

RESOLUTION NO. R-2008-1961

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC-2008-00803  
(CONTROL NUMBER 2006-00550)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF BEACH BOYNTON  
BY KILDAY & ASSOCIATES, INC., AGENT  
(ACME EAST 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 DOA/EAC-2008-00803 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 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 DOADOA/EAC-2008-00803, the application of Beach Boynton, by Kilday & Associates, Inc., agent, for a Development Order Amendment to a Development Order Amendment to delete a condition of approval (Planning) 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 October 23, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Jeff Koons 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:

Addie L. Greene, Chairperson	¥	Aye
Jeff Koons, Vice Chair	¥	Aye
Karen T. Marcus	¥	Absent
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 October 23, 2008.

Filed with the Clerk of the Board of County Commissioners on 23rd day of October, 2008.


This resolution is effective upon the effective date of the amendment to the Palm Beach County Comprehensive Plan Amendment Round 2008-01, related to platting of AGR Preserve Areas and the effective date of the Unified Land Development Code amendment contained in Exhibit C, Part 11 of Ordinance 2008-037.

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

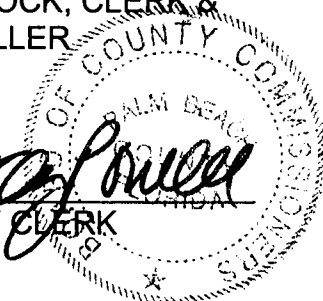


EXHIBIT A

LEGAL DESCRIPTION

DEVELOPMENT AREA

A PORTION OF TRACTS 66 THROUGH 72, 89 THROUGH 95, 98 THROUGH 103, 123 THROUGH 127 AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, ALL LYING WITHIN BLOCK 54, 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, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT 127; THENCE SOUTH  $89^{\circ}36'36''$  WEST, ALONG THE SOUTH LINE OF SAID TRACTS 123 THROUGH 127, A DISTANCE OF 1,369.68 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1,653.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH  $89^{\circ}04'45''$  WEST; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $38^{\circ}52'24''$ , A DISTANCE OF 1,121.51 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2,484.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $11^{\circ}57'33''$ , A DISTANCE OF 518.48 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 32.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $50^{\circ}59'24''$ , A DISTANCE OF 28.48 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $98^{\circ}01'41''$ , A DISTANCE OF 136.87 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 32.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $50^{\circ}59'24''$ , A DISTANCE OF 28.48 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2484.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $17^{\circ}11'32''$ , A DISTANCE OF 745.35 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE NORTH  $00^{\circ}23'24''$  WEST, A DISTANCE OF 260.63 FEET; THENCE NORTH  $89^{\circ}36'22''$  EAST, ALONG A LINE 72.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 72, A DISTANCE OF 315.00 FEET; THENCE NORTH  $00^{\circ}23'24''$  WEST, ALONG THE EAST LINE OF SAID TRACT 72, A DISTANCE OF 25.80 FEET; THENCE NORTH  $89^{\circ}36'22''$  EAST, ALONG A LINE 46.20 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 66 THROUGH 71, A DISTANCE OF 1,980.00 FEET; THENCE SOUTH  $00^{\circ}23'24''$  EAST ALONG THE EAST LINE OF SAID TRACTS 66, 95, 98 AND 127, A DISTANCE OF 2,624.76 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACTS 2 THROUGH 6, 27 THROUGH 31, 34 THROUGH 38, 59 THROUGH 63 AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION, 30.00 FEET IN WIDTH, ALL LYING WITHIN BLOCK 59, 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, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT 2; THENCE SOUTH  $00^{\circ}26'28''$  EAST ALONG THE EAST LINE OF SAID TRACTS 2, A DISTANCE OF 35.64 FEET TO THE POINT OF BEGINNING; THENCE SOUTH  $00^{\circ}26'28''$  EAST, ALONG THE EAST LINE OF SAID TRACTS 2, 31, 34 AND 63, A DISTANCE OF 2,635.42 FEET; THENCE SOUTH  $89^{\circ}36'33''$  WEST, ALONG THE SOUTH LINE OF SAID TRACTS 59 THROUGH 63, A DISTANCE OF 1,409.23 FEET; THENCE NORTH  $10^{\circ}41'03''$  WEST, A

