

4. Edd

RESOLUTION NO. R- 2008-0123

RESOLUTION APPROVING ZONING APPLICATION DOA2006-1934
(CONTROL NUMBER 2005-162)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF BOYNTON BEACH ASSOCIATES XXII LLLP
BY KILDAY & ASSOCIATES, INC., AGENT
(AMESTOY AGR 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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA2006-1934 was presented to the Board of County Commissioners at a public hearing conducted on January 24, 2008; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. This Development Order Amendment, 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, 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.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application DOA2006-1934, the application of Boynton Beach Associates XXII LLLP, by Kilday & Associates, Inc., agent, for a Development Order Amendment to add land area, restart the commence clock, re-designate preserve to development area, modify conditions of approval (Engineering), add units and to allow a model row 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on November 29, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	¥	Aye
Jeff Koons, Vice Chair	¥	Aye
Karen T. Marcus	¥	Aye
Robert J. Kanjian	¥	Aye
Mary McCarty	¥	Aye
Burt Aaronson	¥	Aye
Jess R. Santamaria	¥	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 24, 2008.

Filed with the Clerk of the Board of County Commissioners on January 24, 2008.


This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

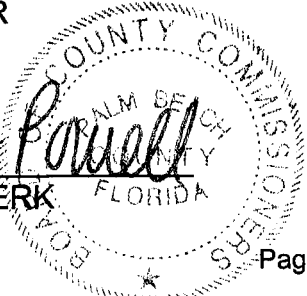


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION FOR FALOWSKI PRESERVE AREA 1:

PARCEL 1 (FEE ESTATE):

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF THE AFORESAID SECTION 14; THENCE WITH A BEARING OF SOUTH 00° 30' 17" EAST ALONG THE EAST LINE OF SECTION 14, A DISTANCE OF 332.10 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 88° 32' 32" WEST A DISTANCE OF 2,638.91 FEET TO A POINT LYING ON THE NORTH-SOUTH QUARTER LINE OF SECTION 14; THENCE WITH A BEARING OF NORTH 00° 30' 11" WEST ALONG THE NORTH-SOUTH QUARTER LINE OF SECTION 14, A DISTANCE OF 332.23 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 88° 32'41" EAST ALONG THE EAST-WEST QUARTER LINE OF SECTION 14, A DISTANCE OF 2,638.93 FEET MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF THE AFORESAID SECTION 14; THENCE WITH A BEARING OF SOUTH 00° 30' 17" EAST, ALONG THE EAST LINE OF SECTION 14, A DISTANCE OF 332.10 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 88° 32' 32" WEST, A DISTANCE OF 1,327.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WITH A BEARING OF SOUTH 88° 32' 32" WEST, A DISTANCE OF 1,311.91 FEET TO A POINT LYING ON THE NORTH-SOUTH QUARTER LINE OF SECTION 14; THENCE WITH A BEARING OF NORTH 00° 30' 11" WEST, ALONG THE NORTH-SOUTH QUARTER LINE OF SECTION 14, A DISTANCE OF 332.23 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 88° 32' 41" EAST, ALONG THE EAST-WEST QUARTER LINE OF SECTION 14, A DISTANCE OF 1,311.92 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 00° 30' 14" EAST, A DISTANCE OF 332.17 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION FOR FRUEH PRESERVE PARCEL 2:

TRACTS 101 AND 102, BLOCK 45, PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. TOGETHER WITH THAT PORTION OF A ROAD, DITCH AND DYKE RESERVATION 30 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 101 AND 102 ACCORDING TO SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 3.

CONTAINING 10.463 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR HIMMELRICH PRESERVE AREA 3:

THE NORTH 1/2 OF TRACT 14, BLOCK 53, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5.000 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR AMESTOY PRESERVE AREA 4:

BEING A PORTION OF TRACTS 31 THROUGH 44, TOGETHER WITH A PORTION OF A ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, LYING BETWEEN, ADJACENT TO AND CONTIGUOUS WITH SAID TRACTS 38 AND 39, ALL LYING WITHIN BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 44; THENCE SOUTH 00°56'47" EAST, ALONG THE WEST LINE OF SAID TRACT 44, A DISTANCE OF 110.00 FEET TO A POINT ON THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT BOYNTON CANAL AS DESCRIBED IN DEED BOOK 118, PAGE 518 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE NORTH 89°03'05" EAST, A DISTANCE OF 5,270.99 FEET TO A POINT ON THE WEST RIGHT- OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 10416, PAGE 1789 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°57'00" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 160.00 FEET; THENCE SOUTH 89°03'05" WEST, A DISTANCE OF 4,591.99 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 44; THENCE SOUTH 00°57'00" EAST, ALONG SAID EAST LINE, A DISTANCE OF 389.40 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 44; THENCE SOUTH 89°03'03" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 679.03 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 44; THENCE NORTH 00°56'47" WEST, ALONG SAID WEST LINE, A DISTANCE OF 549.40 FEET POINT OF BEGINNING.

CONTAINING 25.431ACRES, MORE OR LESS.

LAND DESCRIPTION FOR JILL PRESERVE AREA 5:

BEING A PORTION OF TRACTS 1, 2, 7, 8, 9, 10, 15, 16, 17, 18, 23 AND 24, TOGETHER WITH A PORTION OF A ROAD, DYKE AND DITCH RESERVATION LYING BETWEEN SAID TRACTS 23 AND 24 TO THE NORTH AND TRACTS 25 AND 26 TO THE SOUTH, ALL LYING WITHIN BLOCK 61, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 2; THENCE SOUTH 00°37'11" EAST, ALONG THE WEST LINE OF SAID TRACT 2, A DISTANCE OF 128.16 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 89°35'56" EAST, ALONG THE NORTH LINE OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 41 EAST AS SURVEYED BY THE STATE OF FLORIDA IN 1912, A DISTANCE OF 1,081.76 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 PER ORDER OF TAKING OF PARCEL 113 AS DESCRIBED IN OFFICIAL RECORDS BOOK 11107, PAGE 992, SAID PUBLIC RECORDS; THENCE SOUTH 00°58'21" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1,223.21 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACTS 7 AND 8; THENCE SOUTH 89°38'19" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1,089.29 FEET TO A POINT HEREINAFTER TO BE KNOWN AS POINT "A" AND A POINT ON THE WEST LINE OF SAID TRACT 7; THENCE NORTH 00°37'11" WEST, ALONG SAID WEST LINE OF TRACTS 2 AND 7, A DISTANCE OF 1,222.41 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE AT THE AFOREMENTIONED POINT "A"; THENCE SOUTH 00°37'11" EAST, ALONG THE SOUTHERLY EXTENSION OF SAID WEST LINE OF TRACT 7, A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACTS 9 AND 10 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 89°38'20" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1,089.48 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD 7; THENCE SOUTH 00°58'21" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1,320.76 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACTS 15 AND 16; THENCE SOUTH 89°39'24" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1,097.61 FEET TO A POINT HEREINAFTER TO BE KNOWN AS POINT "B" AND A POINT ON THE WEST LINE OF SAID TRACTS 10 AND 15; THENCE NORTH 00°37'11" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1,320.36 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE AT THE AFOREMENTIONED POINT "B"; THENCE SOUTH 00°37'11" EAST, ALONG THE SOUTHERLY EXTENSION OF SAID TRACT 15, A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACTS 17 AND 18 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 89°39'24" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1,097.80 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD 7; THENCE SOUTH 00°58'21" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1330.13 FEET; THENCE SOUTH 89°40'35" WEST, ALONG A LINE 9.32 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 23 AND 24, A DISTANCE OF 1105.99 FEET TO A POINT ON THE WEST LINE OF SAID TRACTS 18 AND 23; THENCE NORTH 00°37'11" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1329.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 97.262 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR TRACTS 12 & 13 PRESERVE AREA 6:

BEING ALL OF TRACTS 12 AND 13, BLOCK 53, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE NORTH 15.00 FEET OF THAT PORTION OF ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, LYING SOUTH OF AND ADJACENT TO SAID TRACT 13, SAID PORTION BEING BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT 13 AND BOUNDED ON THE WEST BY THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 13, LYING WITHIN SAID BLOCK 53, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY IN FAVOR OF LAKE WORTH DRAINAGE DISTRICT.

CONTAINING 19.163 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR CZITO PRESERVE ARE 12:

THE NORTH HALF (N 1/2) OF TRACT 16, LESS THE EAST 80.00 FEET THEREOF, BLOCK 52, PALM BEACH FARMS COMPANY PLAT NO. 3, AS PER PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45.

CONTAINING 4.394 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR DELL PRESERVE AREA 14:

PARCEL 1:

THE NORTH 1/2 OF TRACT 39, BLOCK 53, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

THE EAST 1/2 OF TRACT 9, LESS THE NORTH 95.04 FEET; THE SOUTH 1/2 OF TRACT 14; ALL OF TRACTS 15 AND 16; THE WEST 1/2 OF TRACT 33; ALL OF TRACTS 34 THROUGH 38; THE SOUTH 1/2 OF TRACT 39; AND ALL OF TRACTS 40 THROUGH 42, BLOCK 53, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

A PORTION OF A ROAD, DYKE AND DITCH RESERVATION ACCORDING TO PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 3, BLOCK 53, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT 36, BLOCK 53;

THENCE NORTH 01° 06' 47" WEST, ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 36, A DISTANCE OF 15.00 FEET;

THENCE NORTH 89° 36' 33" EAST, ALONG A LINE, 15 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 36, A DISTANCE OF 663.60 FEET;

THENCE DEPARTING FROM SAID LINE, NORTH 00° 23' 27" WEST, A DISTANCE OF 15.00 FEET TO THE SOUTH LINE OF TRACT 14, BLOCK 53;

THENCE NORTH 89° 36' 33" EAST, ALONG THE SOUTH LINE OF TRACTS 14 THROUGH 16, BLOCK 53, A DISTANCE OF 1980.00 FEET;

THENCE DEPARTING FROM SAID LINE, NORTH 00° 23' 27" WEST, ALONG THE EAST LINE OF TRACTS 9 AND 16, BLOCK 53, A DISTANCE OF 1249.99 FEET;

THENCE DEPARTING FROM SAID LINE, NORTH 89° 02' 44" EAST, ALONG A LINE 95.04 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 9, A DISTANCE OF 15.00 FEET;

THENCE SOUTH 00° 23' 27" EAST, ALONG A LINE 15 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 9 AND 16, A DISTANCE OF 1265.13 FEET;

THENCE SOUTH 89° 36' 33" WEST, ALONG A LINE 15 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 16, A DISTANCE OF 345.00 FEET;

THENCE DEPARTING FROM SAID LINE, SOUTH 00° 23' 27" EAST, A DISTANCE OF 15.00 FEET TO THE NORTH LINE OF TRACTS 33 THROUGH 36, BLOCK 53;

THENCE SOUTH 89° 36' 33" WEST, ALONG SAID LINE, A DISTANCE OF 2313.41 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A PORTION OF A ROAD, DYKE AND DITCH RESERVATION ACCORDING TO THE PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 3, BLOCK 53, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING 30 FEET IN WIDTH, LYING BETWEEN THE EAST LINE OF TRACT 40, SAID BLOCK 53, AND THE WEST LINE OF TRACT 41, SAID BLOCK 53, BOUNDED ON THE SOUTH BY THE NORTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-25 CANAL RIGHT-OF-WAY, PER OFFICIAL RECORDS BOOK 1585, PAGE 505, AND BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 40, ALL SITUATED, BEING AND LYING IN BLOCK 53, THE PALM BEACH FARMS CO. PLAT NO. 3, BLOCK 53, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

TRACT 43, BLOCK 53, THE PALM BEACH FARMS CO. PLAT NO. 3, BLOCK 53, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 121.670 ACRES, MORE OR LESS

BEARINGS ARE BASED ON THE WEST LINE OF TRACT 36, BLOCK 53, SAID LINE BEARS NORTH 01° 06' 47" WEST.

LEGAL DESCRIPTION FOR BRUSCHI PRESERVE AREA 7:

THAT PORTION OF ROAD, DYKE AND DITCH RESERVATIONS, 30.00 FEET IN WIDTH, LYING WITHIN BLOCK 52, PALM BEACH FARMS CO. PLAT NO.3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT "B", SUSSMAN PLAT-FOUR, PLAT BOOK 91, PAGES 55 AND 56, SAID PUBLIC RECORDS; THENCE SOUTH 00°58'53" EAST, ALONG THE WEST LINE OF SAID TRACT "B" AND TRACT 9, SAID BLOCK 52, A DISTANCE OF 660.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "B" AND TRACTS 9 THROUGH 11, SAID BLOCK 52; THENCE NORTH 89°01'07" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 1,980.00 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 11; THENCE SOUTH 00°58'53" EAST, ALONG THE SOUTHERLY PROLONGATION OF SAID EAST LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH LINE OF TRACTS 14 THROUGH 16, SAID BLOCK 52 AND TRACT "E", SAID SUSSMAN PLAT-FOUR; THENCE SOUTH 89°01'07" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 1,980.00 FEET TO A POINT ON THE WEST LINE OF TRACT 16, SAID BLOCK 52; THENCE SOUTH 00°58'53" EAST, ALONG THE WEST LINE OF TRACTS 16 AND 21, SAID BLOCK 52, ALSO BEING THE WEST LINE OF SAID TRACT "E" AND ITS NORTHERLY PROLONGATION, A DISTANCE OF 1,320.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 21; THENCE SOUTH 89°01'07" WEST, ALONG THE WESTERLY PROLONGATION OF SAID SOUTH LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST LINE OF TRACT "D", SAID SUSSMAN PLAT- FOUR AND TRACTS 17 AND 20, SAID BLOCK 52; THENCE NORTH 00°58'53" WEST, ALONG SAID EAST LINE, A DISTANCE OF 1,320.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "D" AND SAID TRACT 17; THENCE SOUTH 89°01'07" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 660.00 FEET TO A POINT ON THE SOUTHERLY PROLONGATION OF THE WEST LINE OF TRACT "C", SAID SUSSMAN PLAT- FOUR AND TRACT 8, SAID BLOCK 52, THENCE NORTH 00°58'53" WEST, ALONG SAID SOUTHERLY PROLONGATION, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT "C" AND SAID TRACT 8; THENCE NORTH 89°01'07" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 660.00 FEET TO A POINT ON THE EAST LINE OF SAID TRACT "C" AND SAID TRACT 8; THENCE NORTH 00°58'53" WEST, ALONG SAID EAST LINE, A DISTANCE OF 660.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "C" AND SAID TRACT 8; THENCE NORTH 89°01'07" EAST, ALONG THE EASTERLY PROLONGATION OF SAID NORTH LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.202 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR VOGEL PRESERVE AREA 8:

THE NORTH HALF (N 1/2) OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST (SE 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS EASEMENTS OF RECORD HELD BY FLORIDA POWER AND LIGHT COMPANY.

DESCRIPTION FOR GRASS RIVER PRESERVE AREA 9:

PARCEL 1:

TRACTS 90 AND 65, BLOCK 45 (LESS THE NORTH 45 FEET THEREOF), OF PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

TRACTS 91 AND 64, BLOCK 45 (LESS THE NORTH 45 FEET THEREOF), OF PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

19.311 ACRES, MORE OR LESS

LEGAL DESCRIPTION FOR WEST BOYNTON PRESERVE AREA 10:

THE SOUTH HALF (S 1/2) OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST (SE 1/4) OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

LEGAL DESCRIPTION FOR MCDOUGALD PRESERVE AREA 11:

PARCEL 1:

TRACT 5, LESS THE NORTH 31.68 FEET THEREOF, BLOCK 18, OF PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT ON FILE IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. (THIS LEGAL ASSUMES THAT THE NORTH LINE OF TRACT 5 IS IDENTICAL TO THE NORTH LINE OF BLOCK 18, OF PALM BEACH FARMS COMPANY PLAT NO. 1).

PARCEL 2:

TRACT 6, LESS THE NORTH 31.68 FEET THEREOF, BLOCK 18, OF PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT ON FILE IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. (THIS LEGAL ASSUMES THAT THE NORTH LINE OF TRACT 6 IS IDENTICAL TO THE NORTH LINE OF BLOCK 18, OF PALM BEACH FARMS COMPANY PLAT NO. 1).

PARCEL 3:

TRACTS 7 AND 8, LESS THE NORTH 31.68 FEET THEREOF, BLOCK 18, OF PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT ON FILE IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA. (THIS LEGAL ASSUMES THAT THE NORTH LINE OF TRACTS 7 AND 8 IS IDENTICAL TO THE NORTH LINE OF BLOCK 18, OF PALM BEACH FARMS COMPANY PLAT NO. 1).

LAND DESCRIPTION FOR LYONS WEST (VOUSTAS) PRESERVE AREA 13:

A PORTION OF TRACTS 58, 59 AND 60, BLOCK 53, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING, SITUATED AND BEING IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 60, BLOCK 53; THENCE SOUTH 01°06'47" EAST, ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 38.49 FEET TO A POINT ON A LINE 38.49 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT BEING THE SOUTH LINE OF RIGHT-OF-WAY PER CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE NORTH 89°36'33" EAST, ALONG SAID PARALLEL LINE AND SOUTH RIGHT-OF-WAY LINE THROUGH THE FOLLOWING THREE COURSES, A DISTANCE OF 645.91 FEET; THENCE NORTH 00°23'27" WEST, A DISTANCE OF 0.21 FEET; THENCE NORTH 89°36'33" EAST, A DISTANCE OF 707.34 FEET; THENCE SOUTH 00°23'27" EAST, A DISTANCE OF 6.72 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 415.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 20°22'47" EAST; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°44'00", A DISTANCE OF 512.33 FEET, TO A POINT OF TANGENCY; THENCE SOUTH 01°06'47" EAST, A DISTANCE OF 66.12 FEET; THENCE SOUTH 88°53'13" WEST, A DISTANCE OF 74.33 FEET; THENCE SOUTH 85°42'25" WEST, A DISTANCE OF 90.14 FEET; THENCE SOUTH 88°53'13" WEST, A DISTANCE OF 910.67 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 60; THENCE NORTH 01°06'47" WEST, ALONG SAID WEST LINE, A DISTANCE OF 486.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.556 ACRES, MORE OR LESS.

LAND DESCRIPTION FOR SFWMD 15A:

A PORTION OF SECTIONS 3 AND 4, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHWEST CORNER OF SAID SECTION 3; THENCE NORTH 89°48'05" EAST, ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 2,865.40 FEET; THENCE NORTH 00°56'23" WEST, A DISTANCE OF 721.69 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE SOUTH 89°48'05" WEST, A DISTANCE OF 3034.48 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF LEVEE L-40 AS SHOWN ON THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT LEVEE L-40 RIGHT-OF-WAY MAP AND AS DESCRIBED IN DEED BOOK 942, PAGE 241 AND DEED BOOK 939, PAGE 528 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 36°23'54" WEST, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2,264.27 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTH 1043.82 FEET OF THE NORTH 5467.82 FEET OF SAID SECTIONS 3 AND 4; THENCE SOUTH 88°32'09" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 4,351.60 FEET; THENCE SOUTH 00°56'23" EAST, ALONG THE WEST LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 13873, PAGE 1243, SAID PUBLIC RECORDS, A DISTANCE OF 1,701.06 FEET TO THE POINT OF BEGINNING.

FOR THE PURPOSE OF THIS LEGAL DESCRIPTION, ALL REFERENCES TO SECTIONS 3 AND 4 WILL INCLUDE THAT PORTION OF THE HIATUS TRACTS 39 AND 40 KNOWN AS TOWNSHIP 44 1/2 SOUTH, WHICH MAY HAVE BEEN HISTORICALLY DESCRIBED AS SAID SECTIONS 3 AND 4.

