

RESOLUTION NO. R-2021- 0553

RESOLUTION APPROVING ZONING APPLICATION DOA-2020-00775

(CONTROL NO. 2005-00594)

a Development Order Amendment

APPLICATION OF Divosta Homes

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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application DOA-2020-00775 was presented to the Board of County Commissioners at a public hearing conducted on April 22, 2021;

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 (Application Processes and 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 Processes) for a Development Order Amendment;

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.B.6.C (Board Action) 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 DOA-2020-00775, the Application of Divosta Homes, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to modify the Master Plan; and, to delete land area and units, 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 April 22, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 22, 2021.

Filed with the Clerk of the Board of County Commissioners on April 30th, 2021.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: _____

COUNTY ATTORNEY

BY: _____

DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

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 AND A PORTION OF FIELDS AT GULFSTREAM POLO PUD-PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95 AND A PORTION OF FIELDS AT GULFSTREAM POLO PUD-PLAT THREE, AS RECORDED IN PLAT BOOK 127, PAGES 162 THROUGH 176 AND A PORTION OF FIELDS AT GULFSTREAM POLO PUD-PLAT FOUR, AS RECORDED IN PLAT BOOK 128, PAGES 154 THROUGH 162 AND ALL OF FIELDS AT GULFSTREAM POLO PUD-PLAT TWO, AS RECORDED IN PLAT BOOK 125, PAGES 130 THROUGH 137 AND ALL OF FIELDS AT GULFSTREAM POLO PUD-PLAT FIVE, AS RECORDED IN PLAT BOOK 130, PAGES 50 AND 51 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NORTH PARCEL

COMMENCING AT THE SOUTHWEST CORNER OF TRACT RW1 OF SAID FIELDS AT GULFSTREAM POLO PUD- PLAT ONE; THENCE N89°03'30"E ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE N.00°56'30"W. ALONG THE EAST LINE OF SAID TRACT RW1, A DISTANCE OF 270.17 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 6,460.00 FEET AND A CENTRAL ANGLE OF 03°44'18"; THENCE NORTHERLY ALONG THE EAST LINE OF SAID TRACT RW1 ALONG THE ARC A DISTANCE OF 421.48 FEET TO A POINT OF TANGENCY; : THENCE N45°55'39"E ALONG THE EAST LINE OF TRACT RW4 AS SHOWN ON SAID PLAT OF GULFSTREAM POLO PUD-PLAT ONE, A DISTANCE OF 56.27 FEET ; THENCE N00°56'31"W ALONG SAID EAST LINE OF SAID TRACT RW4, A DISTANCE OF 80.00; THENCE N47°48'38"W ALONG SAID EAST LINE OF SAID TRACT RW4, A DISTANCE OF 68.37 FEET; THENCE N.04°40'47"W. ALONG THE EAST LINE OF SAID TRACT RW1, A DISTANCE OF 561.11 FEET; THENCE S.47°56'30"E., A DISTANCE OF 52.25 FEET; THENCE N.89°03'30"E., A DISTANCE OF 1275.60 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID PLAT; THENCE S.00°56'30"E. ALONG SAID EAST LINE, A DISTANCE OF 1,115.26 FEET; THENCE N.89°03'30"E. ALONG A BOUNDARY LINE OF SAID PLAT, A DISTANCE OF 952.25 FEET TO THE POINT OF CURVE 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 EAST LINE OF SAID PLAT, ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01°37'48", A DISTANCE OF 330.07 FEET; THENCE S.89°03'30"W ALONG THE NORTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-13, AS SHOWN ON SAID PLAT, A DISTANCE OF 2,252.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,174,373 SQUARE FEET OR 49.9167 ACRES, MORE OR LESS.

TOGETHER WITH

SOUTH PARCEL

BEGINNING AT THE NORTHWEST CORNER OF AFORESAID FIELDS AT GULFSTREAM POLO PUD-PLAT TWO; THENCE N.89°03'30"E. ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 634.82 FEET; THENCE S.00°56'30"E. ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 2.64 FEET; THENCE N.89°03'30"E. ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 1,620.63 FEET TO 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 EAST LINE OF SAID PLAT ALONG THE ARC, 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 EAST LINE OF SAID PLAT ALONG THE ARC, A DISTANCE OF 367.91 FEET; THENCE

