

RESOLUTION NO. R-2015- 0011

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/DOA-2014-00940  
(CONTROL NO. 2004-00369)  
a Development Order Amendment  
APPLICATION OF Delray Beach Associates I, LLC  
BY G.L. Homes, AGENT  
(Valencia Cove 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, is authorized and empowered to consider applications relating to zoning;

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

WHEREAS, Zoning Application ZV/PDD/DOA-2014-00940 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2015;

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;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

WHEREAS, Article 2.A.1.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 ZV/PDD/DOA-2014-00940, the petition of Delray Beach Associates I, LLC, by G.L. Homes, agent, for a Development Order Amendment to reconfigure the Master Plan; add land area (Development and Preserve); add a model row; add an access point to release and amend Conservation Easements; add units; amend Conditions of Approval (Planning); and re-allocate land area, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 8, 2015, subject to the Conditions of Approval described in EXHIBIT C-3, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	- Aye
Commissioner Mary Lou Berger, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Nay
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 8, 2015.

Filed with the Clerk of the Board of County Commissioners on January 14, 2015

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 R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:


  
DEPUTY CLERK  
FLORIDA

EXHIBIT A

LEGAL DESCRIPTION

**LEGAL DESCRIPTION VALENCIA ASSEMBLAGE – DEVELOPMENT PARCEL**

BEING ALL OF TRACTS A-1, D-3 AND D-4, AND A PORTION OF TRACT A-2, OF CANYON ISLES PRESERVE PLAT TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 104, PAGES 152 THROUGH 156, A PORTION OF ACME DAIRY ROAD RIGHT-OF-WAY ACCORDING TO THE ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, LYING BETWEEN TRACTS 73, 88, 105, 116 AND TRACTS 72, 89, 104 AND 117, BLOCK 63 ACCORDING TO PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, (SAID RESERVATION ALSO LYING BETWEEN SAID TRACTS A-1 AND A-2) ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT A-2; THENCE SOUTH 89°00'54" WEST, ALONG THE SOUTH LINE OF SAID TRACT A-2, A DISTANCE OF 306.73 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°00'54" WEST ALONG THE SOUTH LINE OF SAID TRACTS A-1 AND A-2, A DISTANCE OF 4650.31 FEET; THENCE ALONG THE WESTERLY BOUNDARY OF SAID TRACT A-1 FOR THE FOLLOWING SIX (6) DESCRIBED COURSES, NORTH 00°23'30" WEST, A DISTANCE OF 19.74 FEET; THENCE NORTH 89°00'54" EAST, A DISTANCE OF 100.01 FEET; THENCE NORTH 00°23'30" WEST, A DISTANCE OF 1327.06 FEET; THENCE NORTH 00°49'13" EAST, A DISTANCE OF 260.06 FEET; THENCE NORTH 00°23'30" WEST, A DISTANCE OF 209.23 FEET; THENCE NORTH 13°06'15" EAST, A DISTANCE OF 51.42 FEET; THENCE NORTH 00°23'30" WEST, A DISTANCE OF 331.83 FEET; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID TRACTS A-1 AND A-2 FOR THE FOLLOWING SEVEN (7) DESCRIBED COURSES, NORTH 89°36'30" EAST, A DISTANCE OF 390.00 FEET; THENCE NORTH 88°41'30" EAST, A DISTANCE OF 250.03 FEET; THENCE NORTH 88°20'07" EAST, A DISTANCE OF 720.18 FEET; THENCE NORTH 89°36'30" EAST, A DISTANCE OF 1143.18 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2160.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°37'37", A DISTANCE OF 702.22 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 2040.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°46'10", A DISTANCE OF 27.39 FEET; THENCE NORTH 89°36'30" EAST, A DISTANCE OF 1313.43 FEET; THENCE SOUTH 00°23'30" EAST ALONG A LINE 300.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT A-2, A DISTANCE OF 2292.46 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEING A PORTION OF TRACT A-1, CANYON ISLES PRESERVE PLAT ONE, AS RECORDED IN PLAT BOOK 104, PAGES 139 AND 140, A PORTION OF TRACT "A-1", CANYON SPRINGS PRESERVE PLAT NO. 2, AS RECORDED IN PLAT BOOK 107, PAGES 105 THROUGH 107, TOGETHER WITH A PORTION OF TRACTS 8 THROUGH 16, AND A PORTION OF THAT ROAD, DYKE AND DITCH RESERVATION 30.00 FEET IN WIDTH, LYING BETWEEN TRACTS 8 AND 9, ALL IN BLOCK 63 ACCORDING TO PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, TOGETHER WITH A PORTION OF VALENCIA COVE AGR-P.U.D. - PLAT ONE, AS RECORDED IN PLAT BOOK 117, PAGES 46 THROUGH 62, ALL OF VALENCIA COVE AGR-P.U.D. - PLAT TWO, AS RECORDED IN PLAT BOOK 117, PAGES 78 THROUGH 80, ALL OF VALENCIA COVE AGR-P.U.D. - PLAT THREE, AS RECORDED IN PLAT BOOK 117, PAGES 81 THROUGH 89, ALL OF VALENCIA COVE AGR-P.U.D. - PLAT FOUR, AS RECORDED IN PLAT BOOK 117, PAGES 123 THROUGH 131, ALL OF VALENCIA COVE AGR-P.U.D. - PLAT FIVE, AS RECORDED IN PLAT BOOK 117, PAGES 174 THROUGH 176, AND A PORTION OF VALENCIA COVE AGR-



