) (F/K/A THE THREE RIVERS DRI); AMENDING RESOLUTION 2006-126, AS AMENDED BY RESOLUTION 2008-77; AS AMENDED BY RESOLUTION 2012-93A; AS AMENDED BY RESOLUTION 2015-64; AS AMENDED BY RESOLUTION 2018-122; AS AMENDED BY RESOLUTION 2019-14; AS AMENDED BY RESOLUTION 2021-172; CHANGING THE NAME OF THE DRI; MODIFYING THE PHASING SCHEDULE DATES, BUILD-OUT DATE, EXPIRATION DATE AND DOWNZONING PROTECTION DATE; MODIFYING SPECIAL CONDITION 29 REGARDING EDUCATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 28, 2006, Nassau County adopted Resolution No. 2006-126 constituting the development order (Development Order) for the Three Rivers Development of Regional Impact (DRI) (n/k/a The Tributary DRI); and

WHEREAS, on February 25, 2008, Nassau County adopted Resolution 2008-77, constituting the first amendment of Development Order for the Tributary DRI; and

WHEREAS, on June 25, 2012, Nassau County adopted Resolution 2012-93A, constituting the second amendment of Development Order for the Tributary DRI; and

WHEREAS, on April 27, 2015, Nassau County adopted Resolution 2015-64, constituting the third amendment of Development Order for the Tributary DRI; and

WHEREAS, on October 22, 2018, Nassau County adopted Resolution 2018-122, constituting the fourth amendment of Development Order for the Tributary DRI; and

WHEREAS, on February 11, 2019, Nassau County adopted Resolution 2019-14, constituting the fifth amendment of Development Order for the Tributary DRI; and

WHEREAS, on August 23, 2021, Nassau County adopted Resolution 2021-172, constituting the sixth amendment of Development Order for the Tributary DRI; and

WHEREAS, on December 20, 2021, the Developer of Tributary, Three Rivers Developers, LLC, through Emily G. Pierce, Esq., filed a modification to the Development Order pursuant to Section 380.06, Florida Statutes, and

WHEREAS, the Board of County Commissioners has reviewed the said amendment, conducted a public hearing on June 13, 2022 at which all parties were afforded the opportunity to present evidence and testimony on this matter, and any member of the public requesting to do so was given an opportunity to present written or oral communications consistent with the adopted rules of procedure; and

WHEREAS, public notice of said hearing was provided in accordance with Section 380.06, Florida Statutes, and Chapter 125, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. FINDINGS

The Board of County Commissioners finds that the changes set forth in the NOPC dated December 20, 2021 do not conflict with the remaining terms and conditions of the DRI and are generally consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan.

SECTION 2. AMENDMENT

The Three Rivers DRI Development Order is hereby amended, subject to the following terms and conditions, restated in full:

1. The name of the development is hereby amended from "Three Rivers Development of Regional Impact" to "Tributary Development of Regional Impact".
2. The Land Use Totals table found in General Condition 2 is hereby amended as follows:

Type	Phase 1 2008-June 30, 2026 <u>July 14, 2028</u>	Phase 2 2022-June 30, 2034 <u>July 14, 2033</u>	Total
Retail	200,000 s.f.	300,000 s.f.	500,000 s.f.
Industrial	50,000 s.f.	200,000 s.f.	250,000 s.f.
Dry Storage	300 slips	0 slips	300 slips
Office	0 s.f.	50,000 s.f.	50,000 s.f.
Residential	1,400 units	1,800 units	3,200 units

The remainder of General Condition 2 will remain unchanged.

3. General Conditions 3 and 6 are hereby amended as follows:

General Condition 3. Build-out and Expiration of DRI. The build-out date for all development is ~~February 17, 2032~~ March 4, 2034. The DRI termination and DRI Development Order expiration dates are established as ~~February 17, 2037~~ March 4, 2039. Any extension of the DRI build-out, termination or expiration dates shall be governed by the provisions of Section 380.06, F.S. (~~2018~~ 2021), as amended from time to time. The foregoing notwithstanding, the time periods stated above and the phasing periods shall be tolled during the period of any appeal pursuant to the Nassau County Land Development ~~Regulations~~ Code, or during the pendency of any administrative or judicial proceedings relating to development permits.

General Condition 6. Downzoning Protection. The ~~Three Rivers Tributary~~ DRI as approved in this Development Order shall not be subject to downzoning or reduction of approved land uses before ~~February 17, 2032~~ March 4, 2034 unless the Developer consents to such change or Nassau County demonstrates that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the changes clearly established by Nassau County are essential to the public health, safety and welfare.

4. Special Condition 29 is hereby amended as follows:

Special Condition 29. Education. Special Condition 29: **Education.** The Developer shall convey approximately twenty seven and one-half (27 ½) acres of developable land free of any environmental burdens located within hurricane evacuation zone C or higher for the purpose of constructing a school. In the event there are wetlands on the site, Developer shall mitigate and eliminate the wetlands at no cost to the School Board. Developer will provide a metes and bounds survey and title insurance to the School Board. Developer has also provided the School Board with an environmental site assessment prepared by Aerostar SES LLC concluding that there are no recognized, observed, or known environmental conditions, activities, or sites located in the vicinity of the subject property which would pose a hazard, risk or liability to the proposed site. All utilities shall be available at the boundary of the site. The final site location will be mutually agreed upon between the Developer and the School Board. The site will be located as generally shown on Map H, attached hereto as Exhibit 1. The site shall be donated within thirty (30) days of the School Board's request for donation. Excess dirt from development of the site shall be the property of Developer. The site shall be deemed to have a value of \$825,000.

~~The Developer agrees to pay the School Board the greater of either \$3,727 per each residential unit (single family home or multifamily unit) or the current Educational Facilities impact fee; which fee will be paid prior to the issuance of a building permit consistent with Section 7.01 of the Ordinance 2016-02, Nassau County, or any such successor Impact Fee system as may be adopted by Nassau County from time to time. This fee shall be paid for every residential unit constructed within the Three Rivers DRI, regardless of whether said unit is designated as age-restricted.~~

The Developer agrees to pay the School Board the then effective Educational Facilities Impact Fee, which fee will be paid as to a residential unit prior to the issuance of such building permit consistent with Section 7.01 of the Ordinance 2016-02, Nassau County, or any such successor Impact Fee system as may be adopted by Nassau County from time to time. Developer may construct up to 750 age-restricted residential units within the Three Rivers DRI, which will be exempt from Educational Facilities Impact Fees, provided that such units are subject to recorded covenants and restrictions that include language substantially similar to the language attached hereto as Exhibit 2. If Developer constructs more than 750 age-restricted residential units, Educational Facilities Impact Fees shall be due for each such additional age-restricted residential unit as if the unit were not age-restricted.

SECTION 3. EXISTING DEVELOPMENT ORDER

All terms and conditions of the existing Three Rivers DRI Development Order as amended remain in full force and effect except as specifically amended by Section 2 of this Resolution.

SECTION 4. RECORDATION AND RENDITION

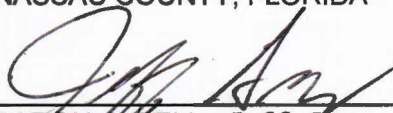
A copy of this Resolution shall be recorded in the Public Records of Nassau County. Nassau County will render a recorded copy of this Seventh Amendment of the Development Order to the Developer.

SECTION 5. EFFECTIVE DATE:

This Resolution shall become effective upon adoption.

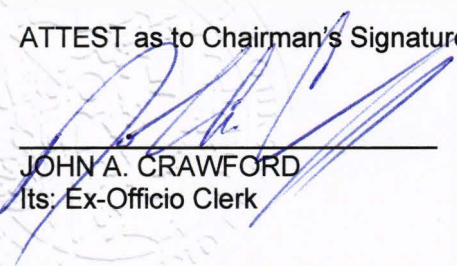
PASSED and ENACTED this 13th day of June, 2022.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



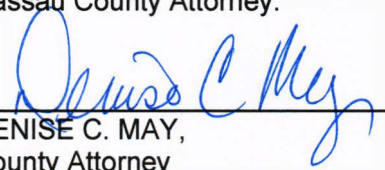
AARON C. BELL Jeff Gray
Its: Chairman Vice Chairman

ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form and legality by the
Nassau County Attorney:



DENISE C. MAY,
County Attorney

Nassau County Planning and Economic Opportunity Department
Attn: Doug McDowell, Planner
96161 Nassau Place
Yulee, Florida 32097

**NOTIFICATION OF A PROPOSED CHANGE/AMENDMENT TO A PREVIOUSLY
APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(7), FLORIDA STATUTES**

Subsection 380.06(7), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government.