S.08°57'50"E. ALONG THE EAST LINE OF SAID PLAT , A DISTANCE OF 111.68 FEET; THENCE S.00°58'26"E. ALONG THE EAST LINE OF SAID PLAT AND THE EAST LINE OF AFORESAID FIELDS AT GULFSTREAM POLO PUD-PLAT THREE, A DISTANCE OF 1,974.96 FEET TO THE SOUTHEAST CORNER OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT THREE; THENCE S.89°03'30"W. ALONG THE SOUTH LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT THREE, A DISTANCE OF 2,327.64 FEET TO THE SOUTHWEST CORNER OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT THREE; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT THREE, A DISTANCE OF 1,219.99 FEET; THENCE N.89°03'08"E. ALONG A BOUNDARY LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT THREE, A DISTANCE OF 39.99 FEET; THENCE N.44°03'11"E. ALONG A BOUNDARY LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT THREE,, A DISTANCE OF 56.57 FEET; THENCE N.00°56'20"W.ALONG A BOUNDARY LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT THREE AND ALONG A BOUNDARY LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT TWO, A DISTANCE OF 83.40 FEET; THENCE N.45°56'29"W. ALONG A BOUNDARY LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT TWO, A DISTANCE OF 56.57 FEET; THENCE N.00°56'30"W. ALONG A BOUNDARY LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT TWO, A DISTANCE OF 498.32 FEET; THENCE N.44°03'30"E. ALONG A BOUNDARY LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT TWO, A DISTANCE OF 56.57 FEET; THENCE N.00°56'30"W. ALONG A BOUNDARY LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT TWO, A DISTANCE OF 100.00 FEET; THENCE N.45°56'30"W. ALONG A BOUNDARY LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT TWO, A DISTANCE OF 56.57 FEET; THENCE N.00°56'30"W. ALONG A BOUNDARY LINE OF SAID FIELDS AT GULFSTREAM POLO PUD-PLAT TWO, A DISTANCE OF 529.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,948,011 SQUARE FEET OR 136.5475 ACRES, MORE OR LESS.

TOGETHER WITH

WEST PARCEL

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 37; THENCE S.00°56'30"E. ALONG THE EAST LINE OF SAID TRACT 37, A DISTANCE OF 35.64 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 S.89°03'30"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE S.00°56'30"E. ALONG A LINE 25.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 37, A DISTANCE OF 538.25 FEET; THENCE S.44°03'34"W, A DISTANCE OF 69.89 FEET; THENCE S.00°56'30"W, A DISTANCE OF 80.00 FEET; THENCE S.45°56'30"E, A DISTANCE OF 69.89 FEET; THENCE S.00°56'30"E. ALONG SAID LINE 25.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE EAST LINE OF SAID TRACT 44, A DISTANCE OF 502.31 FEET; THENCE S.44°03'32"W., A DISTANCE OF 56.57 FEET; THENCE S.89°03'30"W. ALONG A LINE 25.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 44, A DISTANCE OF 437.06 FEET; THENCE N.75°48'35"W., A DISTANCE OF 24.04 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 SAID SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-13 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761; THENCE N.89°03'30"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 634.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 789,729 SQUARE FEET/18.1297 ACRES MORE OR LESS.

LYING IN SECTIONS 29 AND 32, TOWNSHIP 44 SOUTH, RANGE 42 EAST.

PALM BEACH COUNTY, FLORIDA.

TOTAL OF ABOVE PARCELS CONTAINING 8,912,113 SQUARE FEET/204.5940 ACRES
MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

NTS

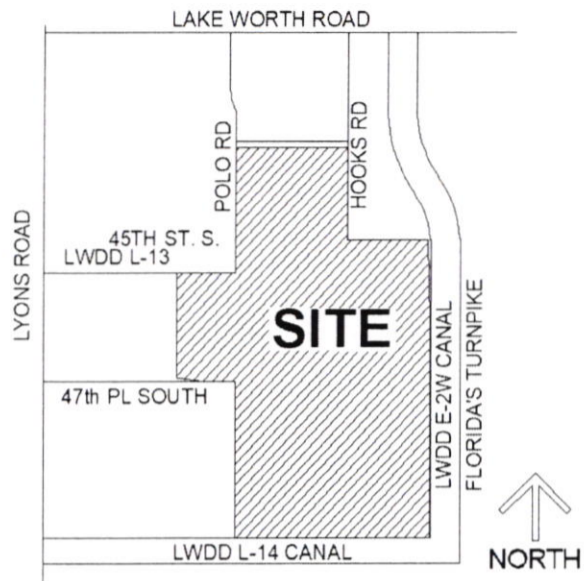


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2018-123, 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 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.

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 November 23, 2020. 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2018-0123 (Control No. 2005-00594), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - 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) [Note: COMPLETED]

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.

(BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

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. (BLDGPMPT: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2018-123, 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: MONITORING - 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. (BLDGPMPT/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2018-123, 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 (BLDGPMPT: 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. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2018-123, 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

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. (BLDGPMPT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4

of Resolution R-2018-123, 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-2018-123, 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. (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2018-123, 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-2018-123, 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