

RESOLUTION NO. R-2000- 1580

RESOLUTION APPROVING ZONING PETITION DOA97-012(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PBC BCC DEPT OF AIRPORTS
BY ROBERT BENTZ, AGENT
(PBLA GOLF COURSE)

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to consider appeals of Class B Conditional Uses; and

WHEREAS, the notice and hearing requirements for an appeal as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, the appeal of Zoning Petition DOA97-012(B) was presented to the Board of County Commissioners at a public hearing conducted on September 28, 2000; and

WHEREAS, the Board of County Commissioners considered the evidence and testimony presented by the petitioner and the recommendations of the Zoning Commission: and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The Board of County Commissioners amended the decision of the Zoning Commission's amendment to the conditions of approval of the Class B Conditional Use.
2. This Class B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
3. This Class B Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
4. This Class B Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
5. This Class B Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
6. This Class B Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
7. This Class B Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
8. This Class B Conditional Use meets applicable local land development regulations.

9. This Class B Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
10. This Class B Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards.
11. This Class B Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
12. This Class B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
13. This Class B Conditional Use, with conditions as adopted, is consistent with applicable neighborhood plans.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA97-012(B), the petition of PBC BCC Dept. of Airports, by Robert Bentz, agent, for a Class B Conditional Use (CB) for a Development Order Amendment (DOA) to add land area, reconfigure site plan, relocate access point and modify/delete conditions of approval in ZR-98-03 in the Public Ownership (PO) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was amended on September 28, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

The motion was seconded by Commissioner Masilotti and, upon being put to a vote, the vote was as follows:

Maude Ford Lee, Chair		Aye
Warren Newell, Vice Chair	—	Absent
Karen T. Marcus		Aye
Carol A. Roberts		Aye
Mary McCarty		Absent
Burt Aaronson		Absent
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 28, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY


DEPUTY CLERK

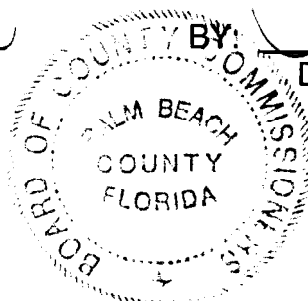


EXHIBIT A

LEGAL DESCRIPTION

BOUNDARY SURVEY OF A PORTION OF SECTION 6,
TOWNSHIP 44 SOUTH, RANGE 43 EAST

PARCEL 1

A PARCEL OF LAND IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA BEING A PORTION OF BLOCKS 3 & 4 OF THE PALM BEACH PLANTATIONS PLAT NO. 1, MODEL LAND COMPANY AS RECORDED IN PLAT BOOK 10 AT PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 6 WHICH IS COMMON WITH THE SOUTHWEST CORNER OF BLOCK 3 OF SAID PALM BEACH PLANTATIONS PLAT 1; THENCE N 1°28'45" E ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, 122.55 FEET; THENCE AT RIGHT ANGLES TO THE PRECEDING COURSE S 88°31'15" E 368 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF KIRK ROAD AS SHOWN IN ROAD PLAT BOOK 3 AT PAGE 181 AND AS DEPICTED IN PALM BEACH COUNTY RIGHT-OF-WAY MAP FOR KIRK ROAD - FOREST HILL BOULEVARD TO SOUTHERN BOULEVARD PROJECT NO. 88564 ON FILE IN THE OFFICE OF THE COUNTY ENGINEER PALM BEACH COUNTY, AND THE POINT OF BEGINNING; THENCE S 26°45'14" E ALONG SAID EAST RIGHT-OF-WAY TO THE NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS SHOWN ON ROAD PLAT BOOK 3 AT PAGE 181 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND REVISED AND CONSTRUCTED ACCORDING TO PALM BEACH COUNTY RIGHT-OF-WAY MAP - PROJECT #84124 ON RECORD IN THE OFFICE OF THE COUNTY ENGINEER FOR PALM BEACH COUNTY, 38.06 FEET; THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE FOR THE NEXT EIGHT COURSES, S 88°31'41" E 200.0 FEET; THENCE S 85°39'30" E 180.23 FEET; THENCE S 88°31'41" E 394.78 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1870.08 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 30°46'39", 1004.55 FEET TO THE POINT OF TANGENCY; THENCE N 60°41'40" E ALONG THE TANGENT, 2023.30 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1950.08 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 30°40'44", 1044.16 FEET TO THE POINT OF TANGENCY; THENCE S 88°37'36" E ALONG THE TANGENT, 726.32 FEET; THENCE N 49°43'22" E, 44.18 FEET; THENCE N 2°31'04" E 200.0 FEET; THENCE N 6°25'37" E, 150.35 FEET; THENCE N 2°31'04" E TO A POINT OF THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-5 AS SHOWN OFFICIAL RECORD BOOK 3538, PAGE 1616 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AT THE WEST RIGHT-OF-WAY LINE OF CONGRESS AVENUE AS SHOWN IN ROAD PLAT BOOK 3 AT PAGE 181 AND ROAD PLAT BOOK 5, PAGE 49 OF SAID PUBLIC RECORDS AND AS LAID OUT AND IN USE, 601.32 FEET; THENCE N 88°38'58" W ALONG SAID RIGHT-OF-WAY LINE (LYING 40.0 SOUTH OF AND PARALLEL WITH THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 6), 5194.0 FEET; THENCE S 3°12'00" W ALONG THE WEST RIGHT-OF-WAY LINE OF KIRK ROAD AS ABOVE REFERENCED, TO THE POINT OF BEGINNING 2,502.58 FEET.

