

RESOLUTION NO. R-2018- 0123

RESOLUTION APPROVING ZONING APPLICATION EAC-2017-01988

(CONTROL NO. 2005-00594)

an Expedited Application Consideration  
APPLICATION OF DiVosta Homes, L.P.  
BY Urban Design Kilday Studios, AGENT  
(Fields at Gulfstream Polo 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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application EAC-2017-01988 was presented to the Board of County Commissioners at a public hearing conducted on January 25, 2018;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for an Expedited Application Consideration;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 EAC-2017-01988, the Application of DiVosta Homes, L.P., by Urban Design Kilday Studios, Agent, for an Expedited Application Consideration to modify Conditions of Approval (Engineering) on a parcel of land generally described as shown on the legal description 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 25, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Melissa McKinlay, Mayor	-	Aye
Commissioner Mack Bernard, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 25, 2018.

Filed with the Clerk of the Board of County Commissioners on January 30th, 2018

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



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

A PORTION OF TRACTS 37 AND 44, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 44; THENCE S.89°03'30"W. ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 352.20 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.00°28'31"W., A RADIAL DISTANCE OF 460.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14°39'56", A DISTANCE OF 117.74 FEET; THENCE N.75°48'35"W., A DISTANCE OF 58.77 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 540.00 FEET AND A CENTRAL ANGLE OF 14°27'05"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 136.20 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 44; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACTS 37 AND 44, A DISTANCE OF 1,234.43 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-13 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, SAID RIGHT-OF-WAY LINE BEING 35.64 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 37; THENCE N.89°03'30"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 37; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACTS 37 AND 44, A DISTANCE OF 1,284.39 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 2

ALL OF TRACTS 14, 19, 20, 29 AND 30, TOGETHER WITH A PORTION OF TRACTS 13, 31 AND 32, TOGETHER WITH ALL THAT PORTION OF THE 30 FOOT WIDE RIGHT-OF-WAY LYING BETWEEN SAID TRACTS 13, 14 AND 19, 20, ALL IN BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 29; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACTS 13, 20 AND 29, A DISTANCE OF 1,960.00 FEET; THENCE N.89°03'30"E ALONG A LINE 50.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 13, A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W. ALONG A LINE 100.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 13, A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT 13; THENCE N.89°03'30"E. ALONG THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1,219.64 FEET TO THE NORTHEAST CORNER OF SAID TRACT 14; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACTS 14, 19 AND 30, A DISTANCE OF 1680.00 FEET; THENCE N.89°03'30"E. ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID TRACTS 31 AND 32, A DISTANCE OF 952.25 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2W CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 24358, PAGE 1059 OF SAID PUBLIC RECORDS, AND THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.88°51'16"E., A RADIAL DISTANCE OF 11,602.25 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°37'48", A DISTANCE OF 330.05 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 32; THENCE S.89°03'30"W. ALONG THE SOUTH LINE OF SAID TRACTS 29, 30, 31 AND 32, A DISTANCE OF 2,277.76 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 3