1. I, Emily Pierce, the undersigned authorized representative of Three Rivers Developers, LLC (the "Developer"), hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(7), Florida Statutes. In support thereof, I submit the following information concerning the Tributary development (f/k/a the Three Rivers development), which information is true and correct to the best of my knowledge.

12/20/2021
Date


Signature

2. Applicant (name, address, phone).

Three Rivers Developers, LLC
7807 Baymeadows Road East, Suite 205
Jacksonville, Florida 32256

3. Authorized Agent (name, address, phone).

Emily G. Pierce, Esq.
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207
(904) 398-3911

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

A portion of Section 11, Township 2 North, Range 26 East, Nassau County, Florida

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

A. Three Rivers Developers, LLC, a Delaware limited liability company (the "Developer"), is the master developer for what is now known as the Tributary DRI (f/k/a the Three Rivers DRI). The Developer has changed the name of the development, has recently extended the phasing schedules dates, build-out date, expiration date and downzoning protection date pursuant to Section 252.363, Florida Statutes, and has entered into a Second Amended Memorandum of Understanding with the Nassau County School Board. Therefore, the Developer is proposing the following changes:

- A change in the name of the DRI from the Three Rivers Development of Regional Impact to the Tributary Development of Regional Impact.
- An update to General Conditions 2, 3 and 6 to reflect the updated phasing schedule, build-out and expiration dates, and the downzoning protection date based upon statutory extensions which have been utilized/granted since the last change to the DRI adopted pursuant to Ordinance 2021-172.
- In conjunction with the Nassau County School Board, Developer is proposing a modification to Special Condition 29 of the DO based upon the Second Amended Memorandum of Understanding ("MOU") entered into by the parties on June 24, 2021, which MOU revises the educational impact fees payments.

B. All proposed revisions/modifications are shown in blue and underlined and deletions are shown in red and are ~~struck-through~~. The dates shown as the current dates reflect all statutory extensions granted pursuant to Section 252.363, Florida Statutes. All other conditions will remain the unchanged.

C. The Developer is proposing to change the name of the development from the ~~Three Rivers Development of Regional Impact~~ to the Tributary Development of Regional Impact.

D. The Developer is proposing to delete the Land Use Totals table found in General Condition 2 to reflect the revised phasing dates as:

Land Use Totals. The DRI may be developed with the following improvements:

Type	Phase 1 2008- June 30, 2026 <u>July 14,</u> <u>2028</u>	Phase 2 2022- June 30, 2031 <u>July 14,</u> <u>2033</u>	Total
Retail	200,000 s.f.	300,000 s.f.	500,000 s.f.
Industrial	50,000 s.f.	200,000 s.f.	250,000 s.f.
Dry Storage	300 slips	0 slips	300 slips
Office	0 s.f.	50,000 s.f.	50,000 s.f.
Residential	1,400 units	1,800 units	3,200 units

The remainder of General Condition 2 will remain unchanged.

E. The Developer is proposing to revise General Conditions 3 and 6 as shown:

General Condition 3. **Build-out and Expiration of DRI.** The build-out date for all development is ~~February 17, 2032~~ March 4, 2034. The DRI termination and DRI Development Order expiration dates are established as ~~February 17, 2037~~ March 4, 2034. Any extension of the DRI build-out, termination or expiration dates shall be governed by the provisions of Section 380.06, F.S. (~~2018~~ 2021), as amended from time to time. The foregoing notwithstanding, the time periods stated above and the phasing periods shall be tolled during the period of any appeal pursuant to the Nassau County Land Development ~~Regulations~~ Code, or during the pendency of any administrative or judicial proceedings relating to development permits.

General Condition 6. **Downzoning Protection.** The ~~Three Rivers~~ Tributary DRI as approved in this Development Order shall not be subject to downzoning or reduction of approved land uses before ~~February 17, 2032~~ March 4, 2034 unless the Developer consents to such change or Nassau County demonstrates that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the changes clearly established by Nassau County are essential to the public health, safety and welfare.

The deadlines set forth in General Conditions 2, 3 and 6 have been extended based upon the most recent statutory extensions notice sent to the County on September 3, 2021.

F. The Developer is proposing to delete the second paragraph of Special Condition 29. **Education** in its entirety and to replace it as follows:

Special Condition 29. **Education.** The Developer shall convey approximately twenty seven and one-half (27 ½) acres of developable land free of any environmental burdens located within hurricane evacuation zone C or higher for the purpose of constructing a school. In the event there are wetlands on the site, Developer shall mitigate and eliminate the wetlands at no cost to the School Board. Developer will provide a metes and bounds survey and title insurance to the School Board. Developer has also provided the School Board with an environmental site assessment prepared by Aerostar SES LLC concluding that there are no recognized, observed, or known environmental conditions, activities, or sites located in the vicinity of the subject property which would pose a hazard, risk or liability to the proposed site. All utilities shall be available at the boundary of the site. The final site location will be mutually agreed upon between the Developer and the School Board. The site will be located as generally shown on Map H, attached hereto as Exhibit 1. The site shall be donated within thirty (30) days of the School Board's request for donation. Excess dirt from development of the site shall be the property of Developer. The site shall be deemed to have a value of \$825,000.

~~The Developer agrees to pay the School Board the greater of either \$3,727 per each residential unit (single family home or multifamily unit) or the current Educational Facilities impact fee; which fee will be paid prior to the issuance of a building permit consistent with Section 7.01 of the Ordinance 2016-02, Nassau County, or any such successor Impact Fee system as may be adopted by Nassau County from time to time. This fee shall be paid for every residential unit constructed within the Three Rivers DRI, regardless of whether said unit is designated as age-restricted.~~

The Developer agrees to pay the School Board the then effective Educational Facilities Impact Fee, which fee will be paid as to a residential unit prior to the issuance of such building permit consistent with Section 7.01 of the Ordinance 2016-02, Nassau County, or any such successor Impact Fee system as may be adopted by Nassau County from time to time. Developer may construct up to 750 age-restricted residential units within the Three Rivers DRI, which will be exempt from Educational Facilities Impact Fees, provided that such units are subject to recorded covenants and restrictions that include language substantially similar to the language attached hereto as Exhibit 2. If Developer constructs more than 750 age-restricted residential units, Educational Facilities Impact Fees shall be due for each such additional age-restricted residential unit as if the unit were not age-restricted.

6. **List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?**
 - A. Resolution 2006-126, approved the Three Rivers DRI effective August 28, 2006 (Nassau County).
 - B. Resolution 2008-77 amends the land use exchange table by changing the minimum and maximum allowable land use, changes the developer of record to a successor corporation and amends the recreation and open space provisions.

- C. Resolution 2012-93A removes 2.30 acres from the DRI and amends the legal description.
 - D. October 9, 2012 letter from Doug McDowell to Michael Mullin granting both a two (2) extension and a four (4) year extension of all commencement, phasing, buildout and expiration dates for the DRI.
 - E. Resolution 2015-64 amends the Special Condition 24, the transportation proportionate share calculation and mitigation plan in accordance with Section 163.3180(5)(h), Fla. Stat.
 - F. November 8, 2016 letter acknowledged by Doug McDowell on November 8, 2016, extending the phasing, build-out, termination and downzoning protection dates.
 - G. April 14, 2017, letter acknowledged by Doug McDowell on August 18, 2017 extending the phasing, build-out, termination and downzoning protection dates.
 - H. Resolution 2018-122 amends the DRI to remove 56.17 acres from the DRI.
 - I. Resolution 2019-14 amends the DRI to modify the phasing, build-out, termination and downzoning protection dates, modifies Map H and modifies Speciation Condition 29, the education provisions.
 - J. September 13, 2019 letter acknowledged by Doug McDowell on January 9, 2020 extending the phasing, build-out, termination and downzoning protection dates.
 - K. November 9, 2020 letter sent to Thad Crowe extending the phasing, build-out, termination and downzoning protection dates.
 - L. Resolution 2021-172 amends the DRI to modify the phasing, build-out, termination and downzoning protection dates, changes the name of the DRI from the Three Rivers DRI to the Tributary DRI, modifies Map H, and modifies Special Condition 27 regarding fire protection.
 - M. September 3, 2021 letter sent to Thad Crowe extending the phasing, build-out, termination and downzoning protection dates.
7. **Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.**

No lands have been purchased or optioned within ¼ mile of the original DRI site subsequent to

the original approval or issuance of the DRI development order.

