

## CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

October 17, 1989



Tampa Bay Regional Planning Council 9455 Koger Blvd. St. Petersburg, Florida 33702

Tampa Bay Regional Planning Council

maried 12/12/89

received 10/19/89

Re: File No. DZ81-63A

Petitioner: Harbour Island, Inc. and Harbour Crow Island, Ltd. for Harbour Island

Ordinance No.: 89-260

Dear Sirs:

enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Mihalik, Manager, Land Development Coordination, at 223-8405.

Sincerely,

trances Henriquezbsm (Mrs.) Frances Henriquez

City Clerk

FH/ssm

Enclosures

CERTIFIED MAIL

cc: Susan Mihalik, Land Development Coordination

315 E. Kennedy Blvd. City Hall ● Tampa, Florida 33602 ● 813/223-8396

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## ORDINANCE NO 89-260

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING A SECOND AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY HARBOUR ISLAND, INC. AND HARBOUR CROW ISLAND, LTD. FOR HARBOUR ISLAND, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT, AND SUBSEQUENT AMENDMENT THERETO; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7887-A passed and ordained by the City Council of the City of Tampa, Florida, on February 18, 1982, approved a Development Order for Harbour Island (formerly known as Seddon Island) (the "Development"), a Development of Regional Impact (the "Development Order"); and

WHEREAS, Ordinance No. 9464-A passed and ordained by the City Council of the City of Tampa, Florida, on December 18, 1986, approved an Amendment to the Development Order ("First Amendment"), which was not a substantial deviation to the Development Order; and

WHEREAS, Harbour Island, Inc. and Harbour Crow Island, Ltd. (the "Developer") have filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact (the "Notification"), attached hereto as Exhibit A; an Analysis of Development Factors (the "Analysis") attached hereto is Exhibit B; and a Land Use Trade-Off Mechanism attached hereto as Exhibit C; (Exhibits A, B and C shall be collectively referred to as the "Proposed Change") and

WHEREAS, the Proposed Change proposes to amend the Application for Development Approval (the "ADA") as approved in the Development Order to add an aquarium as an approved land use, to modify the Conceptual Development Plan, as approved in the First Amendment, to allow for the addition of an aquarium and to amend the Development Order by the addition of a Land Use Trade Office Mechanism in order to maintain a net zero increase in approved Harbour Island DRI traffic impacts; and

WHEREAS, the addition of an aquarium as an approved land use, the modification of the Conceptual Development Plan, as approved in the First Amendment, and the addition of the Land Use Trade Off Mechanism shall constitute the Second Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the above-referenced documents, as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes is authorized and empowered to consider the Proposed Change and to amend the Development Order; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Section 43A-302, City of Tampa Code have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the proposed Second Amendment before the City Council; and

WHEREAS, the City Council has held a duly noticed public hearing on the proposed Second Amendment to the Development Order, and has reviewed and considered the above-referenced documents, as well as all testimony and evidence submitted by certain parties and members of the general public; and

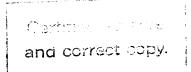
Certified as tirue and correct copy.

WHEREAS, Section 380.06, Florida Statutes, requires that a Development Order be amended to reflect the City Council's approval of changes to the approved Development Order;

## NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

- Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent evidence to support the following findings of fact:
- A. That the Developer submitted to the City the Proposed Change attached hereto as Exhibit A, Exhibit B and Exhibit C, collectively.
- B. That the Developer proposes to amend the ADA approved in the Development Order to add an aquarium as an approved land use and to revise the Conceptual Development Plan, as approved in the First Amendment, to allow for the addition of an aquarium and to amend the Development Order by the addition of a Land Use Trade Off Mechanism in order to maintain a net zero increase in approved Harbour Island DRI traffic impacts.
- C. That the Proposed Change is consistent with all local land use Development regulations and the local comprehensive plan.
- D. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- E. That the Proposed Change is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.
- F. That a comprehensive review of the impacts generated by the change described in the Notification has been conducted by the City and the Tampa Bay Regional Planning Council.
- G. That The Proposed Change does not create additional regional impacts or impacts that were not previously reviewed nor meet or exceed any of the criteria set forth in Section §380.06(19)(b), Florida Statutes (1987).
- Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:
- A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.
- B. The review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes within the terms and conditions of this Ordinance.
- C. That based on the foregoing and pursuant to Section 380.06 (19), Florida Statutes (1987), the Proposed Change, specifically the addition of an aquarium as an approved land use, the modification of the Conceptual Development Plan, as approved