PARCEL CONTAINS 210.521 ACRES (9,170,297.58 SQ. FT.)

LESS

EXHIBIT A

LEGAL DESCRIPTION

FIRE DEPARTMENT PARCEL

A PARCEL OF LAND LYING WITHIN TRACT 5, BLOCK 3, SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH PLANTATIONS, PLAT NO. 1, PALM BEACH COUNTY, FLORIDA AS RECORDED IN PLAT BOOK 10, PAGE 20, PALM BEACH COUNTY PUBLIC RECORDS, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 6, THENCE RUN N 01°28'45" E ALONG THE WEST LINE OF SAID SECTION 6 A DISTANCE OF 680.00 FEET; THENCE RUN S 88°31'41" E ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 6 A DISTANCE OF 20.41 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF KIRK ROAD AS SHOWN ON RIGHT-OF-WAY MAP FOR COUNTY ROADS WITHIN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AS RECORDED IN ROAD PLAT BOOK 3, PAGE 181 AND 182, PALM BEACH COUNTY PUBLIC RECORDS, AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUES 88°31'41" E A DISTANCE OF 225.00 FEET; THENCE RUN N 03°12'00" E, PARALLEL WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID KIRK ROAD A DISTANCE OF 385.00 FEET; THENCE RUN N 88°31'41" W A DISTANCE OF 225.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID KIRK ROAD RIGHT-OF-WAY; THENCE RUN S 03°12'00" W ALONG THE EASTERLY RIGHT-OF-WAY OF SAID KIRK ROAD A DISTANCE OF 385.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.988 ACRES (86,585.60 SQUARE FEET)

ALSO LESS

CREDIT UNION PARCEL

A PARCEL OF LAND IN TRACT 5, BLOCK 4, SECTION 6, PLAT NO. 1, SHEET 1, PALM BEACH PLANTATIONS AS RECORDED IN PLAT BOOK 10, AT PAGE 20, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING AND BEING IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 5, SAID POINT ALSO BEING ON THE CENTERLINE OF THE 80 FOOT WIDE DAVIS ROAD RIGHT-OF-WAY; THENCE SOUTH 88°35'21" EAST ALONG THE NORTH LINE OF SAID TRACT 5; A DISTANCE OF 40.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID DAVIS ROAD AND THE POINT OF BEGINNING, THENCE CONTINUE SOUTH 88°35'21" EAST ALONG THE NORTH LINE OF SAID TRACT 5; A DISTANCE OF 535.56 FEET; THENCE SOUTH 29°19'55" EAST, A DISTANCE OF 94.73 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE 80.00 FEET WIDE SUMMIT BOULEVARD; THENCE SOUTH 60°40'05" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD, A DISTANCE OF 640.21 FEET TO A POINT OF CURVATURE OF CIRCULAR CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHWESTERLY, WESTERLY, NORTHWESTERLY, AND NORTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE HAVING A RADIUS OF 25 FEET AND A CENTRAL ANGLE OF 121°20'22", A DISTANCE OF 52.94 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID DAVIS ROAD, SAID POINT ALSO BEING 40.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF SAID TRACT 5; THENCE NORTH 02°00'27" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID DAVIS ROAD AND ALONG A LINE OF 40.00 FEET EAST OF AND PARALLEL WITH AS

EXHIBIT A
LEGAL DESCRIPTION

MEASURED RIGHT ANGLES TO, THE WEST LINE OF SAID TRACT 5, A DISTANCE OF 386.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.386... ACRES MORE OR LESS.

