

BCC Mtg. Date: October 4, 2016



Interoffice Memorandum

AGENDA ITEM

September 12, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smogor, Planning Administrator, Planning Division
PHONE NUMBER: 407-836-5616

SUBJECT: October 4, 2016 – Consent Item
Request for Rescission of the Lake Bryan Development of
Regional Impact

The Lake Bryan Development of Regional Impact (DRI) was originally approved on July 30, 1996, and contains 162.48 acres. The project is generally located east of Vineland Avenue, west of International Drive, and north of World Center Drive. The existing DRI development program consists of 2,000 hotel rooms and 225,000 square feet of tourist commercial uses.

Pursuant to Section 380.06(29), Florida Statutes, areas within the Urban Service Area of Orange County, Florida are recognized as a Dense Urban Land Area ("DULA"). Furthermore, Section 380.115, Florida Statutes, states that a DRI located within a DULA may be rescinded upon demonstrating that all required mitigation related to the amount of development that existed on the date of rescission has been completed.

According to the attached "Request for Rescission" of the Lake Bryan DRI, the applicant indicated that all required mitigation related to the amount of existing development has been completed, and that no unmitigated development exists. The applicant also submitted a Change Determination Request (CDR) to amend the Lake Bryan Planned Development / Land Use Plan (PD/LUP), by incorporating conditions from the existing DRI Development Order (DO) into the PD/LUP and amending other aspects of the PD/LUP.

On August 10, 2016, the Orange County Development Review Committee (DRC) recommended approval of the "Request for Rescission" of the Lake Bryan DRI and the related PD substantial change.

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Finally, the Specific Project Expenditure Report and Relationship Disclosure forms have been completed in accordance with the requirements of Ordinance 2008-14. Copies of these forms may be located in the Planning Division for further reference.

ACTION REQUESTED: Adoption and execution of Order Approving Rescission of the Development Order for the Lake Bryan Development of Regional Impact. District 1

JVW/JS/OH:rep

Attachment

**ORDER APPROVING RESCISSION OF
THE DEVELOPMENT ORDER FOR THE LAKE BRYAN DEVELOPMENT OF
REGIONAL IMPACT**

THIS ORDER APPROVING RESCISSION OF THE DEVELOPMENT ORDER FOR THE LAKE BRYAN DEVELOPMENT OF REGIONAL IMPACT is issued by **ORANGE COUNTY**, a charter county and political subdivision of the State of Florida (the "County"), whose address is P.O. Box 1393, Orlando, Florida 32802-1393.

FACTUAL BACKGROUND

1. The original development order ("the "Original Development Order") for the Lake Bryan Development of Regional Impact (the "Lake Bryan DRI") was approved by the Orange County Board of County Commissioners (the "County Commission") on July 30, 1996, as recorded in the Official Records Book 5100, Page 797 of the Public Records of Orange County, Florida.
2. The documents described within this section are all recorded in the Public Records of Orange County, Florida at the indicated Book and Page. The Original Development Order was amended by: (i) The First Amendment to Development Order approved by Orange County on January 23, 2001, as recorded in Official Records Book 6182, Page 4670 (the "First Amendment"); and ii) The Second Amendment to Development Order approved by Orange County on December 18, 2007, as recorded in Official Records Book 9551, Page 1007 (the "Second Amendment").
3. The Original Development Order, the First Amendment and the Second Amendment shall collectively be referred to as the Lake Bryan DRI Development Order.
4. WGML Investments, Ltd., and PRN Real Estate & Investments, Ltd., (together the "Owners") are the successors in interest to BML Investments and PRN Investments as the developer of the Lake Bryan DRI, as more particularly described on EXHIBIT A attached hereto and incorporated by reference (the "Property").
5. Pursuant to Section 380.06(19)(c)2, Florida Statutes, on November 21, 2011, the Owners timely filed a Notification of Extension of Commencement, Phase Buildout, and Expiration Dates for the Lake Bryan DRI.
6. On December 21, 2011, Orange County acknowledged the extension of the Phase 1B buildout date to November 30, 2015, the extension of the buildout date to November 30, 2020, and the extension of the termination date of November 30, 2020.
7. Pursuant to Section 380.06(19)(c)2, Florida Statutes, on October 27, 2015, the Owners timely filed a second Notification of Extension of Commencement, Phase Buildout, and Expiration Dates for the Lake Bryan DRI.