- 8. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.**

No. However, as set forth above certain extensions have been utilized/granted since the previous amendment to the DO so those revised dates are set forth above.

- 9. Will the proposed change require an amendment to the local government comprehensive plan?**

No. The proposed change does not require an amendment to the Nassau County Comprehensive Plan.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (4)¹, F.S., and 73-40.025, Florida Administrative Code:

- 10. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.**

No changes to Map H are being proposed.

- 11. Pursuant to Subsection 380.06, F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:**

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;**

Please see the enclosed proposed Development Order.

- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;**

¹ Section 380.06(15) was renumbered as 380.06(4) pursuant to CS/CS/HB 1151 adopted by the 2018 Florida Legislature.

There are no changes to the legal description.

- c. **A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;**

Please see the enclosed proposed Development Order which reflects the revised build-out date and phasing dates.

- d. **A proposed amended development order termination date that reasonably reflects the time required to complete the development;**

Please see the enclosed proposed Development Order which reflects the revised termination date required to complete the development.

- e. **A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and**

Please see the enclosed proposed Development Order which reflects the revised development order date until which the local government agrees that the changes to the DRI shall not be subject to downzoning, unit density reduction, or intensity reduction.

EXHIBIT "A"

PROPOSED DEVELOPMENT ORDER

RESOLUTION NO. 2022-____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA CONSTITUTING THE SEVENTH AMENDMENT TO THE TRIBUTARY DEVELOPMENT OF REGIONAL IMPACT (DRI) (F/K/A THE THREE RIVERS DRI); AMENDING RESOLUTION 2006-126, AS AMENDED BY RESOLUTION 2008-77; AS AMENDED BY RESOLUTION 2012-93A; AS AMENDED BY RESOLUTION 2015-64; AS AMENDED BY RESOLUTION 2018-122; AS AMENDED BY RESOLUTION 2019-14; AS AMENDED BY RESOLUTION 2021-172; CHANGING THE NAME OF THE DRI; MODIFYING THE PHASING SCHEDULE DATES, BUILD-OUT DATE, EXPIRATION DATE AND DOWNZONING PROTECTION DATE; MODIFYING SPECIAL CONDITION 29 REGARDING EDUCATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 28, 2006, Nassau County adopted Resolution No. 2006-126 constituting the development order (Development Order) for the Three Rivers Development of Regional Impact (DRI) (n/k/a The Tributary DRI); and

WHEREAS, on February 25, 2008, Nassau County adopted Resolution 2008-77, constituting the first amendment of Development Order for the Tributary DRI; and

WHEREAS, on June 25, 2012, Nassau County adopted Resolution 2012-93A, constituting the second amendment of Development Order for the Tributary DRI; and

WHEREAS, on April 27, 2015, Nassau County adopted Resolution 2015-64, constituting the third amendment of Development Order for the Tributary DRI; and

WHEREAS, on October 22, 2018, Nassau County adopted Resolution 2018-122, constituting the fourth amendment of Development Order for the Tributary DRI; and

WHEREAS, on February 11, 2019, Nassau County adopted Resolution 2019-14, constituting the fifth amendment of Development Order for the Tributary DRI; and

WHEREAS, on August 23, 2021, Nassau County adopted Resolution 2021-172, constituting the sixth amendment of Development Order for the Tributary DRI; and

WHEREAS, on December 20, 2021 the Developer of the Tributary, Three Rivers Developers, LLC, through Emily G. Pierce, Esq., filed a modification to the Development Order pursuant to Section 380.06, Florida Statutes, and

WHEREAS, the Board of County Commissioners has reviewed the said amendment, conducted a public hearing on _____, 2022 at which all parties were afforded the opportunity to present

evidence and testimony on this matter, and any member of the public requesting to do so was given an opportunity to present written or oral communications consistent with the adopted rules of procedure; and

WHEREAS, public notice of said hearing was provided in accordance with Section 380.06, Florida Statutes, and Chapter 125, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Nassau County, Florida, that the Three Rivers DRI is hereby amended, subject to the following terms and conditions, restated in full:

GENERAL CONDITIONS

1. The Three Rivers Development of Regional Impact development order is hereby amended by this Resolution to change the name to the Tributary Development of Regional Impact, General Conditions 2, 3 and 6 are being updated as set forth below, and Special Condition 29 is being deleted in its entirety and being replaced as set forth below. Unless specifically amended by this Resolution, all other terms and conditions of Resolution 2006-126, as amended by Resolutions 2008-77, 2012-93A, 2015-64, 2019-14 and 2021-172 and the attachments incorporated by reference thereto remain in full force and effect.
2. The Findings of Fact and Conclusions of Law stated in Resolution 2006-126, as amended, remain true and correct and are restated as if fully set forth herein.
3. The Nassau County Board of County Commissioners has reviewed the proposed changes to the Tributary Development of Regional Impact development order and has determined that the changes proposed to the Tributary DRI by this seventh amendment, as conditioned herein, are consistent with the Nassau County Comprehensive Plan and Land Development Code.
4. The name of the development is now the Tributary Development of Regional Impact (the "Tributary DRI").
5. The Land Use Totals table found in General Condition 2 is modified to reflect the new phasing schedule dates as follows:

Land Use Totals. The DRI may be developed with the following improvements:

Type	Phase I 2008-July 14, 2028	Phase II 2022-July 14, 2033	Total
Retail	200,000 s.f.	300,000 s.f.	500,000 s.f.
Industrial	50,000 s.f.	200,000 s.f.	250,000 s.f.
Dry Storage	300 slips	0 slips	300 slips
Office	0 s.f.	50,000 s.f.	50,000 s.f.
Residential	1,400 units	1,800 units	3,200 units

The remainder of General Condition 2 will remain unchanged.

6. General Conditions 3 and 6 are deleted in their entirety and replaced as follows to reflect revised build-out, expiration and downzoning protection dates as shown:

General Condition 3: Build-out and Expiration of DRI. The build-out date for all development is March 4, 2034. The DRI termination and DRI Development Order expiration dates are established as March 4, 2039. Any extension of the DRI build-out, termination or expiration dates shall be governed by the provisions of Section 380.06, F.S. (2021), as amended from time to time. The foregoing notwithstanding, the time periods stated above and the phasing periods shall be tolled during the period of any appeal pursuant to the Nassau County Land Development Code, or during the pendency of any administrative or judicial proceedings relating to development permits.

General Condition 6: Downzoning Protection. The Tributary DRI as approved in this Development Order shall not be subject to downzoning or reduction of approved land uses before March 4, 2034 unless the Developer consents to such change or Nassau County demonstrates that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the changes clearly established by Nassau County are essential to the public health, safety and welfare.

7. Paragraph 2 of Special Condition 29. **Education** is amended to read:

Special Condition 29: **Education**. The Developer shall convey approximately twenty seven and one-half (27 ½) acres of developable land free of any environmental burdens located within hurricane evacuation zone C or higher for the purpose of constructing a school. In the event there are wetlands on the site, Developer shall mitigate and eliminate the wetlands at no cost to the School Board. Developer will provide a metes and bounds survey and title insurance to the School Board. Developer has also provided the School Board with an environmental site assessment prepared by Aerostar SES LLC concluding that there are no recognized, observed, or known environmental conditions, activities, or sites located in the vicinity of the subject property which would pose a hazard, risk or liability to the proposed site. All utilities shall be available at the boundary of the site. The final site location will be mutually agreed upon between the Developer and the School Board. The site will be located as generally shown on Map H, attached hereto as Exhibit 1. The site shall be donated within thirty (30) days of the School Board's request for donation. Excess dirt from development of the site shall be the property of Developer. The site shall be deemed to have a value of \$825,000.