LESS THAT PORTION OF SAID PARCEL LYING SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS LAID OUT AND IN USE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL SAID TO BE LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD (ROAD PLAT BOOK 3, PAGE 181 - PALM BEACH COUNTY PUBLIC RECORDS); THENCE N 29°19'55" W (N 29°20'02" W MEASURED) TO THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS NOW LAID OUT AND IN USE (PALM BEACH COUNTY RIGHT-OF-WAY MAP PROJECT #84124), 0.47(M)0.35(D) FEET; THENCE S 60°41'40" W ALONG SAID RIGHT-OF-WAY, 645.80 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25.0 FEET, WHOSE RADIUS AT THIS POINT BEARS N 62°52'25" E; THENCE SOUTHEASTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 13°02'32", 5.69 FEET TO THE POINT OF TANGENCY; THENCE N 60°40'05" E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD (ROAD PLAT BOOK 3, PAGE 181) (N 60°40'42" E - MEASURED) 640.16 (MEASURED: 640.21 DEED) TO THE POINT OF BEGINNING.

CONTAINING 358.92 SQUARE FEET - 0.0082 ACRES

NET PARCEL CONTAINS 3.378 ACRES.

ALSO LESS

CRIMINAL JUSTICE COMPLEX ANNEX

A PARCEL OF LAND IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACTS 2 & 3, BLOCK 4, PALM BEACH PLANTATIONS, PLAT 1, MODEL LAND COMPANY, AS RECORDED IN PLAT BOOK 10 AT PAGE 20 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF BLOCK 4 OF SAID PALM BEACH PLANTATIONS PLAT 1, SAID CORNER BEING COMMON WITH THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE S 2°31'04" E ALONG THE EAST LINE OF SECTION 6, A DISTANCE OF 40.01 FEET; THENCE N 88°38'58" W, ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL WITH THE EAST-WEST QUARTER SECTION LINE OF SECTION 6 (SAID LINE LYING 40.0 FEET SOUTH IS THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-5 PER OFFICIAL RECORD BOOK 3538, PAGE 1616 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY), 936.56 FEET TO THE POINT OF BEGINNING; THENCE S 30°06'40" W, 393.55 FEET; THENCE N 88°38'58" W, 617.0 FEET; THENCE N 27°24'36" W TO A POINT ON A LINE 40.0' SOUTH OF AND PARALLEL WITH THE EAST-WEST QUARTER SECTION LINE OF SECTION 6, 393.55 FEET; THENCE S 88°38'58" E, TO THE POINT OF BEGINNING, 995.71 FEET.

PARCEL CONTAINS 6.386 ACRES (278,193.81 SQUARE FEET)

SUBJECT TO AN EASEMENT OVER THE NORTH 20 FEET THEREOF IN FAVOR OF FLORIDA POWER & LIGHT COMPANY PER OFFICIAL RECORD BOOK 1058 AT PAGE 250 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.

TOGETHER WITH

PARCEL 2

A PARCEL OF LAND IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF BLOCK 1 OF THE PALM BEACH PLANTATIONS PLAT 1, MODEL LAND COMPANY, AS RECORDED IN PLAT BOOK IO AT PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT 8 OF BLOCK 1 OF SAID PALM BEACH PLANTATIONS PLAT 1, SAID CORNER BEING COMMON WITH THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE N 88°38'58" W ALONG THE SOUTH LINE OF SAID BLOCK 1 AND THE NORTHEAST QUARTER OF SAID SECTION 6 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CONGRESS AVENUE AS DEPICTED IN ROAD PLAT BOOK 3 AT PAGE 181 OF SAID PUBLIC RECORDS AND AS LAID OUT AND IN USE, 67.01 FEET; THENCE N 2°30'50" E ALONG SAID WEST RIGHT-OF-WAY LINE, SAID LINE LYING 67.0 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6, 40.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 2°30'50" E, 979.15' TO A POINT ON THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD AS DEPICTED ON PALM BEACH COUNTY DRAWING C-3-89-017 ON FILE IN THE OFFICE OF THE COUNTY ENGINEER FOR PALM BEACH COUNTY; THENCE ALONG SAID PROPOSED SOUTH RIGHT-OF-WAY LINE THE FOLLOWING SIX COURSES, N 87°29'10" W, 28.0 FEET; THENCE N 42°29'11" W, 56.57 FEET; THENCE N 87°29'12" W, 115.0 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 984.08 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF THE CURVE THRU A CENTRAL ANGLE OF 19°20'18", 332.14 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE; THENCE N 64°39'05" W ALONG SAID NON-TANGENT LINE 180.34 FEET; THENCE N 68°08'54" W, 5.91 FEET; THENCE, S 2°30'50" W, DEPARTING SAID PROPOSED RIGHT-OF-WAY LINE TO THE NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-5 AS RECORDED IN OFFICIAL RECORD BOOK 3538 AT PAGE 1616 OF SAID PUBLIC RECORDS 1160.43 FEET; THENCE S 88°38'58" E ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, 680.79 FEET.