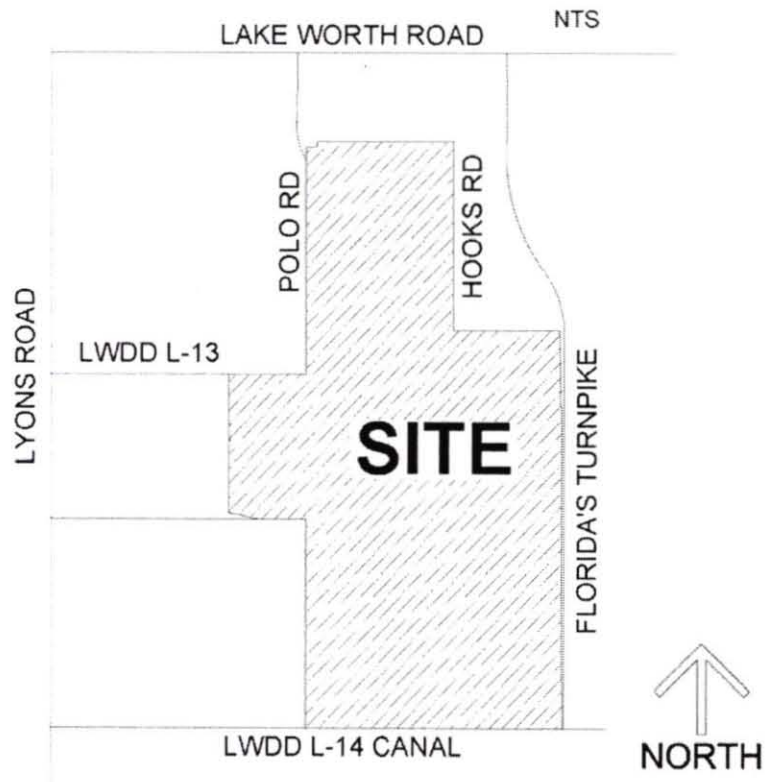
ALL OF TRACTS 45, 46, 47, 50, 51 AND 52, TOGETHER WITH A PORTION OF TRACTS 33, 34, 35, 36, 48, 49, 61, 62, 63 AND 64, TOGETHER WITH ALL THAT PORTION OF THE 30 FOOT WIDE RIGHT-OF-WAY LYING BETWEEN SAID TRACTS 45 THROUGH 48 AND 49 THROUGH 52, TOGETHER WITH THE EAST ONE-HALF OF THE 30 FOOT RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO SAID TRACTS 52 AND 61, ALL IN BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 36; THENCE S.00°56'30"E. ALONG THE WEST LINE THEREOF, A DISTANCE OF 43.56 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-13 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, SAID RIGHT-OF-WAY LINE BEING 43.56 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 36, AND THE POINT OF BEGINNING; THENCE N.89°03'30"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 36; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACT 36, AND THE SOUTH RIGHT-OF-WAY LINE OF SAID L-13 CANAL, A DISTANCE OF 2.64 FEET; THENCE N.89°03'30"E. ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID L-13 CANAL, SAID RIGHT-OF-WAY LINE BEING 46.20 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 33, 34 AND 35, A DISTANCE OF 1,620.63 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2W CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 24358, PAGE 1059 OF SAID PUBLIC RECORDS, AND THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.86°50'53"E., A RADIAL DISTANCE OF 11,602.25 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°40'12", A DISTANCE OF 135.66 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 7,495.75 FEET AND A CENTRAL ANGLE OF 02°48'44"; THENCE SOUTHERLY ALONG THE ARC OF SAID RIGHT-OF-WAY LINE, A DISTANCE OF 367.91 FEET; THENCE S.08°57'50"E. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 111.68 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE, AS RECORDED IN ROAD PLAT BOOK 11, PAGES 54 THROUGH 59 OF SAID PUBLIC RECORDS; THENCE S.00°58'26"E., A DISTANCE OF 1,974.96 FEET TO A POINT OF INTERSECTION WITH NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-14 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, SAID RIGHT-OF-WAY LINE BEING 34.98 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 61 THROUGH 64; THENCE S.89°03'30"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2,327.64 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF THAT CERTAIN 30 FOOT WIDE RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO SAID TRACTS 52 AND 61; THENCE N.00°56'30"W. ALONG SAID CENTERLINE, A DISTANCE OF 1,284.99 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 52; THENCE N.89°03'30"E., A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 52; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACTS 36 AND 45, A DISTANCE OF 1,306.47 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 9,796,718 SQUARE FEET/224.902 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Expedited Application Consideration**

##### **ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2016-549, Control No.2005-00594, which currently states:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Master Plan and Preliminary Street Plan is dated February 11, 2016; and the Preliminary Regulating Plan and Preliminary Master Sign Plan is dated February 11, 2016. All modifications to the Development Order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet Conditions of Approval.