8. On November 4, 2015, Orange County acknowledged the extension of the Phase 1B buildout date to July 31, 2016, protection against downzoning date to July 31, 2019, the extension of the buildout date to July 31, 2021, and the extension of the termination date of July 31, 2021.
9. Pursuant to Section 380.115, Florida Statutes, if a development which has received a DRI development order is located within a dense urban land area ("DULA"), as defined in Section 380.06(29), Florida Statutes, and therefore, is exempt from further DRI review, "if requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency, as defined in s. 380.031(6), provided such permit or authorization is subject to enforcement through administrative or judicial remedies." Orange County is identified on the list of qualifying communities as published by the Department of Economic Opportunity.
10. A Request for Rescission of the Lake Bryan DRI Development Order (the "Request") dated January 19, 2016, was submitted to the County on behalf of the DRI developer, and provided documentation that: (i) the property is located within the adopted urban service area for Orange County, and (ii) all required mitigation related to the amount of existing development has been completed.
11. Based on the information contained in the Request, the County has confirmed that all required mitigation related to the amount of existing development has been completed as of the date of this Order.
12. Pursuant to Section 380.115(1), Florida Statutes, a change in any development of regional impact guideline or standard does not abridge or modify any vested or other right or duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact.
13. The Lake Bryan PD will remain in effect and will control the development of the Lake Bryan development once the Lake Bryan DRI Development Order is rescinded. Certain of the conditions of approval in the Original Development Order as set forth on Exhibit "B" attached hereto and incorporated herein by reference are requested to be incorporated into the Lake Bryan PD.
14. The inclusion of these conditions into the Lake Bryan PD ensures that all required mitigation related to the amount of development that existed on the date of this Order has been completed or will be completed under an equivalent authorization issued by a governmental agency as defined in Section 380.031(6), Florida Statutes, provided such permit or authorization is subject to enforcement through administrative or judicial remedies.

RESCISSION OF THE DEVELOPMENT ORDER

Based on the information contained herein, the County hereby rescinds the Development Order for the Lake Bryan Development of Regional Impact.

The Lake Bryan PD, as amended from time to time, shall govern the development of the Property, which was subject to the Lake Bryan DRI Development Order prior to this Order.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners



By:

Teresa Jacobs
Teresa Jacobs,

Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By:

Martha O. Haynie
Deputy Clerk

CERTIFICATE OF SERVICE

A certified copy of this Order Approving Rescission of the Lake Bryan DRI Development Order has been sent by U.S. Mail to the Florida Department of Economic Opportunity, Division of Community Development, 107 East Madison Street, Caldwell Building, MSC 160, Tallahassee, FL 32399 and to the East Central Florida Regional Planning Council at 309 Cranes Roost Boulevard, Suite 2000, Altamonte Springs, FL 32701 this _____ day of
OCT 11 2016, 2016.

Katie Smith
County Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

The West 1/4 of Section 26, Township 24 South, Range 28 East, less the Southwest 1/4 of the Southwest 1/4 of said Section 26; Also: The Northwest 1/4 of the Northeast 1/4 of Lots 1, 2, 3, 4, 29, 30 and 32 of Munger's Subdivision, as recorded in Plat Book E, Pages 22 and 23 of Section 27, Township 24 South, Range 28 East, including "BRYAN BEACH ESTATES", as recorded in Plat Book V, Page 109, Public Records of Orange County, Florida; Also: The Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 27, Township 24 South, Range 28 East, and Lot 33 of Munger's Subdivision, as recorded in Plat Book E, Pages 22 and 23 of Section 27, Township 24 South, Range 28 East, less all Right-of-ways.