PARCEL CONTAINS 16.487 ACRES (718184.93 SQUARE FEET)

TOGETHER WITH

DESCRIPTION
PARCEL "B"

A PARCEL OF LAND IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT 3, BLOCK 4, "PALM BEACH PLANTATIONS PLAT 1 (MODEL LAND COMPANY)", AS RECORDED IN PLAT BOOK IO, PAGE 20 OF THE PUBLIC RECORDS IN AND FOR PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF BLOCK 4 OF SAID "PALM BEACH PLANTATIONS PLAT 1 (MODEL LAND COMPANY) SAID CORNER BEING COMMON WITH THE EAST QUARTER-CORNER OF SAID SECTION 6; THENCE SOUTH 02°31'04" WEST, ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 6, FOR 40.01 FEET; THENCE NORTH 88°38'58" WEST ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL WITH THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 6, FOR 67.01 FEET; THENCE CONTINUING NORTH 88°38'58" WEST, ALONG SAID PARALLEL LINE (SAID LINE ALSO BEING THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-5 PER OFFICIAL RECORD BOOK 3538, PAGE 1616 OF THE SAID PUBLIC RECORDS OF PALM BEACH COUNTY), FOR 936.56 FEET; THENCE SOUTH 30°06'40" WEST, FOR 393.55 FEET; THENCE NORTH 88°38'58" WEST, FOR 297.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

THENCE NORTH 88°38'58" WEST, FOR 320.00 FEET;

THENCE NORTH 27°24'36" WEST, FOR 68.44 FEET;

THENCE SOUTH 88°38'58" EAST, FOR 352.93 FEET;

THENCE SOUTH 01°21'02" WEST, FOR 60.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINING 0.46 ACRES, MORE OR LESS.

TOGETHER WITH

DESCRIPTION
PARCEL "C"

A PARCEL OF LAND IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACTS 2 & 3, BLOCK 4, "PALM BEACH PLANTATIONS PLAT 1 (MODEL LAND COMPANY)", AS RECORDED IN PLAT BOOK 10, PAGE 20 OF THE PUBLIC RECORDS IN AND FOR PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF BLOCK 4 OF SAID "PALM BEACH PLANTATIONS PLAT 1 (MODEL LAND COMPANY)" SAID CORNER BEING COMMON WITH THE EAST QUARTER-CORNER OF SAID SECTION 6; THENCE SOUTH 02°31'04" WEST, ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 6, FOR 40.01 FEET; THENCE NORTH 88°38'58" WEST ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL WITH THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 6, FOR 67.01 FEET; THENCE CONTINUING NORTH 88°38'58" WEST, ALONG SAID PARALLEL LINE (SAID LINE ALSO BEING THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-5 PER OFFICIAL RECORD BOOK 3538, PAGE 1616 OF THE SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA), FOR 936.56 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

THENCE SOUTH 30°06'40" WEST, FOR 393.55 FEET;

THENCE NORTH 88°38'58" WEST, FOR 297.00 FEET;

THENCE NORTH 01°21'02" EAST, FOR 345.00 FEET;

EXHIBIT A

LEGAL DESCRIPTION

THENCE SOUTH 88°38'58" EAST, ALONG SAID LINE BEING 40.00 FEET SOUTH OF AND PARALLEL WITH THE EAST-WESTQUARTER SECTION LINE OF SAID SECTION 6, FOR 486.36 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINING 3.10 ACRES, MORE OR LESS.