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

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated December 14, 2017. All modifications to the Development Order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet Conditions of Approval. (ONGOING: ZONING - Zoning)

##### **ENGINEERING**

###### **1. TPS PHASING**

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, 2022. 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. No Building Permits for more than 325 single-family dwelling units and 334 townhome units (or development generating an equivalent number of external AM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment of \$1,389,199.00. The total proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in Condition 18. Any road impact fees paid by the Developer on this Project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area. (BLDGPMT: MONITORING - Engineering)

c. No Building Permits for more than 193 single-family dwelling units and 200 townhome units (or development generating an equivalent number of external PM peak hour outbound trips) shall be issued until the contracts have been let for the Assured Construction improvement to widen Lyons Road from Lake Worth Road to Lantana Road from a 2 lane facility to a 4 lane divided facility. In the event the contract has not been let for the Assured Construction improvement to widen Lyons Road from Lake Worth Road to Lantana from a 2 lane facility to a 4 lane divided facility before building permits for more than 193 single-family dwelling units and 200 townhome units (or development generating an equivalent number of external PM peak hour outbound trips) have been issued, the Developer may elect to make a proportionate share payment in the amount of \$290,370. (BLDGPMT: MONITORING - Engineering)

d. No Building Permits for more than 382 single-family dwelling units and 390 townhome units (or development generating an equivalent number of external PM peak hour outbound trips) shall be issued until the Property Owner makes a proportionate share payment of \$966,471.00. The total proportionate share payment shall be adjusted at the

time of payment by the escalator calculation set forth in Condition 18. Any road impact fees paid by the Developer on this Project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2016-549, Control No.2005-00594)

2. The Property Owner shall plat the subject property:

- a. An approved plat shall be recorded prior to or concurrently with abandonment of any internal public rights of way. (ONGOING: ENGINEERING - Engineering)
- b. Prior to issuance of the first building permit within a pod, the property shall be platted in accordance with Article 11 of the Unified Land Development Code. (BLDGPM/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2016-549, Control No.2005-00594)

3. The Property Owner shall abandon public rights of way and release, relocating as necessary, any easements that will not be utilized in the final design in the following timeframes:

- a. Prior to the issuance of the first building permit the northernmost, east-to-west 30 foot right of way shown as to be abandoned on the Preliminary Master Plan shall be abandoned; and (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- b. Prior to the issuance of the 575th building permit the southernmost, east-to-west 30 foot right of way and the north-to-south 15 foot right of way shown as to be abandoned on the Preliminary Master Plan shall be abandoned. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2016-549, Control No.2005-00594)

4. The Property Owner shall provide to the Palm Beach County Roadway Production Division a road right of way deed and all associated documents as required by the County Engineer for Polo Road, forty (40) feet, measured from centerline of the proposed right of way for a total of eighty (80) feet in width on an alignment approved by the County Engineer from the southern terminus of Polo Road north to Lake Worth Road [6-6-17: JOANNE REQUESTED THRESHOLD UPDATE TO 17 PERMITS (allow 10 permits + 6 dry models)]. BT  
[7-14-17: Joanne req that threshold go up from 39 permits to 59]. BT  
[9-29-17: Scott said Tanya agreed to up threshold by another 10; from 59 to 69] BT  
[10-2-17: Scott said Tanya agreed to up threshold by another 4; from to 73] BT

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 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 Property Owner 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 Property Owner, the Property Owner 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/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2016-549, Control No.2005-00594)

5. Prior to the DRO approval of the master plan, the Property Owner shall finalize the alignment for Polo Road including alignment of the through lanes on Polo Road with the through lanes on Blanchette Trail on the north side of Lake Worth Road. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2016-549, Control No.2005-00594)

6. The Property Owner shall provide for the acquisition funding costs of the right of way for Polo Road from the south project limits with a connection to 47th Place South to Lake Worth Road to provide for a minimum of eighty (80) feet in width plus additional right of way for turn lanes in accordance with Palm Beach County's Thoroughfare Right of Way Identification Map and Palm Beach County's Expanded Intersection Standard Details. Final alignment for the right of way shall be subject to approval by the County Engineer and may include right of way acquisition along Blanchette Road to allow for alignment of through lanes from Polo Road to the north side of Lake Worth Road. Funding shall include Palm Beach County staff and attorney costs. Acceptable surety shall be provided to the Roadway Production Division prior to November 1, 2016, or prior to the issuance of the first building permit, whichever first occurs.