CONTAINING 148.535 ACRES, MORE OR LESS.

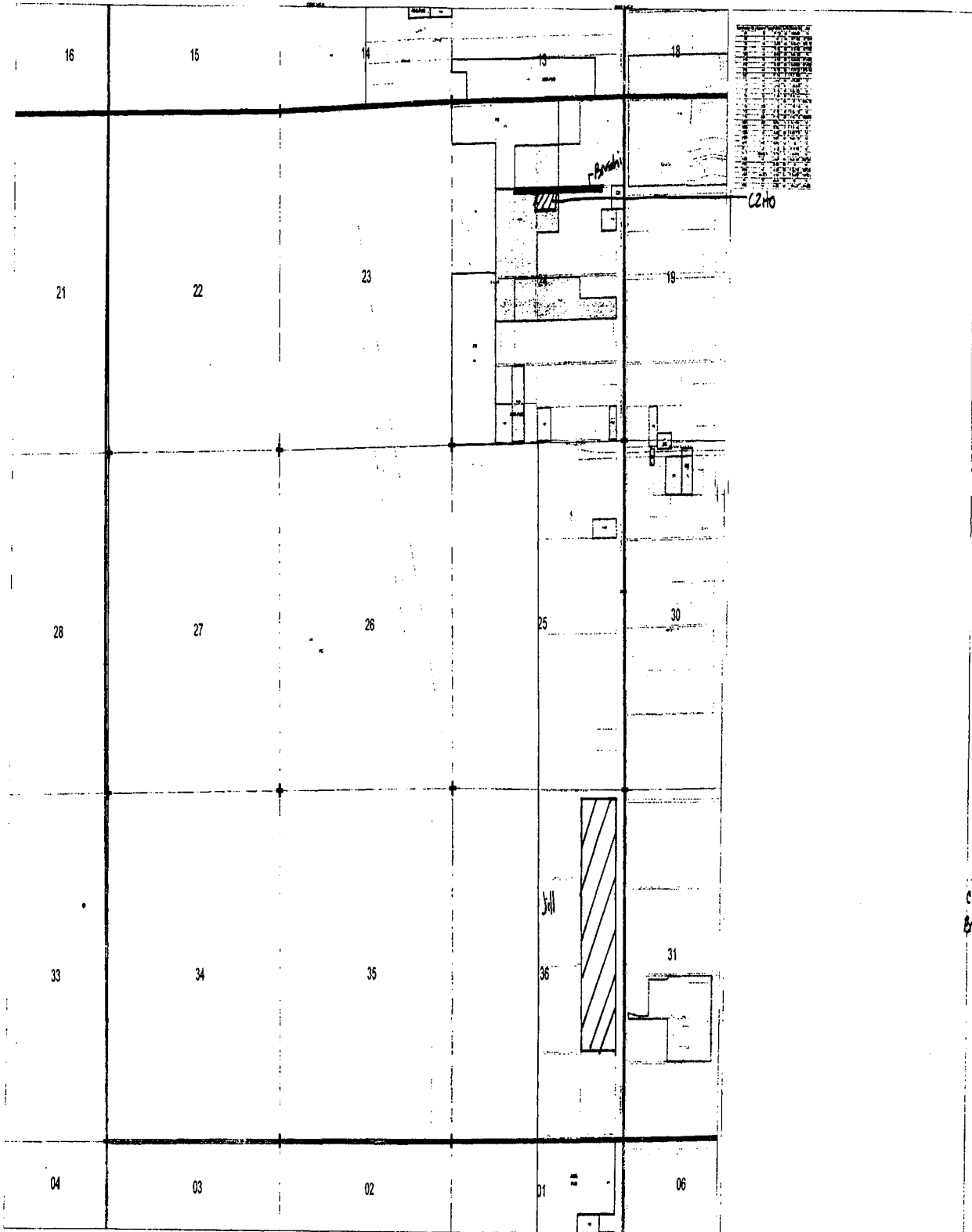
LAND DESCRIPTION FOR SFWMD 15B:

A PORTION OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

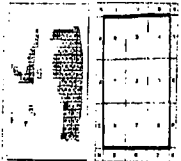
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 41 EAST; THENCE NORTH 88°14'10" EAST, ALONG THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 2,647.30 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 14; THENCE SOUTH 00°57'02" EAST, ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 14, A DISTANCE OF 3,343.09 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°57'02" EAST, A DISTANCE OF 82.59 FEET; THENCE SOUTH 88°14'10" WEST, ALONG A LINE 3425.34 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 14, A DISTANCE OF 1,960.62 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT LEVEE L-40 CANAL R/W AS LAID OUT AND IN USE; THENCE NORTH 32°37'57" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 96.21 FEET; THENCE NORTH 88°14'10" EAST, ALONG A LINE 3342.75 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH SAID NORTH LINE OF SECTION 14, A DISTANCE OF 2,011.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.765 ACRES, MORE OR LESS.