AND (TRACT "A")

OR Bk 5100 Pg 823
Orange Co FL 5709925

That part of Lot 53 of Willis R. Munger's Subdivision, Section 26, Township 24 South, Range 28 East, as recorded in Plat Book "E", Page 23, of the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Northwest 1/4 of Section 26, run N. 89°56'51" W. along the South line of said Northwest 1/4 a distance of 1354.71 feet to a point lying 15.00 feet S. 00°22'22" W. of the Southwest corner of said Lot 53; thence departing said South line, run N. 00°22'22" E. along the Southerly projection of the West line and along the West line of said Lot 53 a distance of 481.33 feet for the Point of Beginning; thence continue N. 00°22'22" E. along said West line a distance of 179.96 feet to the Northwest corner of said Lot 53; thence S. 89°52'02" E. along the North line of said Lot 53 a distance of 100.78 feet to the proposed Westerly right-of-way line of International Drive, said point being a point on a curve concave Westerly and having a radius of 2229.33 feet; thence from a chord bearing of S.02°18'54" W. run Southerly along said proposed Westerly right of way line and the arc of said curve 180.14 feet through a central angle of 04°37'47" to a point on said curve; thence departing said proposed Westerly right-of-way line run N. 89°52'02" W. 94.68 feet to the Point of Beginning.

LESS: (TRACT "B")

That part of the West 1/4 of Section 26, Township 24 South, Range 28 East, Orange County, Florida being more particularly described as follows:

Commence at the Northwest corner of the Northwest 1/4 of said Section 26; thence run S. 89°37'19" E. along the North line of said Northwest 1/4 a distance of 1204.09 feet for a Point of Beginning; thence continue S. 89°37'19" E. along said North line a distance of 125.00 feet to the Northeast corner of the West 1/4 of said Section 26; thence run S. 00°22'22" W. along the East line of said West 1/4 a distance of 1255.33 feet; thence departing said West line run

N. $10^{\circ}19'13''$ W. a distance of 390.24 feet to the point of curvature of a curve concave Easterly and having a radius of 2927.29 feet; thence run Northerly along the arc of said curve 530.96 feet through a central angle of $10^{\circ}23'33''$ to the point of tangency; thence N. $00^{\circ}04'20''$ E. a distance of 344.09 feet to the Point of Beginning.

AND ALSO LESS: that part of the West 1/4 of said Section 26 being more particularly described as follows:

OR Bk 5100 Pg 824
Orange Co FL 5709925

(TRACT "C")

Commence at the Northwest corner of the Northwest 1/4 of said Section 26; thence run S. $89^{\circ}37'19''$ E. along the North line of said Northwest 1/4 a distance of 1329.09 feet to the Northeast corner of the West 1/4 of said Section 26; thence run S. $00^{\circ}22'22''$ W. along the East line of said West 1/4 a distance of 2645.15 feet to the South line of said Northwest 1/4; thence departing said South line run S. $00^{\circ}22'18''$ W. along the East line of said West 1/4 a distance of 79.09 feet for a Point of Beginning; thence continue S. $00^{\circ}22'18''$ W. along said East line a distance of 1,252.39 feet to the Southeast corner of the Northwest 1/4 of the Southwest 1/4 of said Section 26; thence S. $89^{\circ}59'23''$ W. along the South line of said Northwest 1/4 of the Southwest 1/4 a distance of 62.50 feet; thence departing said South line run N. $00^{\circ}22'18''$ E. a distance of 650.31 feet to the point of curvature of a curve concave Easterly and having a radius of 2,927.29 feet; thence run Northerly along the arc of said curve 575.11 feet through a central angle of $11^{\circ}15'24''$ to the point of tangency; thence N. $11^{\circ}37'42''$ E. a distance of 31.68 feet to the Point of Beginning.