~~The Developer agrees to pay the School Board the greater of either \$3,727 per each residential unit (single family home or multifamily unit) or the current Educational Facilities impact fee; which fee will be paid prior to the issuance of a building permit consistent with Section 7.01 of the Ordinance 2016-02, Nassau County, or any such successor Impact Fee system as may be adopted by Nassau County from time to time. This fee shall be paid for every residential unit constructed within the Three Rivers DRI, regardless of whether said unit is designated as age restricted.~~

The Developer agrees to pay the School Board the then effective Educational Facilities Impact Fee, which fee will be paid as to a residential unit prior to the issuance of such building permit consistent with Section 7.01 of the Ordinance 2016-02, Nassau County, or any such successor Impact Fee system as may be adopted by Nassau County from time to time. Developer may construct up to 750 age-restricted residential units within the Three Rivers DRI, which will be exempt from Educational Facilities Impact Fees, provided that such units are subject to recorded

covenants and restrictions that include language substantially similar to the language attached hereto as Exhibit 2. If Developer constructs more than 750 age-restricted residential units, Educational Facilities Impact Fees shall be due for each such additional age-restricted residential unit as if the unit were not age-restricted.

8. Except as amended hereby, Resolution 2006-126, as amended, shall remain in full force and effect, binding in accordance with its terms on all parties thereto. This amended Development Order shall take precedence over any of the applicable provisions of previous development orders which are in conflict therewith.
9. Nassau County will render a copy of this Seventh Amendment to the Development Order to the Developer.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, THIS ____ DAY OF _____, 2022.

**BOARD OF COUNTY COMMISSIONERS OF NASSAU
COUNTY, FLORIDA**

**AARON C. BELL
CHAIRMAN**

**ATTEST AS TO CHAIRMAN'S
SIGNATURE:**

**JOHN A. CRAWFORD
EX-OFFICIO CLERK**

**Approved as to form by the
Nassau County Attorney:**

DENISE C. MAY

EXHIBIT 1

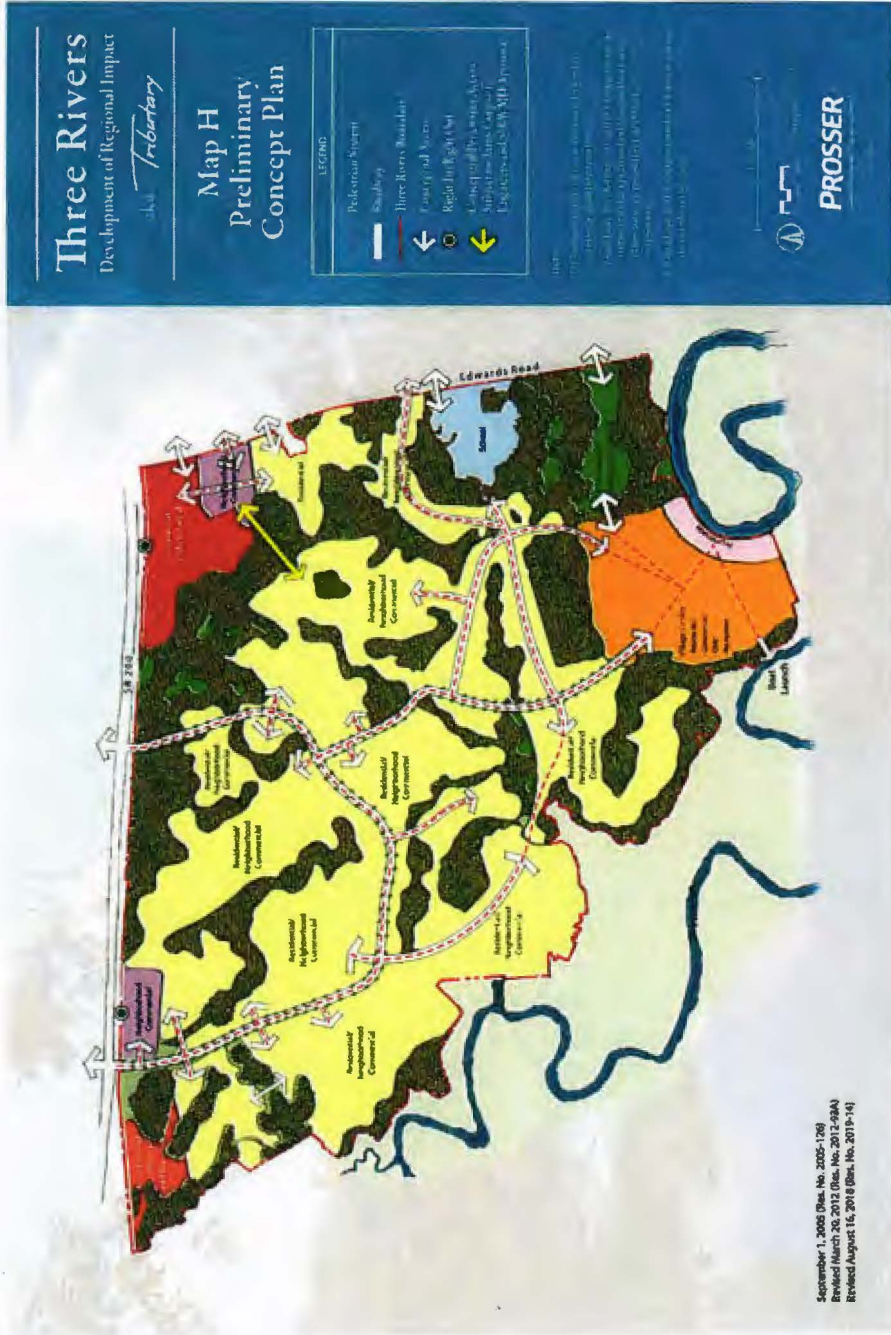


EXHIBIT 2

Language to be included in Covenants and Restrictions Recorded for Age-Restricted Communities Within the Development Known as the Tributary (f/k/a Three Rivers)

1. **Restrictions Affecting Occupancy and Alienation.** The Age-Restricted Property is hereby subjected to the following restrictions:
 - a. **Restrictions on Occupancy and Alienation.** Subject to the rights reserved to Declarant in Section ____, the lots to be developed within the Age-Restricted Property (each, a “**Lot**”) are intended for the housing of persons fifty-five (55) years of age or older. The provisions of this Section are intended to be consistent with and are set forth in order to comply with the Fair Housing Amendments Act, 42 U.S.C. §3601 et seq. (1988), as amended, the exemption set out in 42 U.S.C. §3607(b)(1) and (b)(2)(c) and the regulations promulgated thereunder (collectively, as may be amended, the “**Fair Housing Act**”) allowing discrimination based on familial status. Declarant, or the Association, acting through its Board of Directors (the “**Board**”), shall have the power to amend this Section without the consent of the Owners, or any other person or entity except Declarant, for the purpose of maintaining the age restriction consistent with the Fair Housing Act, the regulations adopted pursuant thereto and any related judicial decisions in order to maintain the intent and enforceability of this Section.
 - i. Each occupied home within the Age-Restricted Property (each, a “**Home**”) shall at all times be occupied by at least one person fifty-five (55) years of age or older (an “**Age-Qualified Occupant**”); however, in the event of the death of an Age-Qualified Occupant who was the sole occupant of a Home, any qualified occupant may continue to occupy the same Home as long as the provisions of the Fair Housing Act are not violated by such occupancy.
 - ii. No person under the age of nineteen (19) shall occupy a Home or legally declare, list or identify such Home as his or her permanent residence.
 - iii. Nothing in this Section shall restrict the ownership of or transfer of title to any Lot; provided, no Owner under the age of fifty-five (55) may occupy a Home unless the requirements of this Section are met nor shall any Owner permit occupancy of the Home in violation of this Section. Owners shall be responsible for including a statement that the Lots within the Age-Restricted Property are intended for the housing of persons fifty-five (55) years of age or older and that occupancy by any person under the age of nineteen (19) is prohibited, as set forth in this Section, in

conspicuous type in any lease agreement or other occupancy agreement or contract of sale relating to such Owner's Lot, which agreements or contracts shall be in writing and signed by the lessee or purchaser and for clearly disclosing such intent to any prospective lessee, purchaser, or other potential occupant of the Lot. Every lease agreement of a Lot or Home shall provide that failure to comply with the requirements and restrictions of this Section shall constitute a default under the lease agreement.

iv. Any Owner may request in writing that the Board make an exception to the requirements for an Age-Qualified Occupant of this Section with respect to a Home on his or her Lot, based on documented hardship. The Board may, but shall not be obligated to, grant exceptions in its sole discretion, provided that all of the requirements of the Fair Housing Act would still be met, and further provided that no exception to Section 1.a.ii. above shall be granted.

