

**RESOLUTION NO. R-96-649**

**RESOLUTION APPROVING ZONING PETITION PDD95-116  
OFFICIAL ZONING MAP AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF TOWNE PARK JOINT VENTURE  
BY WILLIAM R. BOOSE, III, ESQ., AGENT  
TOWNE PARK PUD**

**WHEREAS**, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

**WHEREAS**, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

**WHEREAS**, Zoning Petition PDD95-116 was presented to the Board of County Commissioners at a public hearing conducted on April 25, 1996; and,

**WHEREAS**, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

**WHEREAS**, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 PDD95-116, the petition of Towne Park Joint Venture by William R. Boose, 111, Esq., agent, for an Official Zoning Map Amendment to a Planned Development District (PDD): Agricultural Residential (AR) and Residential Estate (RE) to the Residential Planned Unit Development (PUD) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Lee moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Absent
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on May 23, 1996.

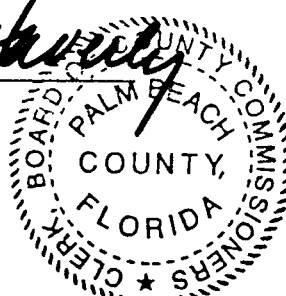
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Benjamin C. Miller*  
COUNTY ATTORNEY

BY: *John Havelley*  
DEPUTY CLERK



## EXHIBIT A

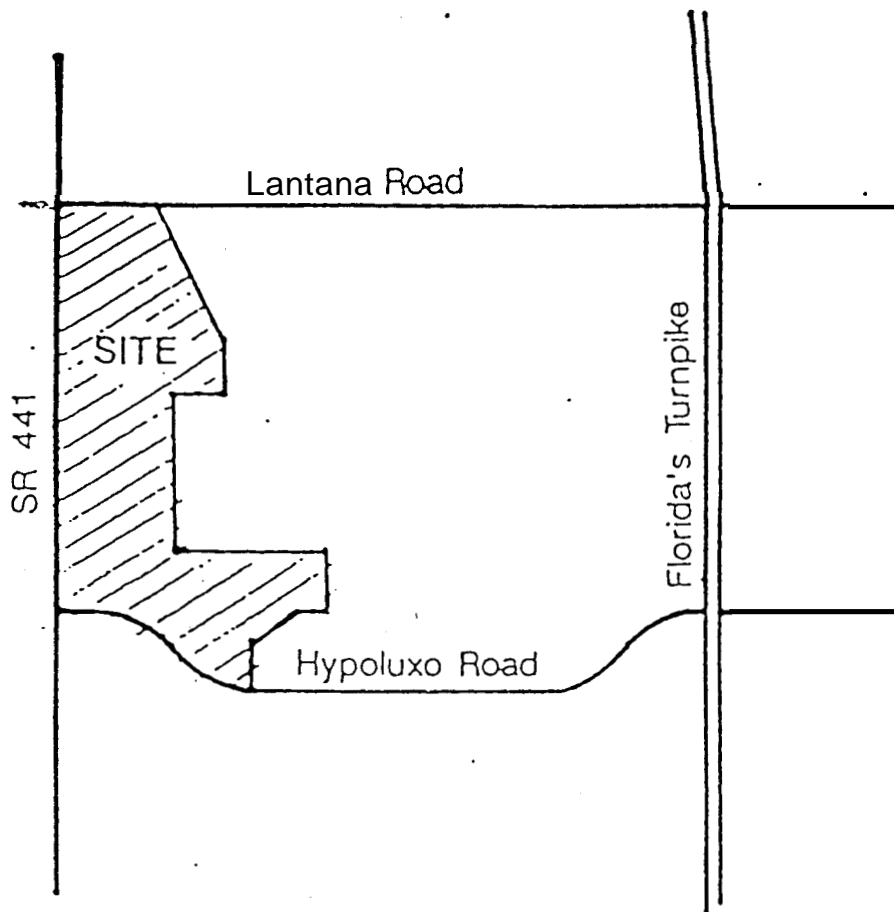
### LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF BLOCKS 36 AND 43, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AND ALSO BEING A PORTION OF LOTS 3 AND 4, TRACT 42, PALM BEACH FARMS COMPANY PLAT NO. 13, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 98, OF SAID PUBLIC RECORDS; S A D PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LEXINGTON 1 OF SHERBROOKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGE 195, SAID PUBLIC RECORDS; THENCE NORTH 00° 33' 53" WEST, ALONG THE WESTERLY BOUNDARY LINE OF SAID PLAT OF LEXINGTON 1 OF SHERBROOKE, A DISTANCE OF 1280.00 FEET, THENCE, NORTH 13° 08' 08" WEST, CONTINUING ALONG SAID WESTERLY PLAT BOUNDARY, A DISTANCE OF 1506.10 FEET; THENCE, NORTH 89° 26' 07" EAST, ALONG THE NORTHERLY PLAT BOUNDARY LINE OF SAID PLAT OF LEXINGTON 1 OF SHERBROOKE, A DISTANCE OF 1399.71 FEET; THENCE NORTH 01° 48' 19" EAST, DEPARTING SAID NORTHERLY PLAT BOUNDARY, A DISTANCE OF 82.78 FEET; THENCE, SOUTH 88° 11' 41" EAST, A DISTANCE OF 135.00 FEET; THENCE NORTH 01° 48' 19" EAST, A DISTANCE OF 228.00 FEET THENCE, NORTH 38° 03' 43" WEST, A DISTANCE OF 619.84 FEET; THENCE, NORTH 30° 26' 41" WEST, A DISTANCE OF 855.00 FEET; THENCE NORTH 29° 26' 41" WEST, A DISTANCE