in the First Amendment, to allow for the addition of an aquarium, and the amendment to the Development Order adding the Land Use Trade Off Mechanism in order to maintain a net zero increase in approved Harbour Island DRI traffic impacts, are found not to be substantial deviations to the previously approved Development Order and the First Amendment thereto.

<u>Section 3</u>. <u>Order</u>. That, having made the above findings of fact, and conclusions of law, it is ordered:

- A. That the Proposed Change, specifically, the amendment to the ADA approved in the Development Order to add an aquarium as an approved land use, is hereby approved and Section 1 of the Development Order is hereby amended to incorporate said Proposed Change, subject to the following conditions, limitations and restrictions:
  - 1. Developer shall comply with the City of Tampa Code, as amended, regulating storm water management.
  - (a) Developer shall install a temporary construction water meter of a size sufficient to satisfy the aquarium's initial water demands.
    - (b) At the time the application for commercial site plan approval for the aquarium is submitted and during build-out of the Development, the City of Tampa Water Department shall review potable water demands to ensure such demands shall not exceed the total daily water requirements referenced in Section 4, Paragraph T of the Development Order.
  - 3. At the time the application for commercial site plan approval for the aquarium is submitted and during build-out of the Development, the City of Tampa Department of Sanitary Sewers shall review average daily flows of waste water to ensure such flows shall not exceed the average daily flows referenced in Section 4, Paragraph U of the Development Order.
  - 4. Any hazardous waste and materials generated by the aquarium shall be stored or disposed of in accordance with all applicable statutes and regulations regarding hazardous waste and materials.
  - 5. Any solid waste generated by the aquarium shall be disposed of in accordance with all applicable statutes and regulations regarding solid waste.
- B. That the Proposed Change, specifically, the modification of the Conceptual Development Plan to allow for the addition of an aquarium as set forth in the Conceptual Site Development Plan contained in Exhibit B, is hereby approved and Section 1 of the Development Order is hereby amended to incorporate the Conceptual Site Development Plan contained in Exhibit B, subject to a reduction in the approved land uses in accordance with the method described in Exhibit C.
- C. That the Proposed Change, specifically, the addition of the Land Use Trade Off Mechanism as set forth in Exhibit C is hereby approved and the Development Order is hereby amended by the addition of a new Section 4, Paragraph G incorporating therein the Land Use Trade Off Mechanism contained in Exhibit C hereto, subject to the following conditions, limitations and restrictions:

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- At the time of selection of a land use trade-off, the Developer shall notify the Department of Community Affairs of said selection and shall also provide the Department of Community Affairs with cumulative land use totals and remaining allowable quantities.
- 2. The initially approved Base Land Use Quantities reported in table 3 of Exhibit C shall not be exceeded through the use of the Land Use Trade-Off Mechanism.
- Section 4. Expiration of Development Order. The Development Order, as amended, shall remain in effect through November 30, 1995. Any development activity wherein plans have been submitted to the City for review and approval prior to the expiration date of the Order, may be completed, if approved.
- Section 5. Annual Report. The Developer shall comply with the annual reporting requirements set forth in Section 4, Paragraph B of the Development Order and shall include evidence of compliance with the terms and conditions of this Second Amendment to the Development Order.
- Section 6. Development Order, As Amended. This Ordinance shall constitute the Second Amendment to Ordinance No. 7887-A and Ordinance No. 9464-A which shall constitute, collectively, the Development Order as passed and ordained by the City Council. All provisions of the Development Order and First Amendment, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.
- Section 7. <u>Definitions</u>. The definitions contained in Florida Statutes, Chapter 380 shall control the interpretation and construction of any terms of this Ordinance.
- Section 8. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.
- Section 9. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.
- Section 10. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.
- Section 11. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its effective date to the Developer, the Florida Department of Community Affairs (Bureau of Land and Water Management), and the Tampa Bay Regional Planning Council.
- Section 12. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance to the recipients specified in Florida Statutes, Chapter 380.
- Section 13. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Florida Statutes, Chapter 380.