P.U.D. - PLAT SIX, AS RECORDED IN PLAT BOOK 117, PAGES 157 THROUGH 165, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID VALENCIA COVE AGR-P.U.D. - PLAT SIX; THENCE NORTH 89°36'30" EAST ALONG THE SOUTH BOUNDARY LINE OF SAID VALENCIA COVE AGR-P.U.D. - PLAT SIX, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°23'30" WEST, ALONG THE EAST LINE OF TRACT OS1, ACCORDING TO SAID VALENCIA COVE AGR-P.U.D. - PLAT SIX, TRACT OS1 AND OS2 ACCORDING TO SAID VALENCIA COVE AGR-P.U.D. PLAT ONE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 2,643.60 FEET; THENCE NORTH 89°36'30" EAST ALONG A LINE 26.40 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 9 THROUGH 16, A DISTANCE OF 2525.08 FEET; THENCE SOUTH 00°23'29" EAST, A DISTANCE OF 3.96 FEET; THENCE NORTH 89°36'30" EAST ALONG A LINE 30.36 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLE TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 8, A DISTANCE OF 344.96 FEET; THENCE SOUTH 00°26'28" EAST ALONG THE EAST LINE OF SAID TRACT 8, A DISTANCE OF 5.64 FEET; THENCE NORTH 89°36'30" EAST ALONG THE NORTH BOUNDARY OF SAID VALENCIA COVE AGR-P.U.D. - PLAT THREE AND THE NORTH BOUNDARY OF SAID TRACT "A-1", CANYON SPRINGS PRESERVE PLAT NO. 2, A DISTANCE OF 660.00 FEET; THENCE ALONG THE NORTH BOUNDARY OF SAID TRACT "A-1", CANYON SPRINGS PRESERVE PLAT NO. 2, FOR THE FOLLOWING SIX (6) DESCRIBED COURSES, NORTH 00°26'28" WEST, A DISTANCE OF 0.36 FEET, THENCE NORTH 89°36'30" EAST, A DISTANCE OF 660.00 FEET; THENCE SOUTH 00°26'28" EAST, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'30" EAST, A DISTANCE OF 330.00 FEET; THENCE NORTH 00°26'28" WEST, A DISTANCE OF 0.36 FEET; THENCE NORTH 89°36'30" EAST, A DISTANCE OF 29.66 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00°26'28" EAST ALONG A LINE 300.34 FEET WESTERLY OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT "A-1", CANYON SPRINGS PRESERVE PLAT NO. 2, A DISTANCE OF 1,813.86 FEET; THENCE SOUTH 49°54'03" WEST, A DISTANCE OF 198.17 FEET; THENCE NORTH 82°55'09" WEST, A DISTANCE OF 496.45 FEET; THENCE SOUTH 26°34'43" WEST, A DISTANCE OF 437.90 FEET; THENCE SOUTH 39°07'46" WEST, A DISTANCE OF 321.79 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 2,160.00 FEET, WHOSE RADIUS POINT BEARS SOUTH 09°57'30" EAST FROM SAID POINT AND A CENTRAL ANGLE OF 09°03'36"; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID TRACT A-1, CANYON ISLES PRESERVE PLAT ONE AND THE SOUTH LINE OF SAID VALENCIA COVE AGR-P.U.D. - PLAT THREE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 341.55 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 2,040.00 FEET AND A CENTRAL ANGLE OF 03°34'26"; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID VALENCIA COVE AGR-P.U.D. - PLAT THREE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 127.25 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE SOUTH 89°36'30" WEST, ALONG THE SOUTH BOUNDARY LINE OF SAID VALENCIA COVE AGR-P.U.D. - PLAT THREE AND VALENCIA COVE AGR-P.U.D. - PLAT SIX, A DISTANCE OF 3050.52 FEET TO THE POINT OF BEGINNING

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

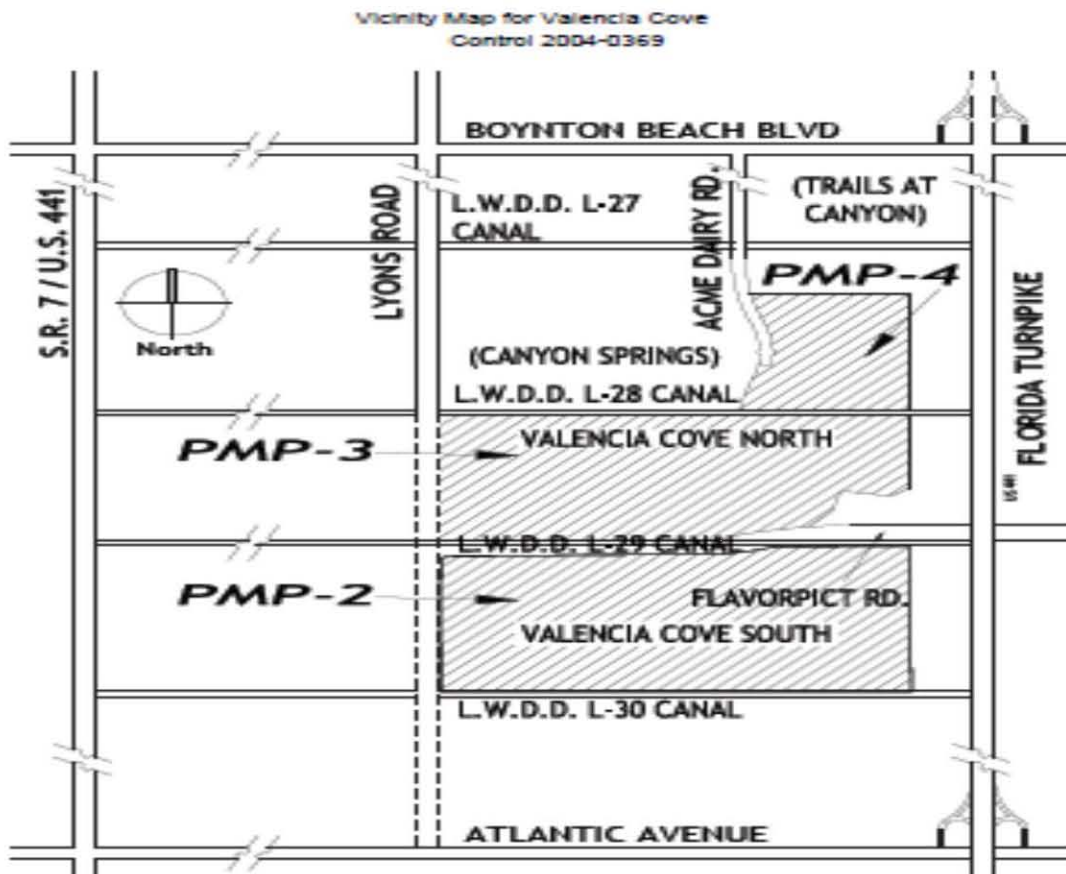
BEING A PORTION OF TRACT "A", CANYON SPRINGS PRESERVE PLAT NO. 5, AS RECORDED IN PLAT BOOK 107, PAGES 112 THROUGH 114, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA TOGETHER WITH A PORTION OF ACME DAIRY ROAD RIGHT-OF-WAY ACCORDING TO OFFICIAL RECORDS BOOK 18673, PAGE 7 AND ABANDONED ACCORDING TO OFFICIAL RECORDS BOOK 25584, PAGE 959, ALL OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT "A", CANYON SPRINGS PRESERVE PLAT NO. 5; THENCE SOUTH 89°36'30" WEST ALONG THE SOUTH LINE OF SAID TRACT "A", A DISTANCE OF 300.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°36'30" WEST ALONG SAID SOUTH LINE OF SAID TRACT "A" AND ITS WESTERLY EXTENSION, A DISTANCE OF 1,858.90 FEET, TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,640.00 FEET, WHOSE RADIUS POINT BEARS SOUTH 62°05'38" EAST FROM SAID POINT AND A CENTRAL ANGLE OF 18°16'21"; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT AND ALONG THE EASTERLY BOUNDARY LINE OF CANYON SPRINGS, AS RECORDED IN PLAT BOOK 107, PAGES 145 THROUGH 169, SAID PUBLIC RECORDS, A DISTANCE OF 523.02 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1,660.00 FEET AND A CENTRAL ANGLE OF 17°11'06"; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT AND ALONG SAID EASTERLY BOUNDARY LINE, A DISTANCE OF 497.89 FEET TO A POINT OF RADIAL INTERSECTION; THENCE SOUTH 61°00'23" EAST, A DISTANCE OF 80.00 FEET TO A POINT OF RADIAL INTERSECTION WITH A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1,740.00 FEET AND A CENTRAL ANGLE OF 04°50'23"; THENCE ALONG THE WESTERLY BOUNDARY OF SAID OF SAID TRACT "A" FOR THE FOLLOWING SIX (6) DESCRIBED COURSE, NORTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 146.98 FEET TO A POINT TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 32.00 FEET AND A CENTRAL ANGLE OF 47°19'17"; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 26.43 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 77.00 FEET AND A CENTRAL ANGLE OF 100°02'46"; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 134.45 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 32.00 FEET AND A CENTRAL ANGLE OF 47°19'17"; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 26.43 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1,740.00 FEET AND A CENTRAL ANGLE OF 29°26'05"; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 893.89 FEET TO A POINT OF TANGENCY; THENCE NORTH 10°41'03" WEST, A DISTANCE OF 409.41 FEET; THENCE NORTH 89°36'33" EAST, ALONG A LINE 300.01 FEET SOUTHERLY OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT "A", CANYON SPRINGS PRESERVE PLAT NO. 5, A DISTANCE OF 1042.66 FEET; THENCE SOUTH 00°26'28" EAST ALONG A LINE 300.01 FEET WESTERLY OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 2332.77 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 556.963 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C-3