OF 270.00 FEET; THENCE, SOUTH 60° 33' 19" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 29° 26' 41" WEST, X DISTANCE OF 250.00 FEET; THENCE NORTH 17° 05' 15" EAST, A DISTANCE OF 639.35 FEET TO THE INTERSECTION THEREOF WITH THE SOUTH LINE OF SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 13; THENCE, NORTH 87° 54' 37" WEST, ALONG S A D SOUTH LINE, A DISTANCE OF 99.84 FEET; THENCE, NORTH 04° 54' 05" WEST, ALONG THE EAST LINE OF SAID LOT 3, TRACT 42, A DISTANCE OF 1466.84 FEET TO INTERSECTION THEREOF WITH THE SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD; SAID SOUTH RIGHT-OF-WAY LINE LYING 40.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID LOT 3; THENCE, NORTH 87° 59' 21" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1349.96 FEET; THENCE, SOUTH 12° 59' 30" EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 14.49 FEET; THENCE, NORTH 87° 59' 21" WEST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1278.67 FEET; THENCE SOUTH 01° 40' 29" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-1, A DISTANCE OF 1431.04 FEET; THENCE, SOUTH 00° 24' 03" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 5557.60 FEET THENCE, SOUTH 00° 04' 49" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 454.69 FEET; THENCE, SOUTH 45° 33' 53" EAST, DEPARTING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 56.57 FEET; THENCE, NORTH 89° 26' 07" EAST, A DISTANCE OF 300.00 FEET; THENCE, SOUTH 86° 47' 19" EAST, A DISTANCE OF 250.54 FEET; THENCE, NORTH 89° 26' 07" EAST, A DISTANCE OF 310.06 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1055.00 FEET; THENCE, EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39° 31' 11", A DISTANCE OF 727.68 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 51° 02' 42" EAST, A DISTANCE OF 923.14 FEET; TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1854.86 FEET; THENCE, EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39° 31' 11", A DISTANCE OF 1279.38 FEET TO THE END OF SAID CURVE; THENCE, NORTH 00° 33' 53" WEST, RADIAL TO SAID CURVE, A DISTANCE OF 570.00 FEET; THENCE, NORTH 52° 30' 57" EAST, A DISTANCE OF 925.60 FEET; THENCE, NORTH 89° 26' 07" EAST, A DISTANCE OF 1000.00 FEET; THENCE, NORTH 00° 33' 53" WEST, A DISTANCE OF 725.61 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHERLY BOUNDARY OF SAID PLAT OF LEXINGTON 1 OF SHERBROOKE; THENCE, SOUTH 89° 26' 07" WEST, ALONG SAID SOUTHERLY BOUNDARY LINE, A DISTANCE OF 2610.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 562.46 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