Contified as true

Section 14. Effective Date. That this Ordinance shall take effect immediately upon being rendered in accordance with law.

PASSED AND ORDINED BY GOTE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON CHAIRMAN, CITY COUNCIL OCT 16 1989

APPROVED by me

ATTEST:

MAYOR

APPROVED as to form by:

APPROVED as to form by:

ASSISTANT CITY ATTORNEY

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Jounty of Fillsborough)

This is so certify that the foregoing is a crus and correct copy of Manager 10 and file in my office.

Witness my hand and official seal this 17 day of 19 OFRANCES HENRIQUEZ, CITY CLERK

Ey:

CITY LEAR

## ordinance no. 9464-A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING AN AMENDMENT TO THE DEVELOPMENT ORDER FOR HARBOUR ISLAND, CITY OF TAMPA ORDINANCE NO. 7887-A, PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON A REQUEST FOR MODIFICATION OF THE HARBOUR ISLAND DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER AND AN APPROVAL OF THE PHASE TWO TRANSPORTATION ANALYSIS FILED BY HARBOUR ISLAND, INC.

WHEREAS, on July 10, 1981, American Centennial Insurance Company (former owner of Harbour Island), filed an Application for Development Approval ("ADA") of a Development of Regional Impact with the City of Tampa pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on February 19, 1982, the City of Tampa adopted, by Ordinance 7887-A, a Development Order (hereinafter referred to as the "Order") for Harbour Island (previously named "Seddon Island"), a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, on November 19, 1985, Harbour Island, Inc., owner, authorized agent and developer of Harbour Island ("Developer") filed a document entitled "Request for Modification of the Harbour Island Development of Regional Impact Development Order and Phase Two Transportation Analysis with the City of Tampa (the "City"), the Florida Department of Community Affairs ("DCA") and TBRPC pursuant to the provisions of Section 380.06, Florida Statutes (1985), as amended ("Chapter 380"), and Section 43-96.2, Tampa City Code; (which Request, together with the Response to Agency Requests, dated April, 1986, and response to Tampa Bay Regional Planning Council ("TBRPC") request for additional information dated September 18, 1986, shall constitute the entire application for amendment of the order and phase two transportation analysis, and shall be hereafter referred to as the "Proposed Amendment and Phase Two Transportation Analysis" and attached hereto as Composite Exhibit "B"); and

WHEREAS, the Developer proposes modifications to the Order as are more fully described in Section 1, below; and

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WHEREAS, the Developer filed a Phase Two Transportation Analysis as required in Section 4.F of the Order; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, is authorized and empowered to consider requests for modifications to the Order and to approve the Phase Two Transportation Analysis; and

WHEREAS, the public notice requirements of Chapter 380 and the City of Tampa have been satisfied; and

WHEREAS, the City Council has on November 20, 1986, December 4, 1986, and on December 18, 1986 held a duly noticed public hearing on the Proposed Amendment and Phase Two Transportation Analysis and has heard and considered testimony and documents received thereon; and

WHEREAS, the City Council has received and considered the report and recommendations of the TBRPC; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the public hearing on the Proposed Amendment and Phase Two Transportation Analysis before the City Council; and