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2013-205, Control No.2004-00369, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-2005-390, R-2008-265, and R-2009-707 (Control No. 2004-369) are hereby revoked. (ONGOING: MONITORING - Zoning) (Previous Condition All Petitions 1 of Resolution R-2012-1065, Control No. 2004-369)

##### Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-2005-390, R-2008-265, R-2009-707, and R-2012-1065 (Control No. 2004-369) are hereby revoked. (Previous Condition All Petitions 1 of Resolution R-2013-0205, Control No. 2004-369) (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS condition 2 of Resolution R-2013-205, Control No.2004-00369, which currently states:

The approved Preliminary Master Plan is dated December 13, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### Is hereby amended to read:

The approved Preliminary Master Plan is dated September 11, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (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 Date of Approval of this Resolution. (DATE: MONITORING - Zoning) (Previous ALL PETITIONS condition 3 of Resolution R-2013-205, Control No.2004-00369)

##### ENGINEERING

1. 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 December 31, 2019. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

b. Building Permits for more than 65 dwelling units shall not be issued until construction commences for:

- i) The extension of the existing east approach left turn lane on Boynton Beach Blvd. at Acme Dairy Road to the maximum length permitted by FDOT (Note: COMPLETE), and
- ii) The restriping of the south approach of Acme Dairy Road at Boynton Beach Blvd. to

provide a shared left turn/through lane and dual right turn lanes, including any required signal modifications. (Note: COMPLETE).

Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING condition 1 of Resolution R-2013-205, Control No.2004-00369)

c. Building permits for more than 1147 dwelling units shall not be issued until either construction commences or a proportionate share payment is made by the developer for an additional (second) east approach left turn lane at the intersection of Atlantic Avenue and Lyons Road. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. If the developer chooses to make the proportionate share payment, the required amount will be 17.07% of the cost of the improvement as approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

d. Within six months of approval of the Development Order, the Developer shall provide a cost estimate for construction of the second east approach left turn lane at the intersection of Atlantic Avenue and Lyons Road. The cost shall be provided by a professional engineer and approved by the County Engineer. (ONGOING: MONITORING - Engineering)

2. The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

- i. Lyons Road - 55 feet measured from centerline of the proposed right of way, and
- ii. Flavor Pict Road - 60 feet measured from centerline of the proposed right of way.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage of both development and preservation parcels, as applicable, and shall be free and clear of all encroachments and encumbrances. 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, including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County 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. 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, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING condition 2 of Resolution R-2013-205, Control No.2004-00369) [Note: COMPLETED]

3. The property owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for:

West Atlantic Avenue an additional 104 feet of right of way to provide for a total of 160 feet of right of way or as approved by the County Engineer. This right of way width may be modified to reflect a revision to the Comprehensive Plan prior to dedication of the property by the property owner.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage of both development and preservation parcels, as applicable, and



shall be free and clear of all encumbrances and encroachments. Property owner shall provide FDOT with sufficient documentation, including, at minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from tax collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Grantor must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County and FDOT 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. 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, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING condition 3 of Resolution R-2013-205, Control No.2004-00369) [Note: COMPLETED]

4. Previous ENGINEERING condition 4 of Resolution R-2013-205, Control No.2004-00369, which currently states:

The Property Owner shall construct:

- i. right turn lane south approach on Lyons Road at the project entrance road,
- ii. left turn lane north approach on Lyons Road at the project entrance road, and
- iii. an appropriate terminus of Acme Dairy Road at the point of abandonment of the public right-of-way.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the 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.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

**Is hereby amended to read:**

The Property Owner shall construct:

- i. right turn lane south approach on Lyons Road at the project's entrance road located North of the LWDD L-29 Canal,
- ii. left turn lane north approach on Lyons Road at the project's entrance road located North of the LWDD L-29 Canal, and
- iii. an appropriate terminus of Acme Dairy Road at the point of abandonment of the public right-of-way.

This construction shall be concurrent with the paving and drainage improvements for the project. Any and all costs associated with the 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.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of

Occupancy. (CO: MONITORING - Engineering)

5. Previous ENGINEERING condition 5 of Resolution R-2013-205, Control No.2004-00369, which currently states:

Prior to the issuance of the first building permit, the Property Owner shall provide a temporary roadway construction easement to Palm Beach County for that portion adjacent to Lyons Road and Flavor Pict Road for both the development and preserve parcels. This roadway construction easement shall also contain an isosceles trapezoid connecting any required Corner Clips. 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.

**Is hereby amended to read:**

Prior to the issuance of:

a. The first building, the Property Owner shall provide a temporary roadway construction easement to Palm Beach County for that portion of the Project, both the development and preserve parcels, adjacent to Lyons Road and Flavor Pict Road between the LWDD L-27 and L-29 Canals.