In the event that the Property Owner constructs all of Polo Road from Lyons Road to Lake Worth Road, the portion from Lyons Road to the eastern terminus of Polo Road shall be eligible for impact fee credits, in an amount as approved by the County Engineer. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2016-549, Control No.2005-00594)

7. Prior to recordation of a plat with Required Improvements, the Property Owner shall fund the construction plans and the construction of Polo Road as a two (2) lane road plus the appropriate tapers and turn lanes from the southern/western project access point on Polo Road north/east to Lake Worth Road. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended. Construction plan and construction costs shall be as approved by the County Engineer. All canal crossings (bridges and/or culverts) within the improvement limits shall be constructed to their ultimate configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division.

In the event that the Property Owner constructs portions of Polo Road and/or 47th PI S not required for project access from Lyons Road to Lake Worth Road south/west of the southernmost/westernmost project access point, south/west of the project's southern/western access point to Polo Road shall be eligible for impact fee credits, in an amount as approved by the County Engineer. (PLAT: ENGINEERING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2016-549, Control No.2005-00594)

8. The Property Owner shall construct a Right Turn Lane, West Approach on Lake Worth Road at Polo Road.

a. Prior to the issuance of the 370th permit, the property owner shall fund the acquisition to provide the Florida Department of Transportation (FDOT) by deed additional right of way for the construction of a right turn lane on Lake Worth Road at Polo Road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT. The right of way shall be free and clear of all encumbrances and encroachments. Property owner shall provide FDOT with sufficient documentation, which may include 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. (BLDGPMT: MONITORING - Engineering)

b. Prior to issuance of the 370th Certificate of Occupancy or prior to the installation of the traffic signal on Lake Worth Road at Polo Road, whichever occurs first, the Property Owner shall construct a right turn lane, west approach on Lake Worth Road at Polo Road. 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 funding the acquisition of any additional required right of way. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2016-549, Control No.2005-00594)

9. Previous ENGINEERING Condition 9 of Resolution R-2016-549, Control No.2005-00594, which currently states:

#### NOISE MITIGATION CONDITIONS

a. The Property Owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans, and related Site Plans contain a disclosure statement identifying that this site is adjacent to the Florida Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike. Also, there shall be a statement included in the sales contracts and homeowner documents the noise levels residents may expect after any noise mitigation improvements will be constructed by the Property Owner.

If the State of Florida guidelines does not require any noise mitigation improvements, all sales contracts and homeowner documents shall include a statement of the noise levels residents may expect, that noise mitigation were not required under the State of Florida Guidelines at the time of the approval, and that any noise mitigation measures requested in the future will not be constructed by Palm Beach County. The Property Owner shall submit documentation of compliance on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 31, 2016, and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the homeowner's association. (DATE/ONGOING: MONITORING - Engineering)

b. Prior to DRO certification of the Final Master Plan, the Property Owner shall provide a required noise mitigation analysis. The Master Plan shall be revised to reflect compliance with the noise study. Any required mitigation as a result of the anticipated noise such as a sound wall and landscape buffer, shall be shown on the Final Master Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING - Engineering)

c. Construction of any sound walls and/or landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the 50th certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)

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

#### NOISE MITIGATION CONDITIONS

a. The Property Owner shall notify future home buyers by providing that all homeowners documents, sales contracts, as well as all sales brochures, Master Plans, and related Site Plans contain a disclosure statement identifying that this site is adjacent to the Florida Turnpike and the proposed dwelling units are in an area subject to noise generated by traffic as a result of its location to the Florida Turnpike. Also, there shall be a statement included in the sales contracts and homeowner documents the noise levels residents may expect after any noise mitigation improvements will be constructed by the Property Owner.