DISTANCE OF 409.40 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 3,460.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°25'19", A DISTANCE OF 931.31 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 32.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50°42'29", A DISTANCE OF 28.32 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 98°59'39", A DISTANCE OF 138.22 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 32.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50°01'59", A DISTANCE OF 27.94 FEET TO A POINT OF TANGENCY; THENCE NORTH 06°29'05" EAST, A DISTANCE OF 1,014.58 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1,653.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°26'10", A DISTANCE OF 127.99 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE NORTH 89°36'36" EAST, ALONG A LINE 35.64 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 2 THROUGH 6, A DISTANCE OF 1,371.16 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 201.941 ACRES, MORE OR LESS.

#### PRESERVE 1 -CHICO SOUTH

THAT PROPERTY BEING A PORTION OF THE SOUTH HALF (S 1/2) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT ON THE WEST LINE OF SAID SECTION 13 AT THE SOUTHWEST CORNER OF WILLIS GLIDERPORT PLAT NO. 1 AS RECORDED IN PLAT BOOK 32, PAGES 148 THROUGH 148, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°57'37" EAST, ALONG SAID WEST LINE OF SECTION 13, A DISTANCE OF 829.66 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 88°59'15" EAST, ALONG A LINE 829.65 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID WILLIS GLIDERPORT PLAT NO. 1, A DISTANCE OF 5,056.15 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 AS DESCRIBED IN OFFICIAL RECORDS BOOK 10558, PAGE 1320, SAID PUBLIC RECORDS; THENCE SOUTH 00°55'15" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 155.83 FEET; THENCE SOUTH 88°57'38" WEST, A DISTANCE OF 2,619.55 FEET; THENCE NORTH 00°55'54" WEST, A DISTANCE OF 1.03 FEET; THENCE SOUTH 88°58'54" WEST, A DISTANCE OF 2,436.49 FEET TO A POINT ON SAID WEST LINE OF SAID SECTION 13; THENCE NORTH 00°57'37" WEST, ALONG SAID WEST LINE, A DISTANCE OF 156.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.142 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA HAVING AN ASSUMED BEARING OF S00°57'37"E.

#### PRESERVE 2

BEING A PORTION OF TRACTS 25, 26, 31, 32, LESS AND EXCEPT THE SOUTH 55.00 FEET OF TRACTS 31 AND 32 FOR RIGHT-OF-WAY, AND A PORTION OF THE SOUTH 29.68 FEET OF TRACTS 23 AND 24, AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION, 30 FEET IN WIDTH, LYING BETWEEN AND CONTIGUOUS TO SAID TRACTS 23, 24 AND TRACTS 25, 26, BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 AS LAID OUT AND IN USE AND BOUNDED ON THE

WEST BY THE NORTHERLY PROLONGATION OF THE WEST LINE OF SAID TRACT 26, 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 SOUTHWEST CORNER OF SAID TRACT 31; THENCE NORTH 00°37'11" WEST, ALONG THE WEST LINE OF SAID TRACT 31, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00°37'11" WEST, ALONG THE WEST LINE OF SAID TRACTS 23 AND ITS SOUTHERLY EXTENSION THEREOF, 26, AND 31, A DISTANCE OF 1,271.22 FEET; THENCE NORTH 89°40'35" EAST, 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 1,105.99 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 1,267.37 FEET; THENCE SOUTH 89°28'29" WEST, ALONG A LINE 55.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 31 AND 32, A DISTANCE OF 1,113.78 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