The roadway construction easements shall also contain an isosceles trapezoid connecting any required Corner Clips. 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. (BLDGPMT: MONITORING - Engineering)

b. The 823rd building permit, the Property Owner shall provide a temporary roadway construction easement to Palm Beach County for that portion of the Project, both development and preserve parcels, adjacent to Lyons Road and Flavor Pict Road between the LWDD L-29 and L-30 Canals.

The roadway construction easements shall also contain an isosceles trapezoid connecting any required Corner Clips. 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. (BLDGPMT: MONITORING - Engineering)

6. Previous ENGINEERING condition 6 of Resolution R-2013-205, Control No.2004-00369, which currently states:

Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public 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:

- i. Lyons Road
- ii. Flavor Pict Road

along the property frontage, including the preserve parcel frontages; and 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 water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment.

Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. 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. 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.

**Is hereby amended to read:**

Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public 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:

- i. Lyons Road, North of the LWDD L-29 Canal, and
- ii. Flavor Pict Road, North of the L-29 Canal;

For both the development and preserve areas; and 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 water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. 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. 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. (BLDGPM: MONITORING - Engineering)

7. The Property Owner shall:

- a. Prior to the recordation of the first plat, include in the homeowners documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Flavor Pict Road as a planned thoroughfare roadway adjacent to or through this property, including that some portions of the road will be elevated for a crossing over the Florida Turnpike. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in bold print. (PLAT: MONITORING - Engineering)
- b. Submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before July 1, 2013 and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the

homeowners association. (DATE/ONGOING: MONITORING - Engineering) (Previous ENGINEERING condition 7 of Resolution R-2013-205, Control No.2004-00369)

8. Prior to issuance of the first building permit within the affected pod, the property owner shall replat the preserve area fronting on Lyons Road to allow for legal access to the subdivision in accordance with Article 11. (BLDG/PMT/ONGOING/PLAT: ENGINEERING - Engineering) (Previous ENGINEERING condition 8 of Resolution R-2013-205, Control No.2004-00369)

9. The Property Owner shall:

a. Receive approval for the abandonment of all of the portion of Acme Dairy Road required to be abandoned for development purposes prior to Final Subdivision Plan approval for the first subdivision plan that includes the abandonment area. The abandonment application must include information confirming that the application will not negatively affect legal access to any property. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. Notify the Homeowner's Association for Trails at Canyon of the proposed abandonment prior to application for abandonment of Acme Dairy Road. Alternately, if a developer is still in control of the Homeowner's Association at the time of application for the abandonment, the abandonment petitioner must notify the owners in the subdivision. Confirmation of this notification shall be submitted to the Land Development Division. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 9 of Resolution R-2013-205, Control No.2004-00369)

10. The Property Owner shall enter into an agreement with Palm Beach County, approved by the County Attorney and County Engineer, to be responsible for maintenance of any portion of Acme Dairy Road where public interest remains but the right of way is utilized solely for access to the Valencia Assemblage development. This maintenance obligation must be acknowledged in the homeowner's association documents and the maintenance agreement must be recorded in the public records prior to recordation of the plat for this area. (PLAT: ENGINEERING - Engineering) (Previous ENGINEERING condition 10 of Resolution R-2013-205, Control No.2004-00369)

11. Previous ENGINEERING condition 11 of Resolution R-2013-205, Control No.2004-00369, which currently states:

Pursuant to the terms of the Atlantic Avenue Agreement, road impact fees and an additional contribution were prepaid for zoning control number 2004-00369. The prepaid total is creditable against road impact fees due for new development under this control number, provided that the parcel in the northeast quadrant of the Atlantic Ave/Lyons Road intersection remains a preservation parcel under this zoning control number. The credit amount does not vest Property Owner, or a successor in interest to the property, against future increases in road impact fee rates that may occur from time to time. Once the total road impact fee credit has been exhausted, Property Owner, or a successor in interest to the property, shall be required to pay additional road impact fees in accordance with Unified Land Development Code, Article 13.

**Is hereby amended to read:**

Pursuant to the terms of the Atlantic Avenue Agreement, road impact fees and an additional contribution were prepaid for Zoning Control Numbers 2004-00369 (Valencia Cove) and 2005-00162 (Amestoy). The prepaid total is creditable against road impact fees due for new development under Zoning Control Number 2004-00369, provided that the parcel in the northeast quadrant of the Atlantic Ave/Lyons Road intersection remains a preservation parcel under this zoning control number. The credit amount does not vest Property Owner, or a successor in interest to the property, against future increases in road impact fee rates that may occur from time to time. Once the total road impact fee credit has been exhausted, Property Owner, or a successor in interest to the property, shall be required to pay additional road impact fees in accordance with Unified Land Development Code, Article 13. (ONGOING: ENGINEERING - Engineering)

12. Prior to subdivision plan approval by the DRO for any subdivision plan encumbered by or affecting the rights granted under the existing easements recorded in ORB3631 PG725, ORB575 PG518, ORB352 PG386 and ORB12110 PG830, the Property Owner shall have the existing aforementioned easements released as required, and relocated if necessary, for development purposes. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING condition 12 of Resolution R-2013-205, Control No.2004-00369) [Note: COMPLETED]

13. Previous ENGINEERING condition 13 of Resolution R-2013-205, Control No.2004-00369, which currently states:

Prior to final approval of the Subdivision Plan by the DRO, the Property Owner shall record a restrictive covenant limiting the occupancy of the dwelling units to an age restricted community. The covenant shall be in a format approved by the County Attorney and County Engineer. (DRO: ENGINEERING - Engineering)

**Is hereby deleted.** [REASON: Superseded by new Condition Engineering 18 and 19.]

14. Previous ENGINEERING condition 14 of Resolution R-2013-205, Control No.2004-00369, which currently states:

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the project entrance and Lyons Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. Building Permits for more than 200 dwelling units shall not be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, 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 at the 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. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

**Is hereby amended to read:**

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the project entrance and Lyons Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. Building Permits for more than 200 dwelling units shall not be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. In order to request release of the surety for the traffic signal at the above intersection, 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 at the 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. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)



15. Prior to the recordation of the first plat for any portion of the property located south of the LWDD L-29 Canal, the Property Owner shall provide verification that the Palm Beach County owned parcel with PCN 00424605030010050 has been transferred to the Property Owner and incorporated into the subdivision as shown on the subdivision plans. (PLAT: MONITORING - Engineering)

16. The Property Owner shall construct a left turn lane north approach on Lyons Road at the project's entrance located south of the LWDD L-29 Canal. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the 823rd building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the 823rd Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

17. Prior to issuance of the 823rd building permit, the Property Owner shall provide to Palm Beach County sufficient public 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 Lyons Road and Flavor Pict Road, south of the LWDD L-29 Canal, for both development and preserve parcel frontages; and 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 water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. 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. 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. (BLDGPM: MONITORING - Engineering)