AND ALSO LESS: (TRACT "D")

That part of the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 26, Township 24 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Beginning at the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 26, run N. $68^{\circ}00'26''$ E. 294.16 feet; thence N. $46^{\circ}06'25''$ E. 341.22 feet; thence N. $56^{\circ}46'44''$ E. 165.62 feet; thence N. $38^{\circ}24'07''$ E. 127.46 feet; thence N. $82^{\circ}53'50''$ E. 17.53 feet; thence S. $57^{\circ}07'28''$ E. 127.58 feet; thence S. $63^{\circ}15'00''$ E. 66.59 feet; thence S. $77^{\circ}38'55''$ E. 154.59 feet; thence N. $83^{\circ}42'44''$ E. 201.83 feet; thence N. $58^{\circ}36'26''$ E. 100.63 feet to the East line of the aforementioned South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 26; thence S. $00^{\circ}22'23''$ W. along said East line 481.33 feet to the Northeast corner of said Northwest 1/4 of the Southwest 1/4; thence departing said East line run S. $89^{\circ}58'54''$ W. along the North line of said Northwest 1/4 of the Southwest 1/4 a distance of 1354.77 feet to the Point of Beginning.

AND ALSO LESS: (TRACT "E")

The Northwest 1/4 of the Southwest 1/4 of Section 26, Township 24 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of said Northwest 1/4 of the Southwest 1/4 run N. 00°55'32" E. along the West line of said Northwest 1/4 of the Southwest 1/4 a distance of 1329.79 feet to the Northwest corner of said Northwest 1/4 of the Southwest 1/4; thence departing said West line run N. 89°58'54" E. along the North line of said Northwest 1/4 of the Southwest 1/4 a distance of 1354.77 feet to the Northeast corner of said Northwest 1/4 of the Southwest 1/4; thence departing said North line run S. 00°22'18" W. along the East line of the Northwest 1/4 of the Southwest 1/4 and the West line of Lots 76 & 85, of Willis Munger's Subdivision as recorded in Plat Book E, Page 22, of the Public Records of Orange County, Florida, and a projection and an extension thereof a distance of 1329.00 feet to the Southeast corner of said Northwest 1/4 of the Southwest 1/4; thence departing said line run S. 89°57'17" W. along the South line of said Northwest 1/4 of the Southwest 1/4 a distance of 1367.64 feet to the Point of Beginning.

The above described parcel being more particularly described as follows:

Begin at the Northwest corner of the Northeast 1/4 of Section 27, Township 24 South, Range 28 East, Orange County, Florida; thence run N. 89°57'00" E. along the North line of said Northeast 1/4 of Section 27, a distance of 2726.71 feet to the Northwest corner of the Northwest 1/4 of Section 26, Township 24 South, Range 28 East; thence run S. 89°37'49" E. along the North line of said Northwest 1/4 of Section 26, a distance of 1203.69 feet to the point on the West right-of-way of International Drive, said point lying N. 89°37'49" W. 125.00 feet of the Northeast corner of said Northwest 1/4 of Section 26; thence run Southerly along said right-of-way line, the following courses: run S. 00°03'43" W. 344.09 feet to the point of curvature of a curve concave Easterly, and having a radius of 2927.29 feet; thence run Southerly along the arc of said curve 530.96 feet through a central angle of 10°23'33" to the point of tangency; thence run S. 10°19'50" E. 390.24 feet to a point on the East line of the West 1/4 of said Section 26, thence leaving said West right-of-way line of International Drive, run S. 00°21'45" W. along said East line of the West 1/4 of Section 26, a distance of 732.21 feet to the Northwest corner of Lot 53 of Willis R. Munger's subdivision of Section 26, Township 24 South, Range 28 East, as recorded in Plat Book "E" Page 23, of the Public Records of Orange County, Florida; thence run S. 89°52'03" E. along the North line of said Lot 53, a distance of 100.78 feet to a point on the aforesaid West right-of-way line of International Drive, said point being on a curve concave Easterly, having a radius of 2229.33 feet, a chord of 181.31 feet, and a chord bearing of S. 02°17'12" W.; thence run Southerly along the arc of said curve and said West right-of-way line, 181.36 feet; thence leaving said West right-of-way line, run N. 89°55'51" W. parallel with the North line of said Lot 53, a distance of 94.68 feet to a point on the aforesaid East line of the West 1/4 of Section 26, said point lying N. 00°21'45" E. 481.33 feet of the Southwest corner of the Southwest 1/4 of the Northwest 1/4 of said Section 26; thence leaving said East line run, S. 58°35'46" W. 100.63 feet; thence S. 83°42'04" W. 201.83 feet; thence N. 77°39'35" W. 154.59 feet; thence N. 63°15'40" W. 66.59 feet; thence N. 57°08'08" W. 127.58 feet; thence S. 82°53'10" W. 17.53 feet; thence S. 38°23'27" W. 127.46 feet; thence S. 56°46'04" W. 165.62 feet; thence S. 46°05'45" W. 341.22 feet; thence S. 67°58'46" W. 294.16 feet to the Southwest corner of said Northwest 1/4 of Section 26, thence