**EXHIBIT C**

**CONDITIONS OF APPROVAL**

**A. ALL PETITIONS**

1. This Petitioner shall comply with all previous zoning conditions applicable to the subject property including Resolution **83-220** (Petition **82-168**), and Resolution **R-89-2219** (Petition **89-58**) except as expressly modified herein. This Petitioner shall comply with all previous conditions **of** approval and deadlines previously established by Section **5.8** of the ULDC and as established **by** the Board of County Commissioners. (ONGOING: MONITORING-Zoning)
2. Prior zoning conditions of approval provided in **R-89-2219** (Petition **89-58**) shall be the responsibility of this Petitioner, except for conditions **1, 3, 4, 15, 16, 17,** and **18**, which have been completed, and are thereby deleted. (DRC)
3. Zoning Resolution No. **R-83-220** (Zoning Petition No. **82-168**) is hereby revoked. (DRC)
4. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (Exhibit dated February **29, 1996**). All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions **of** approval or are in accordance with the ULDC. (ONGOING: ZONING)
5. Prior to the recording **of** the first plat, the applicant shall document to the County Attorney and County Engineer that the requirements of Resolution **R-79-993** recorded at OR Book **3123**, Page **1649** have been satisfied, waived, released or that the County had no obligations under the resolution. In the event that there has been no satisfaction, waiver, release, or that the County has obligations which have not been met, the applicant shall meet the requirements **of** paragraph **1** of Resolution **R-79-993**. (PLAT: CO ATTY - Eng)

**B. LANDSCAPING - STANDARD**

1. All trees required to be planted in the perimeter buffer areas shall meet the following minimum standards at time of installation:
  - a. Tree height:                   fourteen (**14**) feet.
  - b. Trunk diameter:               **3.5** inches measured **4.5** feet above grade
  - c. Canopy diameter:           seven (**7**) feet. Diameter shall be determined by the average canopy radius at **3** points measured from the trunk to the outermost branch tip. Each radius shall measure at least **3.5** feet in length. (CO: LANDSCAPE - Zoning)
2. All palms to be planted in the perimeter buffer areas shall be native species and meet the following minimum standards at time of installation:
  - a. Palm heights:               twelve (**12**) feet clear trunk.

- b. Clustering: staggered heights twelve (12) to eighteen (18) feet.
- c. Pruning: minimum six (6) fronds, no clipped or spiked cuts. (CO: LANDSCAPE-Zoning)

C. EASTERN PROPERTY LINE BUFFER ADJACENT TO SHERBROOKE ESTATES PUD

- 1. Petitioner shall provide a minimum twenty (20) foot Type D buffer for Parcels D, E and J wherever the proposed parcel's boundary is within two hundred (200) feet of existing one acre lots. (CO: LANDSCAPE - Zoning)

D. PLANNED UNIT DEVELOPMENT

- 1. Street lights shall be provided pursuant to Section 6.8A.23d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
- 2. Street trees shall be planted in or adjacent to all right-of-way, pursuant to Section 6.8A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)
- 3. Petitioner shall construct an eight (8) foot bike/pedestrian path along the internal collector road within the Project in lieu of constructing street/bike lane(s). (CO: ENG)
- 4. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG - Zoning)
- 5. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for formation of a single "master" property owners' association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT/PLAT: BLDG / ENG - Co Atty)

- 6. The eighteen (18) hole golf course shown on the project's master plan shall be owned by the property owners' association comprised of all residential dwelling units provided in this PUD. In the event the golf course is to be a public golf course, this Petitioner shall submit a traffic equivalency analysis to the County Engineer reducing the number of residential dwelling units within the PUD to accommodate traffic impact requirements associated with the conversion of the property owners' association-owned golf course to a privately owned golf course available for public golf course play as long as such public golf course play includes residents of the PUD. Any operational change of this nature shall be approved by County's Development Review Committee (DRC).