WHEREAS, the City Council has reviewed the above referenced documents, as well as all related testimony and evidence submitted by all persons and members of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. That the Developer submitted to the City the Proposed

  Amendment and Phase Two Transportation Analysis attached

  hereto as Composite Exhibit "B".
- B. That the Developer proposes to modify the legal description of Harbour Island to correct a printer's error in the original application for Development

Approval and to present a more accurate description of Harbour Island as documented by recent surveys and that the legal description of the real property which is the Harbour Island development and the subject of the Proposed Amendment and Phase .wo Transportation Analysis as is proposed to be amended is set forth on Exhibit "C", attached hereto.

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- C. That the Developer proposes the buildout date for the development of Harbour Island be amended from the originally approved buildout date to November 30, 1995. As part of this modification, the Developer proposes an extension of the Order's period of effectiveness to November 30, 1995.
- D. That the Developer proposes an amendment to the Order allowing for the relocation of land uses and flexibility in the location of land uses within Harbour Island based on design and market conditions and to reflect the consolidation of the various recreational uses, all as more particularly described in Exhibit "B".
- E. That the Developer proposes to amend the Order to eliminate subphases as more particularly described in Exhibit "B".
- F. That the Developer has submitted for approval its Phase
  Two Transportation Analysis as required in the Order and
  based thereon, that the Developer requests specific
  approval of Phase Two.
- G. That the development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1985), as amended.
- H. That the project is consistent with all local land development regulations and the local comprehensive plan.
- That this Ordinance is consistent with the report and recommendations of the TBRPC, and satisfies the provisions of Section 380.06(14), Florida Statutes, as amended.

J. That the development will not unreasonably interfere with the achievement of objectives of the adopted state land development plan applicable to the area.

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K. That a comprehensive review of the impacts generated by the Proposed Amendments have been conducted by the City departments and the TBRPC.

Section 2. That the City Council having made the above findings of fact, reaches the following conclusions of law:

- A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in this proceeding, the various departments of the City and the Developer are authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.
- B. That the review by the City, the TBRPC and other participating agencies and interested citizens reveals that the impacts are adequately addressed pursuant to requirements of Chapter 380 within the terms and conditions of the Order and the Proposed Amendment and Phase Two Transportation Analysis to the extent not inconsistent with this Development Order.
- C. That the Proposed Amendment and Phase Two Transportation
  Analysis does not constitute a substantial deviation
  from the Order.

Section 3. That, having made the above findings of fact and drawn the above conclusions of law, it is Ordered that the Proposed Amendment and Phase Two Transportation Analysis is hereby accepted and approved and that Phase Two is hereby approved subject to the following conditions, restrictions and limitations:

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A. A traffic monitoring program approved by the Florida Department of Transportation (FDOT), the City of Tampa and Tampa Bay Regional Planning Council (TBRPC) shall be instituted when the total development traffic (as estimated by applying the ITE rates and traffic assumptions used in the analysis to the square footages

of office and commercial buildings and to the housing units that have received certificates of occupancy) has reached fifty (50) percent.

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- B. The monitoring program shall include provision of daily and peak hour traffic counts or an annual basis to the City of Tampa, the FDOT and TBRPC. If the monitoring reveals that actual external vehicle trips (average daily or P.M. peak hour) are exceeding the projected external vehicle trips, 34,670 average daily or 4,324 peak hour, then the developer shall be required to conduct and submit a new traffic analysis pursuant to Section 380.06, F.S.
- C. The transportation analysis shall include all requirements specified in Section 4, Paragraphs F.2 and F.3 of the original February 18, 1982 Development Order. Additional transportation conditions may be imposed at the time of the transportation analysis should they be necessary based upon impacts for completion of Phase Two.
- D. The Developer's commitments set forth in the Proposed
  Amendment and Phase Two Transportation Analysis shall be
  honored, except as they may be superseded by specific
  terms of this Development Order.