run N. 00°55'07" E. along the West line of said Northwest 1/4 of Section 26, a distance of 664.90 feet to a point on the Easterly extension of the South line of Lot 33, of Willis R. Munger's Subdivision of Section 27, Township 24 South, Range 28 East, as recorded in Plat Book "E" Page 23, Public Records of Orange County, Florida; thence run S. 89°53'46" W. along the South line of said Lot 33, and the Easterly extension thereof, 336.68 feet to the Southwest corner of said Lot 33; thence run N. 00°47'56" E. along the West lines of Lots 32 and 33 of said Willis R. Munger's Subdivision, of Section 27, a distance of 1329.96 feet to the Northwest corner of said Lot 32; thence run S. 89°55'56" W. 339.45 feet to the Northeast corner of Lot 30, of said Willis R. Munger's Subdivision, of Section 27; thence run S. 00°40'46" W. along the East line of said Lot 30, and along the East line of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 27, a distance of 1330.13 feet to the Southeast corner of said Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 27; thence run S. 89°53'46" W. 673.35 feet to the Southwest corner of said Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 27; thence run N. 00°26'25" E. along the West line of said Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 27; and the Northerly extension thereof, 667.68 feet to a point on the South line of "BRYAN BEACH ESTATE", as recorded in Plat Book "V", Page 109, Public Records of Orange County, Florida; thence run S. 89°56'02" W. along said South line of "BRYAN BEACH ESTATES" 1352.26 feet to a point on the West line of the Northwest 1/4 of the Northeast 1/4 of said Section 27; thence run N. 00°02'19" W. along the West line of said Northwest 1/4 of the Northeast 1/4 of Section 27, a distance of 1328.40 feet to the Point of Beginning.

Containing 162.48 acres more or less.

OR Bk 5100 Pg 826
Orange Co FL 5709925

EXHIBIT "B"

PROPOSED ADDITIONAL CONDITIONS

1. Vegetation, Wildlife and Wetlands. The Lake Bryan PD will abide by the following conditions:

A. Subject to final wetland jurisdictional determinations by Orange County and the SFWMD, wetlands to remain unaltered and wetlands which may be removed are shown on the Land Use Plan, dated "Received **", exclusive of wetlands which may be altered to allow recreational access to the Lake Bryan shoreline. The wetland that extends from east to west and severs Parcel 4 may be removed if the SFWMD and Orange County approve the encroachment and approve a mitigation plan that addresses this impact. Buffer areas of native transitional and/or upland vegetation averaging 50 feet wide and with a minimum width of 25 feet shall be retained around all wetlands that are to remain unaltered, as shown on the Land Use Plan. Development of wetlands to remain unaltered and their buffers shall be restricted by conservation easement or fee simple transfer that is conveyed to Orange County, the SFWMD or a non-profit conservation organization that has both the commitment and resources to manage and preserve the site in perpetuity. Such easements or other transfers shall name Orange County and the State of Florida as benefiting parties with the rights to require restoration and enforcement should the conservation intent of the transfer be violated. Such transfers shall be accomplished and recorded in the Public Records of Orange County before development occurs on the site