7. The Florida Department of Transportation (FDOT) has requested additional SR7 right-of-way from the project to accommodate a proposed SR7 road right-of-way realignment to avoid the relocation of a television tower located west of SR7. Any PUD master plan revisions required as a result of such proposed SR7 right-of-way dedication to FDOT by this Petitioner shall be approved by County's Development Review Committee (DRC).
8. A Public Facilities Agreement shall be entered into by this Petitioner and the Board of County Commissioners further detailing transportation related requirements of this petition and shall be adopted concurrent with the approval of the Development Order for this petition.  
(ENG)

**E. ENGINEERING**

1. Lantana Road Construction Project.
  - a. County agreed upon a plan for construction of Lantana Road as a four to six (4/6) lane arterial for the roadway link between State Road 7 and Jog Road when the Lantana Road Section was included in the Five Year Road Program on January 9, 1996, in accordance with the following schedule:
    - (1) Initiation of construction plans in fiscal year 1995/1996
    - (2) Right of Way acquisition in fiscal year 1996/1997
    - (3) Construction in fiscal year 1998/1999 (DATE: MONITORING - Eng)
  - b. County shall use its best efforts to provide a unified and coordinated design and construction program of all County and third-party developer roadway construction commitments relating to Lantana Road to facilitate the earlier or simultaneous construction contract award of the following roadway construction work with the Lantana Road Section:
    - (1) Intersection improvements at Jog Road and Lantana Road (the Smith Dairy PUD construction segment);
    - (2) Lantana Road from Jog Road to Hagen Ranch Road (the Smith Dairy PUD construction segment);
    - (3) Lantana Road from Hagen Ranch Road to Grand Lacuna Boulevard (the Winston Trail PUD segment);
    - (4) Lantana Road/Florida's Turnpike improvements
    - (5) LWDD E-1 Canal seven (7)-lane bridge and Lantana Roadway improvements through the bridge area (the Lacuna PUD segment and County segment); and
    - (6) Any and all other roadway or transportation requirements having a direct effect on the Project from agreements between County and the Smith Dairy PUD, Winston Trail PUD and Lacuna PUD Developments. (ONGOING: ENG)
  - c. County acknowledges that in order for the construction of the Lantana Road Section to be commenced and completed in a timely manner, which will permit the Developer to construct the various phases of its Project in accordance with Developer's building schedule, it may be necessary for County to acquire through eminent domain

certain road rights-of-way and construction easements, if needed, for such roadway improvements. Upon the request of Developer, County agrees to thereafter use its best efforts to obtain all required road rights-of-way and construction easements, if any, required for the Lantana Road Section within the time frame provided in condition a. above. However, County shall not be liable to Developer for any delays in obtaining the requested road rights-of-way. (ONGOING; ENG)

2. Project Development Order Requirements.
  - a. Building Permits for no more than the Entitlement Phase (**56** single-family housing units) shall be issued until contracts have been awarded for the construction of the following:
    - (1) State Road 7 as a four to six (4/6) lane section from north of Boynton Beach Boulevard to Lake Worth Road; and
    - (2) State Road 7 as a six-lane section from Lake Worth Road to Southern Boulevard; and
    - (3) Intersection improvements at Lantana Road/State Road 7 to accomplish the following:
      - (i) Dual left turn lanes, one thru lane, one right-turn lane on east approach over the E-1 Canal Bridge.
      - (ii) Three thru lanes on the east departure over the E-1 Canal Bridge. (BLDG PEWIT: MONITORING - Eng)
  - b. No building permits for more than **400** single-family units or their equivalency shall be issued until the construction is substantially completed and open for traffic as determined by the County Engineer for the following:
    - (1) Hypoluxo Road as a 2/3 lane section from State Road 7 to Lyons Road (compatible with an ultimate six-lane section); and
    - (2) Lyons Road as a two-lane section with appropriate turn lanes from the existing terminus in the Sherbrooke Estates PUD to Hypoluxo Road (compatible with an ultimate six-lane section). (BLDG PERMIT: MONIOTRING - Eng)
  - c. Building permits for no more than 606 single-family housing units or their equivalent shall be issued until contracts have been awarded for construction of Lantana Road as a four to six (4/6) lane section from Jog road to Lyons Road. (BLDG PERMIT: MONITORING - Eng)
  - d. Building permits for no more than **882** single-family housing units or their equivalent shall be issued until contracts have been awarded for the construction of improvements at the Lantana Road/Jog Road intersection of three (3) thru lanes plus appropriate receiving lanes on Lantana Road westbound. (BLDG PERMIT: MONITORING - Eng)
  - e. Developer's Performance Security for the road construction described in condition b. (1) and (2) above shall be posted with County by November 23, 1996. Developer shall provide to County, prior to November 23, 1996, an irrevocable Performance Security in a form acceptable to the County