18. Prior to final approval by the Development Review Officer of the Subdivision Plan, the Property Owner shall record a restrictive covenant limiting the occupancy of the dwelling units to an age restricted community for that portion of the project located between the LWDD L-27 and L-29 Canals. The covenant shall be in a format approved by the County Attorney and County Engineer. (DRO: MONITORING - Engineering)

19. Prior to the issuance of the 823rd building permit, the Property Owner shall record a restrictive covenant limiting the occupancy of the dwelling units to an age restricted community for that portion of the project located between the LWDD L-29 and L-30 Canals. The covenant shall be in a format approved by the County Attorney and County Engineer. (BLDGPM: MONITORING - Engineering)

20. The Property Owner shall fund the cost of signal installation if warranted as determined

by the County Engineer at the project entrance and Lyons Road located South of the L-29 Canal. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right-of-way or easement acquisition.

a. Building Permits for more than 843 dwelling units shall not be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPM: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, 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 at the 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. In the event that the property is sold, the surety maybe returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: MONITORING - Engineering)

### **LAKE WORTH DRAINAGE DISTRICT**

1. Prior to Final DRO Approval LWDD will require that the rights-of-way for the L-28 Canal and E-2W Canal are tied to an accepted control (as shown for the L-29 Canal; original tract lines for PBFCP). This information needs to be reflected on all plans showing LWDD's canals. (Previous Condition LWDD 1 of Resolution R-2013-0205, Control No. 2004-369) (DRO: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) (Previous LAKE WORTH DRAINAGE DISTRICT condition 1 of Resolution R-2013-205, Control No.2004-00369)

#### **2. VALENCIA ASSEMBLAGE PRESERVE NO 25 (BLANCA PARCEL)**

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the West 55 feet of Tract 42, Block 52, PBFCP3, PB 2/45 for the S-9 Canal, less lands owned by LWDD. (PLAT: ENGINEERING - Lake Worth Drainage District)

#### **3. VALENCIA ASSEMBLAGE PRESERVE NO 36F (LWDD L-23W CANAL PARCEL)**

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the south 10 feet of Tracts D and E and the 30 foot platted road lying between said tracts, and the north 70 feet of Tract F, SUSSMAN PLAT FOUR, PB 91, PG 55 for the L-23W Canal. (PLAT: ENGINEERING - Lake Worth Drainage District)

#### **4. VALENCIA ASSEMBLAGE PRESERVE NO 17B (OLD AGROS PARCEL)**

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the north 55 feet of Tracts 73 & 74, Block 45, PBFCP3, PB 2, PG 45 for the L-21 Canal, less lands owned by LWDD. (PLAT: ENGINEERING - Lake Worth Drainage District)

#### **5. VALENCIA ASSEMBLAGE PRESERVE NO 23 (SHILTZ PARCEL)**

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the north 55 feet of Tracts 75 & 76, and the west 50 feet of Tract 77, all in Block 45, PBFCP3, PB 2, PG 45 for the L-21 and E-1 Canals, less lands owned by LWDD. (PLAT: ENGINEERING - Lake Worth Drainage District)

#### **6. VALENCIA ASSEMBLAGE PRESERVE NO 44 (AMESTOY PARCEL)**

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the west 45 feet of Tract 44,

Block 51, PBF3, PB 2, PG 45 for the L-E-1 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District)

**7. VALENCIA ASSEMBLAGE PRESERVE NO 41 (BRUSHI PARCEL) -**

Prior to LWDD signing the Conservation Easement, platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the south 10 feet of Tracts D and E and the 30 foot platted road lying between said tracts, and the north 70 feet of Tract F, SUSSMAN PLAT FOUR, PB 91, PG 55 for the L-23W Canal. (PLAT: ENGINEERING - Lake Worth Drainage District)

**LANDSCAPE - GENERAL**

1. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (ONGOING: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2013-205, Control No.2004-00369)

**LANDSCAPE - PERIMETER-ALONG THE NORTH PROPERTY LINE (ABUTTING THE LWDD L-28 CANAL - BETWEEN THE RURAL PARKWAY AND ACME DAIRY**

2. Landscaping along the north property line abutting the LWDD L-28 canal between the Rural Parkway and Acme Dairy Road shall be upgraded to include:

- a. a continuous berm with a minimum height of two (2) feet;
- b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of property line; and,
- d. a continuous shrub planted on the plateau of the berm, to be maintained at a minimum height of four (4) feet;
- e. the overall height of the berm/shrub combination shall be maintained at a minimum height of seven (7) feet, to be achieved within one year following installation; and,
- f. as an alternative to maintaining the hedge required in d. and e. above at a minimum height of five (5) feet one year following installation, the Property Owner can install a minimum five (5) foot high opaque concrete block or panel wall, planted on the plateau of the berm. In the event the Property Owner installs the wall option, the ULDC required hedge on the exterior side of the wall shall still be required. (DRO: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER condition 2 of Resolution R-2013-205, Control No.2004-00369)

**PALM TRAN**

1. 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 is required. (PLAT:MONITORING -Palm Tran) [Note: COMPLETED]

**PLANNED 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 (POA), 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; and,
- 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 Development Area. This Declaration shall

be amended when additional units are added to the PUD (PLAT: ENGINEERING - County Attorney) (Previous PLANNED DEVELOPMENT condition 1 of Resolution R-2013-205, Control No.2004-00369)

## **PLANNING**

1. Previous PLANNING condition 1 of Resolution R-2013-205, Control No.2004-00369, which currently states:

The PUD shall be limited to a maximum of 823 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, unbuilt units may be transferred outside the development area.

### **Is hereby amended to read:**

The PUD shall be limited to a maximum of 1,408 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, unbuilt units may be transferred outside the development area. (ONGOING: PLANNING - Planning)

2. Previous PLANNING condition 2 of Resolution R-2013-205, Control No.2004-00369 which currently states:

Prior to Final Master Plan (FMP) approval by the Development Review Officer (DRO), the applicant shall provide a 100 foot Lyons Road Rural Parkway Landscape Plan with cross section details for both the Parkway adjacent to the Development area and the Parkway adjacent to the preserve parcel at Atlantic and Lyons. All of these items shall be subject to approval by the Planning Division and Engineering Department. The Rural Parkway Landscape Plan to include, but not be limited to, the following items:

a. Flowering trees;

b. Undulating berms, no taller than five (5) feet and landscaped with native vegetation; and

c. Benches/pedestrian gathering area. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along the Development Area project frontage.

d. The amount of landscape material in the Atlantic and Lyons Preserve parcel portion of the Lyons Road Rural Parkway may contain a reduced amount of landscaped material, subject to approval by the Planning Division. However, one (1) bench and one (1) pedestrian gathering area, will still be required in the Atlantic and Lyons Preserve parcel portion of the Lyons Road Rural Parkway.

e. The following are minimum quantities of vegetation that shall be required for the Rural Parkway adjacent to the development area:

1. Provide 1 canopy tree for each 1,200 square feet.

a. Up to 20 percent of canopy trees may be flowering.

b. Spacing of trees to be no more than 100' apart.