v. In the event of any change in occupancy of any Home, as a result of a transfer of title, a lease or sublease, a birth or death, change in marital status, vacancy, change in location of permanent Home, or otherwise, the Owner of the Home shall immediately notify the Board in writing and provide to the Board the names and ages of all current occupants of the Home and such other information as the Board may reasonably require to verify the age of each occupant required to comply with the Act. In the event that an Owner fails to notify the Board and provide all required information within ten (10) days after a change in occupancy occurs, the Association may levy monetary fines against the Owner and the Lot for each day after the change in occupancy occurs until the Association receives the required notice and information, regardless of whether the occupants continue to meet the requirements of this Section, in addition to all other remedies available to the Association under the Declaration and Florida law.

b. **Sales by Declarant.** Notwithstanding the restriction set forth in this Section, Declarant reserves the right to sell Lots and Homes for occupancy by persons between forty-five (45) and fifty-five (55) years of age; provided, such sales shall not affect the community's compliance with all applicable State and Federal laws under which the community may be developed and operated as an age-restricted community, including requirements that a minimum percentage of Homes be occupied by at least one Age-Qualified Occupant as required under the Act or any other such State and Federal laws.

c. **Monitoring Compliance; Appointment of Attorney-in-Fact.** The Association shall be responsible for maintaining records to support and demonstrate compliance with the Act, including initial registration with the Florida Commission on Human Relations and renewal every two (2) years thereafter. The Board shall adopt policies, procedures and rules to

monitor and maintain compliance with this Section and the Act, including policies regarding visitors, updating of age records, the granting of exemptions to compliance and enforcement. The Association shall periodically distribute such policies, procedures and rules to the Owners and make copies available to Owners, their lessees and mortgagees upon reasonable request.

- d. **Enforcement.** The Association may enforce this Section in any legal or equitable manner available, as the Board deems appropriate, to ensure compliance with applicable laws and case law regarding age-restriction as a method of exemption from payment of school concurrency or school impact fees, including, without limitation, conducting a census of the occupants of Homes, requiring that copies of birth certificates or other proof of age for one new Age-Qualified Occupant per Home be provided to the Board on a periodic basis, in its sole discretion, taking action to evict the occupants of any Home which does not comply with the requirements and restrictions of this Section. Association's records regarding individual Owners shall be maintained on a confidential basis and not provided except as legally required to governing authorities seeking to enforce the Act. Each Owner shall fully and truthfully respond to any Association request for information regarding the occupancy of Home on his or her Lot which, in the Board's judgment, is reasonably necessary to monitor compliance with this Section. Each Owner hereby appoints the Association as its attorney in fact for the purpose of taking legal or equitable action to dispossess evict or otherwise remove the occupants of any Home on his or her Lot as necessary to enforce compliance with this Section.
- e. **Owner Compliance and Indemnity.** Each Owner shall be responsible for ensuring compliance of its Lot with the requirements and restrictions of this Section and the Association rules adopted hereunder, by itself and by its lessees and other occupants of its Lot or Home. Each Owner, by acceptance of title to a Lot or Home agrees to indemnify, defend and hold Declarant, any affiliate of Declarant and the Association harmless from any and all claims, losses, damages and causes of action which may arise from failure of such Owner's Lot to so comply. Such defense costs shall include, but not be limited to, attorney fees and costs.
- f. **School Board as Third Party Beneficiary.** The Nassau County School Board, Florida (the "School Board") shall be a third party beneficiary of the terms, covenants and conditions of Section 1, including, without limitation, Section 1.a.ii hereinabove. The School Board shall have the right, but not the obligation, to enforce (or compel the Association to enforce) the terms, covenants and conditions of this Section 1, including, without limitation Section 1.a.ii hereof.
- g. **Effect of Conflicting Terms.** In the event of any conflict between the terms, covenants and provisions of Section 1 and the other terms, covenants or provisions of this Declaration,

as same may be amended or supplemented, and the terms, covenants and provisions of the governing documents, title documents or other agreements or covenants affecting the TRIBUTARY that may be hereinbefore or hereinafter entered into and/or recorded in the Public Records, the terms, covenants and provisions of this Section 1 shall control.

- h. **Covenant Running With the Land.** The Age-Restricted Property shall be held, transferred, conveyed and encumbered in compliance with the terms and conditions of this Declaration, which are covenants running with title to the Age-Restricted Property for a period of thirty (30) years from the date of this Declaration.

SECOND AMENDED MEMORANDUM OF UNDERSTANDING

A Second Amended Memorandum of Understanding between the District School Board of Nassau County, Florida (the "School Board") and Three Rivers Developers, LLC ("Three Rivers") agreeing to the terms and conditions to be set forth in the Development Order for Three Rivers, A Development of Regional Impact under Chapter 380, Florida Statutes.

WHEREAS, the Three Rivers Development of Regional Impact (DRI) is a mixed use development located near Yulce in Nassau County, Florida, approved pursuant to Nassau County Resolution 2006-126 (the "Original Development Order"), as amended by Resolution 2008-77, as amended by Resolution 2012-93A, as amended by Resolution 2015-64, as amended by Resolution 2018-122, and as amended by Resolution 2019-14 (the "Amended Development Order").

WHEREAS, Three Rivers is the successor developer of record ("Developer") for the Three Rivers DRI.

WHEREAS, the School Board has the duty to ensure that the Nassau County School District has the resources and school capacity to meet the anticipated student enrollment demand and other educational related demands that will arise from the Three Rivers DRI.

WHEREAS, the School Board and MA Investment Company, LLC, the original developer of the Three Rivers DRI, entered into that certain Memorandum of Understanding dated July 27, 2006, agreeing to terms and conditions to be implemented, agreed to, and set forth in the Original Development Order for the Three Rivers DRI.

WHEREAS, the School Board and Three Rivers Timber, LLC, entered into that certain Amended Memorandum of Understanding dated April 27, 2017, agreeing to amended terms and conditions to be implemented, agreed to, and set forth in the Amended Development Order.

WHEREAS, the School Board and Developer desire to amend the terms of the April 27, 2017 Amended Memorandum of Understanding due to changed conditions since the adoption of Amended Development Order.

NOW THEREFORE, be it mutually agreed between the School Board and the Developer that the terms of the April 27, 2017 Amended Memorandum of Understanding are deleted in their entirety and replaced with the following terms of this Second Amended Memorandum of Understanding:

The Developer shall convey approximately twenty seven and one-half (27 ½) acres of developable land free of any environmental burdens located within hurricane evacuation zone C or higher for the purpose of constructing a school. In the event there are wetlands on the site, Developer shall mitigate and eliminate the wetlands at no cost to the School Board. Developer will provide a metes and bounds survey and title insurance to the School Board. Developer has also provided the School Board with an environmental site assessment prepared by Aerostar SES LLC

concluding that there are no recognized, observed, or known environmental conditions, activities, or sites located in the vicinity of the subject property which would pose a hazard, risk or liability to the proposed site. All utilities shall be available at the boundary of the site. The final site location will be mutually agreed upon between the Developer and the School Board. The site will be located as generally shown on Map H, attached hereto as Exhibit 1. The site shall be donated within thirty (30) days of the School Board's request for donation. Excess dirt from development of the site shall be the property of Developer. The site shall be deemed to have a value of \$825,000.

The Developer agrees to pay the School Board the then effective Educational Facilities Impact Fee, which fee will be paid as to a residential unit prior to the issuance of such building permit consistent with Section 7.01 of the Ordinance 2016-02, Nassau County, or any such successor Impact Fee system as may be adopted by Nassau County from time to time. Developer may construct up to 750 age-restricted residential units within the Three Rivers DRI, which will be exempt from Educational Facilities Impact Fees, provided that such units are subject to recorded covenants and restrictions that include language substantially similar to the language attached hereto as Exhibit 2. If Developer constructs more than 750 age-restricted residential units, Educational Facilities Impact Fees shall be due for each such additional age-restricted residential unit as if the unit were not age-restricted.

The foregoing terms shall be incorporated into any subsequent amendment to the Amended Development Order and shall thereafter supersede the terms of the Amended Memorandum of Understanding.

NASSAU COUNTY SCHOOL BOARD

By: Donna Martin

Name: Donna Martin

Its: Chairman

THREE RIVERS DEVELOPERS, LLC

By: Michael C. Taylor

Name: Michael C. Taylor

Its: Vice President

Presented and approved this 24th day of June, 2020.