B. All wetland buffers shall be delineated with temporary construction fencing or similar barriers prior to construction within adjacent parcels to allow these areas to be maintained with existing native vegetation. Use of these buffers shall be limited to docks, boardwalks, pervious trails and passive, natural systems based recreation, all of which require appropriate permitting prior to use. Approval of such uses is neither granted nor implied by the approval of this land use plan. Exotic vegetation may not be planted in these buffers, but may be removed if it is now established, or if it should become established within these areas.

C. Clearing and alteration of the Lake Bryan shoreline and its associated wetlands shall be subject to Chapter 15, Article VII (Lakeshore Protection Regulations) and Article X (Wetland Conservation Areas) of the Orange County Code, and all other applicable federal, state and local regulations. All shoreline wetlands not approved for removal shall be preserved.

D. Prior to mass grading, clearing, grubbing, or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

2. Floodplains. Earthen fill or other activities within the 100 year floodplain shall not be allowed without corresponding compensatory storage. Earthen fill or other activities which would degrade the functional values of the 100 year floodplain shall not be allowed. The project site design and floodplain compensatory storage requirements shall be based on the information contained in the official FEMA Florida Insurance Rate Maps, supplemented by detailed topographical data, unless official FEMA acceptance of other floodplain data has been received.

3. Transportation Concurrency and Roadway Impact. This property is benefitted by Concurrency Vested Rights Certificate #06-30 for 2,000 hotel rooms and 225,000 square feet of retail uses. In the event the vested rights certificate ceases to be valid or if development in excess of that allowed by the vested rights certificate is proposed, then the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
4. Transportation Interconnectivity. The development plan's street system shall be interconnected to the maximum extent feasible in order to obviate the need to access higher classification roadways for internal access. Connections to adjacent projects and sharing of driveways along regional roadways are encouraged as indicated in the 2030 Orange County Comprehensive Plan policy ID2.1.5. Consistent with Policy ID 1.2.15, a landscape/pedestrian/utility easement, 20 feet in width, shall be required along each side of all collector and arterial road rights-of-way to the interior of any transit easement that also may be required.
5. Transit Systems.
 - A. The development shall comply with the County's International Drive Activity Center Comprehensive Plan requirement (Policy ID2.2.2) for a 15-foot transit easement and a separate 20-foot landscape, pedestrian, and utility easement needed for future roadway improvements. The easement areas required shall be shown on all plans and conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.
 - B. A shuttle service to the Orlando Airport and area attractions will be provided consistent with Orange County Plan Policy ID 2.2.3.
 - C. At the time it is determined by LYNX that transit service is needed within the project boundaries, the developer will coordinate with LYNX regarding the design and construction of bus shelters and amenities, signage, area lighting at bus stops/shelters, transit schedule, and information displays. Maintenance of the transit amenities shall be the responsibility of each property owner or the property owner's association. The Developer will be required to enter into an agreement with LYNX regarding monitoring of these transit requirements to ensure proper implementation.
 - D. Sidewalks shall be constructed to provide continuity from one parcel to another and will be constructed with a minimum width of ten feet along all major roads consistent with Orange County Plan Policy ID 2.3.2.
6. Other. Project construction personnel shall be notified through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the project manager. In the event of discovery of artifacts of historical or archaeological significance during project construction, the Developer shall stop construction at the site of discovery and notify Orange County and the Division of Historic Resources of the Florida Department of State. From that date of notification, construction shall be suspended within a 100 foot radius of the site of discovery for a period of up to 120 days to allow evaluation of the site.