2. Small trees (maximum mature growth estimated to be no more than 12 feet) may be substituted for canopy trees at a rate of 2 for 1 not to exceed 20 percent of required canopy tree quantity.

3. Provide a minimum of one palm tree for each 4,000 square feet of area; palms to be clustered in groups of 3 minimum; no maximum or minimum spacing between clusters.

4. Provide one plant for each 200 square feet of area, utilizing a minimum of 50 percent of the required quantity in a layered design to include ground cover (mature or maintained growth not exceeding 24 inches, small shrubs (mature or maintained growth not to exceed 48 inches) and large shrubs (mature or maintained growth greater than 48 inches).

5. Undulating berms, where possible, no taller than 5 feet from adjacent roadway grade;

waived within 200 feet of a development entry or other vehicular access-way.

6. Sod remaining area.

7. Minimum 90 percent native trees, 60 percent native shrubs.

f. The following are minimum quantities of vegetation that shall be required for the Rural Parkway adjacent to the AGR Preserve at Atlantic and Lyons:

1. One canopy tree per 2,000 square feet.

2. Undulating berms, where possible, no taller than five (5) feet from adjacent roadway grade; waived within 200 feet of a development entry or other vehicular access-way.

3. Sod or seed remaining area.

4. Minimum 90 percent native trees, 60 percent native shrubs. (DRO: PLANNING - Planning)

**Is hereby amended to read:**

Prior to Final Master Plan (FMP) approval by the Development Review Officer (DRO), the applicant shall provide a 100 foot Lyons Road Rural Parkway Landscape Plan with cross section details for the Parkway adjacent to the Development area of both Valencia Cove North, Valencia Cove South and the Parkway preserve parcel P9B at Atlantic and Lyons. All of these items shall be subject to approval by the Planning Division and Engineering Department. The Rural Parkway Landscape Plan to include, but not be limited to, the following items:

a. Flowering trees;

b. Undulating berms, no taller than five (5) feet and landscaped with native vegetation; and

c. Benches/pedestrian gathering area. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along the Development Area project frontage.

d. The amount of landscape material in the Atlantic and Lyons Preserve parcel P9B portion of the Lyons Road Rural Parkway may contain a reduced amount of landscaped material, subject to approval by the Planning Division. However, one (1) bench and one (1) pedestrian gathering area, will still be required in the Atlantic and Lyons Preserve parcel P9B portion of the Lyons Road Rural Parkway.

e. The following are minimum quantities of vegetation that shall be required for the Rural Parkway adjacent to the development area:

1. Provide 1 canopy tree for each 1,200 square feet.

a. Up to 20 percent of canopy trees may be flowering.

b. Spacing of trees to be no more than 100' apart.

2. Small trees (maximum mature growth estimated to be no more than 12 feet) may be substituted for canopy trees at a rate of 2 for 1 not to exceed 20 percent of required canopy tree quantity.

3. Provide a minimum of one palm tree for each 4,000 square feet of area; palms to be clustered in groups of 3 minimum; no maximum or minimum spacing between clusters.

4. Provide one plant for each 200 square feet of area, utilizing a minimum of 50 percent of the required quantity in a layered design to include ground cover (mature or maintained growth not exceeding 24 inches, small shrubs (mature or maintained growth not to exceed 48 inches) and large shrubs (mature or maintained growth greater than 48 inches).

5. Undulating berms, where possible, no taller than 5 feet from adjacent roadway grade; waived within 200 feet of a development entry or other vehicular access-way.

6. Sod remaining area.

7. Minimum 90 percent native trees, 60 percent native shrubs.

f. The following are minimum quantities of vegetation that shall be required for the Rural Parkway adjacent to the AGR Preserve P9B at Atlantic and Lyons:



1. One canopy tree per 2,000 square feet.
2. Undulating berms, where possible, no taller than five (5) feet from adjacent roadway grade; waived within 200 feet of a development entry or other vehicular access-way.
3. Sod or seed remaining area.
4. Minimum 90 percent native trees, 60 percent native shrubs (DRO:PLANNING/ENGINEERING-Planning)

3. Prior to approval by the Development Review Officer (DRO) of the Final Master Plan for the development area, a management plan for each added or amended preservation parcel with the exception of the 100 foot Lyons Road Rural Parkway Easement preserve parcels shall be submitted. The management plan shall contain a legal description and sketch of the parcel, an inventory of existing uses and environmental assets on the site, and a plan for exotic removal and maintenance. (DRO: PLANNING - Planning) (Previous PLANNING condition 3 of Resolution R-2013-205, Control No.2004-00369)

4. Prior to Final Master Plan approval by the Development Review Officer (DRO), the developer shall add a "Preservation Area/Proposed Uses" notes section on the Master Plan and ensure the same language is contained within in the Conservation Easement to include the following:

The purpose of the preserve area(s) are to support, preserve and perpetuate bona fide agricultural and open space uses of the Property, and to preserve any environmentally significant upland or wetland habitats located on the Property.

1. Permitted Uses. Grantor may use the Property for:

a. Crop production, pasture, equestrian activities, wholesale or retail nursery operation or fallow land;

b. Construction and maintenance of structures essential to the uses listed in subsection 1a., above, such as barns, stables, pumps, and pump houses, but specifically excluding agricultural support structures such as processing facilities, which are prohibited;

c. Maintenance and occupation of security, caretaker, farm worker or grooms quarters, or other residential structure provided that the quarters or structure is used solely for one of the purposes listed under Table 3.E.1 B of the Code, any applicable special permit is obtained for such use, and requisite density exists on the Property for such use;

d. A Water Preserve Area if designated by the South Florida Water Management District ("SFWMD"), or for regional water management purposes as certified by either Lake Worth Drainage District or SFWMD, or for water management purposes not directly related to the Project if approved by the Palm Beach County Department of Environmental Resources Management ("ERM") and managed for environmental resource values;

e. Wetland restoration and maintenance, or bona fide agriculture as defined by the Code; and

f. Those other activities authorized within a Preservation Area under Table 3.E.1. B-10 of the Code and consistent with applicable provisions of the Comp Plan.