Exhibit "B"



Exhibit "2"

Language to be included in Covenants and Restrictions Recorded for Age-Restricted Communities Within the Development Known as the Tributary (f/k/a Three Rivers)

1. **Restrictions Affecting Occupancy and Alienation.** The Age-Restricted Property is hereby subjected to the following restrictions:
 - a. **Restrictions on Occupancy and Alienation.** Subject to the rights reserved to Declarant in Section ____, the lots to be developed within the Age-Restricted Property (each, a "Lot") are intended for the housing of persons fifty-five (55) years of age or older. The provisions of this Section are intended to be consistent with and are set forth in order to comply with the Fair Housing Amendments Act, 42 U.S.C. §3601 et seq. (1988), as amended, the exemption set out in 42 U.S.C. §3607(b)(1) and (b)(2)(c) and the regulations promulgated thereunder (collectively, as may be amended, the "Fair Housing Act") allowing discrimination based on familial status. Declarant, or the Association, acting through its Board of Directors (the "Board"), shall have the power to amend this Section without the consent of the Owners, or any other person or entity except Declarant, for the purpose of maintaining the age restriction consistent with the Fair Housing Act, the regulations adopted pursuant thereto and any related judicial decisions in order to maintain the intent and enforceability of this Section.
 - i. Each occupied home within the Age-Restricted Property (each, a "Home") shall at all times be occupied by at least one person fifty-five (55) years of age or older (an "Age-Qualified Occupant"); however, in the event of the death of an Age-Qualified Occupant who was the sole occupant of a Home, any qualified occupant may continue to occupy the same Home as long as the provisions of the Fair Housing Act are not violated by such occupancy.
 - ii. No person under the age of nineteen (19) shall occupy a Home or legally declare, list or identify such Home as his or her permanent residence.
 - iii. Nothing in this Section shall restrict the ownership of or transfer of title to any Lot; provided, no Owner under the age of fifty-five (55) may occupy a Home unless the requirements of this Section are met nor shall any Owner permit occupancy of the Home in violation of this Section. Owners shall be responsible for including a statement that the Lots within the Age-Restricted Property are intended for the housing of persons fifty-five (55) years of age or older and that occupancy by any person under the age of nineteen (19) is prohibited, as set forth in this Section, in conspicuous type in any lease agreement or other occupancy agreement or contract of sale relating to such Owner's Lot, which agreements or contracts shall be in writing and signed by the lessee or purchaser and for clearly disclosing such intent

to any prospective lessee, purchaser, or other potential occupant of the Lot. Every lease agreement of a Lot or Home shall provide that failure to comply with the requirements and restrictions of this Section shall constitute a default under the lease agreement.

- iv. Any Owner may request in writing that the Board make an exception to the requirements for an Age-Qualified Occupant of this Section with respect to a Home on his or her Lot, based on documented hardship. The Board may, but shall not be obligated to, grant exceptions in its sole discretion, provided that all of the requirements of the Fair Housing Act would still be met, and further provided that no exception to Section 1.a.ii. above shall be granted.
 - v. In the event of any change in occupancy of any Home, as a result of a transfer of title, a lease or sublease, a birth or death, change in marital status, vacancy, change in location of permanent Home, or otherwise, the Owner of the Home shall immediately notify the Board in writing and provide to the Board the names and ages of all current occupants of the Home and such other information as the Board may reasonably require to verify the age of each occupant required to comply with the Act. In the event that an Owner fails to notify the Board and provide all required information within ten (10) days after a change in occupancy occurs, the Association may levy monetary fines against the Owner and the Lot for each day after the change in occupancy occurs until the Association receives the required notice and information, regardless of whether the occupants continue to meet the requirements of this Section, in addition to all other remedies available to the Association under the Declaration and Florida law.
- b. **Sales by Declarant.** Notwithstanding the restriction set forth in this Section, Declarant reserves the right to sell Lots and Homes for occupancy by persons between forty-five (45) and fifty-five (55) years of age; provided, such sales shall not affect the community's compliance with all applicable State and Federal laws under which the community may be developed and operated as an age-restricted community, including requirements that a minimum percentage of Homes be occupied by at least one Age-Qualified Occupant as required under the Act or any other such State and Federal laws.
- c. **Monitoring Compliance; Appointment of Attorney-in-Fact.** The Association shall be responsible for maintaining records to support and demonstrate compliance with the Act, including initial registration with the Florida Commission on Human Relations and renewal every two (2) years thereafter. The Board shall adopt policies, procedures and rules to monitor and maintain compliance with this Section and the Act, including policies regarding visitors, updating of age records, the granting of exemptions to compliance and enforcement. The Association shall periodically distribute such policies, procedures and rules to the Owners and make copies available to Owners, their lessees and mortgagees upon reasonable request.

- d. **Enforcement.** The Association may enforce this Section in any legal or equitable manner available, as the Board deems appropriate, to ensure compliance with applicable laws and case law regarding age-restriction as a method of exemption from payment of school concurrency or school impact fees, including, without limitation, conducting a census of the occupants of Homes, requiring that copies of birth certificates or other proof of age for one new Age-Qualified Occupant per Home be provided to the Board on a periodic basis, in its sole discretion, taking action to evict the occupants of any Home which does not comply with the requirements and restrictions of this Section. Association's records regarding individual Owners shall be maintained on a confidential basis and not provided except as legally required to governing authorities seeking to enforce the Act. Each Owner shall fully and truthfully respond to any Association request for information regarding the occupancy of Home on his or her Lot which, in the Board's judgment, is reasonably necessary to monitor compliance with this Section. Each Owner hereby appoints the Association as its attorney in fact for the purpose of taking legal or equitable action to dispossess evict or otherwise remove the occupants of any Home on his or her Lot as necessary to enforce compliance with this Section.
- e. **Owner Compliance and Indemnity.** Each Owner shall be responsible for ensuring compliance of its Lot with the requirements and restrictions of this Section and the Association rules adopted hereunder, by itself and by its lessees and other occupants of its Lot or Home. Each Owner, by acceptance of title to a Lot or Home agrees to indemnify, defend and hold Declarant, any affiliate of Declarant and the Association harmless from any and all claims, losses, damages and causes of action which may arise from failure of such Owner's Lot to so comply. Such defense costs shall include, but not be limited to, attorney fees and costs.
- f. **School Board as Third Party Beneficiary.** The Nassau County School Board, Florida (the "School Board") shall be a third party beneficiary of the terms, covenants and conditions of Section 1, including, without limitation, Section 1.a.ii hereinabove. The School Board shall have the right, but not the obligation, to enforce (or compel the Association to enforce) the terms, covenants and conditions of this Section 1, including, without limitation Section 1.a.ii hereof.
- g. **Effect of Conflicting Terms.** In the event of any conflict between the terms, covenants and provisions of Section 1 and the other terms, covenants or provisions of this Declaration, as same may be amended or supplemented, and the terms, covenants and provisions of the governing documents, title documents or other agreements or covenants affecting the TRIBUTARY that may be hereinbefore or hereinafter entered into and/or recorded in the Public Records, the terms, covenants and provisions of this Section 1 shall control.
- h. **Covenant Running With the Land.** The Age-Restricted Property shall be held, transferred, conveyed and encumbered in compliance with the terms and conditions of this Declaration, which are covenants running with title to the Age-Restricted Property for a period of thirty (30) years from the date of this Declaration.