A PORTION OF TRACTS 31 AND 32, BLOCK 61, PALM BEACH FARMS COMPANY, 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, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 31; THENCE, NORTH 00°37'11" WEST, ALONG THE WEST LINE OF SAID TRACT 31, A DISTANCE OF 55.00 FEET; THENCE NORTH 89°28'29" EAST, ALONG A LINE PARALLEL WITH AND 55.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACTS 31 AND 32, A DISTANCE OF 647.08 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE, NORTH 00°58'21" WEST, A DISTANCE OF 466.70 FEET; THENCE, NORTH 89°28'29" EAST, A DISTANCE OF 466.70 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS DESCRIBED IN O.R. BOOK 11107, PAGE 992, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE, SOUTH 00°58' 21" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 466.70 FEET; THENCE, SOUTH 89°28'29" WEST, ALONG A LINE PARALLEL WITH AND 55.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACTS 31 AND 32, A DISTANCE OF 466.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 27.340 ACRES, MORE OR LESS.

### PRESERVE 3

A PORTION OF THE NORTHEAST ONE-QUARTER (1/4) OF SECTION 25, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 25, THENCE SOUTH 89°00'27" WEST, ALONG THE NORTH LINE OF SAID SECTION 25, A DISTANCE OF 230.79 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD 7 (aka U.S. 441); THENCE SOUTH 00°57'52" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 263.85 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°07'07" WEST, A DISTANCE OF 340.98 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 5806.87 FEET, THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07°23'48" AND AN ARC DISTANCE OF 749.65 FEET; THENCE NORTH 01°18'35" WEST, A DISTANCE OF 64.46 FEET (THE LAST THREE (3) DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD AS DESCRIBED IN OFFICIAL RECORDS BOOK

10633, PAGE 257, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA); THENCE NORTH 82°26'02" WEST, A DISTANCE OF 5.94 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 2583.00 FEET, THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°32'04" AND AN ARC DISTANCE OF 384.75 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°01'54 WEST, A DISTANCE OF 86.84 FEET; THENCE NORTH 00°58'06 WEST, A DISTANCE OF 30.50 FEET TO THE NORTH LINE OF SAID SECTION 25 (THE LAST FOUR (4) DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD AS DESCRIBED IN OFFICIAL RECORDS BOOK 10957, PAGE 1301 OF THE PUBLIC RECORD OF PALM BEACH COUNTY, FLORIDA); THENCE SOUTH 89°00'27" WEST, ALONG SAID NORTH LINE OF SECTION 25, A DISTANCE OF 844.56 FEET TO THE WEST LINE OF THE NE ONE-QUARTER (1/4) OF SAID SECTION 25; THENCE SOUTH 01°19'20" EAST, ALONG SAID WEST LINE, A DISTANCE OF 1484.99 FEET, TO THE INTERSECTION WITH A LINE BEING 145 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTH ONE-HALF (1/2) OF THE NORTHEAST ONE-QUARTER (1/4) OF SAID SECTION 25; THENCE NORTH 89°16'12" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1674.23 FEET; THENCE NORTH 00°57'59" WEST, A DISTANCE OF 295.90 FEET; THENCE NORTH 89°00'27" EAST, A DISTANCE OF 726.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID STATE ROAD 7 (a.k.a. U.S. 441) AS DESCRIBED IN OFFICIAL RECORDS BOOK 10381, PAGE 273 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°57'52" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 566.59 FEET; THENCE NORTH 89°38'20" WEST, A DISTANCE OF 599.02 FEET; THENCE NORTH 00°21'40" EAST, A DISTANCE OF 366.20 FEET; THENCE SOUTH 89°38'20" EAST, A DISTANCE OF 590.54 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID STATE ROAD 7 (a.k.a. U.S. 441); THENCE NORTH 00°57'52" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, AS DESCRIBED IN THE OFFICIAL RECORDS BOOK 10381, PAGE 273 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 88.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 67.83 ACRES MORE OR LESS.