If the State of Florida guidelines does not require any noise mitigation improvements, all sales contracts and homeowner documents shall include a statement of the noise levels residents may expect, that noise mitigation were not required under the State of Florida Guidelines at the time of the approval, and that any noise mitigation measures requested in the future will not be constructed by Palm Beach County. The Property Owner shall submit documentation of compliance on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 31, 2016, and shall continue on an annual basis until all units within the

development have been sold or the Property Owner relinquishes control to the homeowner's association. (DATE/ONGOING: MONITORING - Engineering)

b. Prior to DRO certification of the Final Master Plan, the Property Owner shall provide a required noise mitigation analysis. The Master Plan shall be revised to reflect compliance with the noise study. Any required mitigation as a result of the anticipated noise such as a sound wall and landscape buffer, shall be shown on the Final Master Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: MONITORING - Engineering)

c. Construction of sound walls within Phase 1 as outlined in the Noise Analysis shall be completed prior to the issuance of the 50th certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering)

d. Construction of sound walls within Phase 2 as outlined in the Noise Analysis shall be completed prior to the issuance of the 228th certificate of occupancy or the first certificate of occupancy in Phase 2, whichever shall occur first. (BLDGPM/CO: MONITORING - Engineering)

e. Construction of remaining sound walls as outlined in the Noise Analysis shall be completed prior to the issuance of the 571st certificate of occupancy, the first certificate of occupancy for phase 3 construction, or the first certificate of occupancy for phase 4 construction, whichever occurs first. (BLDGPM/CO: MONITORING - Engineering)

10. 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 Polo Road along the property frontage; and a maximum of an additional 800 feet of this adjacent roadway as well as drainage for any other portion of Polo Road that is constructed by this Property Owner. 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: ENGINEERING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2016-549, Control No.2005-00594)

11. Within ninety (90) days notice by the County Engineer, the property owner shall provide a roadway construction easement to Palm Beach County along Polo Road. This roadway construction easement shall also contain an isosceles trapezoid connecting the any Corner Clips across this property's entrance(s). 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. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 11 of Resolution R-2016-549, Control No.2005-00594)

12. The Property Owner shall provide an acceptable drainage study identifying any

historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the first Subdivision Plan by the DRO. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. Any required drainage easements shall be dedicated or recorded prior to or concurrent with recordation of the first plat with residential units. (PLAT: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2016-549, Control No.2005-00594)

### 13. MAJOR THOROUGHFARE ROAD DISCLOSURE

a. Prior to the issuance of the first Building Permit., the Property Owner shall 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 Florida's Turnpike, Lake Worth Road, Polo Road, and 47th Place South as planned thoroughfare roadways adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information which appears in written form shall appear in bold print. (BLDGPMT: MONITORING - Engineering)

b. The Property Owner shall 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 December 31, 2016, 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 13 of Resolution R-2016-549, Control No.2005-00594)

### 14. SIGNALIZATION

The Property Owner shall fund the cost of signal installation, less any funds already received from HarborChase of Wellington Crossing by Palm Beach County for the installation of the traffic signal at this same location, when warranted as determined by the County Engineer and the Florida Department of Transportation at Lake Worth Road and Polo 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. No Building Permits shall 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. (BLDGPMT: 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) (Previous ENGINEERING Condition 14 of Resolution R-2016-549, Control No.2005-00594)

15. The Proportionate Share Agreement is hereby adopted by reference. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 15 of Resolution R-2016-549, Control No.2005-00594)

16. Alternatively, in lieu of acquiring right of way and constructing a right turn lane as required in Condition 8 above:

a. Prior to issuance of the first Building Permit the Property Owner may provide a surety to Palm Beach County Roadway Production Division in an amount as approved by the County Engineer to cover 110% of all costs associated with right of way acquisition, design and construction of the right turn lane and design at the intersection of Lake Worth Road and Polo Road. These costs shall include but not be limited to costs for utility relocations,