Attorney an amount sufficient to fund preparation of construction plans and road construction for the improvements described in condition b. (1) and (2) above. County shall be authorized to draw against this Performance Security in any amount necessary to fund the actual cost of the construction plan preparation and road construction including County administrative processing costs by giving thirty (30) days prior written notice to Developer of County's intention to draw funds against the Performance Security. (DATE: MONITORING - Eng)

- f. Developer's Performance Security to be provided for the road design and construction required in condition d. above shall be posted with County by November 23, 1996. (DATE: MONITORING - Eng)
- g. Developer's Project presently contemplates a 25 000 square foot golf course clubhouse and an 18-hole golf course to be owned, operated and maintained by the Town Park Country Club Property Owners' Association, Inc. In the event that Developer elects to provide a public golf course rather than a golf course available to residents only within the Project, Developer shall provide a traffic equivalency analysis for approval by the County Engineer prior to such golf course operational change. (ONGOING: ENG)

3. Lantana Road Construction Project Funding.

- a. Developer shall provide to County, prior to November 23, 1996, an irrevocable Performance Security in a form acceptable to the County Attorney in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) to be used by County to fund the preparation of construction plans for the Lantana Road Section. County shall be authorized to draw against this Performance Security in any amount necessary to fund the actual cost of the construction plan preparation including County administrative processing costs for the Lantana Road Section by giving thirty (30) days prior written notice to Developer of the County's intention to draw funds against the Performance Security. All residual funds not used by County for construction plan preparation shall be available to County for right-of-way acquisition or road construction associated with the Lantana Road Section. (DATE: MONITORING - Eng)
- b. For right-of-way acquisition purposes, Developer shall further provide to County by November 23, 1996 an additional irrevocable Performance Security in a form acceptable to the County Attorney in amount of Two Hundred Fifty Thousand Dollars (\$250,000) for County's use in purchasing Lantana Road Section right-of-way or roadway drainage area. County shall be authorized to draw against this Performance Security in any amount necessary to fund the actual and associated costs of the right-of-way or roadway drainage area acquisition phase of the road project by giving thirty (30) days prior written notice to Developer of County's intention to draw funds against the Performance Security. County agrees to only draw against such Performance Security in accordance with a schedule directly related to County's actual need for such funds, but in no event shall the County be liable

for failure to use such funds within any specific time frame. Any residual funds not required for right-of-way and drainage area acquisition shall be available to County for road construction associated with the Lantana Road Section. (DATE: MONITORING - Eng)

- c. For actual road construction purposes, Developer shall provide to County by November 23, 1996 an additional irrevocable Performance Security in a form acceptable to the County Attorney in the amount of One Million One Hundred Fifty Thousand Dollars (\$1,150,000) for use by County in construction of a portion of the Lantana Road Section from Grand Lacuna Boulevard through the intersection of Lyons Road. These funds shall be credited against the Project's traffic impact fees. County shall be authorized to draw against this Performance Security in any amount necessary to fund the actual cost of the construction of this portion of the Lantana Road Section by giving thirty (30) days prior written notice to Developer of County's intention to draw funds against the Performance Security. (DATE: MONITORING - Eng)
- d. For actual road construction purposes, Developer shall provide to Palm Beach County an interest-free loan in the amount of Two Million Three Hundred Fifty Thousand Dollars (\$2,350,000) for the construction of a portion of the Lantana Road Section from west of Lyons Road to the LWDD E-1 Canal Bridge. Performance Security for these funds shall be provided no later than November 23, 1997. (DATE: MONITORING - Eng)
- e. Notwithstanding the foregoing, the County shall construct the Lantana Road Section as one project. County agrees to only draw against such Performance Security in accordance with a schedule directly related to County's actual need for such funds provided in ~~paragraphs c and d~~ conditions c. and d., above, but in no event shall County be liable for failure to use the funds within any specific time frame. In the event that there are any unused funds or uncalled Performance Security amounts in the Lantana Road Section account from the Five Hundred Thousand Dollars (\$500,000) provided by Developer in conditions 3. a. and 3. b. above, all such funds shall be utilized by County for the Lantana Road Section construction project. Any remaining Performance Security not used for the Lantana Road Section construction project shall be returned to Developer after such construction has been accepted by the County Engineer. (ONGOING: ENG)