2. Prohibited Uses.

Any use of or on the Property that is not specifically listed or included in Section 1, above, or that is inconsistent with agricultural, environmentally significant uplands or wetlands, or open space preservation is prohibited. [see PMP-5] (DRO/ONGOING: PLANNING - Planning) (Previous PLANNING condition 4 of Resolution R-2013-205, Control No.2004-00369) [Note: COMPLETED]

5. Prior to the Final Master Plan approval by the Development Review Officer (DRO), the Master Plan shall be amended to include a notation at a location on the north western edges of the Valencia Assemblage development area, in addition to the entrance road location, that will allow pedestrian access from the developable area to the Lyons Road Rural Parkway. The notation shall read "pedestrian cross access to be mulched or paved

to the western line, which may be gated with carded or keyed access for only residents of the Valencia Assemblage PUD." [See PMP-2 and PMP-3] (DRO/ONGOING: PLANNING - Planning) (Previous PLANNING condition 5 of Resolution R-2013-205, Control No.2004-00369) [Note: COMPLETED]

6. Previous PLANNING condition 6 of Resolution R-2013-205, Control No.2004-00369, which currently states:

Prior to or concurrent with the plat for the Valencia Assemblage development area, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area adjacent to the development area and at the Atlantic and Lyons intersection, shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100 foot Lyons Road Rural Parkway Preserve Area shall contain:

a. A Rural Parkway Conceptual Landscape Plan to include, but not be limited to, the following items:

- i. Flowering trees;
- ii. Undulating berms, no taller than five feet and landscaped with native vegetation; and
- iii. Benches/pedestrian gathering area. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.
- iv. The amount of landscape material in the Atlantic and Lyons Preserve parcel portion of the Lyons Road Rural Parkway may contain a reduced amount of landscaped material, subject to approval by the Planning Division. However, one (1) bench and one (1) pedestrian gathering area will still be required in the Atlantic and Lyons Preserve parcel portion of the Lyons Road Rural Parkway.

b. The Rural Parkway easement shall not include:

- i. Walls;
- ii. No structures shall be allowed in the Rural Parkway Easement with the exception of a bus shelter, and benches/pedestrian gathering area.

c. The Rural Parkway easement may include:

- i. A ten (10) foot utility easement located adjacent to the Lyons Road right-of-way and a bus easement;
- ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD.
- iii. Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.

d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or; a deed to the County for the County's ownership and maintenance.

e. 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.

f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to March 1, 2015, 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.

**Is hereby amended to read:**

Prior to or concurrent with the plat for the Valencia Cove North and Valencia Cove South development areas, the conservation easement for the 100' Lyons Road Rural Parkway Preserve Area, shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100 foot Lyons Road Rural Parkway Preserve Area shall contain:

a. A Rural Parkway Conceptual Landscape Plan to include, but not be limited to, the following items:

- i. Flowering trees;
- ii. Undulating berms, no taller than five feet and landscaped with native vegetation; and
- iii. Benches/pedestrian gathering area. One (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.
- iv. The amount of landscape material in the Atlantic and Lyons Preserve parcel P9B, portion of the Lyons Road Rural Parkway may contain a reduced amount of landscaped material, subject to approval by the Planning Division. However, one (1) bench and one (1) pedestrian gathering area will still be required in the Atlantic and Lyons Preserve parcel P9B portion of the Lyons Road Rural Parkway.

b. The Rural Parkway easement shall not include:

- i. Walls;
- ii. No structures shall be allowed in the Rural Parkway Easement with the exception of a bus shelter, and benches/pedestrian gathering area.

c. The Rural Parkway easement may include:

- i. A ten (10) foot utility easement located adjacent to the Lyons Road right-of-way and a bus easement;
- ii. Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD.
- iii. Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway subject to approval by the County Engineering Department and the Planning Division.

d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or; a deed to the County for the County's ownership and maintenance.

e. 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.

f. Should the 100-foot wide Lyons Road Rural Parkway conservation easement not be placed on this property in a form acceptable to the County Attorney, Engineering Department, and Planning Division, prior to March 1, 2017, 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. (DATE/PLAT: MONITORING - Planning)

7. Previous PLANNING condition 7 of Resolution R-2013-205, Control No.2004-00369, which currently states:

Prior to recordation of a Plat for the Valencia Assemblage Developable area, the applicant is responsible for the recordation of the Conservation Easements for all of the Preserve parcels, and include on said easements, language limiting these parcels to Agricultural Reserve preservation uses as permitted by the Comprehensive Plan Objective 1.5 and Policies hereunder of the Future Land Use Element. 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. Should the conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to March 1, 2015, then the

approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners.

**Is hereby amended to read:**

Prior to recordation of a Plat for the Development area for Valencia Cove South, the applicant is responsible for the recordation of the Conservation Easements for all of the Preserve parcels, and include on said easements, language limiting these parcels to Agricultural Reserve preservation uses as permitted by the Comprehensive Plan Objective 1.5 and Policies hereunder of the Future Land Use Element. 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. Should the conservation easements not be placed on these properties in a form acceptable to the County Attorney prior to March 1, 2017, then the approval of this Development Order (DO) shall be scheduled for review by the Board of County Commissioners. (DATE/PLAT: MONITORING - Planning)

8. Previous PLANNING condition 8 of Resolution R-2013-205, Control No.2004-00369, which currently states:

Prior to the 200th building permit, the property owner shall commence the construction of the Rural Parkway through the Rural Parkway easements consistent with the Staff approved Rural Parkway Sketch and Landscape Plan.

**Is hereby amended to read:**

Prior to the 102 2nd building permit, the property owner shall commence the construction of the Rural Parkway through the Rural Parkway easements consistent with the Staff approved Rural Parkway Sketch and Landscape Plan. (BLDGPMT: MONITORING - Planning)

9. Previous PLANNING condition 9 of Resolution R-2013-205, Control No.2004-00369 which currently states:

Prior to the issuance of a certificate of occupancy for any unit within the pod where the pedestrian cross access point(s) is located, the petitioner shall mulch or pave pedestrian cross access point(s) to the edge of the western property line to the Rural Parkway easement at the location shown on the final certified Preliminary Development Plan that will read "pedestrian cross access to be mulched or paved to the western property line, which may be gated card access for only residents of the Valencia Assemblage PUD." [see PMP-2 and PMP-3] (CO: MONITORING - Planning)

**Is hereby amended to read:**

Prior to the issuance of the 102 2nd Certificate of Occupancy (CO), within the Valencia Cove South, the petitioner shall mulch or pave pedestrian cross access point(s) to the edge of the western property line to the Rural Parkway easement at the location shown on the final certified Preliminary Development Plan that will read "pedestrian cross access to be mulched or paved to the western property line, which may be gated card access for only residents of the Valencia Cove PUD." (CO: MONITORING-Planning) [see PMP-2 and PMP-3]

10. Previous PLANNING condition 10 of Resolution R-2013-205, Control No.2004-00369, which currently states:

Prior to the issuance of the 250th Certificate of Occupancy (CO), the property owner shall complete construction of the Rural Parkway according to the approved landscape plan.