EXHIBIT B
VICINITY SKETCH
Zoning Map 65



Sill
C-2
HO



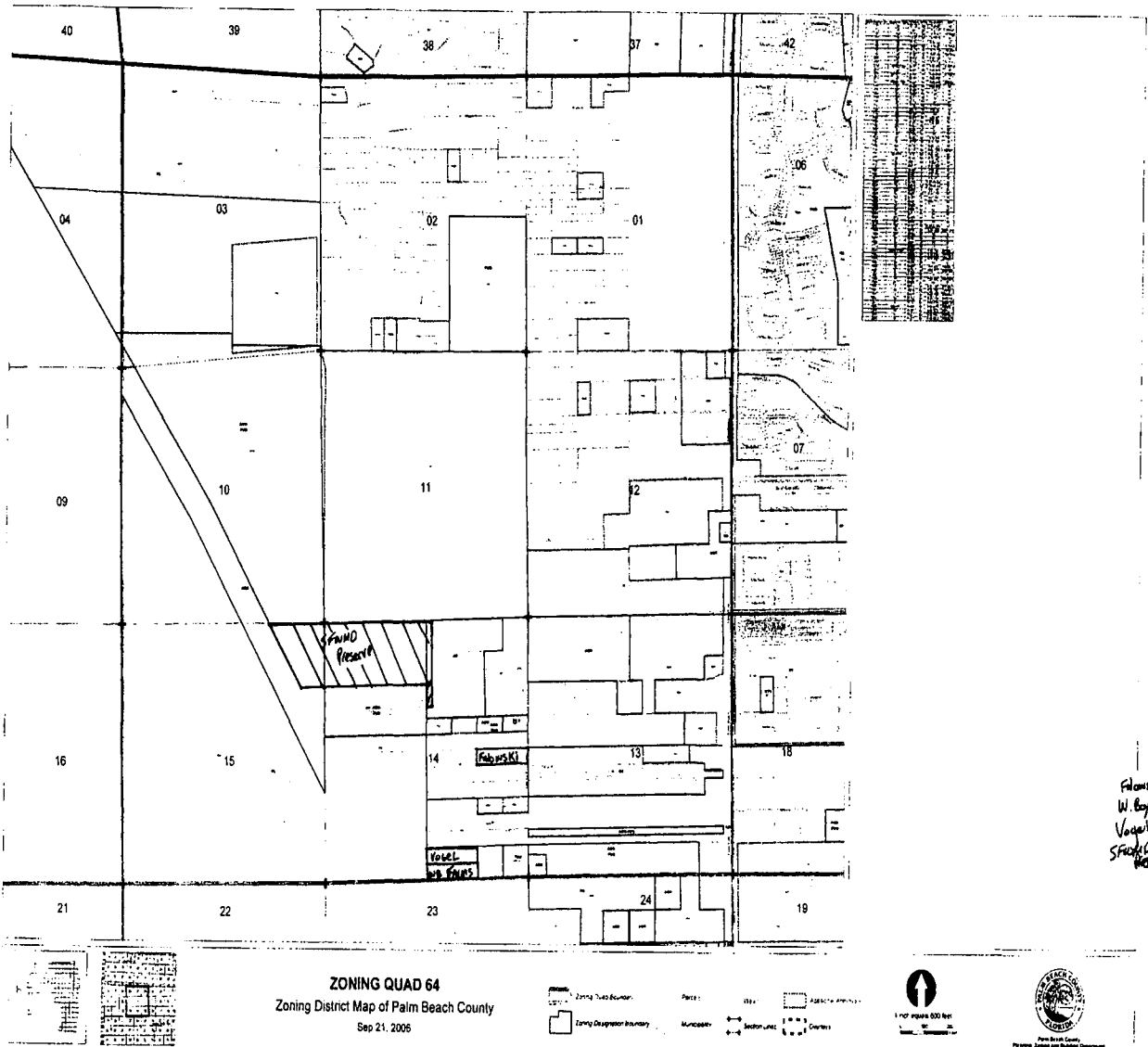
ZONING QUAD 65
Zoning District Map of Palm Beach County
Sep 07, 2005

-  Zoning Ordinance Boundary
-  Zoning Ordinance Boundary
-  Parcel
-  Map
-  Additional Approve
-  Municipality
-  Section Lines
-  Overlays

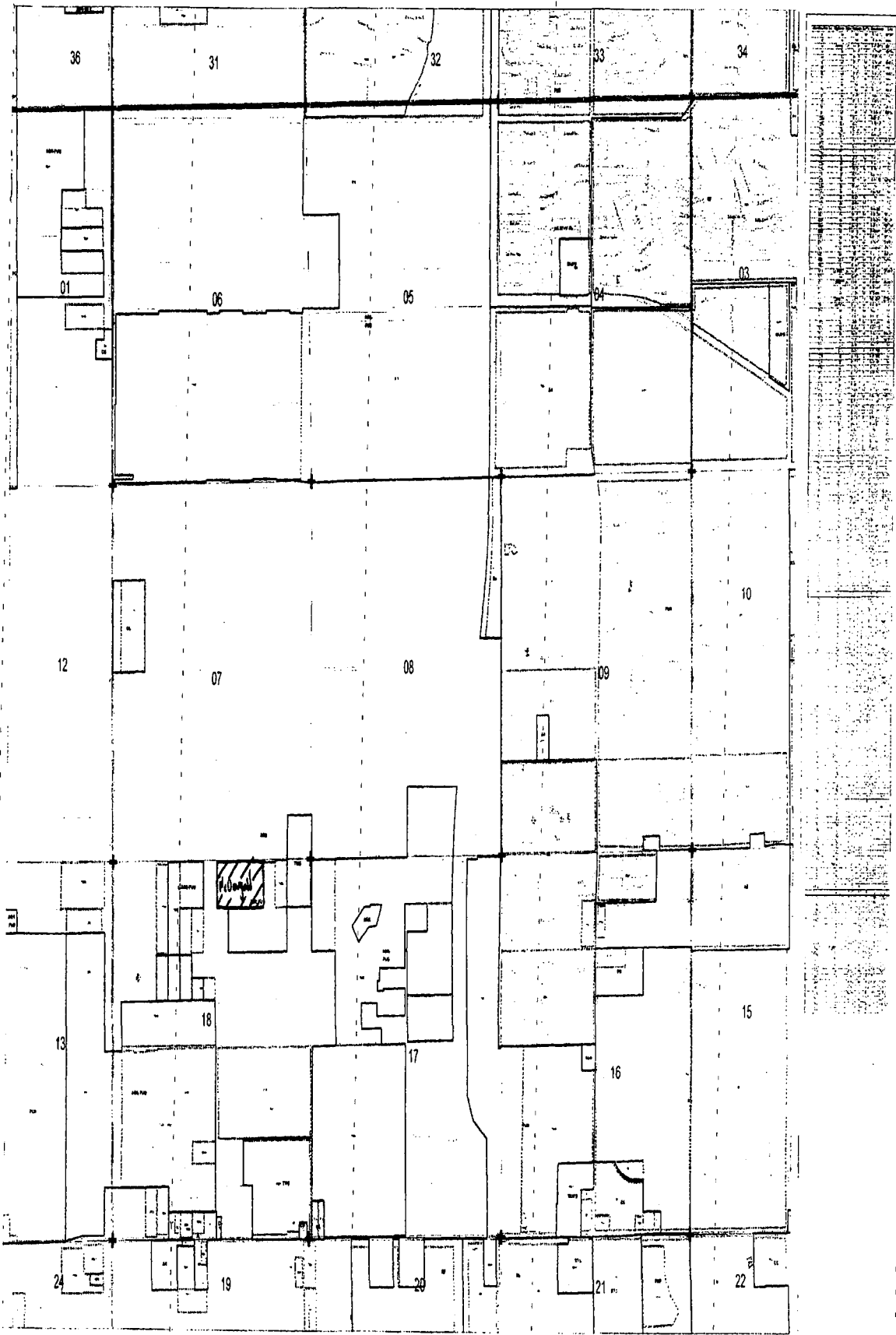
1 inch equals 500 feet
0 50 100



Zoning Map 54



Zoning Map 51



ZONING QUAD 51
 Zoning District Map of Palm Beach County
 Sep 20, 2006

- | | | | | | | | |
|--|-----------------------------|--|----------|--|------------|--|--------------|
| | Zoning Line Symbol | | P.S. 121 | | Water | | Aerial Photo |
| | Zoning Disposition Boundary | | Mercury | | Secur Line | | Other |