4. Lantana Road Construction Project Administration.

- a. County shall make its best effort to award the construction contract for the Lantana Road Section in a coordinated manner with other segments of Lantana Road no later than October 15, 1998. (DATE: MONITORING - Eng)
- b. County shall make its best efforts to provide for a unified and coordinated design and construction of all County and third-party developer road construction commitments related to the Lantana

Road Section as provided for in condition 1. above.  
(DATE: MONITORING - Eng)

- c. County shall be responsible for all costs and expenses associated with construction of the Lantana Road Section above Developer's contribution of One Million Six Hundred and Fifty Thousand Dollars (\$1,650,000) plus the Two Million Three Hundred and Fifty Thousand (\$2,350,000) interest-free loan to be provided by Developer to County.  
(ONGOING: ENG)
  - d. County shall repay from funds available in the approved Board of County Commissioner's 5 Year Road Program as of January 9, 1996 up to the Two Million Three Hundred and Fifty Thousand (\$2,350,000) loan ( the amount actually borrowed) as follows:
    - (1) One Million Dollars (\$1,000,000) on or before October 15, 1999. (DATE: MONITORING - Eng)
    - (2) Up to One Million Three Hundred and Fifty Thousand Dollars (\$1,350,000) on or before October 15, 2000. (DATE: MONITORING - Eng)
5. Impact Fee Credits. All sums paid by the Developer toward the Lantana Road Section pursuant to condition: 3. a., 3. b. and 3 c. shall be credited against the Project's Fair Share Road Impact Fees. (ONGOING: ENG)
6. Developer Agreement with Florida Department of Transportation (FDOT) for State Road 7. County hereby recognizes that Developer, under threat of condemnation, has volunteered to dedicate approximately seven (7) acres +/- of right-of-way along the Project's State Road 7 frontage to accommodate the easterly shift of the State Road 7 alignment in order to avoid a major relocation of an existing television broadcast tower located on the west side of State Road 7, which right-of-way dedication will result in significant cost savings to the general public. County agrees to cooperate with Developer in negotiating the State Road 7 right-of-way dedication agreement between FDOT and Developer in order to facilitate the earliest possible construction of State Road 7 between Lake Worth Road and Boynton Beach Boulevard including but not limited to the expanded intersection at Hypoluxo Road and State Road 7. (ONGOING: ENG)
7. Prior to November 23, 1996 or prior to the issuance of the first Building Permit, whichever shall first occur, the Property Owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
- a. Hypoluxo Road a total of 110 feet, on an alignment approved by the County Engineer, from SR 7 to Lyons Road;
  - b. Lantana Road 55 feet from centerline;
  - c. An expanded intersection at Lyons Road and Hypoluxo Road;
  - d. Lyons Road, a total of 110 feet of right of way, from the present right of way terminus south of Lantana Road to Hypoluxo Road.

