

This instrument prepared by and return to:

Sara Bernard, Esq.
Broad and Cassel
390 North Orange Avenue
Suite 1400
Orlando, Florida 32801

**FIFTH AMENDMENT TO THE FOURTH AMENDED AND RESTATED
DEVELOPMENT ORDER FOR
LAKE NONA DEVELOPMENT OF REGIONAL IMPACT**

THIS FIFTH AMENDMENT TO THE FOURTH AMENDED AND RESTATED DEVELOPMENT ORDER FOR LAKE NONA DEVELOPMENT OF REGIONAL IMPACT (the “**Amendment**”) is made this ____ day of _____, 2016 by the **City of Orlando, Florida**, a municipal corporation organized and existing under the laws of the State of Florida (the “**City**”).

WITNESSETH

WHEREAS, the City adopted the Fourth Amended and Restated Development Order for the Lake Nona Development of Regional Impact on August 6, 2007 as recorded on December 4, 2007 in Official Records Book 9522, Page 525, that certain First Amendment on March 17, 2008 as recorded on March 26, 2008, in Official Records Book 9640, Page 1888 and that certain Second Amendment on June 4, 2012 as recorded on July 10, 2012, in Official Records Book 10406, Page 4222, that certain Third Amendment on October 21, 2013 as recorded on November 27, 2013, in Official Records Book 10670 Page 3145, that certain Fourth Amendment on June 15, 2015 as recorded on September 3, 2015, in Official Records Book 10978 Page 6938, all in the Public Records of Orange County, Florida (collectively the “**Development Order**”); and

WHEREAS, Lake Nona Property Holdings, LLC, a Florida limited liability company (the “**Developer**”) is the master developer of certain real property located in Orange County known as the Lake Nona Development of Regional Impact (the “**Lake Nona DRI**”), more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference; and

WHEREAS, Developer has the authority to file an application for an amendment to the Development Order in accordance with Section 380.06(19), Florida Statutes; and

WHEREAS, Developer desires to amend the Development Order to:

a) Update Exhibit “C” - Map H to reflect Master Plan 8.5, in order to revise certain internal parcel boundary lines, alter certain land use designations, and refine the alignment of certain internal roadways; and

- b) Update Exhibit “E” to reflect the base map from the revised Master Plan; and
- c) Update Exhibit “F” to reflect the base map from the revised Master Plan; and
- d) Update the Land Use Summary to ensure consistency with the Master Plan 8.5.

WHEREAS, the City has determined that the proposed change to the Development Order falls within the guidelines of Section 380.06(19), Florida Statutes, to be a nonsubstantial deviation,

NOW THEREFORE, the Development Order for the Lake Nona DRI is hereby amended as follows:

SECTION ONE: Recitals. The above recitals are true and correct and incorporated herein by this reference.

SECTION TWO: Master Plan. Exhibit “C” of the Development Order is hereby amended to delete, remove and supersede Master Plan 8.4 and replace the same with Master Plan 8.5, attached hereto and incorporated herein as Exhibit “C.” All references to Master Plan 8.4 in the Development Order are hereby deemed to mean Master Plan 8.5.

SECTION THREE: Roadway Links. Exhibit “E” of the Development Order is hereby amended to delete, remove and supersede “Roadway Links” and replace the same with “Roadway Links”, attached hereto and incorporated herein as Exhibit “E.” All references to “Roadway Links” in the Development Order are hereby deemed to mean as revised to incorporate the base map of Master Plan 8.5.

SECTION FOUR: Limits of Residential Development. Exhibit “F” of the Development Order is hereby amended to delete, remove and supersede “Limits of Residential Development” and replace the same with “Limits of Residential Development”, attached hereto and incorporated herein as Exhibit “F.” All references to “Limits of Residential Development” in the Development Order are hereby deemed to mean as revised to incorporate the base map of Master Plan 8.5.

SECTION FIVE: Land Use Summary. The Land Use Summary set forth in Section 3.15(B) of the Development Order is hereby amended as follows (underlined text are additions and strikethrough text are deletions):

Land Use Summary:

Residential	9,000 Units
Retail	1,187,500 GSF
Hotel/Resort Villas	2,250 Units
Office	935,000 GSF
Airport Support	4,210,277 GSF
Development Program Acreage:	
Residential Neighborhood	2,124.3 <u>1971.1</u> acres
Residential Center	8.8 acres

Neighborhood Center	67.1 acres
Village Center	405.8 acres
Village Center / Urban Transit	159.3 acres
Airport Support District – <u>High Intensity</u>	4006.0 <u>980.0</u> acres
<u>Airport Support District – Medium Intensity</u>	<u>185.6</u> acres
Schools/Civic	477.0 <u>170.6</u> acres
Road ROW	575.8 acres
Easements	9.2 acres
Open Space	*
Lakes/Stormwater Management Areas	1,023.2 acres
Primary Conservation Network	1,225.2 acres
Conservation	187.0 acres
*	A minimum of 287.6 acres of open space will be provided throughout the Project, exclusive of the wildlife corridor addressed in Condition 5.7. The open space acreage is included in and not separated from the acreages shown for various land uses and will be provided in the form of parks, golf courses, perimeter buffers and landscaped areas. The open space acreage within the Lake Nona DRI/PD has not been given special protection status under Subsections 380.06(19)16 or 380.06(19)(e)5.b, Florida Statutes.

SECTION SIX: Conflict. In the event of any inconsistency or conflict between the terms and conditions of this Amendment and the terms and provisions of the Development Order, the terms and provisions of this Amendment shall control.

SECTION SEVEN: Entire Amendment. Except as expressly amended hereby, the Development Order shall continue in full force and effect in accordance with its terms.

SECTION EIGHT: Effective Date. This Amendment to the Development Order shall take effect upon transmittal by first class U.S. Mail to the East Central Florida Regional Planning Council and the Florida Department of Economic Opportunity, Division of Community Development.

SO ORDERED THIS _____ DAY OF _____, 2016.

[Remainder of Page Intentionally Left Blank]

[Signature Page for Fifth Amendment to Fourth Amended and Restated DRI Development Order for Lake Nona]

Mayor/Pro Tem _____

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Orlando, Florida, only.
_____, 2016.

Assistant City Attorney

LAKE NONA PROPERTY HOLDINGS, LLC CONSENT AND ACKNOWLEDGMENT

Lake Nona Property Holdings, LLC, as the Developer of the Property, by execution of this Third Amendment to the Fourth Amended and Restated Development Order for Lake Nona Development of Regional Impact, acknowledges that this Development Order is binding upon the Property, and that the conditions of approval contained herein apply to and control all further development of the Property, and further that the conditions of approval run with the land and are therefore applicable to and shall be complied with by any subsequent purchaser, owner, or assignee of any portion of the Property.

Witnesses:

(Print Name)

(Print Name)

LAKE NONA PROPERTY
HOLDINGS, LLC,
a Florida limited liability company

By: _____
James L. Zboril
Its: President

STATE OF FLORIDA)
COUNTY OF ORANGE)

SWORN to and subscribed freely and voluntarily for the purposes therein expressed before me by James L. Zboril, as President of Lake Nona Property Holdings, LLC, a Florida limited liability company, known to me to be the person described in and who executed the foregoing, this _____ day of _____ 2016.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2016.

Printed Notary Name: _____
Notary Public – State of Florida
My Commission No.: _____
Commission Expires: _____

EXHIBIT A
LAKE NONA DRI LEGAL DESCRIPTION

EXHIBIT C
MAP H – MASTER PLAN 8.5

EXHIBIT E
Roadway Links

EXHIBIT F

Limits of Residential Development