LESS

CONGRESS AVENUE
ADDITIONAL RIGHT-OF-WAY PARCEL DESCRIPTION AND SKETCH

A PARCEL OF LAND IN SECTION 6, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT 8, BLOCK 1, OF THE PALM BEACH PLANTATIONS PLAT NO. 1, MODEL LAND COMPANY AS RECORDED IN PLAT BOOK 10, PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE NORTH 88°38'58" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CONGRESS AVENUE AS DEPICTED IN ROAD PLAT BOOK 3 AT PAGE 181 OF SAID PUBLIC RECORDS AND AS LAID OUT AND IN USE, A DISTANCE OF 67.01 FEET; THENCE NORTH 2°30'50" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, SAID LINE LYING 67.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6, A DISTANCE OF 40.01 FEET TO THE POINT OF BEGINNING (SAID POINT OF BEGINNING BEING ON THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-5 PER OFFICIAL RECORD BOOK 3538, PAGE 1616 OF THE PUBIC RECORDS OF SAID PALM BEACH COUNTY); THENCE CONTINUE NORTH 2°30'50" EAST TO A POINT ON THE PROPOSED SOUTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD AS DEPICTED ON PALM BEACH COUNTY DRAWING NO. C-3-89-01 7 ON FILE IN THE OFFICE OF THE COUNTY ENGINEER, A DISTANCE OF 979.15 FEET; THENCE NORTH 87°29'10" WEST ALONG THE SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 24.11 FEET; THENCE SOUTH 1°14'15" WEST (DEPARTING SAID SOUTH RIGHT-OF-WAY)TOTHE NORTH RIGHT-OF-WAY LINE OF THE ABOVE MENTIONED CANAL L-5, A DISTANCE OF 979.44 FEET; THENCE SOUTH 88°38'58" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 2.29 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 12,922 SQUARE FEET OR 0.2967 ACRES MORE OR LESS.

NET PARCEL CONTAINS 218.525 ACRES MORE OR LESS (9,518,960.18 SQUARE FEET)