All of the above right of way shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free **of** all encumbrances and encroachments. Right-of-way conveyances shall **also** include "Corner Clips" where appropriate at intersections **as** determined by the County Engineer. (DATE / BLDG. PERMIT: MONITORING / ENG)

8. The Property Owner shall convey to Florida Department of Transportation, the proposed relocated SR 7 right-of-way in accordance with the Florida Department Of Transportation Requirements. The Petitioner's provision of the road right-of-way warranty deed for the proposed relocated SR 7 right-of-way shall be in accordance with a time schedule mutually approved by FDOT and Palm Beach County but in any event, such conveyance shall be **prior** to the issuance of the first building permit for the project. (BLDG **PERMIT**: ENG)

9. Prior to the issuance of a building permit the Property Owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed the additional right **of** way for the construction of a right turn lane at the intersection of:

- A. Hypoluxo Road and the project's entrance road
- B. Lantana Road and the project's entrance road.

This right-of-way shall be a minimum of **280** feet in storage length, twelve feet in width and a taper length of **50** feet or as approved by the County Engineer. This additional right-of-way shall be free of all encumbrances and encroachments and shall include "**Corner-Clips**" where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG. PEWIT: BLDG - Eng)

10. Prior to technical compliance for the first plat the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this ~~property~~ **owner's** road right-of-way. Construction within this easement shall conform to Palm Beach County Standards. (**TC**: ENG)

11. The Property Owner shall either fund or cause to be constructed by a third party the following turn lanes to be included in the construction by Palm Beach County:

- a. Left turn lane west approach and a right turn lane east approach on Hypoluxo Road at the project's entrance road;
- b. Left turn lane east approach and a right turn lane west approach on Lantana Road at the project's entrance road (to be constructed by Palm Beach County as part of the Lantana Road Section at no cost to Developer);
- c. Left turn lane east approach, a left turn lane north approach and a right turn lane south approach, at the intersection of Hypoluxo Road and SR 7;

- d. Left turn lane east approach, right turn lane west approach, left turn lane south approach, lengthen the existing left turn lane south approach to provide for a three hundred thirty foot (330') distance plus appropriate paved tapers, and a right turn lane south approach at the intersection of Lantana Road and Lyons Road;
- e. Left turn lane west approach, a right turn lane west approach, a right turn lane north approach, a left turn lane north approach, at the intersection of Hypoluxo Road and Lyons Road.

All construction shall be concurrent with the construction of the related roadway sections. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (ONGOING: ENG)

- 12. On or before July 15, 1997, the Property Owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Hypoluxo Road, Lyons Road and Lantana Road along the property frontage, and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included road segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material (DATE: MONITORING - Eng).
- 13. Using funds provided in condition E.2.e., above, Palm Beach County shall prepare the plans for and construct Lyons Road as a two (2) lane facility (expandable to six (6) lanes) from Hypoluxo Road north to the present paved terminus south of Lantana Road plus the appropriate paved tapers. (ONGOING: ENG)
- 14. Using funds provided in condition E.2.e., above, Palm Beach County shall prepare the plans for and construct Hypoluxo Road as a two (2) lane facility (expandable to six (6) lanes) from SR 7 east to Lyons Road plus the appropriate tapers. These plans and construction work shall omit the construction of any segment of Hypoluxo Road which is to be constructed by FDOT from SR 7 to the project entrance plus appropriate tapers. All FDOT and

Palm Beach County construction work shall be compatible with the other. (ONGOING: ENG)

15. The plans and permitting for the road construction work addressed in Conditions 13 and 14 above shall be completed **so** that the required construction can be accomplished simultaneously with the construction of Hypoluxo Road from SR 7 to the Project's entrance plus appropriate tapers which construction work shall be by FDOT. (ONGOING: ENG)
16. The Property **owner** shall provide acceptable Performance Security by November 23, 1996 for the construction of intersection improvements at the intersection of Lantana Road and Jog Road by providing an additional westbound thru lane [for a total of three (3) westbound thru lanes] on Lantana Road with thru intersection continuity. Surety in the amount of one hundred ten percent (110%) shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (DATE: MONITORING - Eng)
17. The Property Owner shall fund or cause to be funded by a third party the cost of signal installation if warranted as determined by the County Engineer at:
  - a. the project's entrance and Hypoluxo Road;
  - b. the project's entrance and Lantana Road; and
  - c. At the intersection of Hypoluxo Road and SR 7Should signalization not be warranted after twelve (12) months of the final Certificate of Occupancy, the Property Owner shall be relieved from this condition (CO: MONITORING - Eng)
18. No internal vehicular traffic connections shall be made with any roadway within the Sherbrooke Estates PUD from the Project. (DRC: ENG)
19. LANDSCAPE WITHIN MEDIAN
  - 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 landscape all adjacent median(s) of Hypoluxo Road, Lantana Road and State Road 7 abutting the project. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards as 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. (DATE: MONITORING - Eng)