Section 4. That having made the above findings of fact and drawn the above conclusions of law, it is further ordered that the Order is hereby amended as follows:

- A. Section 2, Paragraph A is amended to provide that the legal description of the real property upon which the Harbour Island Development is to be constructed and which is the subject of this development order, is described on Exhibit C, attached hereto.
- B. Section 2, Paragraph B is amended to include reference to the Harbour Island development as set forth in the Proposed Amendment and Phase Two, Transportation Analysis.

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C. The first sentence of Section 4 is amended to include reference to the Harbour Island Development as set forth in the Proposed Amendment and Phase Two Transportation Analysis and to grant approval of the Harbour Island Development s approved in the Order, except as modified by said Proposed Amendment and Phase Two Transportation Analysis.

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- D. Section 4, Paragraph C, D, E and M are amended to eliminate references to subphases.
- E. Section 4, Paragraph F is deleted except to the extent it is referred to in Paragraph C of Section 3, above.
- F. Section 4, Paragraph G is deleted.
- G. Section 4, Paragraph N is deleted.
- H. Section 6 is amended to provide that the Order, as amended hereby, shall be in effect until November 30, 1995.

Section 5. That definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Development Order.

Section 6. This Ordinance shall constitute the Amended Development Order in response to the Proposed Amendment and Phase Two Transportation Analysis. All provisions of the Order, except as amended hereby, shall be and remain in full force and effect and shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.

Section 7. That the Development Order shall remain in effect until November 30, 1995.

Section 8. That this Development Order shall be binding upon the Developer, assigns, or successors and interest.

Section 9. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor and interest to, or which otherwise possesses any of the powers

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and duties of any referenced governmental agency in existence on the effective date of this Development Order.

Section 10. That in the event that any portion or section of this Development is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.

Section 11. That the City Clerk is directed to send copies of this Development Order, with five days of the effective date of this Ordinance, to the Developer, Hillsborough County, the Florida Department of Transportation, the DCA and the TBRPC.

Section 12. That this Development Order shall be deemed rendered upon transmittal of the copies of this Order to recipients specified in Chapter 380.

Section 13. That the Developer shall record a notice of adoption of this Development Order pursuant to Chapter 380.

Section 14. That this Ordinance shall take effect immediately upon becoming a law, a copy hereof shall be posted on the bulletin board in the hall of the first floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

passed and ordained by the city council of the city of tampa, florida, on  $\frac{\text{DEC 18 1986}}{\text{DEC 18 1986}}$ .

CHAIRMAN, CITY COUNCIL

ATTEST:

APPROVED by me on DEC 1 9 1096

Frances Henring Landra W. Fredhan

Prepared and Approved by:

Saul Affa ASSISTANT CITY ATTORNEY Published Workly) Misherough County, Florida

STATE OF FLORIDA, COUNTY OF HILLSBOROUGH.

Before the undersigned authority personally appeared JOHN N. HARRISON, III, who on oath says that he is Publisher of THE FREE PRESS, a weekly newspaper published at Tampa, in Hillsborough County, Florida, that the attached copy of advertising being a true copy in the matter of

PUBLIC NOTICE DECEMBER 18, 1986 AT 9:00 A.M.

PROPOSED ORDINANCES ENTITLED: Ord. WD. 9464-A-FILE NO: 286-95, 286-96, 286-97, 286-98, 286-10, 286-103, 286-104, 286-105, D285-166, D281-63A, C86-33A, C86-38, C86-36.

was published in said newspaper in the issues of

DECEMBER 6, 1986

Affiant further says that the said THE FRFE PRESS is a newspaper published at Tampa, in said Hillsborough County, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each week and has been entered as second-class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affian, further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of security this advertisement for publication in the said newspaper.

This 6th of DECEMBER 1986

SWORN TO and subscribed before

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arrens Notary Public, State of Florida

My Commission Expires December 16, 1987
MARCH 23, 1990

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EFFECTIVE DATE HEMSOF.

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