EXHIBIT B
VICINITY SKETCH

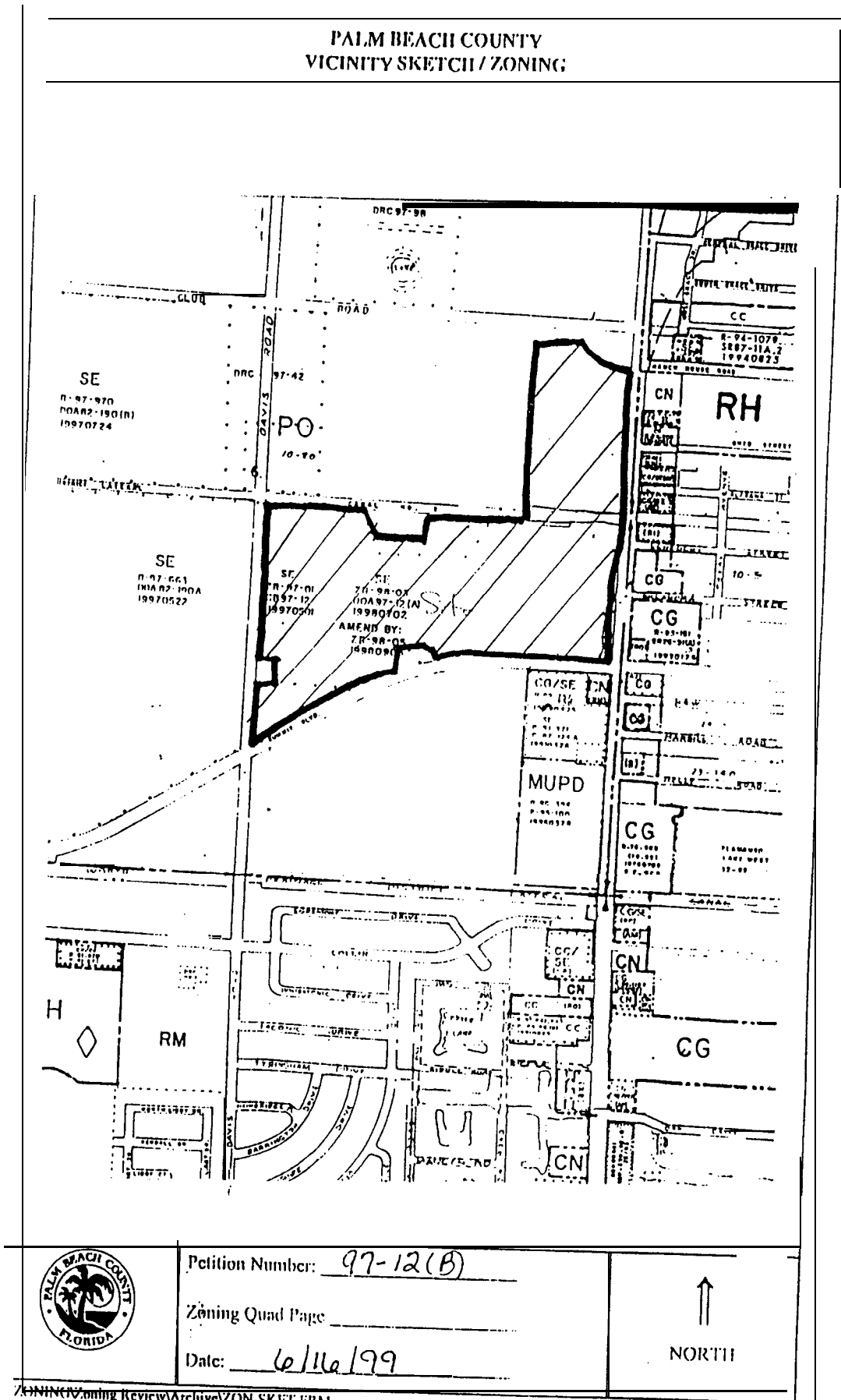


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All conditions of approval contained in Resolution R-ZR-99-1 1, Petition DOA97-012(B) shall remain in full force and effect unless modified herein. (MONITORING)

E. ENGINEERING

6. Condition E.6 of Resolution ZR-99-1 1, Petition DOA97-012(B) which currently states:

“CUTOOUT” LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF CONGRESS AVENUE (LANDSCAPING - MEDIAN STATE ROAD)

- a. Prior to January 1, 2000, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide cutouts within the concrete median of Congress Avenue Right-of-Way contiguous to the frontage. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way Concrete Median Cutout; Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks are permitted by the Florida Department of Transportation, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the Florida Department of Transportation. (BLDG PERMIT: MONITORING - Eng)
- b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. All new and existing landscape, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
- c. Property Owners Documents or other restrictive covenant documents, evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to January 1, 2000. (BLDG PERMIT: MONITORING - Eng)

Is hereby amended to read:

LANDSCAPE WITHIN MEDIAN OF CONGRESS AVENUE

- A. Prior to January 1, 2002, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Congress Avenue from the LWDD L-5 Canal north to the proposed bridge over the C51 Canal. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. The Property Owner shall be required to expend the minimum amount of \$159,017 to satisfy this condition of approval. All costs shall be approved by the Engineering Department. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT:MONITORING - Eng)
- B. All required median landscaping, including an irrigation system, shall be installed at the property owners expense. All landscaping, and similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to October 1, 2002. (CO: MONITORING-Eng)
- C. If the County does not assume maintenance responsibility, then the appropriate property owners documents or other restrictive covenant documents evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to January 1, 2002. (BLDG PERMIT: MONITORING-Eng)
- D. Prior to November 1, 2000 the property owner shall coordinate with the Florida Department of Transportation any required Change Orders for the Australian Avenue/Southern Boulevard Overpass to permit:
- installation of sleeves to allow irrigation pipes for the purpose of irrigating the landscape material by the property owner as required in the condition above (and)
 - backfilling of the proposed medians to be landscaped with approved soil (DATE: MONITORING-Eng)

J. COMPLIANCE

1. Condition J.I of Resolution ZR-98-003, Petition 97-12(A) which currently states:

In granting this approval, the Zoning Commission relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval.

Is hereby amended to read:

In granting this approval, the Zoning Commission relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. **Failure to comply with any of the conditions of approval for the subject property at any time may result in:**
 - a. **The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or**
 - b. **The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or**
 - c. **A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonable related to the failure to comply with existing conditions; and/or**
 - d. **Referral to code enforcement; and/or**
 - e. **Imposition of entitlement density or intensity.**

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Pam Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously condition J.2 of Resolution ZR-98-003, Petition 97-12(A)) (MONITORING)