#### PRESERVE 4A

A PORTION OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE NORTH 00°27'42" WEST, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 5,150.26 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE NORTH 19°29'49" WEST, ALONG THE WEST LINE OF SAID SECTION 11, A DISTANCE OF 396.71 FEET TO THE SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 41 EAST; THENCE NORTH 89°42'34" EAST, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 150.00 FEET; THENCE SOUTH 00°17'26" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 89°42'34" EAST, A DISTANCE OF 375.85 FEET; THENCE SOUTH 01°23'59" EAST, A DISTANCE OF 4,788.73 FEET; THENCE NORTH 89°42'24" EAST, A DISTANCE OF 4,808.98 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 11; THENCE SOUTH 01°23'59" EAST, ALONG SAID EAST LINE, A DISTANCE OF 581.36 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 11; THENCE SOUTH 88°14'18" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 2,647.32 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 1300.68 FEET; THENCE SOUTH 88°14'10" WEST, A DISTANCE OF 2,645.07 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 14; THENCE NORTH 01°02'59" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1300.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 206.265 ACRES, MORE OR LESS.

Application No. DOA/EAC-2008-00803

Control No. 2006-00550

Project No 05772-000

PRESERVE 4B

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

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 14; THENCE SOUTH 01°02'59" EAST, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 2309.88 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL; THENCE NORTH 88°14'10" EAST, A DISTANCE OF 2,643.33 FEET TO A POINT ON THE NORTH-SOUTH ONE-QUARTER LINE OF SAID SECTION; THENCE CONTINUE SOUTH 00°57'02" EAST, ALONG SAID NORTH-SOUTH ONE- QUARTER LINE, A DISTANCE OF 1034.10 FEET; THENCE SOUTH 88°14'10" WEST, A DISTANCE OF 2,011.16 FEET TO A POINT ON THE NORTHEASTERLY LINE OF 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 1,203.53 FEET; THENCE NORTH 01°02'59" WEST, A DISTANCE OF 0.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 55.249 ACRES, MORE OR LESS.

PRESERVE 5

THE WEST 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AND SUBJECT TO:

A NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES, AS DESCRIBED IN THE GRANT OF EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 3710, PAGE 3, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 50 FEET OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

AND

A NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER THE PROPERTY ON WHICH FLORIDA POWER & LIGHT PRESENTLY HOLDS AN EASEMENT, SUBJECT HOWEVER, TO THE EASEMENT RIGHTS OF FLORIDA POWER & LIGHT COMPANY.

SUBJECT TO:

AN EASEMENT OVER AND ACROSS THE NORTH 15 FEET OF THE SUBJECT PROPERTY FOR ROAD RIGHT-OF-WAY, AS RESERVED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2178, PAGE 880, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