**Is hereby amended to read:**

Prior to the issuance of the 102 2<sup>nd</sup> Certificate of Occupancy (CO), the property owner shall

complete construction of the Rural Parkway adjacent to Valencia Cove South and P9b Rural Parkway at Atlantic and Lyons, according to the approved landscape plans. (CO: MONITORING - Planning)

11. The septic tank located within the Rural Parkway (Talmo property) shall be removed prior to receipt of the 200th building permit or January 31, 2014, whichever shall first occur.

The Developer shall also provide the Planning Division with written confirmation from the Health Department that the septic tank has been removed. (BLDGPMT/DATE: MONITORING - Planning) (Previous PLANNING condition 11 of Resolution R-2013-205, Control No.2004-00369) [Note: COMPLETED]

12. For the Rural Parkway Planting Plan, spacing requirements may be waived by the Planning Director, for those areas within 200 feet of the Development entry or other vehicular access points. (ONGOING: PLANNING - Planning) (Previous PLANNING condition 12 of Resolution R-2013-205, Control No.2004-00369)

13. Prior to the recordation of the Plat for Valencia Cove South development area, the property owner shall remove all non-farm related debris and/or illegal dumping on P25 Blanca with all associated permits. (PLAT: MONITORING - Planning)

14. The Single Family structure located on Preserve P28 Carter Botanicals shall either be converted to an allowable use with applicable permits as identified in the ULDC or removed, with all applicable approvals and/or completed demolition permits prior to the recordation of the Plat for Valencia Cove South development area. (PLAT: MONITORING - Planning)

15. The Single Family structure located on Preserve P35 Korbel/GL, shall either be converted to an allowable use with applicable permits as identified in the ULDC or removed, with all applicable approvals and/or completed demolition permits prior to the recordation of the Plat for Valencia Cove South development area. (PLAT: MONITORING - Planning)

16. Direct pedestrian connections shall be provided to the Lyons Road Rural Parkway from both the northwest portion of Valencia Cove for the north residents, and from the southwest portion for the South residents, as depicted on the Master Plan. (ONGOING:PLANNING-Planning)

## **PROPERTY & REAL ESTATE MANAGEMENT**

1. Previous PROPERTY & REAL ESTATE MANAGEMENT condition 2 of Resolution R-2013-205, Control No.2004-00369, which currently states:

### **Platting & Deed.**

The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 3.29-acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by August 1, 2014. Property Owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

#### **a) Title**

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the PUD or other restrictive covenants as they may apply to the civic site.



b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips. If no County use is applied to the civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic would support if it were a residential pod.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated to include the day of acceptance.

d) Site condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property Owner shall specifically address the following issues:

- 1) The discharge of surface water from the proposed civic site into the Property Owner's water retention basins.
- 2) As easement across Property Owner's property from the proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with:

- 1) sod and watered or,
- 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.

i) Water & Sewer

Property Owner to provide water and sewer stubbed out to the property line and other required utilities as determined by PREM.

**Is hereby amended to read:**

**Platting & Deed**

The Property Owner's total civic site obligation for Valencia Cove PUD is 11.140 acres. 6.48 acres has previously been cashed out under Ascot/Lyons PUD (3.19 acres) and under Resolution R2013 - 0396 (3.29 acres). Therefore, the Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 4.66 acre public civic site (net usable area minus any buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by July 1, 2016. Property Owner to plat and dedicate the civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a) Title

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the PUD or other restrictive covenants as they may apply to the civic site.

b) Concurrency

Property Owner to assign sufficient traffic trip capacity such that the traffic volume associated with a County facility shall be attached to the civic site and recorded on the concurrency reservation for the entire PUD. The Property Owner shall be provided with input as to the size of a structure (and proposed use) which the civic site would support and the corresponding amount of trips. If no County use is applied to the civic site, Property Owner shall assign sufficient traffic trip capacity equivalent to the number of units the civic would support if it were a residential pod.

c) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be prorated to include the day of acceptance.

d) Site condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

e) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property Owner shall specifically address the following issues:

- 1) The discharge of surface water from the proposed civic site into the Property Owner's water retention basins.
- 2) As easement across Property Owner's property from the proposed civic site to the retention basins, if required.

f) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.

g) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

h) Buildable Grade

Prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (until seed has established itself) to the satisfaction of Facilities Development and Operations.

i) Water & Sewer

Property Owner to provide water and sewer stubbed out to the property line and other required utilities as determined by PREM. (DATE: MONITORING - Property Real Estate Management)

2. Previous PROPERTY & REAL ESTATE MANAGEMENT condition 3 of Resolution R-

2013-205, Control No.2004-00369, which currently states:

#### Survey

The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by June 6, 2014. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet all County PPM's and Standards as well as Florida Minimum Technical Standards as defined by Florida's Administrative Code Chapter 5J-17.050-052.

b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey.

#### **Is hereby amended to read:**

#### Survey

The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by June 1, 2016. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet all County PPM's and Standards as well as Florida Minimum Technical Standards as defined by Florida's Administrative Code Chapter 5J-17.050-052.

b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey. (DATE: MONITORING - Property Real Estate Management)

3. Previous PROPERTY & REAL ESTATE MANAGEMENT condition 4 of Resolution R-2013-205, Control No.2004-00369, which currently states:

#### Environmental Survey

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by June 6, 2014. The minimum assessment which is required is commonly called a "Phase I Audit." The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

1) EPA's National Priorities list (NPL)

- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well.

**Is hereby amended to read:**

**Environmental Survey**

The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by June 1, 2016. The minimum assessment which is required is commonly called a "Phase I Audit." The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
- 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
- 3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

If the Phase I audit indicates that a Phase II is necessary, then the property owner shall be required to provide that audit as well. (DATE: MONITORING - Property Real Estate Management)

**4. Cash-Out**

The Property Owner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval when the County has established that the cash or offsite land enhances or supports a County property, facility or function in the general vicinity of the PUD. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2, & 3 above will also apply. If the land off-site is of less cash value than the

on-site dedication the Property Owner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the Property Owner. If off-site land or cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC. (PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT condition 5 of Resolution R-2013-205, Control No.2004-00369)

### **SCHOOL BOARD**

1. 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. (DRO: SCHOOL BOARD - County Attorney) (Previous SCHOOL BOARD condition 1 of Resolution R-2013-205, Control No.2004-00369) [Note: COMPLETED]

### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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: ZONING - 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; the 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 Unified Land Development Code 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 of Approval; 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. (ONGOING: ZONING - Zoning)

### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.