additional right of way needed for construction of this right turn lane, canal relocation as needed and environmental clean-up costs. Should the Property Owner make this payment, Condition 8 will be considered satisfied as the work will be considered assured construction. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. The Property Owner alone, or in conjunction with others, may post surety as required by the County Engineer to insure construction of OR if contracts are let for the construction of Polo Road from Lyons Road to Lake Worth Road as a Thoroughfare Plan Roadway, prior to issuance of the 370th Building Permit, or within sixty (60) days of a permit issued by Florida Department of Transportation for a signal installation at the intersection of Lake Worth Road and Polo Road, whichever shall occur first, and then Condition 8 will be considered satisfied. In the event that the contracts are let, or the construction is assured for the construction of Polo Road (aka 47th Place South) from Lyons Road to Lake Worth Road, the surety posted in accordance with a. above shall be returned to the Property Owner. (BLDGPMPT/ONGOING: MONITORING - Engineering)

c. Should the property owner decide to take an option in 16.b, then Polo Road from Lyons Road to Lake Worth Road shall receive a satisfactory final inspection from the County Engineer as a Thoroughfare Plan Roadway prior to issuance of the 370th Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 16 of Resolution R-2016-549, Control No.2005-00594)

17. Should the Property Owner construct Polo Road west to Lyons Road, the Property Owner shall fund the proportionate share of the cost of signal installation if warranted, as determined by the County Engineer, at Polo Road (aka 47th Pl S) and Lyons Road, and the Property Owner shall provide acceptable surety to the Traffic Division in an amount as determined by the Director of Traffic Division. 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. In order to request release of the surety of 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 install 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 on the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 17 of Resolution R-2016-549, Control No.2005-00594)

18. In recognition that construction prices may change over the life of the project, the proportionate share payments included in Condition 1 above shall be subject to the following escalator calculation:

Adjusted Payment = Original Payment Amount x (BONSpayment month / BONS Month of Prop Share Execution)

- \* Original Payment Amount = Proportionate Share Payment amount specified
- \* BONSpayment = Latest Published Value (including preliminary values) at Time of Payment
- \* BONS Month of Prop Share Execution = Published Value

The cost adjustment for the total and amount of each payment shall be based on the Bureau of Labor Statistics Producer Price Index (PPI) for Other Non-Residential Construction ((BONS) (Series ID: WPUIP23122301).

As of the effective date of this Agreement, the PPI index information may be accessed through the following link:

<http://data.bls.gov/timeseries/WPUIP23122301>

(ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 18 of

## **HEALTH**

1. Prior to the issuance of a building permit, the property owner shall be in receipt of a letter issued by the Florida Department of Environmental Protection (FDEP) stating that a determination on No further Action has been issued for the contaminated site, or that contamination assessment and clean-up of the site are addressed satisfactorily, and development may proceed subject to any institutional and/or engineering controls approved by FDEP. (BLDG/PMT: MONITORING - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 1 of Resolution R-2016-549, Control No.2005-00594)
2. The property owner shall not develop any area of the site that is identified as contaminated or potentially contaminated as determined through review by the Florida Department of Environmental Protection (FDEP) unless the property owner is in receipt of written approval from the FDEP for such development including details of any necessary institutional or engineering control or restrictions on such development. (ONGOING: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 2 of Resolution R-2016-549, Control No.2005-00594)
3. Prior to the final approval by the Development Review Officer (DRO), the property owner shall submit to the Palm Beach County Health Department copies of any Site Assessment Reports and Remedial Action Plans required by the Florida Department of Environmental Protection (FDEP). (DRO: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 3 of Resolution R-2016-549, Control No.2005-00594)
4. The Property Owner shall adhere to the requirements pursuant to the approved Dust Control Letter during all applicable phases of construction. The Letter shall be posted alongside the Building Permit on the construction site. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 4 of Resolution R-2016-549, Control No.2005-00594)

## **LANDSCAPE - INTERIOR**

1. Prior to Final Approval by the Development Review Officer, seven (7) landscape focal points shall be shown on the Regulating Plan(s), and shall be subject to review and approval by the Landscape Section. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2016-549, Control No.2005-00594)

## **LAKE WORTH DRAINAGE DISTRICT**

1. Prior to platting, the owner shall convey that portion of Tracts 33, 48, 49 & 64, Block 28, PBFCP3, PB 2, PG 45, lying within 215 feet from the centerline of the Florida Turnpike's Right-of-Way, less lands owned by LWDD, for the ultimate right-of-way for the E-2W Canal.