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All Petitions Condition 1 of Resolution R-2006-2050, Control 2005-162 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-0158, Control 2005-0162, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-2050, Control 2005-0162, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

2. All Petitions Condition 2 of Resolution R-2006-2050, Control 2005-162 which currently states:

Development of the site is limited to the use approved by the Board of County Commissioners. The approved preliminary master plan is dated November 23, 2005. 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 - Zoning)

Is hereby amended to read:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan is dated October 31, 2006. 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 - Zoning)

3. Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (ONGOING: MONITORING-Zoning)

ENGINEERING

1. Engineering Condition 1 of Resolution R-2006-2050, Control 2005-162 which currently states:

In order to comply with the mandatory traffic performance standards, the property owner/developer shall be restricted to the following phasing schedule:

- a. Building Permits for more than 323 Adult single family dwelling units maximum 165 PM Peak Hour Trips shall not be issued until construction has commences for intersection improvements at West Atlantic Avenue and SR 7 providing for:
- b. Building Permits for more than 525 Adult single family dwelling units (maximum 268 PM Peak Hour Trips) shall not be issued until construction

has commenced for intersection improvements at Boynton Beach Boulevard and Hagen Ranch Road providing for an additional north and south approach through lane.

- c. No Building Permits for the site shall be issued after January 1, 2010. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - Eng)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

- a. No Building Permits for the site may be issued after January 1, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
 - b. Building Permits for more than 152 single family units (156 PM Peak Hour Trips) shall not be issued until the contract has been awarded for the construction of Hypoluxo Road as a 4 lane median divided section from Lyons Road to Hagen Ranch Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
 - c. Building Permits for more than 533 single family dwelling units (483 PM peak hour trips) shall not be issued until construction commences for intersection improvements at Boynton Beach Boulevard and Hagen Ranch Road which will provide for:
 - an additional north approach through lane
 - an additional south approach through lane.The length of these lanes shall be approved by the County Engineer. (BLDG PERMIT: MONITORING-Eng)
 - d. Building Permits for more than 582 single family dwelling units (417 AM peak hour trips) shall not be issued until construction commences for intersection improvements at Boynton Beach Boulevard and Lyons Road which will provide for:
 - a north approach right turn lane
 - an additional west approach through lane.The length of these lanes shall be approved by the County Engineer. (BLDG PERMIT: MONITORING-Eng)
2. Engineering Condition 2 of Resolution R-2006-2050, Control 2005-162 which currently states:

Acceptable surety required for the offsite road improvements as outlined in Condition No. 1a, and 1b above shall be posted with the Office of the Land Development Division on or before July 26, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. Surety shall also include signal modifications for any intersection improvements. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Eng)

Is hereby amended to state:

Acceptable surety required for the offsite road improvements as outlined in Condition No. 1C, and 1D above shall be posted with the Office of the Land Development Division on or before July 3, 2008. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. Surety shall also include signal modifications for any intersection improvements. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - Eng)

3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG - Eng) (Previous Engineering Condition 3 of Resolution R-2006-2050 Control Number 2005-162)
4. Engineering Condition 4 of Resolution R-2006-2050, Control 2005-162 which currently states:

Prior to January 15, 2007, the property owner shall complete construction plans for all improvements identified in Condition No. 1a, and 1b above. These construction plans shall be approved by the Florida Department of Transportation for 1a, and 1b, plans shall be approved by the County Engineer for work identified in 1a. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Construction plans shall also include signal modifications for any intersection improvements. (DATE: MONITORING-Eng)

Is hereby amended to read:

Prior to June 15, 2008, the property owner shall complete construction plans for all improvements identified in Condition No. 1C, and 1D above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Construction plans shall also include signal modifications for any intersection improvements. (DATE: MONITORING-Eng)

5. Engineering Condition 5 of Resolution R-2006-2050, Control 2005-162 which currently states:

Prior to September 15, 2007, the property owner shall complete construction for all improvements identified in Condition No. 1a, and 1b. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Construction shall also include signal modifications for any intersection improvements. (DATE: MONITORING-Eng)

Is hereby amended to read:

Prior to November 15, 2008, the property owner shall complete construction for all improvements identified in Condition No. 1C, and 1D. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Construction shall also include signal modifications for any intersection improvements. (DATE: MONITORING-Eng)

6. Engineering Condition 6 of Resolution R-2006-2050, Control 2005-162 which currently states:

The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for:

- a. Lyons Road 55 feet from centerline;

- b. Boynton Beach Boulevard 120 feet north of the existing north right of way line of the LWDD L24 Canal.
- c. Sufficient right of way to provide for an Expanded Intersection at Boynton Beach Boulevard and Lyons Road.

Right of way shall be dedicated prior to July 1, 2006. All Right of way conveyances shall be free of all encumbrances and encroachments. Developer 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips."
(DATE: MONITORING-Eng)

Is hereby amended to read:

The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for:

- a. Lyons Road 55 feet from centerline;
- b. Boynton Beach Boulevard 120 feet north of the existing north right of way line of the LWDD L24 Canal.
- c. Sufficient right of way to provide for an Expanded Intersection at Boynton Beach Boulevard and Lyons Road.

Right of way shall be dedicated prior to July 1, 2008. All Right of way conveyances shall be free of all encumbrances and encroachments. Developer 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips."
(DATE: MONITORING-Eng)

7. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on both Boynton Beach Boulevard and Lyons Road at the project's entrance road. This right of way shall be a minimum of 280 feet in 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. (DATE: MONITORING - Eng) (Previous Engineering Condition 7 of Resolution R-2006-2050 Control Number 2005-162)

8. The Property owner shall construct:

- a. Restricted median opening and associated left turn lane west approach on Boynton Beach Boulevard at the Project's Entrance Road.
- b. Right turn lane east approach on Boynton Beach Boulevard at the Project's Entrance Road.
- b. Left turn lane south approach on Lyons Road at the Project's Entrance Road.
- d. Right turn lane north approach on Lyons Road at the Project's Entrance Road
- e. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
- f. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- g. Construction for these improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING Eng) (Previous Engineering Condition 8 of Resolution R-2006-2050 Control Number 2005-162)

9. Engineering Condition 9 of Resolution R-2006-2050, Control 2005-162 which currently states:

Prior to July 1, 2006 the property owner shall convey a temporary roadway construction easement along both Lyons Road and Boynton Beach Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING - Eng)

Is hereby amended to read:

Prior to May 1, 2008, the property owner shall provide a temporary roadway construction easement along both Boynton Beach Boulevard and Lyons Road to Palm Beach County This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT:MONITORING-Eng)

10. Engineering Condition 10 of Resolution R-2006-2050, Control 2005-162 which currently states:

On or before July 1, 2006, 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 Boynton Beach Boulevard along the property frontage; and up to a maximum of an additional 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, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as 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 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)