EXHIBIT B

CONCEPTUAL MASTER PLAN MAP H

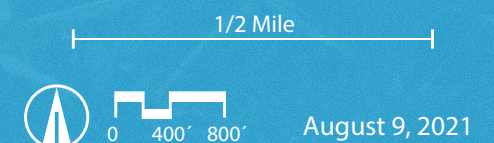
Tributary

Exhibit "B" Preliminary Development Plan

LEGEND	
	Pedestrian System
	Roadway
	Three Rivers Boundary
	Conceptual Access
	Right In/Right Out
	Conceptual Pedestrian Access Subject to Army Corps of Engineers and SJRWMD Approval

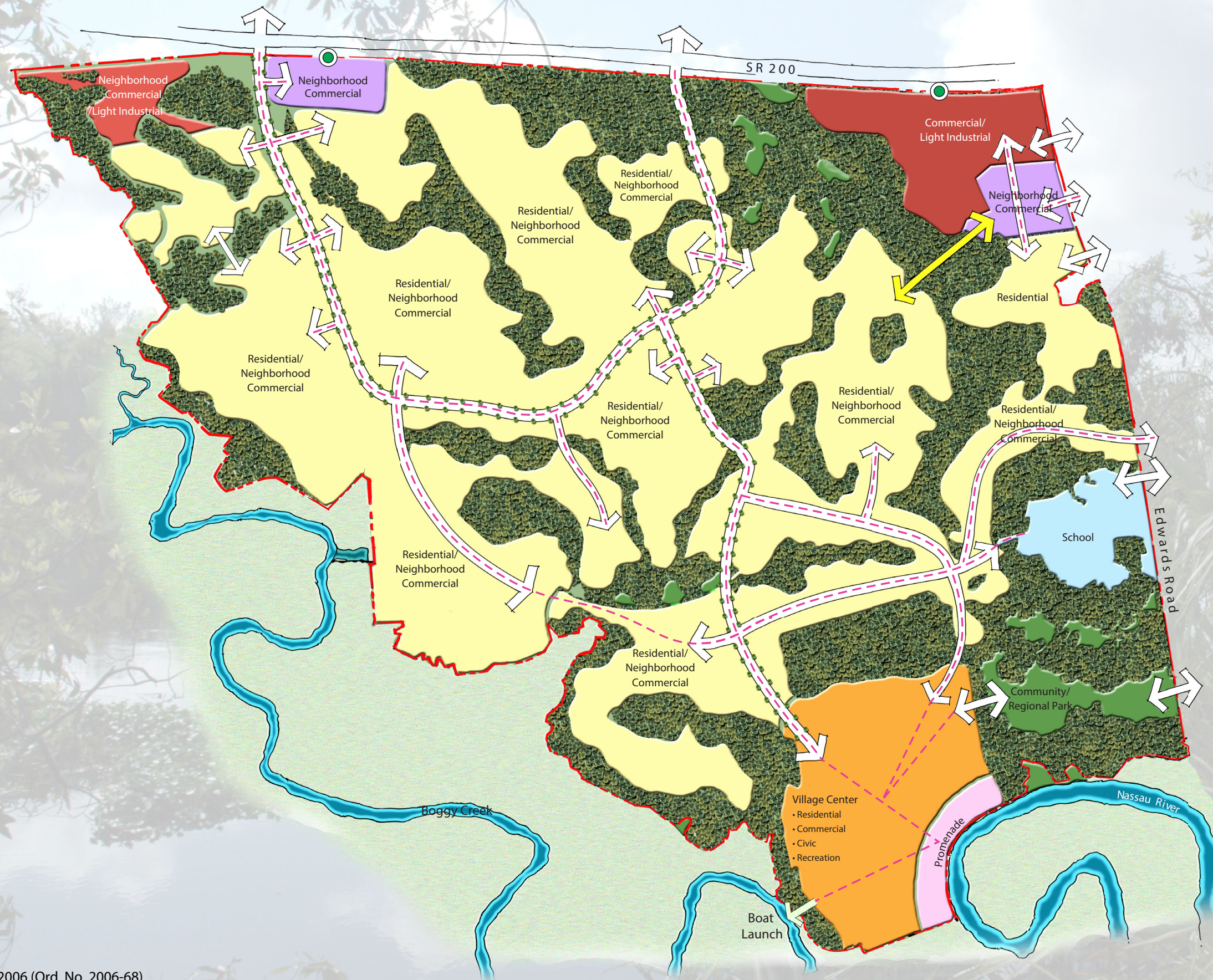
Notes:

- (1) Pedestrian connections from east to west of property shall be provided.
- (2) Roadway circulation and parcel configuration are subject to change based on final wetland and other surveys, permitting, and final site engineering.
- (3) Roadway and associated wetland impacts are not depicted on this map.



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120095.01



April 27, 2006 (Ord. No. 2006-68)
Revised August 16, 2018 (Ord. No. 2019-03)

EXHIBIT C

**SUMMARY COMPARISON
OF
DEVELOPMENT ACTIVITY**

EXHIBIT C

SUMMARY COMPARISON OF DEVELOPMENT ACTIVITY

The following table provides a summary comparison of the cumulative development previously constructed, development constructed during the reporting period, remaining development allowed, and development projected for the next reporting period:

SUMMARY OF DEVELOPMENT					
PRIMARY LAND USE	TOTAL ALLOWED	CUMULATIVE PREVIOUSLY CONSTRUCTED	DEVELOPMENT DURING REPORTING PERIOD 2018-2022	REMAINING ALLOWANCE	PROJECTED 2023-2024
Commercial/Retail	500,000 SF	0 SF	0 SF	500,000 SF	
Flex Industrial	250,000 SF	0 SF	0 SF	250,000 SF	
Watercraft Dry Storage	300 Slips	0 Slips	0 Slips	300 Slips	
Office	50,000 SF	0 SF	0 SF	50,000 SF	
Residential	3,200 Units	0 Units	552 units*	2,648 units	

**Based on the number of platted lots approved and recorded. Not a DRI land use category to track.*

EXHIBIT D

LAND SALES

EXHIBIT D

LAND SALES

The following undeveloped tracts of land were sold to a separate entity or developer during the 2018-2022 reporting period. These tracts of land are shown on the map on the following page.

PARCELS SOLD				
Parcel Sold To	Parcel Number	Date	Acres	Entitlements
School District Board of Nassau County	14-2N-26-0000-0001-0070	1/14/2022	27.56	School
Nassau County Board of County Commissioners	14-2N-26-0000-0001-0060	8/20/2019	58.15	Regional Park
Three Rivers Developers, LLC	11-2N-26-0000-0001-0110	6/17/2022	2.02	Residential

EXHIBIT D-1

MAP OF LAND SALES



Tributary

Land Sales

Source: ETM, Nassau County

- Tributary Boundary
- Parcels Sold



0 1,800 3,600
Feet

ETM
ENGLAND-THIMS & MILLER

14775 Old St. Augustine Road, Jacksonville, Florida 32258
904.642.8990 | www.etmgeo.com | www.etmnc.com

Date: 11/29/2023

EXHIBIT E

LAND PURCHASED OR OPTIONED

No land was purchased or optioned this reporting period.

EXHIBIT F

LISTING OF PERMITS

EXHIBIT F

LISTING OF PERMITS

Permits Issued Between September 2018 and September 2022

Agency	Permit Number	Description	Issue Date	Expiration Date
FDEP	0003013-242-DWC	Tributary Phase 1A – Unit 4	March 15, 2019	
FDEP	0003013-242-DWC	Tributary Phase 1A – Units 2 & 3	March 15, 2019	
FDEP	0083071-219-DSGP	Tributary 1A – Unit 4	March 8, 2019	
FDEP	0083071-219-DSGP	Tributary 1A – Units 2 & 3	March 8, 2019	
FDEP	0003013-242-DWC	Three Rivers Phase 1A	March 15, 2019	March 14, 2024
FDEP	0003013-267-DWC	Tributary Unit 6	December 29, 2020	December 28, 2025
FDEP	0083071-219-DSGP	Three Rivers Phase 1A	March 8, 2019	March 7, 2024
FDEP	0083071-240-DSGP	Tributary Unit 6	January 28, 2021	January 27, 2026
SJRWMD	105897-5	Three Rivers Phase 1A	November 27, 2018	
Army Corp	SAJ-2006-07885		April 17, 2018	
SJRWMD	105897-17	Tributary Phase 1B Unit 8	September 17, 2021	January 5, 2027
SJRWMD	105897-16	Tributary Edwards Rd Parcel – Mass Grading & Rough Pond Excavation	September 17, 2021	January 14, 2027
SJRWMD	105897-19	Tributary Phase 1B Units 10 & 15	March 8, 2022	June 8, 2027
SJRWMD	105897-20	LMC Emblem at Tributary (minor modification of 105897-16)	May 20, 2022	September 12, 2027
SJRWMD	105897-21	Tributary Unit 17	August 12, 2022	January 13, 2028
SJRWMD	105897-22	Tributary Unit 16	September 12, 2022	June 15, 2028