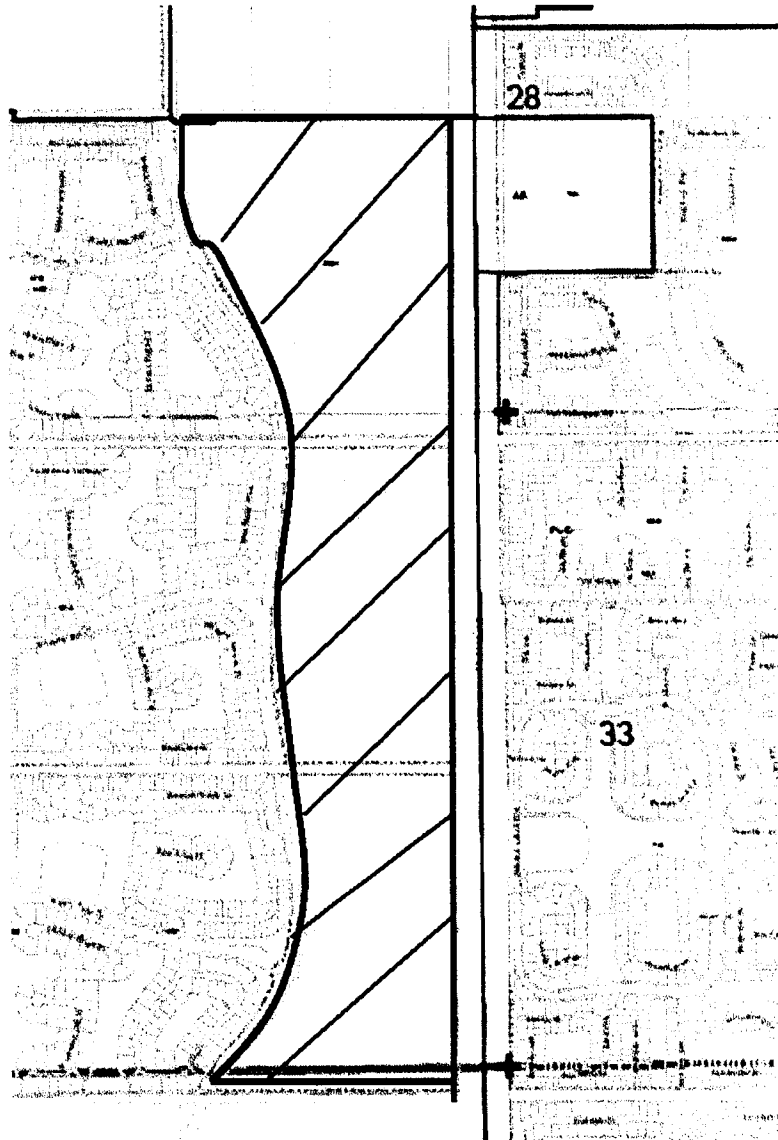
TOGETHER WITH:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, BY VEHICULAR AND PEDESTRIAN TRAFFIC, OVER AND ACROSS THE EAST 30 FEET OF THE NORTH 50 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AS DESCRIBED IN GRANT OF EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 11500, PAGE 803, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.



EXHIBIT B  
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. DOA/EAC2008-803  
Zoning Quad 50  
Date

↑  
NORTH

## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1.

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan is dated April 16, 2007. 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. (DRO: ZONING - Zoning) (All Petitions Condition 1 of Resolution R-2007-1041, Petition 2006-550)

#### ENGINEERING

a.No Building Permits for the site may be issued after December 31, 2011. 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 342 single family dwelling units shall not be issued until the contract has been awarded for the construction of intersection improvements at SR 7 and West Atlantic Avenue which will provide for an additional east approach right turn lane (BLDG PERMIT: MONITORING-Eng)

c.Building Permits for more than 499 single family dwelling units shall not be issued until the contract has been awarded for the construction of intersection improvements at Boynton Beach Boulevard and Lyons Road which will provide for:

- additional west approach through lane,
- separate north approach right turn lane (BLDG PERMIT: MONITORING-Eng)

d.Building Permits for more than 533 single family dwelling units shall not be issued until the contract has been awarded for the construction of intersection improvements at Boynton Beach Boulevard and Hagen Ranch Road which will provide for:

- additional north approach through lane,
- additional south approach through lane (BLDG PERMIT: MONITORING-Eng)

e.Acceptable surety required for the offsite road improvements as in the condition above shall be posted with the Office of the Land Development Division on or before December 28, 2007. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Property owner's Engineer. (TPS - Maximum 6 month time extension) (DATE:MONITORING-Eng) (Previous Condition E.1 of Resolution R-2007-1041, Control No.2006-00550)

a.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)

b.Construction for the improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E.2 of Resolution R-2007-1041, Control No.2006-00550)

a.Permits required for this improvement shall be obtained from the Florida Department of Transportation prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

b.Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E.4 of Resolution R-2007-1041, Control No.2006-00550)

a.No Building Permits shall be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT:MONITORING-Eng)

b.In order to request release of the surety for the traffic signal at Boynton Beach Boulevard and Acme Dairy Road, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted for this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING-Eng) (Previous Condition E.5 of Resolution R-2007-1041, Control No.2006-00550)