Is hereby amended to read:

On or before July 15, 2008, 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 Boynton Beach Boulevard along the property frontage; and up to a maximum of an additional 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, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as 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 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)

11. LANDSCAPE WITHIN THE MEDIAN OF BOYNTON BEACH BOULEVARD AND LYONS ROAD

The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of both Boynton Beach Boulevard and Lyons Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be

perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
 - b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
 - c. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING: ENG - Eng)
 - d. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Hypoluxo Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENG - Eng) (Previous Engineering Condition 11 of Resolution R-2006-2050 Control Number 2005-162)
12. Engineering Condition 12 of Resolution R-2006-2050, Control 2005-162 which currently states:

Prior to final site plan approval by the Development Review Committee, the property owner shall record a restrictive covenant on the property limiting occupancy of the units to Adult, over 55 years of age, dwelling units. This restrictive covenant shall be approved by the County Attorney and the County Engineer. (DRO:ENG - Eng)

Is hereby deleted [Reason: this site is no longer intended to be built as an Adult, over 55 years of age community].

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM - ERM) (Previous ERM condition 1 of Resolution R-2006-2050, Control 2005-162)
2. An Exotic Removal Management Plan, covering the conservation parcels, associated with the Amestoy PUD, shall be reviewed and approved by ERM prior to final DRO site plan approval. (DRO:ERM - ERM) (Previous ERM condition 2 of Resolution R-2006-2050, Control 2005-162)

3. All Restricted Covenant Agreements and Conservation Easements for the Conservation Parcels, associated with the Amestoy PUD, shall be submitted to ERM for review and approval prior to recordation.(DRO:ERM - ERM) (Previous ERM condition 3 of Resolution R-2006-2050, Control 2005-162)

LANDSCAPING STANDARDS

1. Prior to the issuance of the first certificate of occupancy, the property owner shall submit a Landscape Plan for the entire project to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all the landscape conditions as contained herein. (CO: LANDSCAPE -Zoning) (Previous Landscape Condition 1of Resolution R-2006-2050, Control 2005-0162)
2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 2 of Resolution R-2006-2050, Control 2005-0162)
3. All palms required to be planted on the property by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
 - a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 3 of Resolution R-2006-0158, Control 2005-2050)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscape Condition 4 of Resolution R-2006-2050, Control 2005-0162)
5. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 5 of Resolution R-2006-2050, Control 2005-0162)

LANDSCAPING ALONG THE NORTH, SOUTH, EAST AND WEST PROPERTY LINE

6. In addition to the proposed landscaping and buffering program and code requirements, landscaping and buffer width along the north, south, east and west property lines shall be upgraded to include:
 - a. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 6 of Resolution R-2006-2050, Control 2005-0162)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to recording of the plat and approval from the District for Technical Compliance, the owner shall convey to the District either by warranty deed or easement the West 45 feet of Tract 45 Block 51 for the required right-of-way of the E-1 Canal. (PLAT: ENG - LWDD)

PALM TRAN

1. The location of easements for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (Previous Mass Transit Condition 1 of Resolution 2005-2050)

2. Previous Mass Transit Condition 2 of Resolution 2005-2050 which currently states:

Prior to issuance of the first building Permit or recordation of the Plat, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT/PLAT: MONITORING - Eng)

Is hereby amended to read:

Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT: ENG- PalmTran)

PLANNING

1. Planning Condition 1 of Resolution 2006-2050, Control No. 2005-162, which currently states:

The PUD shall be limited to a maximum of 640 dwelling units and shall meet 60/40 AGR-PUD requirements. (Previous Condition Planning 1 of Resolution R-2006-0158, Control No. 2005-162) (ONGOING: PLANNING-Planning)

Is hereby amended to read:

The PUD shall be limited to a maximum of 793 dwelling units and shall meet 60/40 AGR-PUD requirements. All units associated with the preserve parcels shall be assigned to the Development area. No approved, but unbuilt units may be transferred outside the development area. (DRO/ONGOING: PLANNING - Planning)

2. Prior to recordation of a plat for the Amestoy Development Area, the property owner is responsible for the recordation of boundary plats for all of the preserve parcels and shall include on said boundary plats, language limiting these parcels to Agricultural Reserve preservation uses as permitted by conditions in this Resolution, the Comprehensive Plan Objective 1.5, and Policies of the Future Land Use Element. (Previous Planning Condition 2 of Resolution R-2006-2050, Control No. 2005-162) (PLAT: PLANNING/ENG - Planning)

3. Prior to final approval by the DRO, the property owner shall provide an AGR/PUD "Preserve and Development Parcel Location Map" as an addendum to the Master Plan. This addendum shall also indicate the location, access, acreage, and permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code (ULDC). (Previous Planning Condition 3 of Resolution R-2006-2050, Control No. 2005-162) (DRO: PLANNING - Planning)
4. Prior to final approval by the DRO, a management plan for all of the preservation areas shall be submitted. The property owner shall also submit a commitment letter indicating that these preservation properties will remain in their same state from the time of development approval to the final recordation of the conservation easement, or in the event of a change in use, that the new use of the property is consistent with the permitted uses within the preservation areas consistent with the Palm Beach County Comprehensive Plan and Unified Land Development Code (ULDC). The management plan shall contain a legal description and sketch of each parcel, an inventory of existing uses and environmental assets on each site, and a plan approved and enforced by the Department of Environmental Resources Management (ERM) for exotic removal and maintenance on each of the sites. (Previous Planning Condition 4 of Resolution R-2006-2050, Control No. 2005-162) (DRO: PLANNING/ERM - Planning)
5. Planning Condition 5 of Resolution 2006-2050, Control No. 2005-162, which currently states:

Prior to final approval by the DRO, the property owner shall add a Preservation Area/Proposed Uses" notes section on page 1 of the Master Plan and include the following:

- a. The preservation areas approved as part of Application # 2005-989 shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES:

- 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land;
- 2) Accessory structures such as barns and pump structures are permitted;
- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the ULDC;
- 5) Other uses as permitted by the required conservation easements;
- 6) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code,

NOT PERMITTED:

- 7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon.

- 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (Previous Condition Planning 5 of Resolution R-2006-0158, Control No. 2005-162) (DRO/ONGOING: PLANNING - Planning)

Is hereby amended to read:

Prior to final approval by the DRO, the property owner shall add a Preservation Area/Proposed Uses" notes section on page 1 of the Master Plan and include the following:

- a. The preservation areas approved as part of this application shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES:

- 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land;
- 2) Accessory structures such as barns and pump structures are permitted;
- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the ULDC;
- 5) Other uses as permitted by the required conservation easements;
- 6) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code,

NOT PERMITTED:

- 7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon.
- 8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (DRO/ONGOING: PLANNING - Planning)

6. Planning Condition 6 of Resolution 2006-2050, Control No. 2005-162, which currently states:

Prior to plat recordation for the Amestoy AGR-PUD development area, the conservation easements for all of the Preservation parcels, shall be recorded, as approved by the County Attorney's Office, the Department of Environmental Resources Management, and the Planning Division.