- b. All required median landscaping including an irrigation system, if required, shall be at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the property owner 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 period of drought in order to maintain healthy plant material. All landscape material shall be installed prior to July 1, 2000. (DATE: MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to recordation of the first plat to reflect this obligation. (PLAT: ENG)

**F. MASS TRANSIT**

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. (DRC: ZONING - School Board / Eng / Planning)
2. The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING -School Board / Eng / Planning)
3. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts in accordance with an official County program adopted for such purpose. This condition F(3) shall remain in effect until May 23, 1997 (DATE: MONITORING - Eng)

**G. SCHOOL BOARD**

1. The petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may not be assigned to the most proximate public school because of overcrowding, racial balancing, or other School Board policies (ONGOING: SCHOOL BOARD)

**H. HEALTH**

1. Reasonable precautions shall be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH / CODE ENF)

**I. PREM**

1. The property owner shall provide to the Palm Beach County Board of County Commissioners by a special

warranty deed by April 25, 1998 a 33.63 acre plus/minus civic site. The civic site shall be a parcel to be acquired by Towne Park, the location of which has been mutually agreed upon by PREM, the Parks Department and the petitioner to be located in an area bounded by the Florida Turnpike on the east, the approved Hypoluxo Road Right-of-way on the north, the approved Lyons Road Right-of-Way on the west and the LWDD L-19 canal on the south. Hypoluxo Road frontage shall be provided and the site shall not be located contiguous to Florida's Turnpike. The total civic site acreage shall include: 1) the 2% civic site requirement for Petition 95-116 (11.25 acres); 2) the 2% civic site requirement for the Sherbrooke Estates PUD pursuant to Petition 76-139 (R-89-2217 Condition #2) (10.75 acres), and 3) the 2% civic site requirement for a 581.52 acre ± parcel located contiguous to the Towne Park Country Club (11.63 acres) to be submitted as part of a future zoning petition. Developer to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

- a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site. The appraisal to be obtained by the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site. if the civic site is used for governmental purposes. In the event the site is used for private purposes, the Declarations of Covenants of the P.U.D. shall remain in full force and effect.
- b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.
- c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.
- d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues
  - (1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.
  - (2) As easement across Developer's property from the proposed civic site to the retention basins, if required.
- e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.



- f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.
  - g. Developer to provide water and sewer stubbed out to the property line. (DATE: MONITORING / PREM)
2. The property owner shall provide the County with a certified survey of the proposed civic site by February 25, 1998. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:
- a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.
  - b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
  - c. The survey should include a location of any proposed water retention area that will border the civic site.

Survey **is** also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: MONITORING / PREM)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by February 25, 1998. The minimum assessment which is required **is** commonly called a "Phase I Audit". The **audit** shall describe the environmental conditions of the property and identify the past and current land use. The assessment will include but not be limited to the following:
- a. Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
  - b. Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.
  - c. **The assessment shall reflect whether the civic site or any bordering property is on the following lists:**
    - (1) EPA's National Priorities list (NPL)
    - (2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
    - (3) Hazardous Waste Data Management System List (HWDMS)
  - d. Review of current and historical aerial photographs **of** the proposed civic site. Provide a recent aerial showing site and surrounding properties.

- e. The results of an on-site survey to describe site conditions and to identify potential area of contamination.
  - f. Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: MONITORING / PREM)
4. Prior to February **25, 1998**, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers **1, 2 & 3** above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner. **If** off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a **(2)**. (DATE: MONITORING / PREM)

**J. COMPLIANCE**

- 1. 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; 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 reasonably 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.

Appeals of any departmental administrative actions hereunder may be taken to the Palm 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, Conditional use, Requested Use, Development Order 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.  
(MONITORING)