EXHIBIT G

**DRI DEVELOPMENT ORDER
CONDITIONS WITH RESPONSES**

Exhibit G

STATUS OF DEVELOPMENT ORDER CONDITIONS

General Condition	Description	Deadline	Status
1	Application for Development Approval Compliance	Ongoing until build-out	The project will comply as required.
2	Land Use Totals	Dec. 31, 2021	The project will comply as required.
2a	Land Use Exchange	Ongoing until build-out	Not used to date.
13	Vegetation and Wildlife – must maintain a 25 foot undisturbed upland buffer around the jurisdictional wetlands during agricultural and silvicultural activities	Project design phase	Ongoing and in compliance to date.
14	Wetlands – In connection with stormwater permits must ensure maintenance of hydroperiods within conserved wetlands. Prior to clearing, earth movement, construction or other development within 500 feet of any FDEP or SJRWMD jurisdictional wetlands, those wetlands shall be surveyed and boundaries approved by the SJRWMD. All wetland and upland preservation areas shall be protected by conservation easements.	Project design phase	The project wetlands have been surveyed and their boundaries reviewed by the SJRWMD. A Formal Wetland Determination was obtained from the SJRWMD. See the project permits under Exhibit F.
15	Upland buffers – an average 25 foot buffer (min. 15 foot) will be provided adjacent to contiguous wetlands. An average 25 foot building setback to the upland buffer will be provided.	Project design phase	Ongoing, the project is in compliance to date.
16	Conservation Easements	Record conservation easements upon recordation of the plat	The project is complying as plats are recorded.
17	Stormwater Pollution Prevention – install and inspect silt fencing as required; copy SPPP to Nassau County, FDEP.	Prior to commencement of any construction	The condition has been met
18	Surface Water Quality Monitoring Plan – Developer to secure FDEP approval of a Surface Water Quality Monitoring Plan – must provide for collection of background data for 6 months (min.) prior to construction	Prior to commencement of any construction	The condition has been met
19	Floodplain – Must establish the 100 year floodplain elevation for development where no base flood elevation is already established. SJRWMD shall review plans for fill in 100 year floodplain to ensure no measurable increase in flood stage offsite.	Prior to building permits for residential, commercial or public buildings	The project is complying as each parcel is designed and permitted.

General Condition	Description	Deadline	Status
20a	Development shall occur concurrent with adequate central potable water supply.	Project design phase	The project is in compliance.
20b	Stormwater shall be the primary source of irrigation for commercial, industrial, recreational and community service parcel landscaped areas. Shallow wells shall serve as backup source.	Project design phase	Project is in compliance and will continue to be complied with as development continues.
20c	Incorporate into construction, operation and maintenance plans water conservation strategies.	Include in covenant and deed restrictions	Project is in compliance and will continue to be complied with as development continues.
20d	Display information on xeriscaping and/or native vegetation and/or drought tolerant vegetation, water conservation guides	Display in sales offices	Project is in compliance and will continue to be complied with as development continues.
20e	The Developer shall implement a customer and employee water conservation education program. The curriculum of the education program shall be supplied. This condition may be satisfied by the water utility provider with approval of the St. Johns River Water Management District.	Supply with the first DRI Monitoring Report and each subsequent report until build-out	Project is in compliance and will continue to be complied with as development continues.
20f	Developer shall evaluate irrigated turf acreage and establish limits in association with the consumptive use and/or Environmental Resources Permit.	On or before the first DRI Monitoring Report	At this time, no Consumptive Use Permit has been filed; therefore, the irrigated turf acreages and limits have not yet been established.
20g	Reanalyze the availability of reclaimed water for use in irrigation.	Prior to the initiation of Phase 2	Project will comply when required.
20h	Developer will provide an overview of a comprehensive water conservation plan.	At time of site plan approval	Project will comply as required.
21a	Development shall proceed concurrent with the provision of adequate central sewer service.	Project design phase	Project is in compliance and will continue to be complied with as development continues.
21b	Septic systems may be used in connection with remote recreational amenities. A temporary septic or holding tank system may be utilized for construction and marketing trailers.	Septic system shall be removed when a central sewer system is installed to within 200 of a temporary septic system.	Project is in compliance and will continue to be complied with as development continues.
22	Stormwater Management –The project shall meet the adopted drainage level of service standard in the comprehensive plan. Roadway designs adjacent to conserved wetland areas will provide for the capture and diversion of design capacity stormwater runoff from the roadway surface to the stormwater treatment system for treatment.	Project design phase	Project is in compliance and will continue to be complied with as development continues.

General Condition	Description	Deadline	Status
23	Solid Waste – Consult with the County Administrator to reassess landfill capacity	Prior to issuance of permits for any vertical construction in Phase 2	The convenience recycling center in Callahan accepts solid waste and is hauled to the Camden Co. (GA) Landfill Solid Waste Disposal Facility. An agreement with Waste Mgmt. for Chesser Island Road landfill in Charlton Co., GA as a secondary disposal site.
24	Transportation		
24a	In addition, the Developer shall be responsible for the cost of an Interchange Operational Analysis Report (IOAR), not to exceed \$50,000...The money for the study must be contributed to FDOT, or the Developer must retain at its expense and with approval of FDOT a consultant to perform this study.	60 days from the date of the Development Order approval	Consistent with this condition, the cost of the IOAR was contributed to the FDOT in full in December 2008.
24c	In Phase 2 the Developer will contribute up to \$2,003,000 (in 2006 dollars) in proportionate share to FDOT or Nassau County as set forth below: (1) Developer shall be responsible for its proportionate share of improvements on significantly and adversely impacted corridors. (2) If no mobility programs are programmed during Phase 2, then the Developer will contribute the proportionate share to Nassau County for regionally significant roadway improvements.	Prior to issuance of any permits for vertical construction in Phase 2	The development hasn't reached the phase 2 threshold yet. At the time it does, it will fulfill the DRI mitigation requirements.
24d	Developer will be responsible for any major improvements at its entrances with State Road 200.	Project design phase	Project will comply when required.
24e	In the event public transit services is provided to Three Rivers, transit passenger shelters and transit bays shall be provided	Project design phase	Project will comply as/when required.
24f	Developer shall provide a comprehensive system of bicycle paths and pedestrian walkways. All residential development shall be connected to employment and shopping areas via this path system.	Project design phase	An 8' multi-purpose path will be provided throughout the project according to the approved Final Development Plans.
24g	Offsite intersection and SR200/AIA analyses/studies/mitigation	In order to obtain FDOT access permits	Project will comply when required.
25	Air Quality – shall undertake fugitive dust control measures	During all construction activities throughout build-out	Project will comply when required.

General Condition	Description	Deadline	Status
26	Affordable Housing – ancillary dwelling units will be allowed with single family units in the Village Center.	Monitor and report with the biennial report the number of ancillary units developed	No development has occurred within the project, therefore no ancillary units have been developed at this time.
	Provide at a minimum 100 residential units scattered throughout the project that are affordable to moderate income households	50 units before the end of Phase 1	50 units have been set aside in Phase 1A Unit 6 as affordable houses. Not constructed to date
27a	Fire Protection – Design a three bay fire station on fire station site in the Timbercreek Subdivision	January 24, 2023	The Developer has coordinated the design of a three-bay fire station with the Nassau County Development Services and with the Fire Department. A Fire Station agreement has been executed and plans reviewed by the County.
	Commence construction on fire station	Prior to issuance of 100 th residential building permit	Construction is expected to commence 1/25/24.
	Provide a 75' quint fire truck and a rescue unit ambulance for the station	Prior to opening of station for operations	The truck has been ordered and payment has been made for the fire truck.
27b	Developer shall require all builders to distribute to each prospective purchaser home sprinkler system literature	Project design phase	Project is in compliance.
27c	All structures greater than 2 stories in height shall have automatic sprinkler systems – may construct up to a maximum of 6 stories in height	Project design phase	The development will comply/has complied as required.
28	Recreation and Open Space – provide 300 acres of overall Open Space	Project design phase	Project is in compliance.
28a	One Community Park with 27 acres usable uplands (min)	Project design phase	Project is in compliance.
28b	Neighborhood parks shall be private and accessible to residents	No deadline requirement	Neighborhood parks will be provided throughout each phase of development.
28c	Boat launch ramp will be open to the public	No deadline requirement	Project will comply as required.
29	Education – Reserve 20 acres of developable land free of any environmental burdens out of the hurricane evacuation zone for purpose of constructing a school	Donate site within 30 days of School Boards request but not before residential vertical construction	Project is in compliance.

General Condition	Description	Deadline	Status
	Pay education impact fee	If less than 650 age restricted units are constructed in Phase 1 and less than 100 in Phase 2	A total of 150 age restructured units have been constructed in Phase 1 to date; phase 2 has not commenced. Payment of education impact fees will be made as required by the Development Order.
30	Civic Space – Developer shall offer in writing lease of space for civic uses	No deadline requirement	Space will be included in the development of the Village Center.