- a. The conservation easements for all of these preserve parcels shall contain:
 - 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
 - 2) a list of permitted uses, uses not permitted, and prohibited activities.

- b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (Previous Condition Planning 6 of Resolution R-2006-0158, Control No. 2005-162) (PLAT: ENG/CTY ATTY/ERM/PLANNING - Planning)

Is hereby amended to read:

Prior to recordation of the plat for the developable area as identified in this application, for the Preserve parcels (exclusive of the SFWMD preserve), the property owner shall either: 1) dedicate the land to Palm Beach County or another governmental entity such as the South Florida Water Management District; 2) record a restrictive covenant in a form acceptable to the Palm Beach County Attorney for the subject parcel; or 3) subject the parcel to a conservation easement, limiting the preserve parcel to an Agricultural Reserve preserve area in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan. Conservation easements shall be required for the SFWMD preserve areas, limiting the preserve parcel to an Agricultural Reserve preserve area in accordance with the Agricultural Reserve preserve provisions of the Comprehensive Plan.

The conservation easements for all of the Preservation parcels, shall be recorded, as approved by the County Attorney's Office, the Department of Environmental Resources Management, and the Planning Division.

- a. The conservation easements for all of these preserve parcels shall contain:
 - 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
 - 2) a list of permitted uses, uses not permitted, and prohibited activities.
 - b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Department of Environmental Resources Management and the Planning Division. (PLAT: ENG/CTY ATTY/ERM/PLANNING - Planning)
7. Planning Condition 7 of Resolution 2006-2050, Control No. 2005-162, which currently states:

Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to February 1st, 2009, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (Previous Condition Planning 7 of Resolution R-2006-0158, Control No. 2005-162) (DATE: MONITORING/PLANNING/ENG/CO ATTY - Planning)

Is hereby amended to read:

Should conservation easements not be recorded for the Preservation properties in a form acceptable to the County Attorney prior to January 1st, 2011, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners with a recommendation by staff to revoke the Development Order. No administrative time extension for this condition shall be allowed. (DATE: MONITORING/PLANNING/ENG/CO ATTY - Planning)

8. Planning Condition 8 of Resolution 2006-2050, Control No. 2005-162, which currently states:

Prior to final approval by the DRO, the plan shall indicate all pedestrian walkways in POD B, D, E, and F and a pedestrian pathway along the lake within the recreation pod (minimum two benches) as indicated on the conceptual site plan and pedestrian pathway plan submitted for DRO certification. (Previous Condition Planning 8 of Resolution R-2006-0158, Control No. 2005-162) (DRO: PLANNING - Planning)

Is hereby deleted. [REASON: No longer applicable. Site plan to be superceded]

PLANNED UNIT DEVELOPMENT

1. Prior to recordation of the first plat, all property included in the legal description of the application shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall include the following:
 - a. Formation of a single master" property owner's 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.
 - b. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcel shall be turned over to the association at no cost to the residents.
 - c. The property shall not be subject to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG/ COUNTY ATTY - Zoning) (Previous PUD Condition 1 of Resolution R-2006-2050, Control 2005-0162)
2. Prior to final approval by the Development Review Officer (DRO), the site/regulating plans shall be revised to indicate upgraded recreation amenities within each of the neighborhood parks. These additional amenities shall:
 - a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paver blocks, or other improved surface;
 - b. include a minimum of two (2) pedestrian benches;
 - c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
 - d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity or other shade structure; and,
 - e. details for all items indicated above shall be subject to review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - Zoning) (Previous PUD Condition 2 of Resolution R-2006-2050, Control 2005-0162)
3. PUD Condition 3 of Resolution R-2006-2050, Control 2005-0162, which currently states:

Prior to the issuance of a Certificate of Occupancy (CO) for a clubhouse or similar common building exceeding 2,500 total square feet on the 6.87-acre recreation parcel, the facility shall be equipped with a generator that complies with the following requirements:

- a. operates essential electrical systems, including A/C systems, for a minimum of thirty percent (30%) of the gross interior floor area of the building;
- b. an aboveground fuel storage system, or an alternative fuel storage system that is acceptable to Palm Beach County, with a minimum capacity that is acceptable to the Building Division shall be located adjacent to the generator;
- c. setback in accordance with the Property Development Regulations for a recreation pod in accordance with ULDC Table 3.E.2.D-16;

- d. screened from view on all sides by an opaque barrier constructed of compatible materials, color and character as the building or equivalent landscaping;
- e. subject to review and approval by the Building Division;
- f. deviation from these requirements and/or required building size shall be permitted if consistent with future ULDC regulations; and,
- g. in the event future ULDC regulations/Board of County Commission direction does not require the provision of a generator for the clubhouse or similar common building for Planned Unit Developments, condition 3.a. through 3.f. above shall be null and void and shall no longer be applicable to this project. (BLDG PERMIT: MONITORING - Zoning)

Is hereby deleted [REASON: superseded by current code]

- 4. Prior to final approval by the Development Review Officer (DRO), the plans shall be revised to indicate, in addition to the focal points shown, four (4) additional landscaped cul-de-sac focal points with a minimum of three (3) trees each shall be provided in Pod A. The location of each focal point shall be subject to review and approval by the Zoning Division. (DRO: ZONING - Zoning)

SCHOOL BOARD

- 1. Previous School Board Condition 1 of Resolution R-2006-2050 (DOA/EAC2006-731) which currently states:

Prior to Final Site Plan certification, the applicant shall provide a Declaration and Restrictive Covenant which prohibits children less than nineteen years of age from residing in the community. This declaration shall be recorded in the public records for Palm Beach County in a form and manner acceptable to the School Board and the County Attorney. (DRC: School Board -Co. Att.)

Is hereby deleted. [Reason: No longer applicable.]

- 2. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (CO: SCHOOL BOARD – SCHOOL BOARD)

- 3. Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter(s) shall be the responsibility of the residential property owner. (CO: SCHOOL BOARD – SCHOOL BOARD)

UTILITIES

- 1. If any relocation/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBCWUD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners 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. (ONGOING: MONITORING - Zoning) (Previous Compliance Condition 1 of Resolution 2006-2050, Control 2005-162)
2. Compliance Condition 2 of Resolution 2006-2050, Control 2005-162 which currently states:

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 reasonably related to the failure to comply with existing conditions; and/or

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master 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 Article 2.E 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 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. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

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 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.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)