### 3.Noise Mitigation

a.The required mitigation as outlined in the approved noise study such as sound walls and landscape buffers shall be shown on the master/site plans and Final Subdivision Plans for this site subject to the approval of the County Engineer and Zoning Division. (ONGOING: ENGINEERING-Eng)

### 3.Noise Mitigation

b.Construction of the required sound walls and landscape buffers for a pod fronting the turnpike, shall be completed prior to the issuance of the first certificate of occupancy for any lot within the pod. This condition shall apply to Pods A, E and F only. The construction shall be as outlined in the Noise Analysis. The property owner shall provide Land Development a listing of the applicable PCN numbers for all affected lots within Pods A, E and F. (CO:MONITORING-Eng)

### 3.Noise Mitigation

c.The property owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans and related Site Plans contain a disclosure statement identifying:

- that this site is adjacent to the Florida Turnpike,
- that the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike, and
- that the Developer has installed noise abatement improvements determined by the Florida Turnpike Enterprise to be effective in keeping noise levels from the Florida Turnpike below the State noise abatement criteria in effect as of the date of issuance of this Development Order. All sales contracts and homeowner documents shall also include a statement that any additional noise mitigation measures requested in the future by the Residents will not be funded or constructed by Palm Beach County.

The property owner shall submit documentation of compliance with these disclosure criteria on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before June 15, 2008 and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowner's association. (DATE: MONITORING-Eng)

### ZONING - LANDSCAPING-ZONING - 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)

### ZONING - LANDSCAPING

2.Prior to the issuance of the first building permit, 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. (BLDG PERMIT:LANDSCAPE-Zoning) (Previous Landscape Condition 1 of

Resolution R-2007-1041, Petition 2006-550)

3.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. (DRO: LANDSCAPE-Zoning) (Previous Landscape Condition 2 of Resolution R-2007-1041, Petition 2006-550)

4.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. (DRO: LANDSCAPE-Zoning) (Previous Landscape Condition 3 of Resolution R-2007-1041, Petition 2006-550)

5.A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (DRO: LANDSCAPE-Zoning) (Previous Landscape Condition 4 of Resolution R-2007-1041, Petition 2006-550)

6.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. (DRO: LANDSCAPE-Zoning) (Previous Landscape Condition 5 of Resolution R-2007-1041, Petition 2006-550)

#### ZONING - LANDSCAPING-ZONING - LANDSCAPING-ZONING - LANDSCAPING-ALONG THE EAST AND WEST PROPERTY LINES

7.In addition to the proposed landscaping and buffering program and code requirements, landscaping along the 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. (DRO: LANDSCAPE-Zoning) (Previous Landscape Condition 6 of Resolution R-2007-1041, Petition 2006-550)

#### LAKE WORTH DRAINAGE DISTRICT

1.Prior to platting, approval from the District for Technical Compliance, or the issuance of any Lake Worth Drainage District permits, the owner shall convey to the District either by warranty deed or easement deed; the North 60 feet of Tracts 66-72, and the South 10 feet of Tracts 123-127, all being in Block 54, PALM BEACH FARMS COMPANY PLAT NO. 3, PB2, PG45, for the L-25 and L-26 Canals. (Less lands owned by the District)

#### PALM TRAN

1.The location of an easement 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)

2.Prior to Plat Recordation or issuance of the first Building Permit, 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 not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT/PLAT:MONITORING/ENG -Palm Tran)

#### 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: MONITORING-Cty Atty) (Previous Planned Unit Development Condition 1 of Resolution R-2007-1041, Petition 2006-550)

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 Planned Unit Development Condition 2 of Resolution R-2007-1041, Petition 2006-550)

3. 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 5.52-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) (Previous Planned Unit Development Condition 3 of Resolution R-2007-1041, Petition 2006-550)

#### 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)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions 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 Conditional Use, Type II Variance, 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 a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)