(PLAT: ENGINEERING - Lake Worth Drainage District) (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2016-549, Control No.2005-00594)

2. Prior to platting, the owner shall convey the north 45 feet of Tracts 33-37, Block 28, PBFCP3, PB 2, PG 45, less lands owned by LWDD, for the ultimate right-of-way for the L-13 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District) (Previous LAKE WORTH DRAINAGE DISTRICT Condition 2 of Resolution R-2016-549, Control No.2005-00594)

## **PLANNED DEVELOPMENT**

1. Prior to Final Approval by the Development Review Officer, the Subdivision and Regulating Plans shall be revised to indicate upgraded recreation amenities within each of the neighborhood parks. These additional amenities shall:
  - a. be accessible from a minimum five (5) foot wide pathway composed of stamped concrete, paving blocks, or other improved surface;
  - b. include a minimum of two (2) pedestrian benches;

- c. include a minimum of one (1) trash receptacle adjacent to each pedestrian bench;
- d. include a shade structure (eg. trellis, gazebo, pergola), tot lot, fitness station, rest station, or similar recreation amenity; and,
- e. details for all items indicated above shall be subject to review and approval by the Zoning Division. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2016-549, Control No.2005-00594)

## **PLANNING**

1. Prior to the issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDG/PMT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2016-549, Control No.2005-00594)

2. On an annual basis, beginning November 1, 2018, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning) (Previous PLANNING Condition 2 of Resolution R-2016-549, Control No.2005-00594)

3. Per LGA 2016-007: Development of the site is limited to 5 dwelling units per acre in the MR-5 portion and 3 dwelling units per acre in the LR-3 portion, with no residential increases permitted above 983 dwelling units. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 3 of Resolution R-2016-549, Control No.2005-00594)

4. Per LGA 2016-007: Per LGA 2016-007: Development of the site shall comply with the West Lake Worth Road Neighborhood Plan Design Guidelines dated November 19, 2009 and the following:

- a. Vehicular and pedestrian connections shall be provided to all existing and future adjacent developments identified in the West Lake Worth Road Neighborhood Plan Master Plan (at minimum). (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 4 of Resolution R-2016-549, Control No.2005-00594)

## **PROPERTY & REAL ESTATE MANAGEMENT**

1. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a net 4.5 acre public civic site (net usable area - excluding buffers), in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by June 1, 2017. 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

P.U.D. 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 FDO Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (at the discretion of FDO), all of which shall be to the satisfaction of FDO.

i) Water & Sewer

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

(DATE: PROPERTY REAL ESTATE MANAGEMENT - Monitoring) [Note: COMPLETED]  
(Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2016-549, Control No.2005-00594)

2. The Property Owner shall provide the County with a survey certified to Palm Beach County of the proposed civic site by April 3, 2017. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a) The survey shall meet Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.050-.052 for a Boundary Survey pursuant to section 472.027, Florida Statutes.

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: PROPERTY REAL ESTATE MANAGEMENT - Monitoring) [Note: COMPLETED]  
(Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2016-549, Control No.2005-00594)

3. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County of the proposed civic site by April 3, 2017. 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: PROPERTY REAL ESTATE MANAGEMENT - Monitoring) [Note: COMPLETED]  
(Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2016-549, Control No.2005-00594)

4. 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 is the more viable option and 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) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2016-549, Control No.2005-00594)

### **SCHOOL BOARD**

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

#### **"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"**

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2016-549, Control No.2005-00594)

3. Prior to the issuance of the first Certificate of Occupancy (CO) for Pod C, the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board) (Previous SCHOOL BOARD Condition 3 of Resolution R-2016-549, Control No.2005-00594)

4. Prior to the issuance of the first Certificate of Occupancy (CO) for Pod E, the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board) (Previous SCHOOL BOARD Condition 4 of Resolution R-2016-549, Control No.2005-00594)

### **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.